

CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 9/14/2021

<b>Case #:</b>	BZA 2021-07: Shelby County Fairgrounds, DSV			
<b>Petitioner's Name:</b>	Shelby County Fairgrounds			
<b>Owner's Name:</b>	Shelby County Board of Commissioners			
<b>Petitioner's Representative:</b>	Green Sign Company			
<b>Address of Property:</b>	500 Frank Street			
<b>Subject Property Zoning Classification:</b>	Pk – Park & Open Space District			
<b>Comprehensive Future Land use:</b>	Park and Recreation			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Surrounding Properties' Zoning Classifications:</b>	R1 – Single Family Residential	Pk – Parks and Open Space	A1 – Agriculture	R1 – Single Family Residential
<b>Surrounding Properties' Comprehensive Future Land Use</b>	Commercial	Park and Recreation	Conservation	Single Family Residential
<b>History:</b>	The subject property is the Shelby County Fairgrounds. The fairgrounds have a long history of providing events and entertainment. The fairgrounds are surrounded by a residential neighborhood. The fairgrounds currently have a static letter sign and the EMC will replace this sign.			
<b>Vicinity Map:</b>				
<b>Action Requested:</b>	Approval of one development standards variance (DSV) pursuant to UDO 5.58 (P)(1), Zoning Districts that allow electronic message centers.			

1. Pursuant TO THE Unified development Ordinance, 5.58 General Sign Standards, (P)(1) Zoning Districts: Electronic Message Centers shall only be permitted via special exception by the Shelbyville Board of Zoning Appeals in the following zoning districts: IS, BC, BG and BH.
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***Variance From UDO 5.58 (P)(1) Zoning Districts for Electronic Message Centers***

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

*The applicant has provided the following response to Finding of Fact #1: “The sign will be fabricated and installed by Green Signs. It will be constructed using steel and mounted on a steel pole that is placed in concrete.”*

The planning staff has determined that the requested development standards variance would not be injurious to the public health, safety, morals, and general welfare of the community. The requested location of the electronic message center (EMC) is in keeping with the character and use of the Shelby County Fairgrounds.

*Finding #1 has been satisfied by the applicant*

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner.

*The applicant has provided the following response to Finding of Fact #2: “The sign is completely programmable and can be set to abide by any and all City regulations. The sign can be programmed to turn off or dim at certain times. How often the messages change can also be programmed.”*

The planning staff has determined that the requested variance should not have a substantially adverse effect on the adjacent areas. This is due to the fact that the electronic message center (EMC) is replacing and existing sign, at the same location, that is currently used to advertise events for the Shelby County Fairgrounds.

*Finding #2 has been satisfied by the applicant*

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

*The applicant has provided the following response to Finding of Fact #3: “If the variance is not granted the Board of Shelby County Commissioners will not be allowed to install an EMC on the property. The sign will not be able to exceed the height restrictions for this zone.”*

The planning staff has determined that the applicant has a practical difficulty that is neither self-imposed or financial in nature. While the applicant doesn't address it on their response, the planning staff have reviewed the site constraints and visited the site in person and have determined that while the site could accommodate any type of sign, an electronic message center (EMC) is the most practical solution given the nature and number of events happening at the fairgrounds.

*Finding #3 has been satisfied by the applicant*

## STAFF RECOMMENDATION: APPROVAL

**DEVELOPMENT STANDARDS VARIANCE: BZA 2021-07: Shelby County Fairgrounds, DSV**

**FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS**

**Staff Prepared**

Motion:

(I) would like to make a motion to approve the requested development standard variance from UDO 5.23 (A) to increase the maximum height of an accessory structure to 19' 6", pursuant to the findings of fact presented in the planning staff's report.

- 1.  The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2.  The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3.  The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: \_\_\_\_\_

Chairperson

Attest: \_\_\_\_\_

Secretary



# DEVELOPMENT STANDARDS VARIANCE APPLICATION

Shelbyville Planning & Building Department  
44 West Washington Street  
Shelbyville, IN 46176  
P: 317.392.5102

<b>For Office Use Only:</b>	
Case #: BZA _____ - _____	
Hearing Date: _____	
Fees Paid: \$ _____	
Final Decision:	
Approved _____	Denied _____

1.

### Applicant

Name: SHELBY COUNTY FAIRGROUNDS  
Address: 500 FRANK STREET  
SHELBYVILLE, IN 46176  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### Property Owners Information (if different than Applicant)

Name: SHELBY COUNTY BOARD OF COMMISSIONERS  
Address: 25 W. POLK STREET ROOM 206  
SHELBYVILLE, IN 46176  
Phone Number: (317)-392-6330  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

2.

### Applicant's Attorney/Representative

Name: GREEN SIGN COMPANY  
Address: 1045 E FREELAND ROAD  
GREENSBURG, IN 47240  
Phone Number: 812-6663-2550  
Fax Number: \_\_\_\_\_  
Email: marketing@greensignco.com

### Project Engineer

Name: Green Sign Co.  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### 3. Project Information:

General Location of Property (and address is applicable): 500 Frank Street

Current Zoning Classification: Parks + Rec Zone Existing Use: Fair grounds

Number of Requested Variances: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Section(s) of the Ordinance Requesting Variance(s) from; including Article, Section, Subsection, and Page Number: \_\_\_\_\_

### 4. Attachments

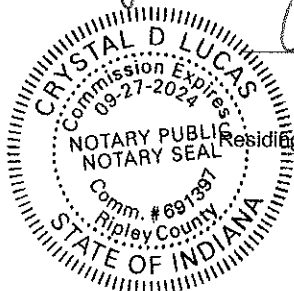
- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed, recent property card)
- Letter of Intent
- Supporting Documents and Exhibits (Optional)
- Vicinity Map
- Findings of Fact
- Application Fee

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: Jauren Obendorf Date: 8/23/21

State of Indiana  
County of Ripley SS:

Subscribed and sworn to before me this 23<sup>rd</sup> day of Aug, 2021



Crystal D. Lucas Notary Public  
Crystal D. Lucas Printed

Residing in Ripley County. My Commission Expires: 9.27.2024



**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Petitioner's Name: GREEN SIGN COMPANY

Location: 500 FRANK STREET

Variance for: ELECTRONIC MESSAGE CENTER TO BE INSTALLED IN PK ZONE AND TO EXCEED HEIGHT RESTRICTIONS.

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a development standard variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

THE SIGN WILL BE FABRICATED AND INSTALLED BY OUR TEAM. IT WILL BE CONSTRUCTED USING STEEL AND MOUNTED ON A STEEL POLE THAT IS TO BE PLACED IN CONCRETE

2. **Adjacent Property:** Explain why the development standard variance request will not affect the use and the value of adjacent properties.

THE SIGN IS COMPLETELY PROGRAMMABLE AND CAN BE SET TO ABIDE BY ANY + ALL CITY REGULATIONS. THE SIGN CAN BE PROGRAMMED TO TURN OFF DIM AT CERTAIN TIMES. HOW OFTEN ITS MESSAGES CHANGE CAN ALSO BE PROGRAMMED.

3. **Practical Difficulty:** Please state the difficulties that will be faced if the project is not granted the requested development standard variance.

IF THE VARIANCE IS NOT GRANTED, THE BOARD OF COMMISSIONERS WILL NOT BE ALLOWED TO INSTALL AN EMIC ON THE PROPERTY! THE SIGN WILL NOT BE ABLE TO EXCEED THE HEIGHT RESTRICTIONS FOR THIS ZONE.

*Note: For petitions with multiple requested variances, please submit one completed "Findings of Fact" for each requested variance.*





August 9, 2021

Green Sign Company  
1045 East Freeland Road  
Greensburg, IN 47006

### Letter of Intent – Shelby County Fairgrounds

Our client, Shelby County fairgrounds, is wanting to have an Internally Illuminated sign with an Electronic Message Center installed at their location. The sign is to proposed to be 13.33ft tall and 8ft wide. The sign topper is to be 2.8ft tall and 8ft wide. This portion is to be internally illuminated. The Electronic Message Center is to be 4ft tall and 8ft wide. The electronic message center that we offer our clients is completely programmable and can meet the guidelines that are set forth by the community of Shelbyville. It can be set to turn off or dim at certain times, the message can be held for however long they need to be, and the background colors are chosen by the person that is sends the message to the EMC. Our team typically recommends that each individual messages be up for at least four to six seconds. We are asking for a variance in the height and for the electronic message center.

A handwritten signature in black ink that reads 'Lauren Obendorf'.

Lauren Obendorf, Marketing/Administration Assistant  
Green Sign Company  
812-663-2550  
marketing@greensignco.com