

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 9/14/2021

Case #:	BZA 2021-06: Shelby County Fairgrounds Special Exception, EMC			
Petitioner's Name:	Shelby County Fairgrounds			
Owner's Name:	Shelby County Board of Commissioners			
Petitioner's Representative:	Green Sign Company			
Address of Property:	500 Frank Street			
Subject Property Zoning Classification:	Pk – Park & Open Space District			
Comprehensive Future Land use:	Park and Recreation			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single Family Residential	Pk – Parks and Open Space	A1 – Agriculture	R1 – Single Family Residential
Surrounding Properties' Comprehensive Future Land Use	Commercial	Park and Recreation	Conservation	Single Family Residential
History:	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.			
Vicinity Map:				
Action Requested:	Approval of a special exception for the use of an Electronic Message Center pursuant to UDO 5.58 (P)(1)			

1. Electronic Message Centers (EMCs) are only permitted via Special Exception by the Shelbyville Board of Zoning Appeals in the IS, BC, BG, and BH districts. A special exception must be granted prior to issuance of a sign permit and installation.
2. The petitioner is requesting to install a one-sided Electronic Message Center (EMC) approximately four feet (4') tall by eight feet (8') wide; approximately 32 square feet.

Special Use Exemption UDO 5.58(P)(1), Electronic Message Center

The City of Shelbyville's Unified development Ordinance indicates that the Board of Zoning Appeals shall make findings of fact when deciding on a request for a Special Exception. The decision criteria are as follows:

Finding of Fact #1 – General Welfare: The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community.

Applicant provided the following response to Finding of Fact #1 "The proposed sign will be fabricated and installed by the Green Sign Company. It will be constructed using steel and mounted on a steel pole that is to be placed in concrete."

The planning staff has determined that the requested special exception of an electronic message center (EMC) will not be injurious to the public health, safety, or morals, and general welfare of the community. The fairgrounds themselves and the events held at the fairgrounds are a direct benefit to the community and surrounding residences. Since the fairgrounds have been in this location since 1848, it should be reasonably expected the surrounding residences are accustomed to the noise, light and traffic associated with the fairgrounds.

Finding #1 has been satisfied by the petitioner with the subjected conditions

Finding of Fact #2 – Compatibility: The proposed Special Exception is in harmony with adjacent land uses and will not substantially have an adverse impact on the adjacent properties and property values.

Applicant provided the following response to Finding of Fact #2 "The proposed sign is to abide by all City EMC regulations. It will also provide direction to those visiting from neighboring communities."

The planning staff has determined that the requested special exception of an electronic message center (EMC) is in fact harmonious with the adjacent uses. There is an existing sign on the property that has been there for numerous years advertising the activities of the fairgrounds. This sign will be removed and replaced with the EMC. The EMC will serve the same advertising function. Since this function is not changing, there will not be an adverse impact or effect on property values.

Finding #2 has been satisfied by the petitioner with the subjected conditions

Finding of Fact #3 – Character: The proposed Special Exception will not adversely alter the character of the district.

Applicant provided the following response to Finding of Fact #3 "The proposed sign will upgrade the current dated sign. It will maintain the characteristics of the zoning district serving the same purpose as the old sign."

The planning staff has determined that the requested special exception of an electronic message center (EMC) will not adversely alter the character of the district. The MEC is replacing an existing sign that has been used to advertise events at this location for numerous years. The materials being used to construct the base and the sign will compliment, if not enhance, other material used on the fairgrounds. Since the location of the EMC is immediately adjacent to residential properties, the Planning Staff would like to see a condition that requires a separate summertime and wintertime "dimming" schedule. Most of the events at the fairgrounds will happen Spring through Fall.

Finding #3 could be satisfied by the use of conditions or commitments

Finding of Fact #4 – Zoning District and Comprehensive Plan: The proposed Special Exception Use is consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan.

Applicant provided the following response to Finding of Fact #4 "Part of the Comprehensive Plan is greater connectivity. By allowing an EMC to be installed at this location, community members will be able to get real-time messages via the EMC that the fairgrounds want to share."

The planning staff has determined that the requested special exception would be consistent with the intent of the zoning district and comprehensive plan if the electronic message center (EMC) is replacing existing signage on the site. EMC standards only allow one (1) EMC per property regardless of the number of tenants and buildings. The intent of this restriction is in line with goals from the City's Comprehensive Plan which indicate the need to promote higher aesthetics and replace older signs with single modern monument-style signs.

Finding #4 has been satisfied by the petitioner

Finding of Fact #5 – Impact to Adjacent Area: The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.

Applicant provided the following response to Finding of Fact #5 "The adjacent properties will not be affected because the sign can be turned off if needed during specific night-time hours. It is completely programmable."

The planning staff has determined that the requested special exception for an electronic message center (EMC) should not have a substantially adverse effect on the areas adjacent to the subject property. The fairgrounds have existed in this location since 1848 and events have taken place at the fairgrounds since then. In one form or another, these events have been advertised. The EMC is taking the place of all of the previous advertisement and signage and will have no additional impact on the surrounding neighborhood. In addition, there are numerous restrictions in place to ensure that the EMC would not have substantially adverse effects on any nearby residential properties. Some of the

restrictions in the UDO include illumination testing after installation and the utilization of “self-dimming” features to dim the sign slightly in the evenings.

Finding #5 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL W/ THE FOLLOWING CONDITIONS:

1. The petitioner or sign-owner shall submit the contact information for the person in charge of programming the sign, in accordance with UDO 5.58 P-7
2. The petitioner or sign-owner shall agree to a summer/winter “light-dimming” schedule
 - a. April through October: 8am to 10pm
 - b. November through March: 8am to 8pm or off
3. Replace landscaping around the sign

DEVELOPMENT STANDARDS VARIANCE: BZA 2021-06: Shelby County Fairgrounds Special Exception, EMC

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested special exception use of an Electronic Message Center, including the conditions and pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Special Exception Use **will not** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **will** be injurious to the public health, safety, morals, and general welfare of the community, pursuant to the findings in the planning staff's report.
- 2. The approval of the Special Exception Use **will** be in harmony with adjacent land uses, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **will not** be in harmony with adjacent land uses, pursuant to the findings in the planning staff's report.
- 3. The approval of the Special Exception Use **will not** adversely alter the character of the district, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **will** adversely alter the character of the district, pursuant to the findings in the planning staff's report.
- 4. The approval of the Special Exception Use **is** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff's report.
 The approval of the Special Exception Use **is not** consistent with the intent of the zoning district and the goals and objectives within the Comprehensive Plan, pursuant to the findings in the planning staff's report.
- 5. The use and property value of the area adjacent to the subject property seeking a Special Exception **will not** be affected in a substantially adverse manner, pursuant to the findings in the planning staff's report.
 The use and property value of the area adjacent to the subject property seeking a Special Exception **will** be affected in a substantially adverse manner, pursuant to the findings in the planning staff's report.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.

Shelbyville Board of Zoning Appeals

By: _____

Chairperson / Presiding Officer

Attest: _____

Secretary



DEVELOPMENT STANDARDS VARIANCE APPLICATION

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

For Office Use Only:	
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

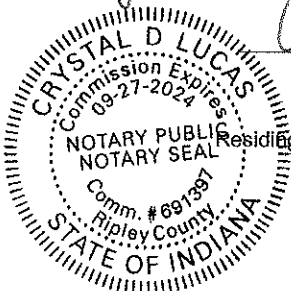
- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed, recent property card)
- Letter of Intent
- Supporting Documents and Exhibits (Optional)
- Vicinity Map
- Findings of Fact
- Application Fee

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 23rd 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



SPECIAL EXCEPTION USE APPLICATION

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

For Office Use Only:

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: (317)-663-2550

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: PA Parks & Rec. Zone

Existing Use of Property: Fair Grounds

Proposed Zoning: _____

Proposed Use: _____

4. Attachments

Affidavit and Consent of Property Owner (if applicable)

Vicinity Map

Proof of Ownership (copy of deed)

Application Fee

Letter of Intent

Findings of Fact

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

Applicant: Lauren Obendorf Date: _____

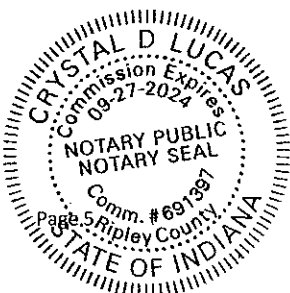
State of Indiana
County of Ripley SS:

Subscribed and sworn to before me this 23rd day of Aug, 2021.

Crystal D Lucas Crystal D Lucas
Notary Public Printed

Residing in Ripley County.

My Commission Expires: 9-27-2024





SPECIAL EXCEPTION USE
FINDINGS OF FACT

Petitioner's Name: Green Sign Company
Location: 500 Frank Street
Special Exception 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 Use 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 use variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.
The proposed 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. **Compatibility and Impact:** Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.
The proposed sign is to abide by all city EMC regulations. It will also provide direction to those visiting from neighboring communities.

3. **Character:** Explain why the special exception will not adversely alter the character of the zoning district.
The proposed sign will upgrade the current dated sign. It will maintain the characteristics of the zoning district serving the same purpose as the old sign.

4. **Comprehensive Plan:** Explain why the special exception is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. Use statements and future land use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.
Part of the Comprehensive plan is greater connectivity (2019 Comprehensive Plan) by allowing an EMC to be installed at this location. Community members will be able to get real time messages via the EMC that the Fairgrounds want to share.

5. **Impact to Adjacent Area:** The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.
The adjacent properties will not be affected because the sign can be turned off if needed during specific night time hours. It is also completely programmable.



August 9, 2021

Green Sign Company
1045 East Freeland Road
Greensburg, IN 47006

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

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

Job Information

Customer
Shelby Co Fair Grounds
Contact
Mike Schantz
Sales Rep:
Kevin
Date:
7.22.2018
Revised
Saved As
Cust>Shelby Co Fair
Grounds>Preliminary Design>GSC
600E Series Main ID



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cost of the display shown, PLUS ALL COSTS OF COLLECTIONS INCLUDING REASONABLE ATTORNEYS FEES AND
COURT COST AS COMPENSATION FOR THE TIME AND EFFORT IN
CREATING EACH INDIVIDUAL DESIGN.
*LANDSCAPING and or Electric to site NOT INCLUDED



1045 E FREELAND RD
GREENSBURG, IN 47240
t 812.663.2550
f 812.663.6563

Approval
PLEASE PROOF READ CAREFULLY
THE CUSTOMER IS RESPONSIBLE FOR
ANY ERRORS AFTER THE APPROVAL PROCESS

Name _____
Date _____

Page 1 -

Remove Existing Main ID - Dispose / Recycle Offsite - Cut sign off near grade - install new sign near existing - Client to provide 120 volt electric to new sign location

- A Single Sided Internally Illuminated Main ID - Premium Eco Low Voltage LED Illumination (Entire Cabinet) - Self Contained UL Power Supplies - Channel Letter Capsule - Standard trim cap and returns - No viewable fasteners on sign faces - Built seams in material - SS Contour sink screws or Hex Head on returns (removable face) - Eco Low VOC Exterior Finish / Prime & Paint with Automotive Grade Nuance Paint Finish - Solid Painted Back - Aluminum angle supports on back to mount to steel poles - UV grade Polycarbonate or Acrylic Face - Digitally Printed Translucent Graphics with laminate - 120 volt - Amps TBD - Option of adding Satin Clear Coat - Yes ___ or No Thanks

- B ELECTRONIC MESSAGE CENTER - Single Sided (EMC/LED) - American Brand EMC/LED - High Resolution LEDs - FULL COLOR LED / Graphic Available - Great vertical & horizontal viewing angles - LED Mods held in resin for exterior use - Built in photo call sensor or manually adjust - Slim Line Aluminum Cabinet extrusion - primed and painted with automotive grade black paint finished - Software included - High Speed Wireless communication (RF) - Ground rod / clamp included on GSC installs - Software Webinar Training included
 OPTION A: Increase resolution from High Resolution to Very High Resolution - Yes ___ No Thanks
 OPTION B: Add Temp probe, (incl. 15' of cable) - Yes ___ No Thanks

- C Option: Add Single Sided Pole Cover / Advertisement Panel - Exterior is .080" thick aluminum (#5052 grade) - viewable fasteners on sign faces - Built seams in material with fish plates - Hex Head fasteners Painted to match background - Eco Low VOC Exterior Finish / Prime & Paint with Automotive Grade Nuance Paint Finish - Yes No Thanks ___

Pre-Assemble All In-house - Enhance ease of connecting all concealed electrical - 15' Electric Whip to be located at base of sign / pole cover - Conduit run along backside of support poles - Painted black.

Exposed Steel Support Poles - Direct Burial Set Up - Steel angle mounting frame for EMC - Prime all Steel and Paint - Removable 1/2" Drop Forged/Cast Lifting Eye Bolts (Per section of cabinet)(2 per section over 150 lbs) - On / Off Switch - Option of adding Photo Call- Yes or No Thanks ___ - Option of adding Exterior Electric Box (paint to match cabinet - mount on opposite side of road) - Yes or No Thanks ___

Hardware

Foundation / Auger holes 

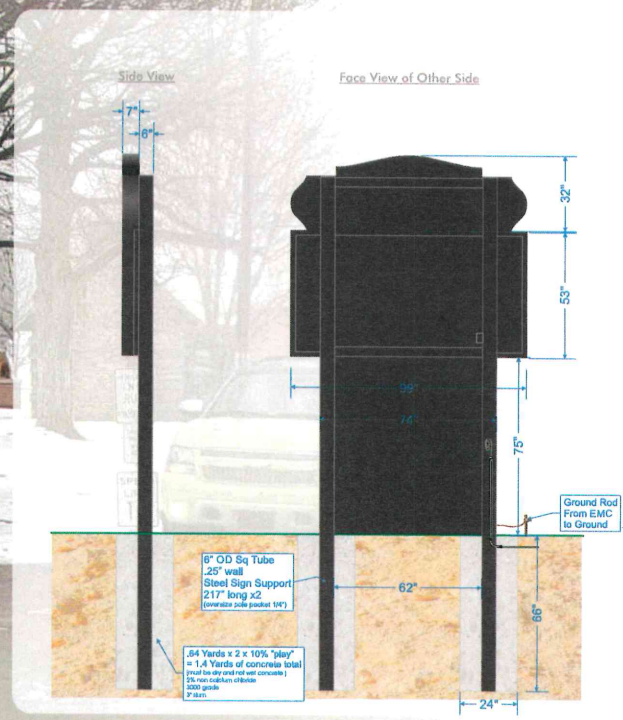
Concrete Foundation / Environmental Wash Out Bag for clean up may be needed

Professional Installation



Color Specs		Job Information	
Steel Poles = Black		Customer: Shelby Co Fair Grounds	
Sign Cabinet = Black		Contact: Mike Schantz	
Translucent Sign Face = Full Color Digital Print - similar to shown		Sales Rep: Kevin	
EMC = Full Color RGB		Date: 7.22.2018	
		Rev#	
		Saved As:	
		Cust>Shelby Co Fair Grounds>19664	
		GSC 600E Series Single Sided Main ID	
		>GSC 600E Series Main ID	

PERMITTING
 Static Sign Face = 18.9 sq ft
 Electronic Message Center = 32 sq ft



Customer to remove existing landscaping

Customer to Cone Off Area Day Before GSC Install. Minimum of 6 Parking Spots



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 *LANDSCAPING and or Electric to site NOT INCLUDED



1045 E FREELAND RD
 GREENSBURG, IN 47240
 812.663.2550
 812.663.6563

Approval
 PLEASE PROOF READ CAREFULLY
 THE CUSTOMER IS RESPONSIBLE FOR ANY ERRORS AFTER THE APPROVAL PROCESS
 Name _____
 Date _____