

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 3/28/2023

Case #:	BZA 2023-03: Trinity Pentecostal Church EMC, SE			
Petitioner's Name:	Trinity Pentecostal Church			
Owner's Name:	Perry Fouts, Pastor			
Petitioner's Representative:	Shane Billingsley, Greenfield Signs			
Address of Property:	505 West Pennsylvania Street, Shelbyville, Indiana			
Subject Property Zoning Classification:	IS – Institutional			
Comprehensive Future Land use:	Single-family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	IS – Institutional	R1 – Single-family Residential	R1 – Single-family Residential	IS – Institutional
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential
History:	The subject property is the Trinity Pentecostal Church. The church currently uses a static message sign for announcements.			
Vicinity Map:				
Action Requested:	A request for one special exception from UDO 5.58 (P)(1) for an Electronic Message Center.			

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 two and a half (2.5) feet tall by six and a quarter (6.25) feet wide; approximately 16 square feet.
3. The surrounding properties of the church are mainly R1 – Single Family Residential.

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 “No harmful effects to public health. Will be a benefit due to being able to broadcast emergency messages.”

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 Church is a direct benefit to the community and surrounding residences. Surrounding residences should be accustomed to the activities of the Church.

Finding #1 has been satisfied by the petitioner.

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 “Having a new digital sign will enhance property value and will allow easy access to community events and important messages.”

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. However, since the majority of the surrounding properties are residential, the Church should shut the sign off at night to avoid any light bleed.

Finding #2 has been satisfied by the petitioner with the suggested 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 “No negative impact on the character of the area. A new, updated message center will add to the character of the community.”

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 EMC 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 complement, if not enhance, other material used in the construction of the Church. 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.

Finding #3 could be satisfied by the petitioner.

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 "This sign will not cause any adverse impact to the area. It will improve the area and can be shut off during night hours if that is needed to get the variance."

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 area is owned by the Church. Allows for greater flexibility to get messages out to the church body and community."

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 church has a static sign that currently shares new/information about what is happening in the neighborhood. The EMC is taking the place of all of the previous advertisements 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. In addition, landscaping around the sign will ensure the highest quality development.

Finding #5 has been satisfied by the petitioner with the suggested conditions.

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 will add landscaping around the sign pursuant to UDO 5.58 (N)
3. The petitioner or sign-owner shall agree to a summer/winter shut the sign off based on:
 - a. April through October: 8am to 10pm
 - b. November through March: 8am to 8pm or off

DEVELOPMENT STANDARDS VARIANCE: BZA 2023-03: Trinity Pentecostal Church EMC, SE

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



SPECIAL EXCEPTION USE APPLICATION

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

<i>For Office Use Only:</i>	
Case #: BZA	<u>2023 - 3</u>
Hearing Date:	<u>02-28-23</u>
Fees Paid: \$	<u>500.⁰⁰</u>
Final Decision:	
Approved	Denied

1.

Applicant

Name: Faith Trinity Pentecostal Church
 Address: 505 W. Pennsylvania St.
Shelbyville IN 46176
 Phone Number: 317-398-9280
 Fax Number: N/A
 Email: N/A

Property Owners Information (if different than Applicant)

Name: Perry Fouts, Pastor
 Address: 5473 W. Smith Valley Rd, Greenwood, IN
46142
 Phone Number: 317.965.4230
 Fax Number: N/A
 Email: N/A

2.

Applicant's Attorney/Representative

Name: Shane Billingsley
 Address: 110 E 22nd St
Indianapolis IN
 Phone Number: 312 593 5453
 Fax Number: N/A
 Email: Shane@greenfieldsigns.com

Project Engineer

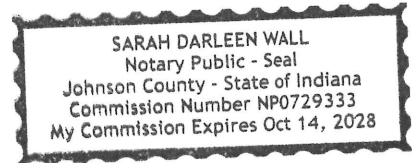
Name: _____
 Address: _____
 Phone Number: _____
 Fax Number: _____
 Email: _____

3. Project Information:

General Location of Property (and address is applicable): 505 W. Pennsylvania St.
Shelbyville IN 46176
 Current Zoning: _____ Existing Use of Property: Church
 Proposed Zoning: _____ Proposed Use: Church

4. Attachments

- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed)
- Letter of Intent
- Vicinity Map
- Application Fee
- Findings of Fact



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

Applicant: Perry Fouts Date: 2/21/23

State of Indiana
 County of Johnson SS:

Subscribed and sworn to before me this 21 day of February, 2023

Sarah Darleen Wall Notary Public
Sarah Darleen Wall Printed

Residing in Shelby County. My Commission Expires: 10/14/2028

Faith Trinity Pentecostal Church

505 W. Pennsylvania Street
Shelbyville, IN 46176

REV. PERRY FOUTS, Pastor

(317) 398-9280

We would like to upgrade the signage for Faith Trinity Pentecostal Church, 505 W. Pennsylvania Street, Shelbyville, IN, for the following reasons:

The proposed new electronic sign will:

- Enable us to update information remotely in the instance of weather-related church closings or closure due to illness, funerals, and other events out of our control.
- Enable us to change information electronically and give us greater flexibility in our announcements than the manual way we have been updating it for over 20 years using only letters and numbers.
- Enable more flexibility to keep announcements current and incorporate pictures (if desired) for wedding announcements, funerals, guest speakers, and special church events (this signage will be similar to the one used by Freeman Funeral Home in Shelbyville).
- Enable better visibility for people driving by and for those who live in our neighborhood.

We don't believe this new signage will cause any problem for our neighborhood nor our city but, will instead, be an asset to both.

Sincerely,

Perry Fouts
Perry Fouts, Pastor

MAY 23 1985

REAL ESTATE MORTGAGE

BOOK 262 PAGE 178

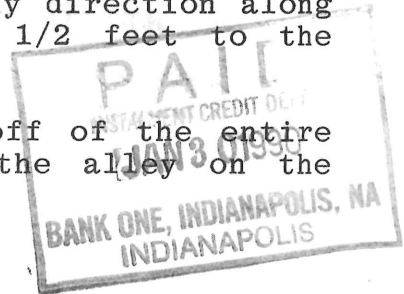
THIS INDENTURE WITNESSETH: That Faith Trinity Pentecostal Church...

....., (hereinafter referred to as "Mortgagors") of Shelby County, State of Indiana, MORTGAGE and WARRANT to AMERICAN FLETCHER NATIONAL BANK AND TRUST COMPANY, a national banking association with its main banking office at 101 Monument Circle, Indianapolis, Indiana 46277 (hereinafter referred to as "Bank"), the following described real estate (hereinafter referred to as "Mortgaged Premises") in Shelby County, State of Indiana :

Lots Numbered 11 and 12 on the south side of Pennsylvania Street, in Benjamin F. Whaley and Minerva Whaley's Second Addition to the City of Shelbyville, as recorded in Plat Record Number 4, page 3 in the Recorder's Office, in said county and state.

Also, beginning at the northwest corner of Lot Number 8 on the north side of Mechanic Street, in Montgomery's Fourth Addition to the City of Shelbyville, and running in a northwesterly direction on a line at right angles to Pennsylvania Street prolonged in the City of Shelbyville, 130 feet and 6 inches to the south line of said Pennsylvania Street; thence northeasterly along the south line of said Pennsylvania Street 59 1/2 feet; thence in a southeasterly direction in a direct line to the northeast corner of said lot Number 8; and thence in a southwesterly direction along the north line of said Lot Number 8, 59 1/2 feet to the place of beginning.

EXCEPT a strip of land 16 feet in width off of the entire south end of said tract of land, being the alley on the north side of said Addition.



~~This mortgage is given to secure the performance of all provisions hereof~~

MAY 23 1985

BOOK 262 PAGE 179

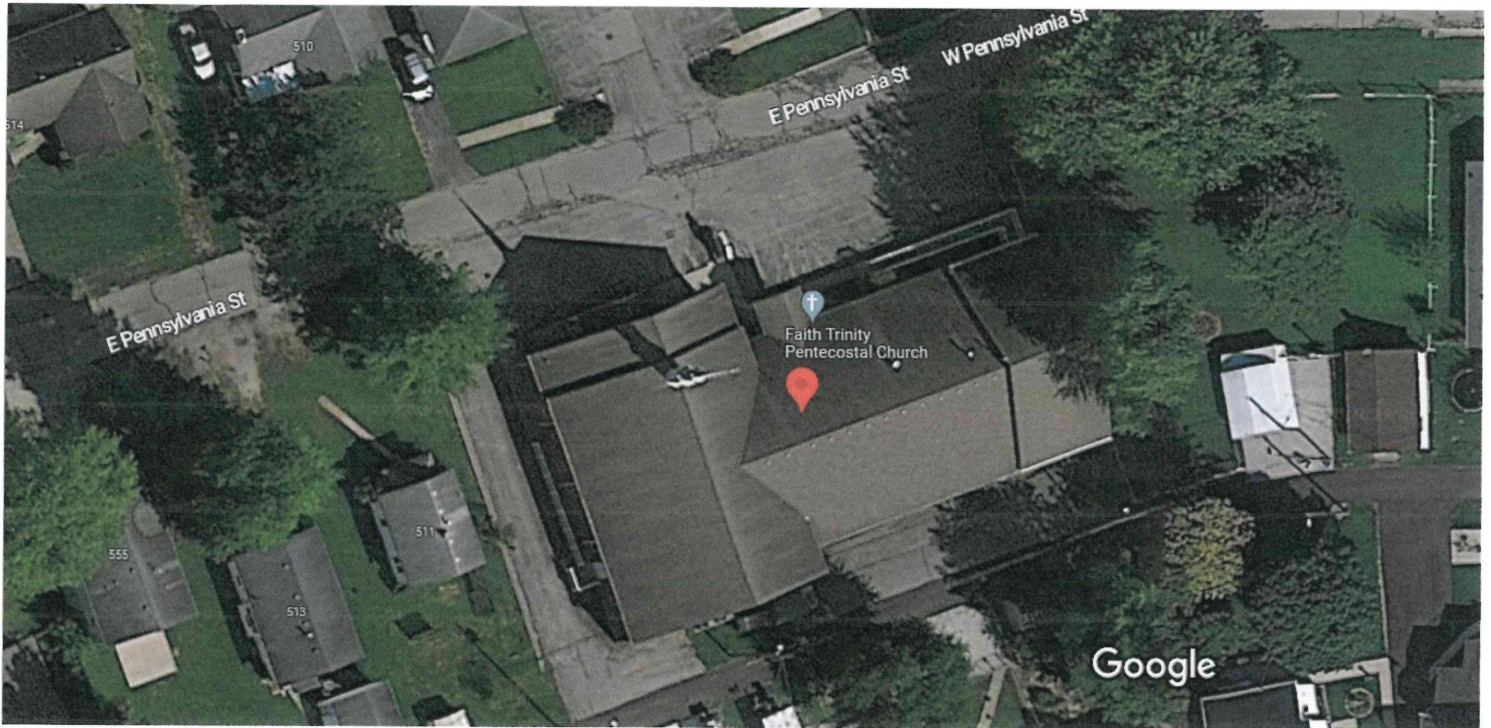
under this Mortgage or under any note or other evidence of indebtedness. If any default shall occur in the payment of any instalment of indebtedness secured hereby, or in the performance of any covenant or agreement of Mortgagors hereunder, or if Mortgagors shall abandon the Mortgaged Premises, or shall be adjudged bankrupt, or if a trustee or receiver shall be appointed for Mortgagors or for any part of the Mortgaged Premises, then and in any such event all indebtedness secured hereby shall, at the option of Bank, become immediately due and payable without notice to Mortgagors, and this Mortgage may be foreclosed accordingly. The waiver by Bank of any default of Mortgagors shall not operate as a waiver of other defaults. Notice by Bank of its intention to exercise any right or option hereunder is hereby expressly waived by Mortgagors, and any one or more of Bank's rights or remedies hereunder may be enforced successively or concurrently. Any delay in enforcing any such right or remedy shall not prevent its later enforcement while Mortgagors shall be in default hereunder. In the event of the foreclosure of this Mortgage all abstracts of title and all title insurance policies for the Mortgaged Premises shall become the absolute property of Bank.

7. All rights and obligations of Mortgagors hereunder shall extend to and be binding upon the several heirs, representatives, successors and assigns of Mortgagors, and shall inure to the benefit of Bank, its successors and assigns. In the event this Mortgage is executed by only one person, corporation, or other entity, the word "Mortgagors" as used herein shall be

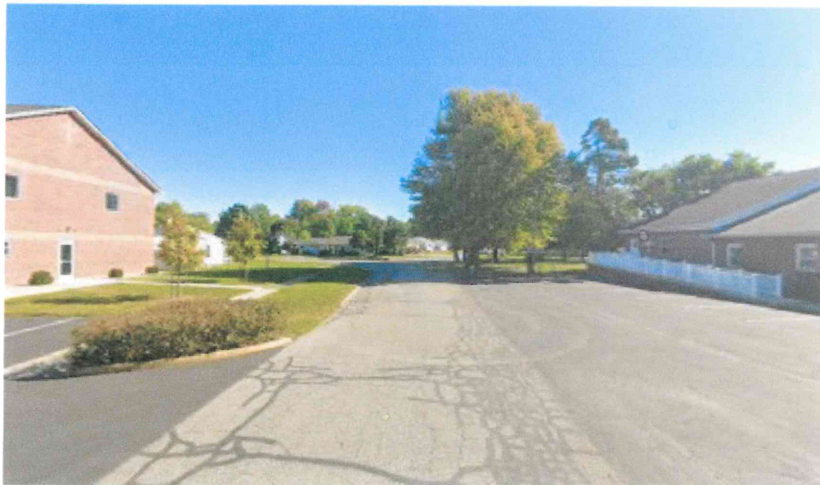


505 W Pennsylvania St






7:30 AM




Imagery ©2023 IndianaMap Framework Data, Maxar Technologies, Map data ©2023 Google 50 ft



505 W Pennsylvania St

- 
Directions
- 
Save
- 
Nearby
- 
Send to phone
- 
Share

 505 W Pennsylvania St, Shelbyville, IN 46176

 Confirm or fix this location
The location shown is not precise



SPECIAL EXCEPTION USE
FINDINGS OF FACT

Petitioner's Name: Faith Trinity Pentecostal Church
Location: 505 W Pennsylvania St Shelbyville, TN 46176
Special Exception for: Digital Electronic Message Center

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.
No harmful effects to public health. Will be a benefit due to being able to broadcast Emergency messages
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.
Having a new digital sign will enhance property value and will allow easy access to community events and important messages
3. **Character:** Explain why the special exception will not adversely alter the character of the zoning district.
No negative impact on the character of the area. A new updated message center will add to the character of the community
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.
This sign will not cause any adverse impact to the area. It will improve the area, and can be shut off during night hours if that is needed to get the variance.
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 area is owned by the church. Allows for greater flexibility to getting messages out to the church body and community

Account Greenfield Signs **Site Address**

Software
Registration
Contact
Information

Fusion Series

Full Color LED Display

Use Outdoor
Configuration Double Sided
Pixel Pitch 6.4 mm
Pixel Matrix 120x300
Display Dimensions 2' 6.24"H x 6' 3.59" W
Cabinet Dimensions 2' 11.16" H x 6' 6.72" W x 5" D
Voltage 120v
Software Electro-Matic VUE
Communication Cellular Modem Lifetime Data Plan



FUS-N-6D-120X0300-CLSV



LED SPECIFICATIONS

LED Type SMD
Brightness 10000 cd/m² (Nits)
Viewing Angle 120° Vert., 140° Horiz.
Estimated Lifetime 100,000 Hours

ELECTRICAL SPECIFICATIONS

Watts	1888	Avg.	622
Max amps	15.7	Avg.	5
Total number of Circuits at 20 Amps:			1

All electrical specifications are totals for all sides

ADDITIONAL DISPLAY DETAILS

Cabinet ft² 19.22
Display ft² 15.87
Total Weight 233 Lbs
Service Access Front

Total Weight is a total for all sides.

ACCESSORIES

Contracts

Software Lifetime Contract
Cellular Lifetime Contract

Skid Size: Length 84 X Width 40 X Height 44 inches Weight Skidded: 449 LBS SUB #: 4 Item #: 176050 Class: 175

Sales Contact Brandon Bender 312-237-0573 BHBender@Electro-matic.com

VER.722A/U

Order Approval

Complete LED Display System Pricing

Current Delivery 6-8 Weeks (verified at time of order)
Standard Terms <https://www.electro-matic.com/terms-and-conditions>
Limited Warranty https://visual.electro-matic.com/warranty/EM-Visual_LED-Displays_5-Year-Limited-Warranty.pdf

Quantity	1
Display Pricing	\$23,535.85

Please make checks payable to: Electro-Matic Visual, Inc. ACH payments are accepted. If paying with a credit card there is a 2.5% handling fee.

NOTE: Due to the volatile shipping market EM is not currently providing shipping prices on quotes. A current price estimate can be requested anytime from your sales rep or Customer Service agent. Prices in the market currently range \$500-\$2500 depending on your distance from our facility in Farmington Hills, MI

Freight will be quoted at time of delivery based on market value

Approval Signature _____ PO _____ Date _____

Total \$23,535.85

Buyer acknowledges that prior to executing this agreement, purchaser has reviewed the Limited Warranty. Buyer also will need a signed Standard Terms and Conditions, Signed Order Acknowledgement or email acknowledging the terms outlined. This quote is expressly limited to the acceptance by the purchaser of its exact terms and includes the seller's limited warranty, all of which are a part of this agreement. Any Purchase order or other documents purchaser issues to seller for this transaction (regardless of its terms) shall constitute the purchaser's unconditional agreement to be bound by the seller's terms and conditions of this agreement and purchaser hereby agrees that such additional or inconsistent terms shall not apply nor become a part of this agreement. In addition, the quoted part number is what will be supplied, and it is understood that the order is strictly based off the part number shown. Changes or handwritten notes will not be part of this contract. It is the purchaser's obligation to have the sign re-quoted to be exactly what is asked for and detailed in the part number. "Lifetime Contract" for term of 10 years from date of purchase. Excessive data usage over 250mb per month may result in additional charges. Quote does not include applicable sales/use/local taxes. Unless otherwise noted, prices are valid for 7 days. Ship dates are subject to inventory availability at the time a purchase order is received. All products are non-cancelable/non-returnable unless otherwise agreed upon in writing. All returns are subject to restock charges and will require authorization prior to being sent back in original packaging. Additional surcharge(s) may apply and will be applied at the time of shipment. Please note that due to factors with the potential to create cost changes, prices are subject to change without notice. Items will be invoiced at the prices in effect at the time of shipment. All sales are subject to the Electro-Matic Terms and Conditions of Sale available at www.electro-matic.com/terms-and-conditions.



Account Greenfield Signs

Shipping Address

Project Information

Fusion Series

Full Color LED Display

Use	Outdoor
Configuration	Double Sided
Pixel Pitch	6.4 mm
Pixel Matrix	120x300
Display Dimensions	2' 6.24"H x 6' 3.59" W
Cabinet Dimensions	2' 11.16" H x 6' 6.72"W x 5" D
Voltage	120v
Software	Electro-Matic VUE
Communication	Cellular Modem Lifetime Data Plan



FUS-N-6D-120X0300-CLSV



LED SPECIFICATIONS

LED Type	SMD
Brightness	10000 cd/m ² (Nits)
Viewing Angle	120° Vert., 140° Horiz.
Estimated Lifetime	100,000 Hours

ACCESSORIES

Contracts

Software Lifetime Contract

Number Of Lines of Text

- 20 lines of 60 characters at 1.2 Inches
- 15 lines of 50 characters at 1.7 Inches
- 12 lines of 33 characters at 2.2 Inches
- 10 lines of 33 characters at 2.7 Inches
- 8 lines of 37 characters at 3.5 Inches
- 7 lines of 33 characters at 3.7 Inches
- 7 lines of 33 characters at 4 Inches
- 5 lines of 16 characters at 5.5 Inches
- 4 lines of 18 characters at 6 Inches
- 3 lines of 16 characters at 7.5 Inches

ELECTRICAL SPECIFICATIONS

Watts	1888	Avg.	849
Max amps	15.7	Avg.	7
Total number of Circuits at 20 Amps:			1

All electrical specifications are totals for all sides

ADDITIONAL DISPLAY DETAILS

Cabinet ft ²	19.22	
Display ft ²	15.87	
Total Weight	233 Lbs	<i>Total Weight is a total for all sides.</i>
Service Access	Front	
Tile Height	15.11"	
Tile Width	15.11"	
Brightness controls	Manual / Auto / Scheduled	
Grey Level	16 Bit	
Contrast Ratio	5000:1	
Refresh Rate	60	
Frame Frequency	1920	
IP Rating	Built to requirement	
Operating TPR/RH	-20°C~50°C / 10%~90%	

Energy Consumption Costs

*** Estimated Energy Consumption Cost per Day \$0.88**

*Based on 18 hours per day operation, \$0.104/KWH 2016 commercial energy rate†, and based on sign programming estimated at 25% wattage used. (†average rate differs based on local electrical supplier)

Sales Contact

Brandon Bender 312-237-0573 BHBender@Electro-matic.com

VER.722A/U

