

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 4/11/2023

Case #:	BZA 2023-05: Coulston Elementary School EMC, SE			
Petitioner's Name:	Shelbyville Central Schools			
Owner's Name:	Shelbyville Central Schools			
Petitioner's Representative:	Lauren Obendorf, Green Signs			
Address of Property:	121 North Knightstown Road, Shelbyville, Indiana			
Subject Property Zoning Classification:	IS – Institutional			
Comprehensive Future Land use:	Institutional			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	R1 – Single-family Residential	IS – Institutional	PK – Parks and Open Space
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential
History:	The subject property is Coulston Elementary School. The school 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 three (3) feet tall by six (6) feet wide; approximately 18 square feet.
3. The surrounding properties of the school are mainly R1 – Single Family Residential to the north and east, and IS - Institutional to the south and west.

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 "By approving the installation of the sign, it will not be harmful to the public health, safety, and general welfare of the City of Shelbyville because the digital sign is fully programmable meaning that it will automatically dim at night to a brightness of 700 nits to ensure safety of motorists travelling past. (700 nits is equivalent to the normal brightness of a television, phone screen or computer monitor)."

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

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 "As stated above, the digital sign is fully programmable. The light emitting from the digital sign will not be noticeable by the residents in their homes. The light emitted is less than or equal to the typical brightness of a television, phone screen or computer monitor. The proposed sign will be just as harmonious, if not more, than the existing one. There is no data to suggest that digital signs have a substantially adverse impact on adjacent properties or property values."

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. This sign will be removed and replaced with the EMC. The EMC will serve the same function of conveying school-related information. 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 "light-bleed" from the

EMC sign could have a potential adverse impact during the evening and night, so the planning staff is suggesting that the school should shut the sign off at night to avoid this potential impact.

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 “The property the proposed sign is being placed on is in an Institutional zone. Southwestern Schools, who is also in an Institutional zone, also as a main identification sign with an electronic message center, both properties are schools and show that the proposed sign would maintain and not adversely alter the character of the zoning district.”

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 school. 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 “on-off” 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 special exception would be consistent within the intent of the zoning district and the goals of the Comprehensive Plan because it is mentioned in the plan that Shelbyville “residents take pride in the school they attend,...” and the proposed sign would contribute to the overall quality of the school.”

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 “There is no data that digital signs affect the use and property value of areas adjacent to subject property seeking a special exception. If

anything, the digital sign should have a positive effect on the use and property value of the area adjacent.”

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 school has a static sign that currently shares new/information about activities at the school. 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 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 during:
 - a. April through October: 10pm to 8am
 - b. November through March: 8pm to 8am

DEVELOPMENT STANDARDS VARIANCE: BZA 2023-05: Coulston Elementary School 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 proposed conditions, 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

Client to provide 120 volt electric to new sign location

- A- General Contractor / Client to Remove/Dispose of Existing Sign Structure
- B- Double Sided Non-Illuminated Main ID Sign Cabinet & Bump-Out Top - Exterior of sign is .125" thick aluminum (#5052 grade) - Hidden Aluminum Frame Structure to hold EMCs - Viewable fasteners on sign faces - Butt seams in material - Counter sunk screws on aluminum returns (removable ends, & top) - Eco Low VOC Exterior Finish / Prime & Paint with Automotive Grade Nuance Paint Finish
- C- 12mm / 1/2" Dimensional White Acrylic Lettering - 1st Surface Digital Print - UV Protecting Matte Laminate - Flush Stud Mount - Industrial Silicone Adhesive as needed
 - OPTION: Add Extra UV Protecting Satin Clear Coat to all painted surfaces - Yes or No Thanks
- D- Double Sided Electronic Message Center (EMC/LED) - American Brand EMC/LED = High Resolution FULL COLOR LEDs - Great vertical & horizontal viewing angles - LED Mads held in resin for exterior use - Built in photo cell sensor or manually adjust - Slim Line Aluminum Cabinet extrusion - primed and painted with automotive grade black paint finished - Software included - **LIFETIME High Speed Wireless Broadband Communication Included** - Ground rod / dop included on GSC installs - **Software Webinar Training included**
 - OPTION: Increase resolution from High Resolution to Super High Resolution - Yes No Thanks
 - OPTION: Add Temp probe, (incl. 15' of cable) - Yes No thanks

*Computer to operate sign is NOT included
 *Add tax to approved options
 *Network software available for an additional fee.

Pre-Assemble All In-house - Enhance ease of connecting all concealed electrical - 15' Electric Whip to be located at base of sign / pole cover

Removable Lifting Hooks - On / Off Switch
 OPTION: Add Photo Cell - Yes or No Thanks

Hardware

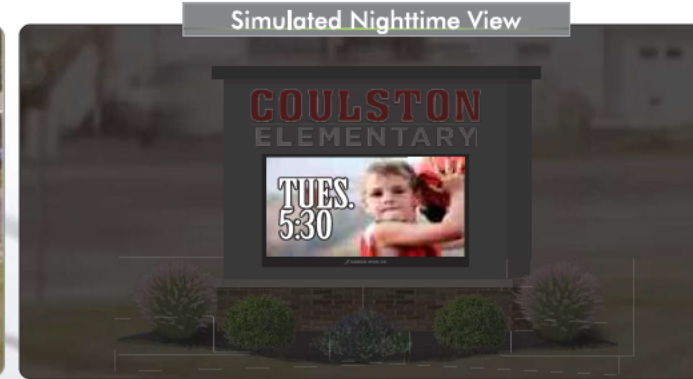
General Contractor / Client to Provide Brick Monument Structure, Limestone Cap, Concrete Foundation - Too Support Sign Structure

Professional Installation by GSC

Landscaping Not Included



Existing Sign



Simulated Nighttime View

Color Specs

Sign Cabinet Cladding / Bumpout =
 Paint to match SW 7019 Gauntlet Gray

Dimensional Lettering =
 Natural White
 Pantone 485 C Red

Electronic Message Center =
 Full Color RGB

Job Information

Customer
 Gibraltar Construction / Coulston Elem. Contact

Sales Rep:
 Kevin

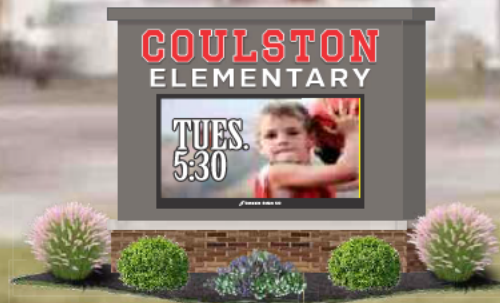
Date
 11.11.22rb

Rev#

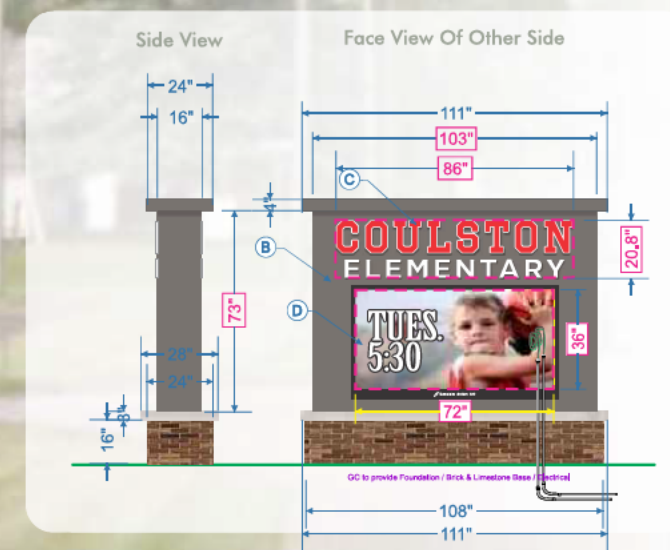
Saved As
 Gibraltar Const>Coulston Elem>Work Orders>20367 GSC 600E Series Coulston Elementary School Main ID>GSC 600E Series Coulston Elementary School Main ID



Recommend Simulated View



PERMITTING
 Static Sign Area = 12.4 sq ft.
 Electronic Message Center Area = 18 sq ft.



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

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

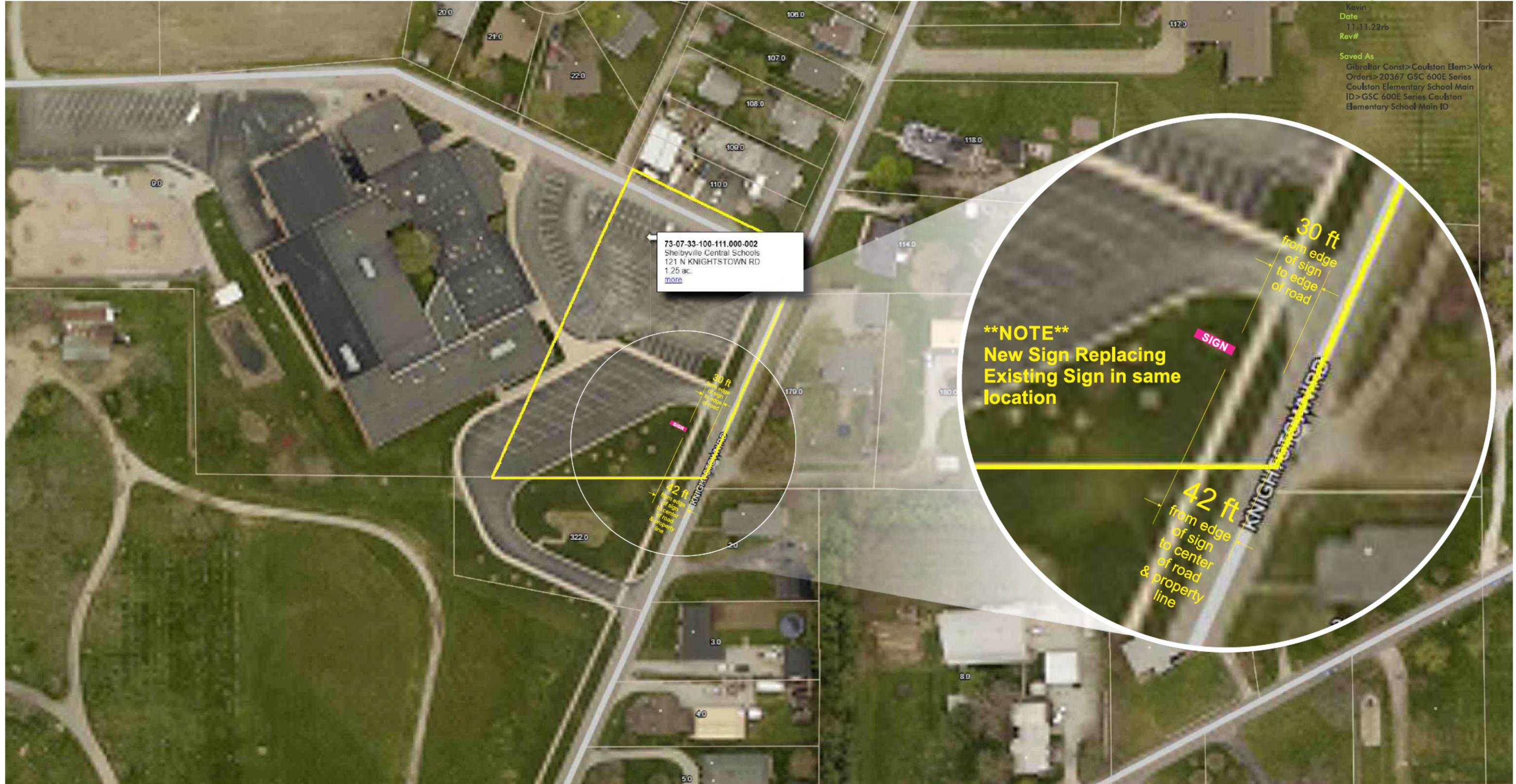
Name Approved by Tara Buehner
 1.10.23rb (email)

Date _____

Customer
Gibraltar Construction / Coulston Elem.
Contact

Sales Rep:
Kevin
Date
11.11.22rb
Rev#

Saved As
Gibraltar Const>Coulston Elem>Work
Orders>20367 GSC 600E Series
Coulston Elementary School Main
ID>GSC 600E Series Coulston
Elementary School Main ID



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Since 1971

800.900.2100

Approval

PLEASE PROOF READ CAREFULLY
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ANY ERRORS AFTER THE APPROVAL PROCESS

Name _____

Date _____



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: Coulston Elementary School

Address: 121 N Knightstown Rd
Shelbyville IN 46176

Phone Number: 317-398-3185

Fax Number: _____

Email: _____

Property Owners Information (If different than Applicant)

Name: Shelbyville Central Schools

Address: 803 St Joseph St Shelbyville IN 46176

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: Green Sign Company - Lauren Obendorf

Address: 1045 E Freeland Road
Greensburg IN 47240

Phone Number: [REDACTED]

Fax Number: _____

Email: [REDACTED]

Project Engineer

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): 121 N Knightstown Road Shelbyville IN 46176

Current Zoning: IS

Existing Use of Property: School

Proposed Zoning: _____

Proposed Use: _____

4. Attachments

Affidavit and Consent of Property Owner (If applicable)

Vicinity Map

Proof of Ownership (copy of deed)

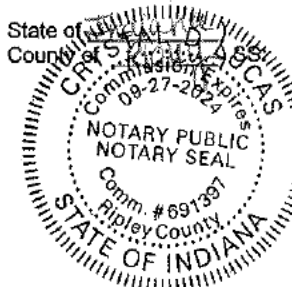
Application Fee

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: 1/17/2023



Subscribed and sworn to before me this 17th day of Feb, 2023
Crystal D. Lucas Notary Public
Crystal D. Lucas Printed

Residing in Ripley County. My Commission Expires: 9-27-2024



SPECIAL EXCEPTION USE FINDINGS OF FACT

Petitioner's Name: Coulston Elementary School - Green Sign Company

Location: 121 N Knightstown Rd Shelbyville IN 46176

Special Exception for: to install a main identification sign with an 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.

By approving the installation of this sign, it will not be harmful to the public health, safety, and general welfare of the City of Shelbyville because the digital sign is fully programmable meaning that it will automatically dim at night to a brightness of 700 nits to ensure the safety of motorists traveling past. (700 nits is equivalent to the normal brightness of a television, phone screen, or computer monitor).

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.

As stated above, the digital sign is fully programmable. The light emitting from the digital sign will not be noticeable by residents in their homes. The light emitted is less than or equal to the typical brightness of a television, phone screen, or computer monitor. The proposed sign will be just as harmonious, if not more, than the existing.

There is no data to suggest that digital signs have a substantially adverse impact on adjacent properties and/or prop. value

3. **Character:** Explain why the special exception will not adversely alter the character of the zoning district.

The property that the proposed sign is placed is in an Institutional zone. Southwestern Schools, who's also in an Institutional zone, also has a Main Identification sign with an electronic message center. Both properties are schools and show that the proposed sign would maintain and not adversely alter the character of the zoning district.

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 special exception would be consistent with the intent of the zoning district and the goals of the comprehensive plan because it is mentioned in the plan that Shelbyville "Residents take pride in the school they attend,..." and the proposed sign would contribute to the overall quality of the school. (Additional sheet attached.)

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.

There's no data to suggest that digital signs affect the use and property value of areas adjacent to subject property seeking a special exception. If anything, the digital sign should have a positive affect on the use and property value of the area adjacent.

