

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 4/11/2023

Case #:	BZA 2023-07: Hendricks 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:	1111 St. Joseph Street, Shelbyville, Indiana			
Subject Property Zoning Classification:	IS – Institutional			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BG – Business General	IS – Institutional	IS – Institutional	BG – Business General
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	Institutional	Multi-family Residential
History:	The subject property is Hendricks 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 commercial or institutional uses.

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 surrounded by Institutional and Business uses. EMCs are only permitted in these areas.

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 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.

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.

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 businesses and neighborhood. In addition, there are numerous restrictions in place to ensure that the EMC would not have substantially adverse effects on any nearby 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)

DEVELOPMENT STANDARDS VARIANCE: BZA 2023-07: Hendricks 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 (3) 120 volt electric to new sign location

GSC to Power wash existing monument sign structure sign, Remove existing marquee section and dispose of / recycle off site. Paint stucco portion of sign and topper with Premium Exterior Paint

Qty 2 - Single Sided Internally Illuminated Main ID - Premium Eco Low Voltage LED Illumination (Entire Cabinet) - Self Contained UL Power Supplies - Exterior of sign is .125" thick aluminum (#5052 grade) - No viewable fasteners on sign faces -Butt seams- Contour sink screws on aluminum returns (removable ends, & top) - Eco Low VOC Exterior Finish / Prime & Paint with Automotive Grade Nuance Paint Finish - Option of adding Satin Clear Coat over sign cabinet & pole covers -Yes___ or No Thanks___ - High performance digitally printed vinyl graphics, contour cut with UV grade outdoor rated laminate - UV grade Polycarbonate - 1st Surface Translucent Graphics

Qty 2 - Internally Illuminated Contour Channel Logo - Illuminated with Premium LED grids to illuminate evenly - Natural SG Acrylic & First Surface premium translucent vinyl overlay - Standard trim and 3" returns - hidden mounting - remote low voltage wires - drain holes - UL components (Hide UL Labels inside of letters) - mounting template

Aluminum cladding .125" thick aluminum (#5052 grade) - No viewable fasteners on sign faces -Butt seams- Contour sink screws - Eco Low VOC Exterior Finish / Prime & Paint with Automotive Grade Nuance Paint Finish - Option of adding Satin Clear Coat over sign cabinet & pole covers -Yes___ or No Thanks___

Double Sided Electronic Message Center (EMC/LED) - **American Brand EMC/LED** = High Resolution FULL COLOR LED's - Great vertical & horizontal viewing angles - LED Mods 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 / clp included on GSC installs - **Software Webinar Training included**
 OPTION A: Increase resolution from High Resolution to Super High Resolution - Yes___ No Thanks___
 OPTION B: 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.

20' Electric Whip to be located at base of sign / pole cover



Existing Sign



Simulated Nighttime View

Color Specs

- Sign Cabinet / Cladding Color :**
Black
- Translucent Sign Face :**
Green (TBD)
Natural White
- Channel Icon Trim and Return Color :**
Black
- Channel Icon Face :**
Green (TBD)
Yellow (TBD)
White
Black
- Internal Illumination :**
Premium White LED's
- EMC :**
Programmable Full Color LED's
- Paint Colors :**
Beige Paint to Match Structure
Gray Paint to match topper

Job Information

Customer
 Thomas A Hendricks Elementary
Contact
 Earle Smith
Sales Rep:
 Kevin
Date
 12.8.21 ds
Rev#
 2 - 08.04.2022 ds
Saved As
 Z:\Customers\SHELBYVILLE CENTRAL SCHOOLS\Thomas A. Hendricks Elementary School\PRELIMINARY DESIGNS (Leave old PDF here and delete PDFs after 2 years old)\GSC 600E Series - Main ID Sign



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 *LANDSCAPING and or Electric to site NOT INCLUDED



1045 E FRELAND 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 _____



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: Thomas A Hendricks Elementary School

Address: 1111 St Joseph St
Shelbyville IN 46176

Phone Number: 317-392-2505

Fax Number: _____

Email: ewsmith@shelbycs.com

Property Owners Information (if different than Applicant)

Name: Shelbyville Elementary School Building Corporation

Address: 1111 St Joseph St Shelbyville IN 46176

Phone Number: 317-392-2505

Fax Number: _____

Email: ewsmith@shelbycs.com

2.

Applicant's Attorney/Representative

Name: Green Sign Company - Lauren Obendorf

Address: 1045 E Freeland Road
Greensburg IN 47240

Phone Number: _____

Fax Number: _____

Email: _____

Project Engineer

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): 1111 St Joseph St

Current Zoning: Institutional Zone

Existing Use of Property: School

Proposed Zoning: Same

Proposed Use: Same

4. Attachments

Affidavit and Consent of Property Owner (if applicable)

Vicinity Map

Proof of Ownership (copy of deed)

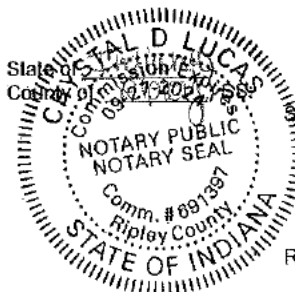
Application Fee

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: 3/9/2023



Subscribed and sworn to before me this 9th day of March, 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: Thomas A Hendricks Elementary School
Location: 1111 St Joseph St Shelbyville IN 46176
Special Exception for: to replace the existing letter board 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 screen. The proposed sign will be just as harmonious, if not more, than the existing sign. There is no data to suggest that digital signs have a substantially adverse impact on adjacent properties and/or property 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 being placed in an institutional zone. Southwestern Schools, who are also in an IS zone, also have a Main ID sign with an Electronic Message Center. Both properties are school 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.

**AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE BOARD OF ZONING APPEALS**

STATE OF INDIANA)
COUNTY OF SHELBY) SS:

I, Shelbyville Central Schools, AFTER BEING DULY SWORN, DEPOSE AND SAY
(Name of property owner)
THE FOLLOWING:

1. That I am the owner of real estate located at 1111 St. Joseph St. Shelbyville, IN 46176
(Address of affected property)
2. That I have read and examined the Application made to the Shelbyville Board of Zoning Appeals by: Hendricks Elementary
(Name of applicant)
3. That I have no objections to and consent to the request(s) described in the Application made to the Shelbyville Board of Zoning Appeals.

Michelle Babcock
Owner's Name (Please print)

Michelle Babcock
Owner's Signature

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 9th day of March, 2023

Gail E. Procell
Notary Public

Gail E. Procell
Printed

Residing in Shelby County. My Commission Expires 12/08/2027

