

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 4/11/2023

Case #:	BZA 2023-06: Loper 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:	901 Loper Drive, Shelbyville, Indiana			
Subject Property Zoning Classification:	IS – Institutional			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	RM – Multiple-family Residential	R1 – Single-family Residential	R1 – Single-family Residential
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential
History:	The subject property is Loper 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, south, and west. The surrounding properties to the east are RM – Multiple 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 “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 2023-06: Loper 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 - Built 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

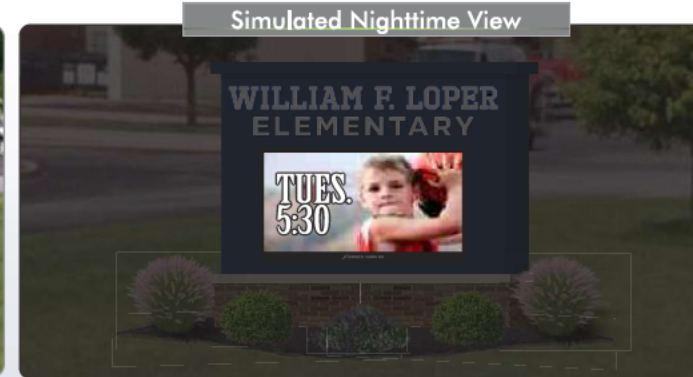
General Contractor / Client to Provide Brick Monument Structure, Limestone Cap, Concrete Foundation - Too Support Sign Structure

Professional Installation by GSC

Landscaping Not Included



Existing Sign



Simulated Nighttime View

Color Specs

Sign Cabinet Cladding / Bumpout =
 Paint to match SW 9176 Dress Blues
 Closest match to CMG Royal Blue

Dimensional Lettering =
 Natural White
 Pantone 2728 C Blue (keyline/returns)

Electronic Message Center =
 Full Color RGB



Job Information

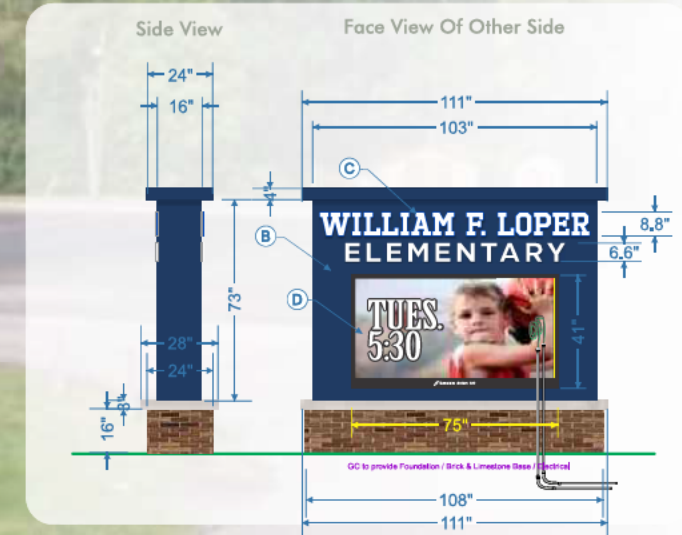
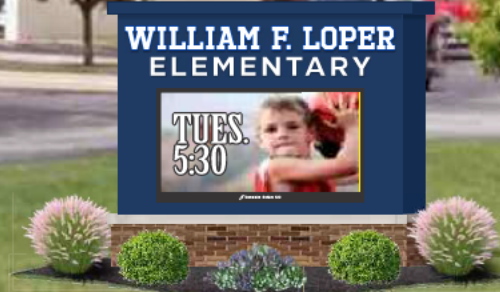
Customer
 Gibraltar Construction / Loper Elem.
Contact

Sales Rep:
 Kevin
Date
 11.14.22rb

Rev#
 1.16.23rb(Change design to match
 S Coulston)

Gibraltar Const>Loper
 Elem>Preliminary Design>GSC 600E
 Series Loper Elementary School Main
 ID>GSC 600E Series Loper Elementary
 School Main ID

Recommend Simulated View



The quality of this layout does not determine the finished product. It is strictly intended for email and web purposes only. Actual colors and sizes may deviate. © Copyright Green Sign Co., Inc.

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



This design should not to be shared with other companies
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Since 1971

800.900.2100

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: Loper Elementary School
Address: 901 Loper Dr
Shelbyville, IN 46176
Phone Number: 317-398-9725
Fax Number: _____
Email: _____

Property Owners Information (if different than Applicant)

Name: Shelbyville Central Schools
Address: 803 St. Joseph Street 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: _____
Fax Number: _____
Email: _____

Project Engineer

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

3. Project Information:

General Location of Property (and address is applicable): 901 Loper Dr Shelbyville, IN 46176

Current Zoning: IS Existing Use of Property: School
Proposed Zoning: _____ Proposed Use: _____

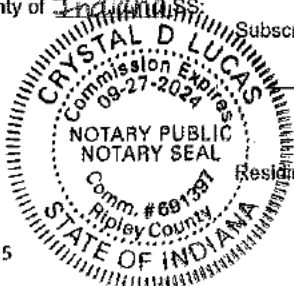
4. Attachments

- Affidavit and Consent of Property Owner (if applicable)
- 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: Lauren Obendorf Date: 2/6/2023

State of Ripley
County of Indiana



Subscribed and sworn to before me this 06 day of Feb, 2023
Crystal D. Lucas Notary Public Printed Crystal D. Lucas

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



SPECIAL EXCEPTION USE FINDINGS OF FACT

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

Location: 901 Loper Dr Shelbyville IN 47240

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 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 is 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 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.

**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 901 Loper Dr, 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: LOPER 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.

Matthew Vance
Owner's Name (Please print)
[Signature]
Owner's Signature

State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 2nd day of March, 2023

Michelle Babcock | Michelle Babcock
Notary Public | Printed
MIGHELLE L. BABCOCK
Notary Public - Seal
Shelby County - State of Indiana
Commission Number NP0628157
My Commission Expires July 25, 2027
Residing in Shelby County. My Commission Expires 7-25-2027