

# Shelby County Board of Zoning Appeals

January 11, 2022 at 7:00 PM

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# MEETING AGENDA

## Shelby County Board of Zoning Appeals January 11, 2022, 7:00 P.M.

### CALL TO ORDER

### ROLL CALL

### ELECTION OF OFFICERS

### APPROVAL OF MINUTES

Minutes from the December 14, 2021 meeting.

### OLD BUSINESS

None.

### NEW BUSINESS

**BZA 21-44 – VIRGINIA MARKLAND:** DEVELOPMENT STANDARDS VARIANCE. Located at 9724 N 200 W, Fountaintown, Van Buren Township.

**BZA 22-01 – TRESSLAR’S CAMP:** USE & DEVELOPMENT STANDARDS VARIANCES. Located at 8630 W PR 150 N, Needham, Sugar Creek Township.

**BZA 22-02 – SOUTHWESTERN CONSOLIDATED SCHOOLS:** DEVELOPMENT STANDARDS VARIANCES. Located at 3406 W 600 S, Shelbyville, Hendricks Township.

### DISCUSSION

#### APPROVED HEARING OFFICER CASES

**BZA 21-43 – RAY BRAND:** DEVELOPMENT STANDARDS VARIANCES. Located at 2533 S 550 W, Shelbyville, Hendricks Township. *Approved December 20, 2021.*

**BZA 21-45 – JOSEPH N POPP:** DEVELOPMENT STANDARDS VARIANCE. Located at 10831 N 600 W, Fountaintown, Moral Township. *Approved December 29, 2021.*

### ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **February 8, 2022 at 7:00 PM.**

## Property Details

**Location:** 9724 N 200 W,  
Fountaintown, Van Buren  
Township.

**Property Size:** 5.49-acres.

**Current Land Use:** Estate  
Residential.

### Zoning Classification:

RE (Residential Estate)

*Intent: This district is established for single-family detached dwellings in a rural or country setting.*

*Development Standards: Promote low-impact development in harmony with a natural setting.*

### Future Land Use per Comp Plan Agriculture

*The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category, however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.*

	Zoning	Land Use
North	RE	Cropland
South	RE	Cropland
East	A1	Cropland
West	A1	Cropland

# Staff Report

**Case Number:** BZA 21-44

**Case Name:** Virginia Markland – Development Standards  
Variance

## Request

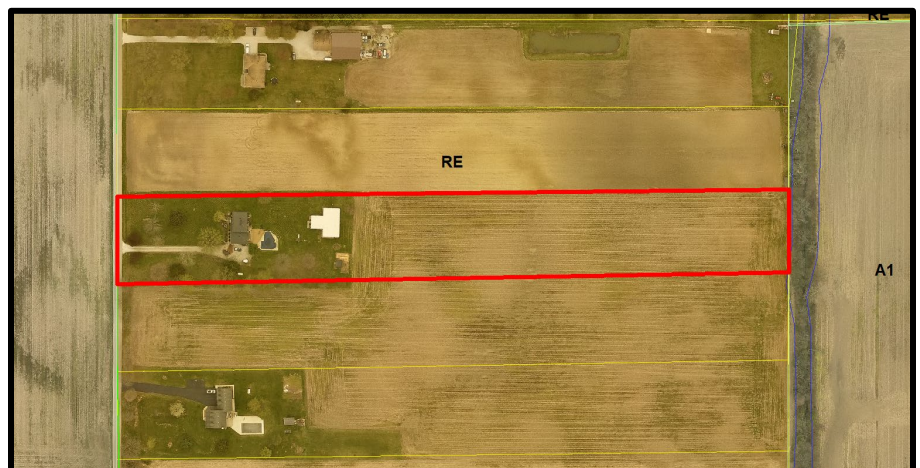
**Variance of Development Standards** to allow for a 3,072 sq. ft. pole barn, resulting in the total area of accessory structures exceeding 2X the footprint of the residence.

## Code Requirement

**UDO Section 5.06 D:** *Maximum Size:* The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.

**Purpose of Requirement:** Limiting the size of residential accessory structures ensures that the residence remains the visual focal point of the property and discourages use of residential accessory buildings for commercial activities utilizing large trucks, large machinery, and/or large equipment.

## Property Map



## Case Description

- The petitioner plans to construct a 3,072 sq. ft. pole barn near the center of the property.

- The total square footage of the proposed barn and an existing barn would equal approximately 2.6X the square footage of the footprint of the house. The property tax card provides the square footage of the house and existing barn for the square footage calculation.
- The petitioner’s variance application states, “the building will match the current building” and “the building will be used for equipment storage.”

### Staff Analysis of Findings of Fact

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**1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Staff Analysis: Construction of the barn would require a building permit and the structure must comply with all building codes before passing a final inspection. The public would not have access to the barn.

**2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: Approval of the variance would not impact continued use of adjoining property for crop production. A large barn would not conflict with the agricultural character of the area.

**3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: A strict application of the ordinance would not allow for construction of a barn consistent with the agricultural character of the area.

### Staff Recommendation

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**APPROVAL** primarily because a large barn would not conflict with the agricultural character of the area.

#### *Applicant/Owner Information*

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Applicant:	Virginia Markland 9724 N 200 W Fountaintown, IN 46130	Owner:	Virginia Markland & Jeffrey Robey
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**DEVELOPMENT STANDARDS VARIANCE  
FINDINGS OF FACT**

Applicant: Virginia Merkland

Case #: \_\_\_\_\_

Location: 9724 N. 200 W. Fountaintown IN 46130

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

We plan to use a reputable company to build the  
bern and make sure everything is built to  
Code.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The building would be built between two farmed  
fields. The building will match the current  
building. The building will be cared for and  
the property around it will be maintained

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

The building will used for equipment storage.  
~~over~~ the building won't be located near the  
septic system.

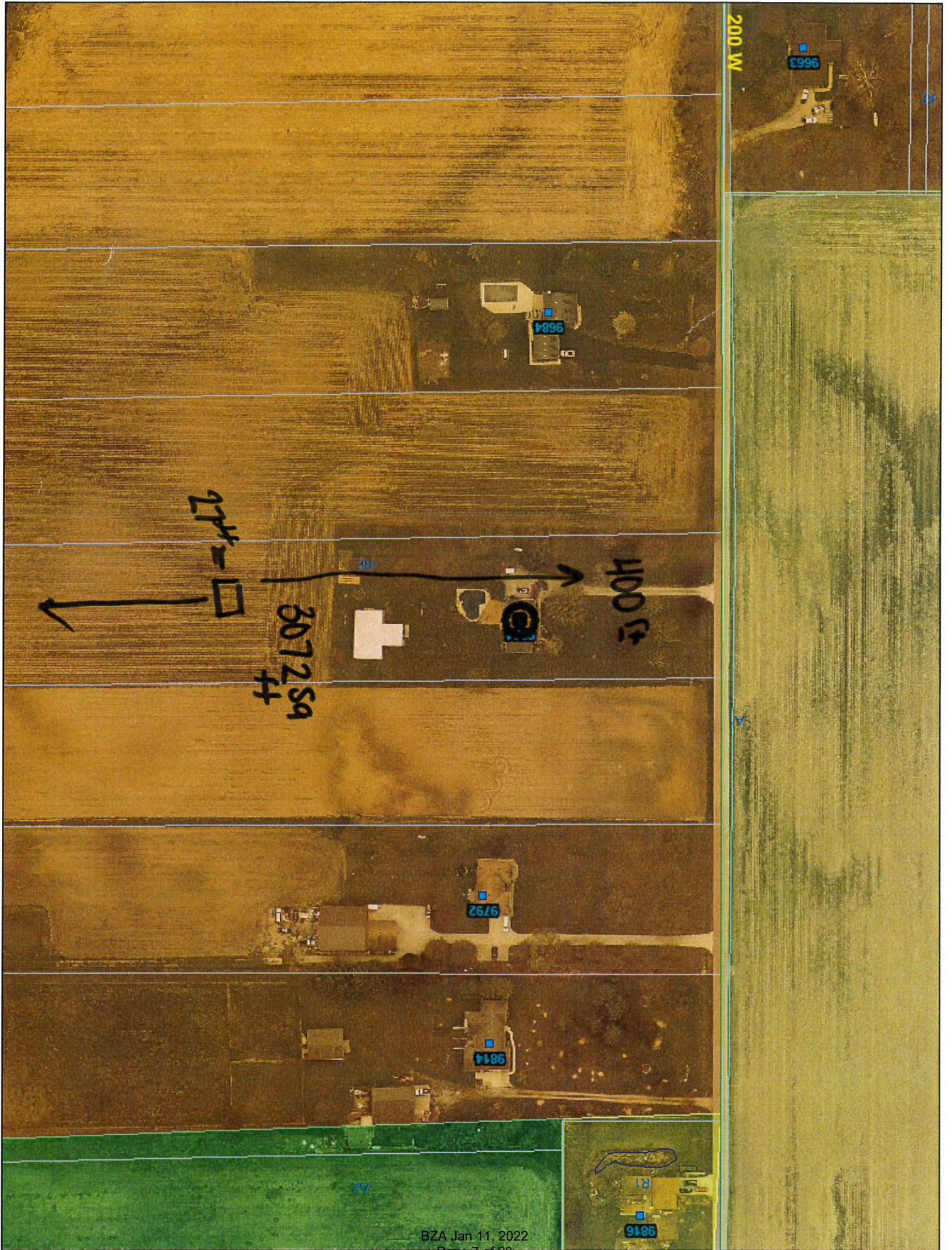
**The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:**

**General Welfare:** How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

**Adjacent Property:** How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

**Practical Difficulty:** This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)





200 W

9663

9684

307259 #+

400 ft

9792

9814

9816



Property Details

**Location:** 8630 W PR 150 N, Needham, Sugar Creek Township.

**Property Size:** 75.97-acres.

**Current Land Use:** Seasonal Campground.

**Zoning Classification:**

A1 (Conservation Agricultural)

*Intent: This district is established for the protection of agricultural areas and buildings associated with agricultural production.*

*Development Standards: Enact development standards to maximize protection of common agricultural practices.*

*Board of Zoning Appeals: Protect the integrity of land and operations within the Conservation Agricultural District.*

**Future Land Use per Comp Plan**

Parks, Open Space, & Conservation

*The purpose of this category is to provide for passive and active recreational activities, permanent preservation of significant natural areas, and preservation of natural features within clustered developments. This category applies to public and private lands.*

Agriculture

*The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category, however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.*

**Surrounding Development**

	Zoning	Land Use
North	A1	Cropland / Woodland
South	A1	Cropland
East	A1/A2	Cropland / Woodland
West	A1	Cropland / Woodland

# Staff Report

**Case Number:** BZA 22-01  
**Case Name:** Tresslar’s Camp - Use & Development Standards Variances

**Request**

**Variance of Use** to allow for a seasonal cabin and RV campground in the A1 (Conservation Agricultural) District.

**Variance of Development Standards** to allow impervious parking and maneuvering areas.

**Code Requirement**

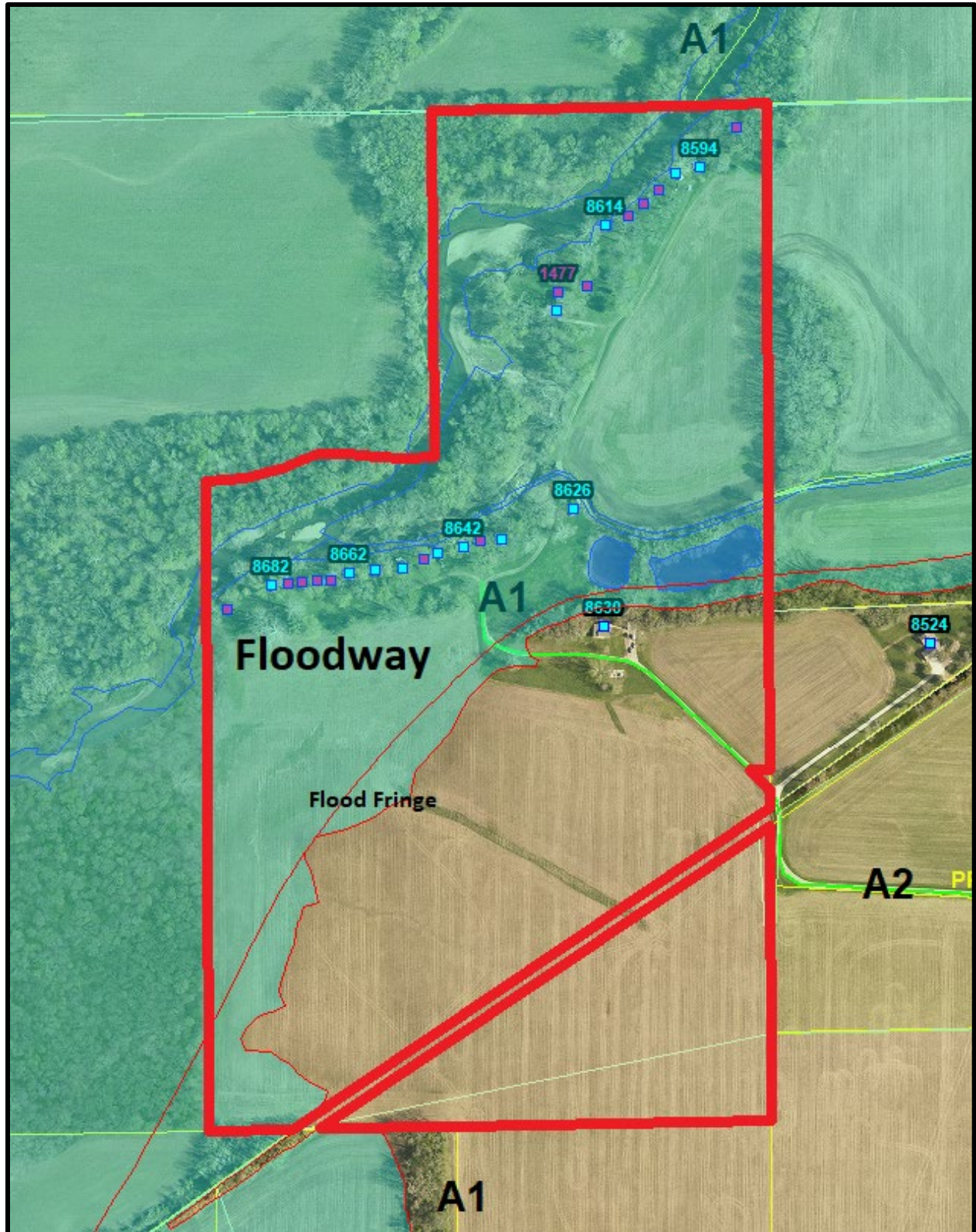
**UDO Section 2.03** – A1 District Intent, Permitted Uses, and Special Exception Uses

**UDO Section 5.60 A** – Surface: All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.

**Purpose of Requirement:** Paved parking areas eliminate potential nuisances such as dust and noise caused by the movement of vehicles on gravel or dirt parking areas. Paved parking areas can also have defined parking spaces and drive aisles, allowing for safe and efficient movement of vehicles.



# Property Map



## Case Description

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- The petitioner’s variance application states that the ‘petitioners and their predecessors have maintained a seasonal river camp along Big Sugar Creek since the early 1900s.’
- The river camp currently includes twenty-three cabins constructed in the early 1900s and one recreational vehicle site. The UDO designates the cabins as a legal-nonconforming use due to construction of the cabins prior to adoption of zoning regulations.
- *Approval of the variances would allow the petitioner to transition the cabin sites to recreational vehicle sites as cabins become dilapidated and removed.*
- The UDO only permits occupation of recreational vehicles in approved recreational vehicle parks and campgrounds. The UDO does not permit campgrounds in any zoning district and only permits campgrounds as a Special Exception requiring BZA approval in the OP (Open Space) District. Approval of a use variance to allow the campground in the A1 District would eliminate the need to rezone the property to the OP District.
- In December of 2021 the petitioner applied for a permit to run electrical service to the existing RV site. At that time Staff identified the need for the variance.
- Special Flood Hazard Area
  - The cabins and proposed RV sites lie within a FEMA (Federal Emergency Management Agency) designated Special Flood Hazard Area - FIRM panel number 18145C0090C, effective on 11/05/2014. IDNR (Indiana Department of Natural Resources) Best Available Data designates the area as a Floodway. The UDO states that “the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.”
  - IDNR does not require a state permit for placement of a recreational vehicle in a Floodway if the vehicle is on site for less than 180 days and fully licensed and ready for highway use. The petitioner has agreed to a stipulation that all RVs placed on site will comply with these conditions.
  - IDNR does not require a state permit for placement of utility lines in the Floodway if the utility line placement complies with State general licensing criteria. The petitioner has agreed to a stipulation that all utilities placed on site will comply with these criteria.
  - The UDO does require a local permit for placement of a recreational vehicle in a Special Flood Hazard Area. The proposed placement of recreational vehicles complies with all floodplain standards identified in the UDO.
  - The UDO does not require BZA approval in relation to placing the recreational vehicles in the Special Flood Hazard Area. However, when making their decision on the use variance, the BZA may consider potential impacts to the public health, safety, morals, and general welfare of the community due to placement of recreational vehicles on property located within a Floodway.

## Staff Analysis of Findings of Fact

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### Use Variance

- 1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Staff Analysis: The existing use of the property as a seasonal campground would not change. The placement of recreational vehicles on the property would comply with all requirements for development in the floodplain identified in the UDO, therefore placement of the recreational vehicles should not pose a substantial risk to public health and safety, or property.

- 2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: Approval of the variance would not prevent continued use of adjacent property for crop production. The use would not generate a significant amount of traffic. Residential homesites sit a substantial distance from the proposed campsites, therefore any activities associated with the camp should not pose a nuisance to residential properties in the area.

- 3. State Requirement: The need for the variance arises from some condition peculiar to the property involved.**

Staff Analysis: Requirements for development within the Special Flood Hazard Area Floodway imposed by the State and the County severely restrict permanent structural development on the portion of the proposed for the recreational vehicle campsites.

- 4. State Requirement: The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought.**

Staff Analysis: A strict application of the ordinance would not allow for continued use of the property as a seasonal campground after removal of the existing cabins because the State does not permit new permanent dwelling units within the Floodway.

- 5. State Requirement: The approval does not interfere substantially with the Comprehensive Plan.**

Staff Analysis: Approval of the variance would provide for a recreational activity in an area designated for Parks, Open Space, and Conservation by the Comprehensive Plan.

### Development Standards Variance

- 1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Staff Analysis: Campgrounds typically include impervious parking and maneuvering areas.

- 2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: Approval of the variance would not prevent continued use of adjacent property for crop production. The use would not generate a significant amount of traffic.



**3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: A strict application of the ordinance would not allow for continued use of the property as a seasonal campground having impervious parking and maneuvering areas.

**Staff Recommendation**

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**APPROVAL** primarily because (1) existing use of the property as a seasonal campground would not change, (2) the placement of recreational vehicles on the property would comply with all requirements for development in the floodplain identified in the Unified Development Ordinance, and (3) approval of the variance would provide for a recreational activity in an area designated for Parks, Open Space, and Conservation by the Comprehensive Plan.

Staff recommends the following **stipulations**:

1. The property shall be limited to twenty-four (24) recreational vehicle campsites, each accommodating no more than one (1) recreational vehicle.
2. Each campsite shall be located in the general location as shown on the site plan submitted with the variance application.
3. Campsites shall not include any permanent structures, other than any cabin in existence prior to approval of the variances.
4. Each recreational vehicle shall be on site for less than 180 consecutive days at a time.
5. Each recreational vehicle shall be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions).
6. Installation, replacement, or repair of any utility line within the floodway shall comply with 312 IAC 10-5 Section 4 (b).
7. The petitioner shall obtain a County Floodplain Development Permit prior to placement of recreational vehicles on site.

***Applicant/Owner Information***

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Applicant:	John R. Tresslar & Katherine L. Tresslar Co-Trustees PO BOX 154 Fairland, IN 46126	Owner:	Same
Attorney:	Peter G. DePrez 24 E Polk St Shelbyville, IN 46176		

## STATEMENT OF INTENT FOR USE VARIANCE

Petitioners and their predecessors have maintained a seasonal river camp along Big Sugar Creek since the early 1900s. The cabins are owned by third parties and the real estate is leased by the Petitioners with the provision that at the termination of the lease, the cabin owner must either sell same to a buyer approved by Petitioners or remove the cabin, at the owner's expense.

The lots number 24 in total with addresses as shown on the attached GIS map of area.

There is one (1) existing RV and Petitioners have had a request to put in electricity to the existing RV location, as well as other lots for RV locations. The RVs would utilize their own water for all purposes and discharge water at approved dump stations, the nearest being approximately eight (8) miles away.

Pursuant to state provisions, all RV units would be: (1) fully licensed and ready for highway; (2) on site for less than 180 days; and (3) attached to site only by quick disconnect type utilities and security devices with no permanent attached additions.

**USE VARIANCE  
FINDINGS OF FACT**

Applicant: See attached

Case #: \_\_\_\_\_

Location: West 100 North (8590 to 8700 West Private Road 150 North)

The Shelby County 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:** The approval will not be injurious to the public health, safety, and general welfare of the community.  
the existing non-conforming use has been in existence for over 115 years without  
being injurious or a nuisance. The addition of RVs under the conditions stated  
would not change that use
  
2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.  
see #1 above
  
  
  
  
3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.  
there are very limited uses, if any, for riverfront property allowed under the existing  
ordinance and the variance allows the property to be continued to be used in a  
similar as it has been for over 115 years
  
  
4. **Unnecessary Hardship:** The strict application of the terms of the Shelby County Zoning Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.  
see #3 above
  
  
  
  
5. **Comprehensive Plan:** The granting of the variance does not interfere substantially with the Comprehensive Plan.  
comprehensive plan encourages positive use of land especially for recreational  
purpose and maintaing the history of Shelby County



**DEVELOPMENT STANDARDS VARIANCE**  
**FINDINGS OF FACT**

Applicant: John R. Tresslar & Katherine L. Tresslar, Co-Trustees

Case #: BZA 22-01

Location: 8630 W PR 150N Needham

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.

The river camp use is seasonal and has been conducted without being  
injurious for a period in excess of 100 years. The addition of gravel  
to allow impervious parking & maneuvering areas will not change  
the use.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

See #1 above  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.

The use of the property is significantly impacted by the location  
along the existing river and the allowance of the variance will permit  
the property to be utilized.  
\_\_\_\_\_  
\_\_\_\_\_

**The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:**

**General Welfare:** How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

**Adjacent Property:** How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

**Practical Difficulty:** This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)





Tresslar's Camp 11/30/2021



## Property Details

**Location:** 3406 W 600 S,  
Shelbyville, Hendricks Township.

**Property Size:** 29 +/- acres.

**Current Land Use:** School.

### Zoning Classification:

IS (Institutional)

*Intent: This district is established for institutional and municipal owned lands for public purpose and use.*

*Development Standards: Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community.*

### Future Land Use per Comp Plan

Institutional

*The purpose of this category is to provide land for buildings for government or private institutional use such as schools, churches, hospitals, and museums.*

### Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	R1	Single-Family Residential
East	A1	Agricultural
West	A1	Agricultural

# Staff Report

**Case Number:** BZA 22-02

**Case Name:** Southwestern Consolidated Schools -  
Development Standards Variances

## Request

**Variances of Development Standards** to allow for a sign having:

1. an area of approximately 90 sq. ft. per side (maximum area of 40 sq. ft. per side permitted);
2. a height of 14.6-feet (maximum height of 6-feet permitted);
3. animated components (not permitted).

## Code Requirement

**UDO Section 5.74 B 4 a** – Ground signs shall not exceed forty (40) square feet in area per side.

**UDO Section 5.74 B 4 b** – Ground Signs shall not exceed six (6) feet in height.

**UDO Section 5.73 E 1** – Prohibited Signs: Animated Signs: Signs that gain attention through animation, including:

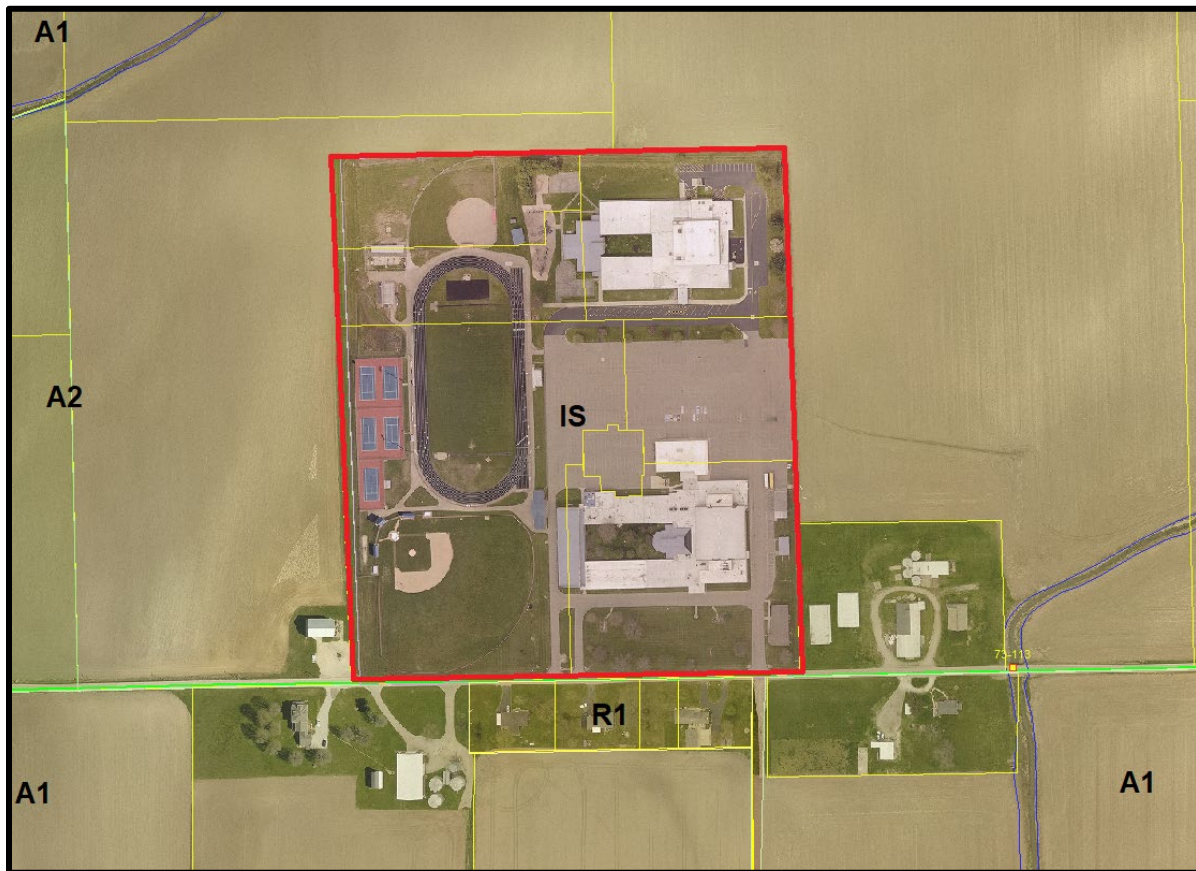
- a. Signs that emit audible sound, odor, or visible matter.
- b. LED or similar sign boards, except when LED elements are used for static messages.
- c. Signs that have blinking, flashing, or fluttering lights or which have changing light intensity, brightness, or color, or give such illusion.

**Purpose of Requirements:** Sign standards provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of Shelby County. The UDO prohibits animated signs to protect the character of the neighborhoods, limit distraction to motorists, and to limit light and visual nuisance to adjacent property.



## Property Map

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## Case Description

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- A 50 sq. ft. sign including a manual changeable letter component currently identifies the school campus. The petitioner plans to replace this sign with a sign including an electronic message center (EMC). The proposed sign would sit near the existing sign.
- The proposed sign includes 9 sq. ft. of static lettering area, a 14 sq. ft. logo, and a 32 sq. ft. electronic message center. The message background area comprises the remaining area of the sign.
- The EMC area covers approximately 1/3<sup>rd</sup> of the sign face. The sign would have motion-picture capabilities.
- The UDO prohibits all animated signs unless the LED portion of the sign displays only a static message.
- The County has relatively outdated and restrictive sign standards. The proposed sign, if in compliance with the stipulations recommended by Staff, would comply Marion County's sign standards, the City of Shelbyville's sign standards (other than exceeding the City's maximum height of 8-feet), and the standards recommended for EMC signs by the International Sign Association. Marion County and the City of Shelbyville would require BZA approval of any EMC sign in a institutional district, regardless of compliance with ordinance standards.

- Staff discussed the City of Shelbyville’s approval process for EMC signs with the Director of the Shelbyville Planning and Building Department. He explained that the City does not prefer EMC signs with motion picture capabilities. He also indicated that City planning Staff typically recommends stipulations to approval of EMC signs similar to the stipulations recommended by County Staff for approval of this variance request.

## Staff Analysis of Findings of Fact

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**1. State Requirement: The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Staff Analysis: The size of the sign resembles the size of signs permitted for school identification in nearby jurisdictions, therefore the structural design of the sign should not pose a negative impact to the public. Implementation of dimming features relevant to ambient conditions and limiting light cast at the property line would prevent the casting of excessive light onto the public road. The EMC portion of the sign could pose a distraction to motorists if it utilizes motion pictures.

**2. State Requirement: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Staff Analysis: The size of the sign resembles the size of signs permitted for school identification in nearby jurisdictions, therefore the structural design of the sign should not pose a negative impact to adjacent property. Implementation of dimming features relevant to ambient conditions, limiting light cast at the property line, and non-operation of the EMC portion of the sign during nighttime hours would mitigate light nuisance to adjacent residential properties. The EMC portion of the sign could pose a visual nuisance to nearby residential properties if it utilizes motion pictures.

**3. State Requirement: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in use of the property.**

Staff Analysis: A strict application of the ordinance would not allow the petitioner to adequately communicate messages or install a sign consistent with the design of similar signs in nearby jurisdictions.

## Staff Recommendation

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The sign is consistent with the design of similar signs in nearby jurisdictions and the property sits in a rural area relatively isolated from other development; however, the sign would sit within view of four residential properties. Approval of the variances should include stipulations to limit light and visual nuisance to these adjacent properties.

Staff recommends **APPROVAL** with the following **stipulations**:

1. The content of the sign shall change no more than once every thirty seconds and shall transition by an instant change/slideshow effect. The sign shall not include motion picture capabilities.
2. The sign shall include a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions.
3. The EMC portion of the sign shall be turned off between 10 PM and 5 AM.

4. The brightness level for any digital display shall be calibrated for less than 0.2-foot candles above ambient light levels, as measured at the right-of-way line.

*Applicant/Owner Information*

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Applicant:	Lauren Obendorf – Green Sign Company 1045 E Freeland Road Greensburg, IN 47240	Owner:	Southwestern Schools Improvement Building Corporation 3406 W 600 S Shelbyville, IN 46176
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**DEVELOPMENT STANDARDS VARIANCE  
FINDINGS OF FACT**

Applicant: Green Sign Company on Behalf of Southwestern Consolidated Schools

Case #: \_\_\_\_\_

Location: 3430 W 600 S Shelbyville IN 46176

The Shelby County Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standards Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** The approval will not be injurious to the public health, safety, and general welfare of the community.  
This sign will not be injurious to the public health, safety, and general welfare because it is to be installed by Green Sign Company's professionally trained install team. The sign is also proposed to be constructed using a concrete foundation, steel frame, and pole.

2. **Adjacent Property:** The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.  
The proposed sign will not affect the adjacent area to the property in a substantially adverse manner. The sign will increase the appearance of the frontage of the school and will not create a decrease in property value.

3. **Practical Difficulty:** The strict application of the terms of the Shelby County Zoning Ordinance will result in a practical difficulty in the use of the property.  
The Shelby County Zoning ordinance does not allow for a sign of the proposed height, size (sq ft), and the inclusion of an electronic message center in the IS zone. Since this is the case, in would create a practical difficulty in having the sign installed.

**The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:**

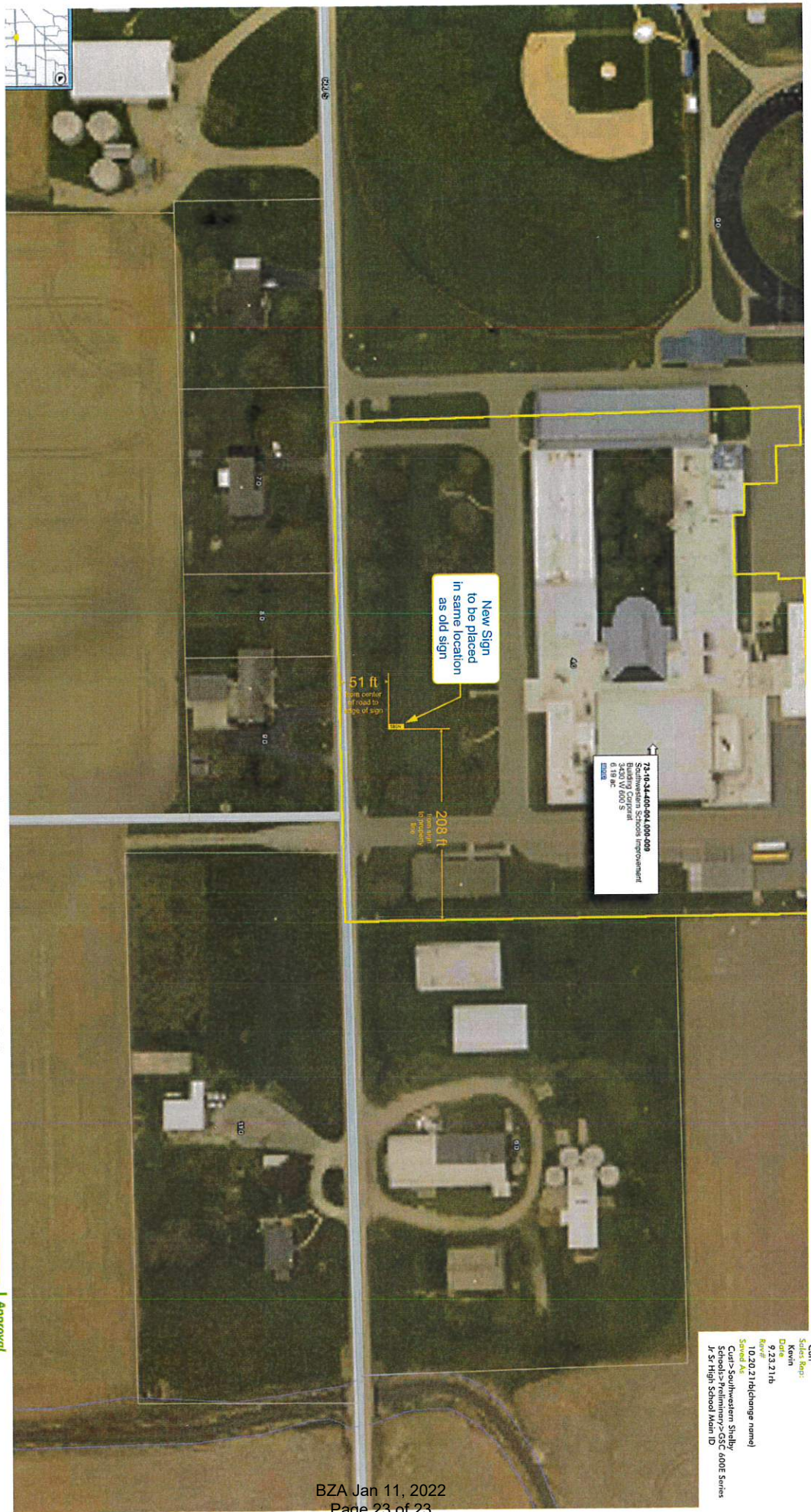
**General Welfare:** How does the request do no harm to the overall community of Shelby County? (ex. pollution, customer safety, road network safety, building code compliance, etc.)

**Adjacent Property:** How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

**Practical Difficulty:** This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain (ex. of practical difficulty: topography of property, location of septic system, consistency with nearby land uses, historical use of property, etc.)







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