

CITY OF SHELBYVILLE

Adam M. Rude
Director



Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 2/12/2019

Case #:	BZA 2019-02: Pilot Travel Center, Sign Standards DSV			
Petitioner's Name:	Atlantic Sign Company			
Owner's Name:	Pilot Travel Center LLC			
Petitioner's Representative:	Tommy Reed			
Address of Property:	1851 W CR 400 N			
Subject Property Zoning Classification:	Base Zoning District: BH – Business Highway Over Districts : AR-OL – Airport Compatibility Overlay RT-OL – Race Track Overlay			
Comprehensive Future Land use:	Highway Commercial			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	IL – Light Industrial	BH – Business Highway	IL – Light Industrial	BH – Business Highway
Surrounding Properties' Comprehensive Future Land Use	Entertainment	High Tech/Light Industrial	Highway Commercial	Highway Commercial
History:	This property was approved to have a pole sign erected in 2006, at which point it received development standards variances for the size of the sign. More recently, the property owner has inspected the existing pole sign on the property, and discovered that it could be structurally compromised and needs to be removed.			
Vicinity Map:				
Action Requested:	Approval of one development standards variance from UDO 5.58(Q)(3)(c), the Sign Standards for Pole Signs in the Interstate Corridor			

1. Within the BH – Business Highway zoning district, property owners are able to petition for Special Exception Use approval for a Pole Sign.
2. If approved a Special Exception Use, Pole Sign within 1,000 from the I-74 corridor are permitted to be up to 100 feet in height and 200 square feet in area.
3. This petitioner has an accompanying petition (BZA 2019-01) which is the request for Special Exception Use approval for a Pole Sign
4. The petitioner is requesting a variance to allow a total sign area of 776 square feet, rather than the 200 square feet prescribed by the UDO.

Variance From UDO 5.58(Q)(3)(c) – Sign Standards for Pole Signs in the Interstate Corridor

Finding of Fact #1 – That the approval of the Development Standards Variance will not be injurious to the public health, safety, morals and general welfare of the community.

The petitioner provided the following response to Findings of Fact #1: “The Sign is existing and has posed no issues that are known. Existing cabinets are structurally compromised and not replacing them could be a potential hazard.”

The planning staff has determined that the requested development standards variances should not be injurious to the public health, safety, morals, and general welfare of the community, because a sign of similar size and location has existed and will be replaced with this proposed sign. The existing sign has not had an injurious effect on the community since it was erected.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – That the use and value of the area adjacent to the subject property seeking a Development Standards Variance will not be affected in a substantially adverse manner;

The petitioner provided the following response to Findings of Fact #2: “The sign cabinets are existing and total 776.25 square feet, would replace with same number of cabinets totaling 762.75 square feet. This area is zoned as Highway Commercial, so this sign is typical of a sign in that zone.”

The planning staff has determined that the requested variances should not have a substantially adverse impact on the use or value of the adjacent areas. This is due to the fact that the requested size is similar to the sign that will be replaced, so there shouldn't be any additional impact to the areas adjacent to the subject property.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – That the strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain;

The petitioner provided the following response to Findings of Fact #3: “Identification of the Travel Center is optimal for customers in this heavy traffic area, especially for trucks. Business would potentially see revenue loss without proper identification.”

The planning staff has determined that the strict application of the terms of the ordinance could result in a practical difficulty other than the one described by the applicant, which is based on a perceived reduction in economic gain. Due to the scale of the area, adequate signage might not be possible with a 200 square foot sign as prescribed by the ordinance. While a sign larger than 200 square feet might be warranted due to the size and scale of the area adjacent to the subject parcel, the requested sign area is over 300% larger than what ordinance prescribes, and might be too large for the character that is intended for the area.

Finding #3 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL

Note: The requested size of 776 square feet, might still be too large for the area, this should be discussed during the meeting.

DEVELOPMENT STANDARDS VARIANCE: BZA 2019-02: Pilot Travel Center, Sign Standards DSV

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion:

(I) would like to make a motion to approve the requested development standard variance from UDO 5.58(Q)(3)(c) to allow a pole sign with an area of up to _____ square feet, pursuant to the findings of fact presented in the planning staff's report.

- 1. The approval of the Development Standards Variance **will not** be injurious to the public health, safety, morals and general welfare of the community.
- The approval of the Development Standards Variance **will** be injurious to the public health, safety, morals and general welfare of the community.
- 2. The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will not** be affected in a substantially adverse manner.
- The use and value of the area adjacent to the subject property seeking a Development Standards Variance **will** be affected in a substantially adverse manner.
- 3. The strict application of the terms of the ordinance **will** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- The strict application of the terms of the ordinance **will not** result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____

Chairperson

Attest: _____

Secretary