

CITY OF SHELBYVILLE

Adam M. Rude
Director



Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 2/12/2019

Case #:	BZA 2019-01: Pilot Travel Center, Pole Sign; Special Exception			
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 Special Exception Use for a <i>Pole Sign</i> in the “Interstate Corridor”, as prescribed in UDO 5.58(Q)			

1. In all zoning districts across the City the Board of Zoning Appeals must grant Special Exception Use approval for any Pole or Pylon signs that are being erected.
2. If granted approval, a pole sign within 1,000 feet from an Interstate may be up to 200 feet in height and up to 200 square feet in area.
3. The current sign that will be removed is roughly 102 feet tall, and the total sign area is 776 square feet
4. The applicant is proposing a similar size sign, and is requesting a Development Standards Variance to allow a sign larger than 200 square feet in area. That petition is BZA 2019-02

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. These decision criteria are as follows:

Finding of Fact #1 – 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.

The applicant provided the following response to Findings of Fact #1: "This is zoned as Highway Commercial. Future land use indicates Light to Heavy Industry. Tractor Trailer traffic will increase it will ensure adequate infrastructure for existing industrial users to have an identifiable convenient fuel center for existing and future traffic."

The planning staff has determined that the requested special exception use for a Pole Sign is consistent with the intent of the zoning district and the comprehensive plan. The BH – Business Highway zoning district is intended for uses that rely heavily on automobile traffic, and when in proximity to an interstate they benefit from advertising their services to the high volumes of traffic on the interstate.

Finding #1 has been satisfied by the petitioner

Finding of Fact #2 – General Welfare: The proposed Special Exception Use will not be injurious to the public health, safety, morals and general welfare of the community.

The applicant provided the following response to Findings of Fact #2: "This sign is already existing however the cabinets need to be replaced, by replacing the cabinets it would actually make the sign more safe for the public."

The planning staff has determined that the requested special exception use for a Pole Sign should not be injurious to the public health, safety, morals, and general welfare of the community because the existing sign is generally the same size and location of the proposed sign, and will be replacing the existing sign. There should be no additional impact on the public health, safety, morals, and general welfare from this sign compared to the existing sign.

Finding #2 has been satisfied by the petitioner

Finding of Fact #3 – Compatibility: The proposed Special Exception Use is in harmony with adjacent land uses.

The applicant provided the following response to Findings of Fact #3: “The sign is existing and has been in use for quite some time, proposed replacement cabinets are of like size.”

The planning staff has determined that the requested special exception use of a pole sign is compatible with the adjacent land uses due to the fact that the land uses around this property are highway and automobile oriented uses, where taller signage is typical.

Finding #3 has been satisfied by the petitioner

Finding of Fact #4 – Character: The proposed Special Exception Use will not adversely alter the character of the district.

The applicant provided the following response to Findings of Fact #4: “This is a commercial travel center and this existing sign is typical to offer premium viewability.”

The planning staff has determined that the requested special exception use for a Pole Sign will not have an adverse impact on the character of the district. This area is either un-developed land or primarily highway commercial based developments that commonly have larger pole signs, similar to the existing one and the one being proposed to replace the existing one.

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.

The applicant provided the following response to Findings of Fact #5: “The sign is existing and has been in use for quite some time, proposed replacement cabinets are of like size.”

The planning staff has determined that the requested special exception use for a Pole Sign should not have a substantially adverse impact on the use or value of the adjacent areas due to the fact that a Pole Sign of similar size and location already exists and will be replaced by this proposed sign.

Finding #5 has been satisfied by the petitioner

STAFF RECOMMENDATION: APPROVAL WITH THE FOLLOWING CONDITIONS:

- 1. THE EXISTING POLE SIGN, STRCUTRE, AND FOUNDATION MUST BE REMOVED PRIOR TO ERRECTING THE NEW POLE SIGN**

DEVELOPMENT STANDARDS VARIANCE: BZA 2019-01: Pilot Travel Center, Pole Sign; Special Exception

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 a Pole Sign, contingent on the conditions outlined in the planning staff's report, and pursuant to the findings of fact presented in that 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