

**Shelby County
Board of Zoning Appeals**

March 12, 2024, at 7:00 PM

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MEETING AGENDA

Shelby County Board of Zoning Appeals March 12, 2024, 7:00 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the February 13, 2024, meeting.

OLD BUSINESS

BZA 24-05 – BRENDAN RIGGS: FINDINGS OF FACT

NEW BUSINESS

BZA 24-07 – EVANGELICAL UNITED CHURCH OF CHRIST: DEVELOPMENT STANDARDS VARIANCES.
Located at 2630 S Miller St, Shelbyville, Addison Township.

BZA 24-08 – FLAT ROCK CHRISTIAN CHUCH: DEVELOPMENT STANDARDS VARIANCES. Located at 2853
W Pope St, Flat Rock, Washington Township.

DISCUSSION

V23-14 – DANNY & MARIA RIGDON: ZONING VIOLATION. Update on progress to correct violation. Located at
5879 N PR 660 W, Fairland, Brandywine Township.

V23-16 – BRIAN & JOANNE KLUNK: ZONING VIOLATION. Corrected zoning violation. Located at 5943 S SR 9,
Shelbyville, Shelby Township.

ADJOURNMENT

The next regular meeting of the Shelby County Board of Zoning Appeals is scheduled for Tuesday, **April 9, 2024, at 7:00 PM.**

Use Varaince

FINDINGS OF FACT

Applicant: Brendan Riggs

Case #: BZA 24-05

Location: 7900 N 250 E, Shelbyville, Hanover Township.

1. The approval will be injurious to the public health, safety, morals, and general welfare of the community.

Hunting and shooting toward the river would impact the safety of the public using the river for recreational purposes.

2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner.

Hunting and shooting on a relatively narrow lot could result in rounds exiting the property onto adjacent residential properties, thereby impacting the safety of residents and animals on these adjacent residential lots. Noise from gunfire would negatively impact the use and enjoyment of adjacent residential properties.

3. The need for the variance does not arise from some condition peculiar to the property involved.

No condition particular to the property was identified to warrant grant of a variance.

4. The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which variance is sought.

The property can accommodate agricultural uses as permitted in the A2 District. No unnecessary hardship was identified to warrant grant of a variance.

5. The approval does not interfere substantially with the Comprehensive Plan.

The Comprehensive Plan designates recreational use as an acceptable land use in the Parks, Open Space, and Conservation land use category.

Property Details

Location: 2630 S Miller St, Shelbyville, Addison Township.

Property Size: 4.5-acres.

Current Land Use: Church.

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

Shelbyville Incorporated Planning Area -- Parks & Recreation

Parks and Recreation spaces are essential to a community's quality of life. Parks are not limited to only playgrounds and ball fields, they can provide gathering spaces, pavilions for families to get together, programming efforts and community spaces for events. This land use should be managed by the goals and vision of the 2018 Shelbyville Parks and Recreation Master Plan.

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	RE	Estate Residential
East	A1	Woodland
West	R1 (Shelbyville)	Single-Family Residential

Staff Report

Case Number: BZA 24-07

Case Name: Evangelical United Church of Christ –
Development Standards Variances

Request

Variances of Development Standards to allow:

1. For a ground sign having animated components (not permitted);
2. A total of two ground signs on one property in the IS (Institutional) District (maximum of one permitted).

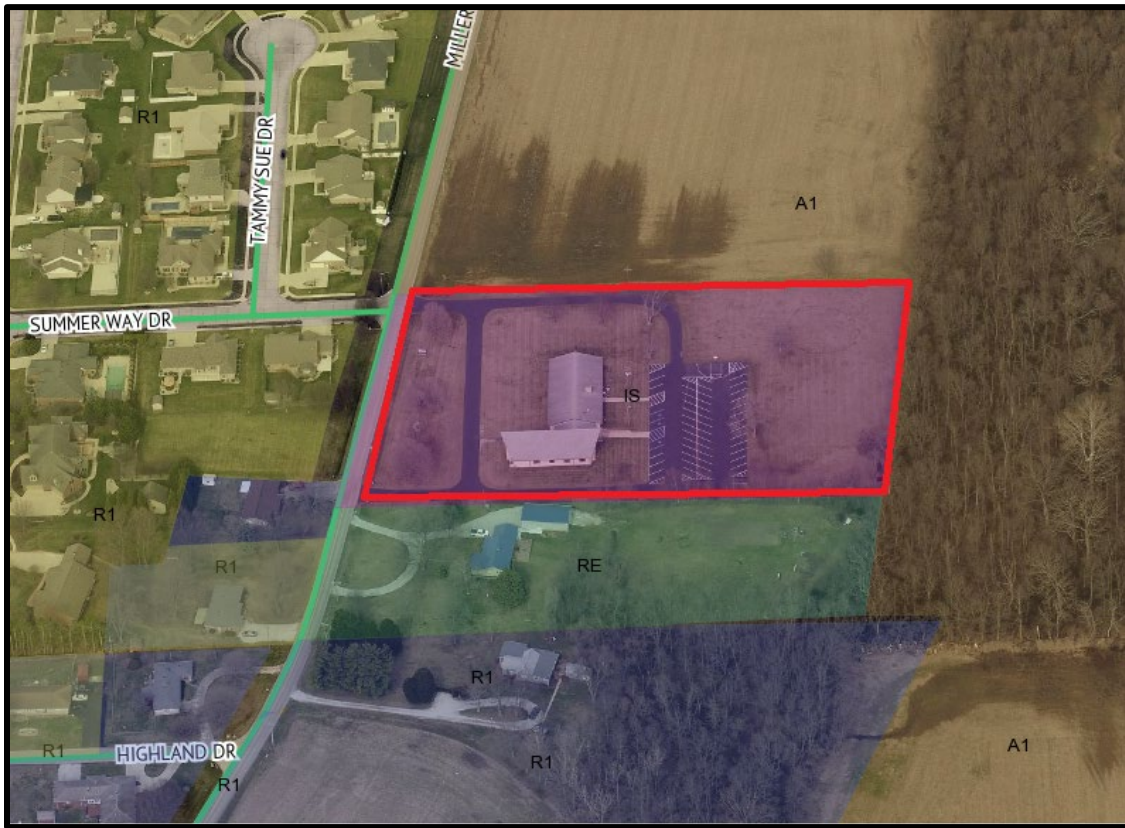
Code Requirement

UDO Section 5.74 B 2 a – *Each stand-alone use shall be permitted to have one (1) ground sign.*

UDO Section 5.73 E 1 c – *Prohibited Signs: The signs listed in this section are prohibited - Animated Signs: Signs that gain attention through animation, including: LED or similar sign boards, except when LED elements are used for static messages.*

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.

Property Map



Case Description

- The petitioner intends to replace an existing message board ground sign with the proposed electronic message sign. The existing sign is similar in size to the proposed sign and does not have animated components.
- The property also currently includes a decorative ground sign identifying the name of the church.
- The proposed sign has a height of 6-feet and consists of a 9 sq. ft. area identifying the name of the church, an 18 sq. ft. electronic message area, and a 5 sq. ft. base consisting of materials matching the color and materials of the primary structure.
- A few residential lots in the area would have view of the sign, including homes with rear facing windows along the edge of the Clearview subdivision, homes along Summer Way Dr in the Clearview subdivision, and lots fronting upon S Miller St.
- The property lies within the Incorporated Planning Area of the City of Shelbyville. The City Planning & Building Director recommends approval of the variance and explained that the City typically approves electronic message signs with restrictions regarding lighting and operations (see attached email thread).

- The stipulations of approval recommended by Staff incorporate the stipulations of approval for electronic message signs typically imposed by the County BZA as well as additional regulations applicable to electronic message signs typically imposed by the City of Shelbyville. The City also requested that the petitioner record any stipulations of approval imposed by the BZA for ease of reference at such time that zoning jurisdiction over the property would transfer to the City.

Staff Analysis of Findings of Fact

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

Staff Analysis: A digital display would allow the petitioner to display a variety of messages to the traveling 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. Prohibiting motion pictures would limit distraction to motorists. The property currently includes two signs, therefore approval to replace one sign would not impact the public.

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: A digital display would allow the petitioner to display a variety of messages to the traveling public. 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. Prohibiting motion pictures would limit visual nuisance to nearby residential properties. The property currently includes two signs, therefore approval to replace one sign would not impact adjacent property.

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: Approval of the variance would allow for the replacement of an existing sign to allow the petitioner to display a variety of messages to the traveling public.

Staff Recommendation

Staff recommends **APPROVAL** primarily because the property lies within the City of Shelbyville's Incorporated Planning Jurisdiction and City of Shelbyville planning staff recommends approval of the petition. However, County Staff recommends that the Board carefully consider the potential light nuisance that the sign may pose to the densely populated residential area on the west side of Miller Street.

Recommended 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.
5. The "default" setting shall be a black screen in the event of a malfunction.
6. The base of the sign shall match the color and materials of the primary structure (church building).
7. These stipulations of variance approval shall be recorded with the land in the Shelby County Recorder's office.

Applicant/Owner Information

Applicant:	Evangelical United Church of Christ 2630 S Miller St Shelbyville, IN 46176	Owner:	Same
Representative:	Sylvia Spurling 1015 Fall Way Dr Shelbyville, IN 46176		

From: [Adam Rude](#)
To: [Desiree Calderella](#)
Subject: Re: Evangelical Church of Christ EMC Sign - 2630 S MILLER ST
Date: Thursday, February 15, 2024 3:14:49 PM
Attachments: [image001.png](#)
[EMC Standards.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I think it could work, with the right conditions. We have a few signs like this that we've approved for churches recently, and they seem to be fine. I think you'll get some pushback from the residents in Clearview. We do those same or very similar conditions, and we have additional conditions in the UDO that apply as well. We also make them follow our "monument sign" standards, which would require a brick or other decorative base at least the full width of the sign and a landscaping bed around the entire base. I'd also like to see the conditions recorded as a written commitment with the land so if/when it comes into our jurisdiction, it's easier for us to enforce as well.

Thanks for reaching out and good luck!
Adam



Adam Rude, AICP
Director, Planning and Building Department

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E: arude@cityofshelbyvillein.com | W: www.cityofshelbyvillein.com
A: 44 W. Washington Street, Shelbyville, IN, 46176
[Need to Schedule A Meeting With Me?](#)

On Thu, Feb 15, 2024 at 2:14 PM Desiree Calderella <dcalderella@co.shelby.in.us> wrote:

Adam,

I want to get your thoughts on this one before I go ahead and have them send out notice. They want to put an electronic message center sign on the property, and since it will affect city properties, I think it makes the most sense to impose any restrictions that the City typically imposes on these types of signs. The sign complies with all other requirements of the County UDO other than the EMC component. I am having reservations regardless given the subdivision across the street. Typically, I recommend approval of EMCs with these conditions:

1. The content of the sign shall change no more than once every thirty seconds and

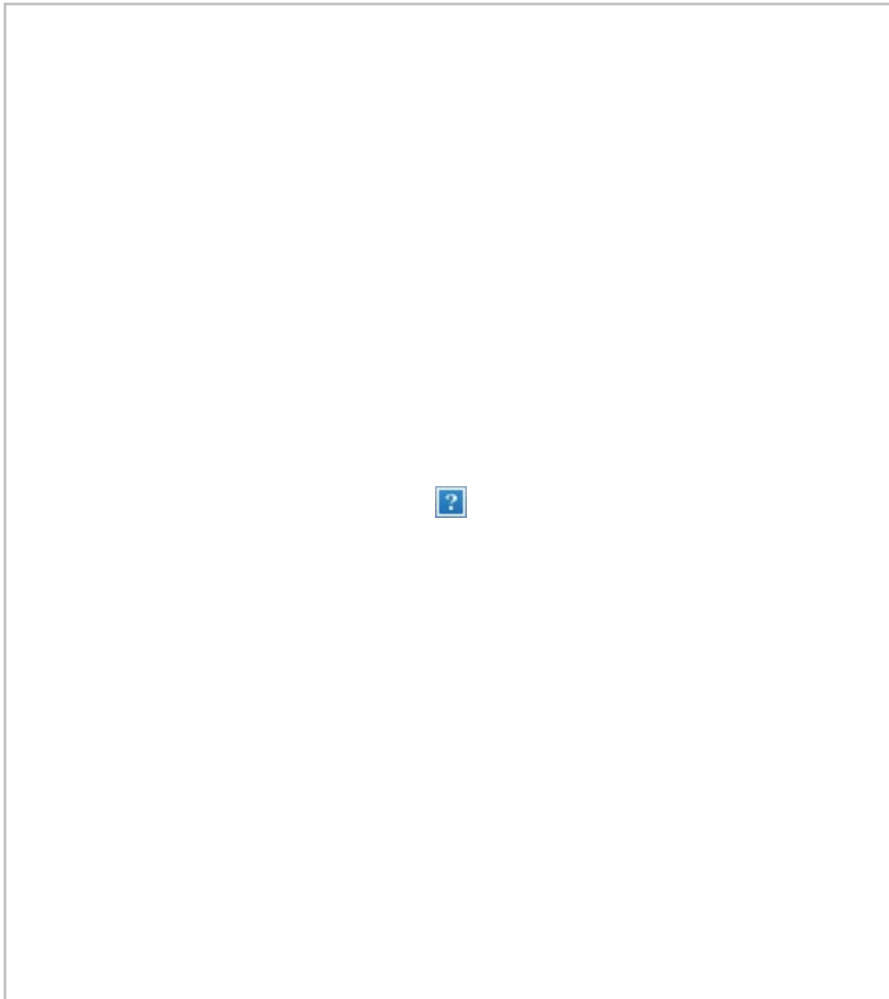
shall transition by an instant change/slideshow effect. The sign shall not include motion picture capabilities.

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.

Here is a picture of the proposed sign:



Thanks,

DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT

Applicant: Evangelical United Church of Christ

Case #: _____

Location: 2630 S. Miller St., 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.

We are only changing the type of sign. Our current sign is quite old. The new sign will be a visual improvement. It will also provide an address close to the road (for emergency vehicles)

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.

Changing signs should have no affect on adjoining property.

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.

We need the sign to inform the community of church events. It can also be used for other events in the community by request

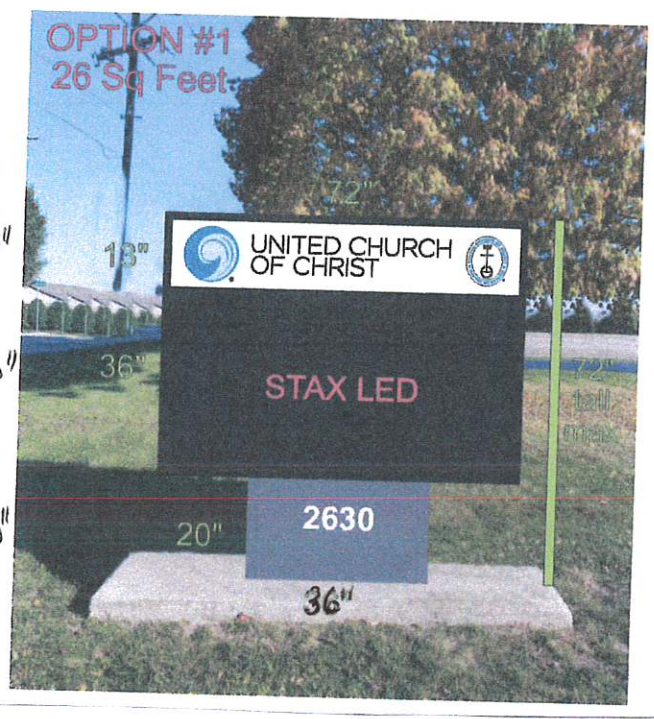
The Board of Zoning Appeals may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact:

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.)

Cain signs



Proposed



Current



Current Sign - 90"(h) x 96"(w) x 16"(d)
+ base

Signage area only 48"(h) x 96"(w)

Distance from Miller St
middle of road 36' 2"
edge of road 26'

Property Details

Location: 2853 W Pope St, Flat Rock, Washington Township.

Property Size: 5.84-acres.

Current Land Use: Religious Institution.

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

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	VR/IS	Single-Family Residential / Religious Institution
South	A2/RE	Estate Residential
East	A1	Cropland / Farmstead
West	RE/IS	Estate Residential

Staff Report

Case Number: BZA 24-08
Case Name: Flat Rock Christian Church – Development Standards Variances

Request

Variances of Development Standards to allow for a telecommunication facility:

1. Having a lattice design (only monopole towers permitted);
2. Not designed to blend in with the natural surroundings of the environment;
3. Not designed to accommodate both the applicant’s antennas and two additional users’ antennas;
4. Without landscaping.

Code Requirement

UDO Section 5.80 C 2 - Appearance: Towers and antennas shall be designed to blend into the natural surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).

UDO Section 5.80 C 3 - Monopole Design: Towers shall be of a monopole design.

UDO Section 5.80 C 5 b - Co-location: A minimum of two (2) additional users if the telecommunications tower is 100 feet or more.

UDO Section 5.80 C 8- Co-location: A live evergreen screen consisting of a hedge, planted three (3) feet on-center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting may be no less than five (5) feet.

Purpose of Requirements – Aesthetic standards limit the impacts of a telecommunication facility to the character of the area, thereby protecting property values and the use and enjoyment of surrounding properties. Co-location requirements reduce the need for multiple telecommunication facilities in one area.

Property Map



Case Description

Case Overview

- The church plans to install a 121.5-foot lattice tower southeast of the church annex building to provide high-speed broadband internet service to the church and surrounding community. The company installing the tower (Franklin based Internet Communications Inc) has a five-year use agreement.
- The structural plans submitted with the variance application show a 120-foot-tall lattice tower with two 1.5-foot-tall antennas (121.5' total structure height). The petitioner also intends to install a 6-foot-tall security fence around the facility.
- Great Plains Communications does provide high-speed fiber service to the church premises. Connection to fiber would eliminate the need for the telecommunication facility. However, the church explained that the fiber internet service would cost three to four times the cost of the service to the tower. The tower will also provide high-speed broadband service to other properties in the community at a lower cost and high-speed broadband service to properties in the community without current access to high-speed fiber.
- In the future, government funding sources may reduce the cost to rural households to connect to high-speed fiber and allow for further expansion of high-speed fiber service in Flat Rock.

Development Standards

- Facilities with towers used for provision of internet service qualify as a telecommunication facility per the definition of telecommunication facility included in the UDO. All regulations applicable to other types of telecommunication facilities, such as cellular communications facilities, included in the UDO apply to facilities with towers used to provide broadband service.
- The UDO permits telecommunication facilities in the IS District and therefore would allow the church to place a telecommunication facility in compliance with all applicable design standards without approval from the BZA. However, the proposed facility requires BZA approval of development standards variances regarding tower and facility design.
- The company installing the facility indicated that a tower less than 120-feet-tall would provide limited service to the community due to tree coverage in the area.
- The company installing the facility indicated that a monopole design would restrict ease of tower maintenance and that the company would likely cancel the project if the church requested a monopole tower.
- The tower is not designed to accommodate multiple internet providers. Only the company installing the facility provides fixed wireless service to the area.
- The church indicated that non-commercial use of the facility should not necessitate facility landscaping.
- The proposed facility complies with setback standards applicable to telecommunication facilities and structures in the IS District and does not exceed the maximum height standard of 200-feet.

Staff Analysis of Findings of Fact

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

Staff Analysis: The petitioner has contracted with a qualified internet provider to install the facility. Therefore, the design of the facility would not impact the public health, safety, morals, and general welfare of the community.

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: A lattice tower not designed to blend in with the natural environment would have a more significant impact on the character of the area than a traditional monopole tower. However, practical difficulties exist with installation of a monopole tower. The facility will provide high-speed broadband service to other properties in the community at a lower cost and high-speed broadband service to properties in the community without current access to high-speed fiber.

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: The UDO permits telecommunication facilities in the IS District. The applicable development standards pose practical difficulties with the development of a telecommunication facility. Specifically:

Lattice design and not designed to blend in with the natural surroundings of the environment

The company installing the facility indicated that a monopole design would restrict ease of tower maintenance and that the company would likely cancel the project if the church requested a monopole tower.

Not designed to accommodate both the applicant's antennas and two additional users' antennas

Only the company installing the facility provides fixed wireless service to the area which eliminates the need for antennas for additional providers.

Without landscaping

The proposed facility does not include a significant amount of ground equipment, therefore, screening with landscaping would not serve a practical purpose in screening the facility.

Staff Recommendation

APPROVAL

The facility will provide high-speed broadband service to the community at a lower cost and high-speed broadband service to properties in the community without current access to high-speed fiber. A lattice tower not designed to blend in with the natural environment would have a more significant impact on the character of the area than a traditional monopole tower. However, practical difficulties exist with the installation of a monopole tower.

Applicant/Owner Information

Applicant	Flat Rock Christian Church 2854 W Pope St. Flat Rock, IN 27234	Owner:	Same
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Project Engineer:	Internet Communications Inc c/o Tyson Burris 739 Commerce Dr. Franklin, IN 46131
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**DEVELOPMENT STANDARDS VARIANCE
FINDINGS OF FACT**

Applicant: Flat Rock Christian Church

Case #: _____

Location: Flat Rock, Indiana

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.
Erected using the standards set forth by the designer without modifications.

It does not impede local traffic nor is it tall enough to create an aviation risk.

No pollution is created by structure and does not impede the environment.

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.

Said structure should create local value by bringing additional broadband services to the area.

Location and proposal is based on FRCC interactions with the community.

Said structure is limited to owners property and away from homes.

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 is no historical value to the proposed location.

Owner ensures that no septic or related utilites are at risk of damage.

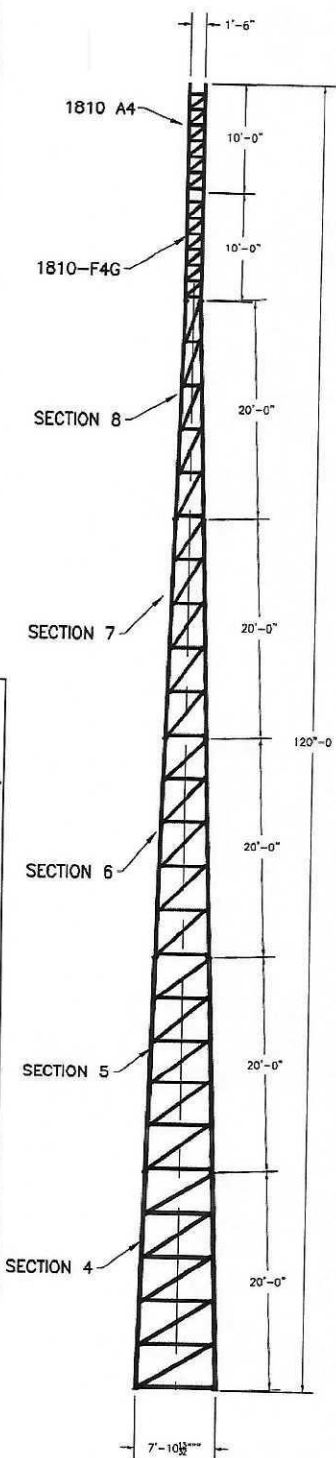
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Adjacent Property: How does the request do no harm to adjoining property and neighborhood? (ex. noise, odor, traffic generation, distance from property lines, appearance of property, etc.)

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.)

		ASTM	
LEGS	2.875" x 0.276"	2.375" x 0.203"	1.875" x 0.154"
DIAGONALS	L2 1/2x2 1/2x3/16	L2 2 x 1/8	L1 1/2x1 1/2x1/8
GIRTS	L2 1/2x2 1/2x3/16	L2 2 x 1/8	L1 1/2x1 1/2x1/8
BRACE BOLTS	(4)-3/4"	(4)-5/8"	(4)-1/2"
SPLICE BOLTS	(4)-1"	(4)-5/8"	(4)-1/2"
ANCHOR BOLTS	(4)-1"	(4)-5/8"	(4)-1/2"
		-SHOP WELDED-	
		GRADE 5	



According to ANSI/EIA-222-F 1996

90 mph/78 mph + 1/2" radial ice w/ (3 second gust) per OBC AND IBC

	CaAa	Flat Plate Area	Weight	Elevation
No Ice	32 sq ft	17.78 sq ft	200 lbs	120 ft
1/2" Ice	40 sq ft	22.22 sq ft	350 lbs	120 ft
No Ice	55.5 sq ft	30.83 sq ft	350 lbs	120 ft to 90 ft
1/2" Ice	67 sq ft	37.22 sq ft	600 lbs	120 ft to 90 ft
(1)-7/8" coax Elevation 0 ft to 120 ft				
Climbing Ladder Elevation 0 ft to 100 ft				

70 mph/61 mph + 1/2" radial ice (Fastest MPH) per EIA-222-F

	CaAa	Flat Plate Area	Weight	Elevation
No Ice	33.9 sq ft	18.83 sq ft	200 lbs	120 ft
1/2" Ice	41 sq ft	22.78 sq ft	350 lbs	120 ft
No Ice	58 sq ft	32.22 sq ft	350 lbs	120 ft to 90 ft
1/2" Ice	70 sq ft	38.88 sq ft	600 lbs	120 ft to 90 ft
(1)-7/8" coax Elevation 0 ft to 120 ft				
Climbing Ladder Elevation 0 ft to 100 ft				

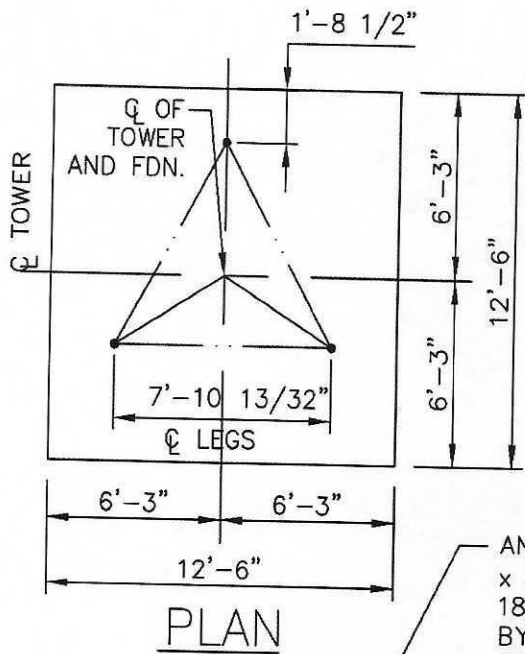


AMERITE
P.O. Box 29 Shelby, Ohio 44875
www.amertower.com
info@amertower.com
Telephone (419) 347-1185 Since 1953 Fax (419) 347-1854

120' STANDARD

By: DOW DATE: 12/21/02

DWG NO. 1060

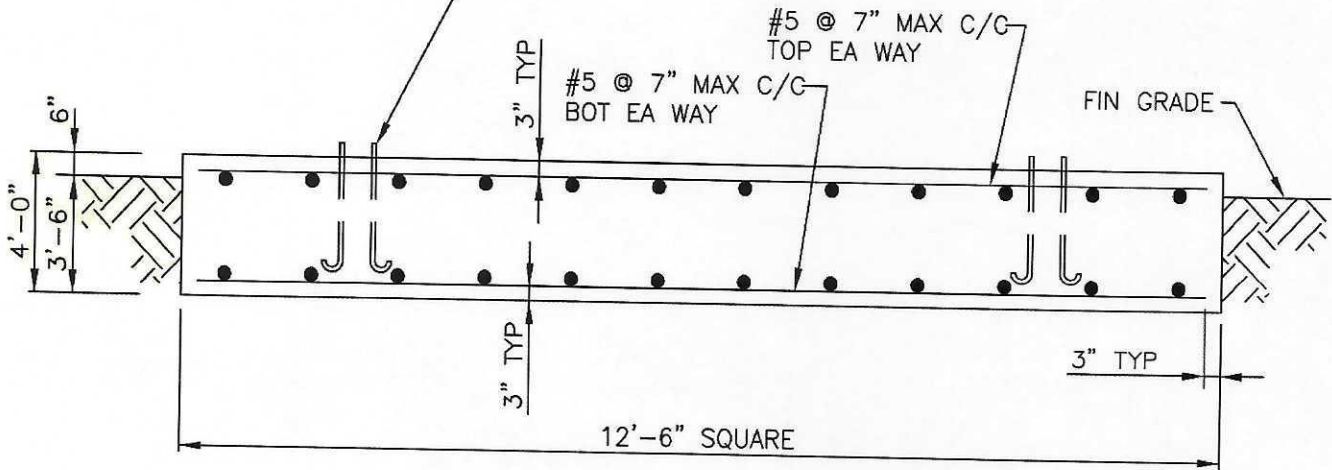


NOTES:

1. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS.
2. REINFORCING STEEL SHALL CONFORM TO THE REQUIREMENTS OF ASTM A615 (GRADE 60).
3. TOTAL CONCRETE = 18 CUBIC YARDS.
4. FOUNDATION DESIGN BASED UPON ASSUMED SOIL PARAMETERS AS FOLLOWS:

ALLOW BEARING PRESSURE: 2000 PSF
 UNIT SOIL WEIGHT: 100 PCF
 WATER AND ROCK LOCATED BELOW FOOTING

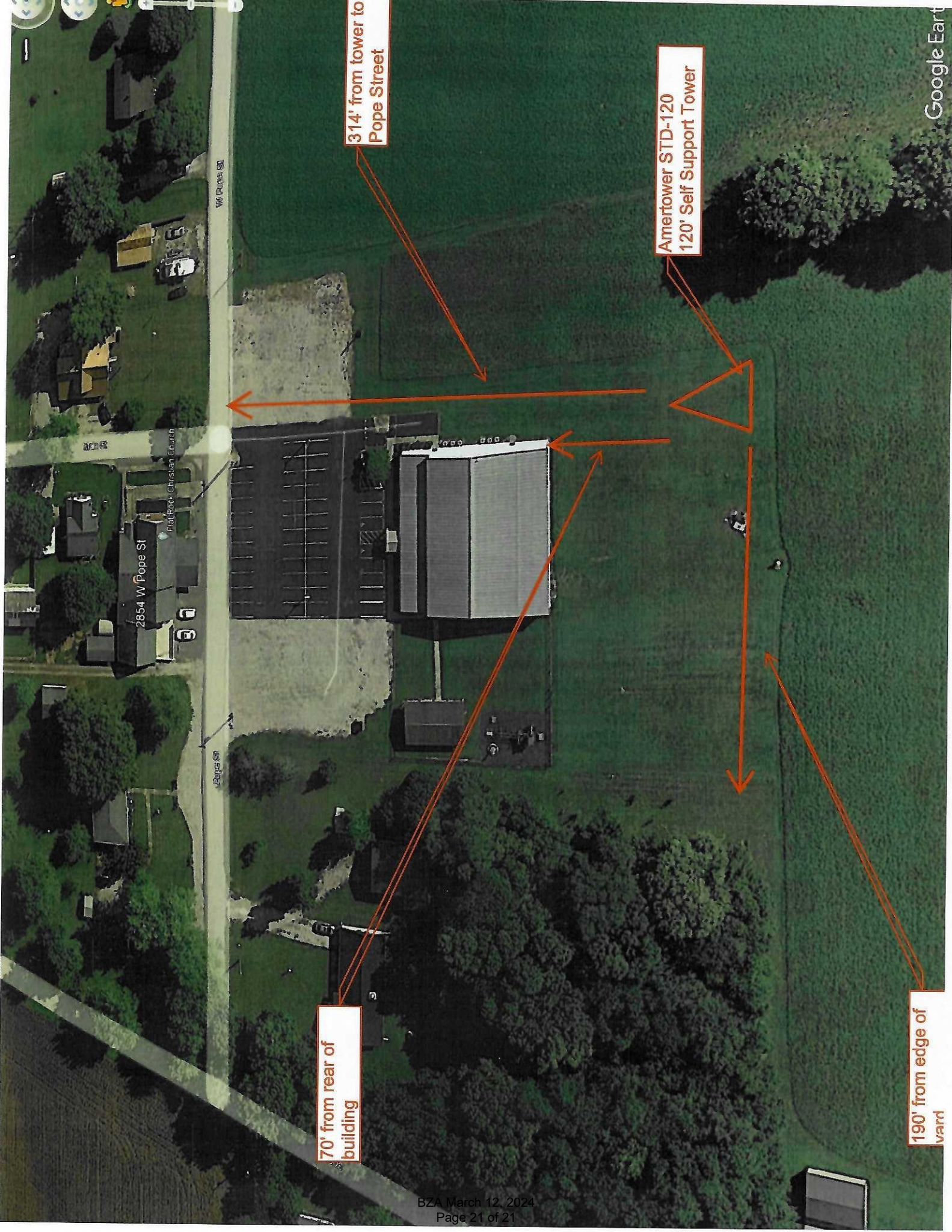
ANCHOR BOLTS BY AMERICAN TOWER, 1"Ø x 3'-6" MIN EMBEDMENT INTO CONCRETE. 180° END HOOK PER ACI. SEE DRAWINGS BY AMERICAN TOWER FOR ANCHOR BOLT ORIENTATION.



MAT FOUNDATION

FOOTING MUST BEAR ON UNDISTURBED SOIL OR COMPACTED BACKFILL.

 P.O. Box 29 Shelby, Ohio 44875 www.amertower.com info@amertower.com Since 1953	
Telephone (419)347-1185	Fax (419) 347-1654
120' STANDARD FOUNDATION	
BY: DOW	DATE: 12/21/02
DWG NO. 1060 A	



314' from tower to
Pope Street

Ameritower STD-120
120' Self Support Tower

70' from rear of
building

190' from edge of
yard