

# BOARD OF ZONING APPEALS

January 15, 2026

# A. SIGN CODE – 716 N. Main St, Variance

## SITE DATA

1. Address: 716 N Main St.
2. Tax Map 0780 Group G Parcel 08.00 (Ward: 5 )
3. Current Zoning: **C-2, General Business**
4. Total Land Area:  
+/- 0.562 ac Deed D398 Page 85 (Current)

## PROPERTY OWNER/REPRESENTATIVE

Nguyen Vu Anh and Giau Thi Huynh Lam, Owner  
Michael Sutherland, Scotty Outdoor, LLC. Rep.

## REQUEST

Request relief of the strict interpretation of the Sign Code 600 ft distance between billboard signage considering there are other examples where separation is not met and changing condition of the neighborhood



# A. SIGN CODE – 716 N. Main St, Variance

**COMPATIBILITY** with the COMPREHENSIVE PLAN  
716 N. Main St. Tax Map 0780 Group G  
Parcel 08.00 is located in the Core  
Character Area, Zoning and Proposed  
use ***consistent*** with the adopted Future  
Land Use Map (“FLU-M”) and  
Comprehensive Plan and compatible  
with Zoning Ordinance.

**SITE HISTORY**

- Zoning as C-2 since on or before 2009.
- Building constructed in 1920.
- Billboard Sign application submitted 09/08/2025 and denied 09/09/2025.
- BZA application submitted for variance on 09/18/2025 for Oct. BZA cycle.
- BZA review scheduled for October 16, 2025.
- Rescinded in November 2025-failure to properly notify.
- BZA review scheduled for 01/15/2026.

# A. SIGN CODE – 716 N. Main St, Variance

## CRITERIA FOR VARIANCE BY BOARD OF ZONING APPEALS AND STAFF FINDINGS.

The *City of Shelbyville Sign Code* (“SIGN CODE”), Chapter 14 of the *Municipal Code*, Section 4-1402(4), *Administrative interpretation of chapter*, includes provision that:

*“Any relief from the strict application of specific requirements of this chapter [Sign Code] may be resolved by the zoning board of appeals.”*

### **IMPORTANT REVIEWER NOTE.**

The Sign Code **DOES NOT** include *Standards* to consider a requested relief and draw a conclusion. Therefore, Staff used the *Standards for Variances from Shelbyville Municipal Zoning Ordinance* (“ZONING ORDINANCE”) Article VII, Section 7.3 (A) as a basis for the review to maintain consistency in the review of variances, ensuring Staff is providing detailed information for consideration, and maintaining a framework for quality deliberation by this Board.

- Variance standards were used as a basis for this review to maintain a consistent framework for reviews and ensure quality analysis for the Board to deliberate on.
- This application met 2 of the 10 standards and detailed in the Staff Report and 2 are Not Applicable. 6 of the 10 standards are not met.

# A. SIGN CODE – 716 N. Main St, Variance

---

## ACTION BY THE BOARD OF ZONING APPEALS FOR THE VARIANCE.

---

**IF THE BOARD OF ZONING APPEALS CONCURS WITH STAFF FINDINGS:** This request for relief from the strict application of the distance requirement of Billboard signage in accordance the *Shelbyville Municipal Code* Section 4-1406, permitting the approximately 400 (+/-) ft reduction from the required 600-ft. (a 60% variance) separation between billboard signage on the parcel addressed as 716 N. Main St. and identified in Bedford County, TN., Tax Map 0790 Group G Parcel 008.00, based on the applicant claim that because other billboard signage has been approved in contradiction with the cited reference, changing the development pattern for the type of use in the neighboring area, **THE APPLICATIONS FOR THIS VARIANCE SHOULD BE DENIED.**

- 60% reduction approximately in the required separation requested (approximately 400ft +/-)
- There are (3) claims the Applicant is making to support variance, the last one is not a consideration of the BZA:
  1. There are others billboard signage approved that do not meet the separation requirement.
  2. The neighborhood has changed (in development).
  3. Highly visible and beneficial location for advertisement

# A. SIGN CODE – 716 N. Main St, Variance

## ANALYSIS

# A. SIGN CODE – 716 N. Main St, Variance

## CONSISTENCY WITH ADOPTED PLANS CONFORMANCE WITH CODE

### ZONING ORDINANCE



C-2, General Business, zone district

- N. Main St.– Minor Arterial

716 N. Main St.

**Sign Code Sec. 4-1406**

**Billboards are permitted in the C-2 zone district**

### THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN

Use conforms with Zoning Ordinance and Consistent with Comprehensive Plan



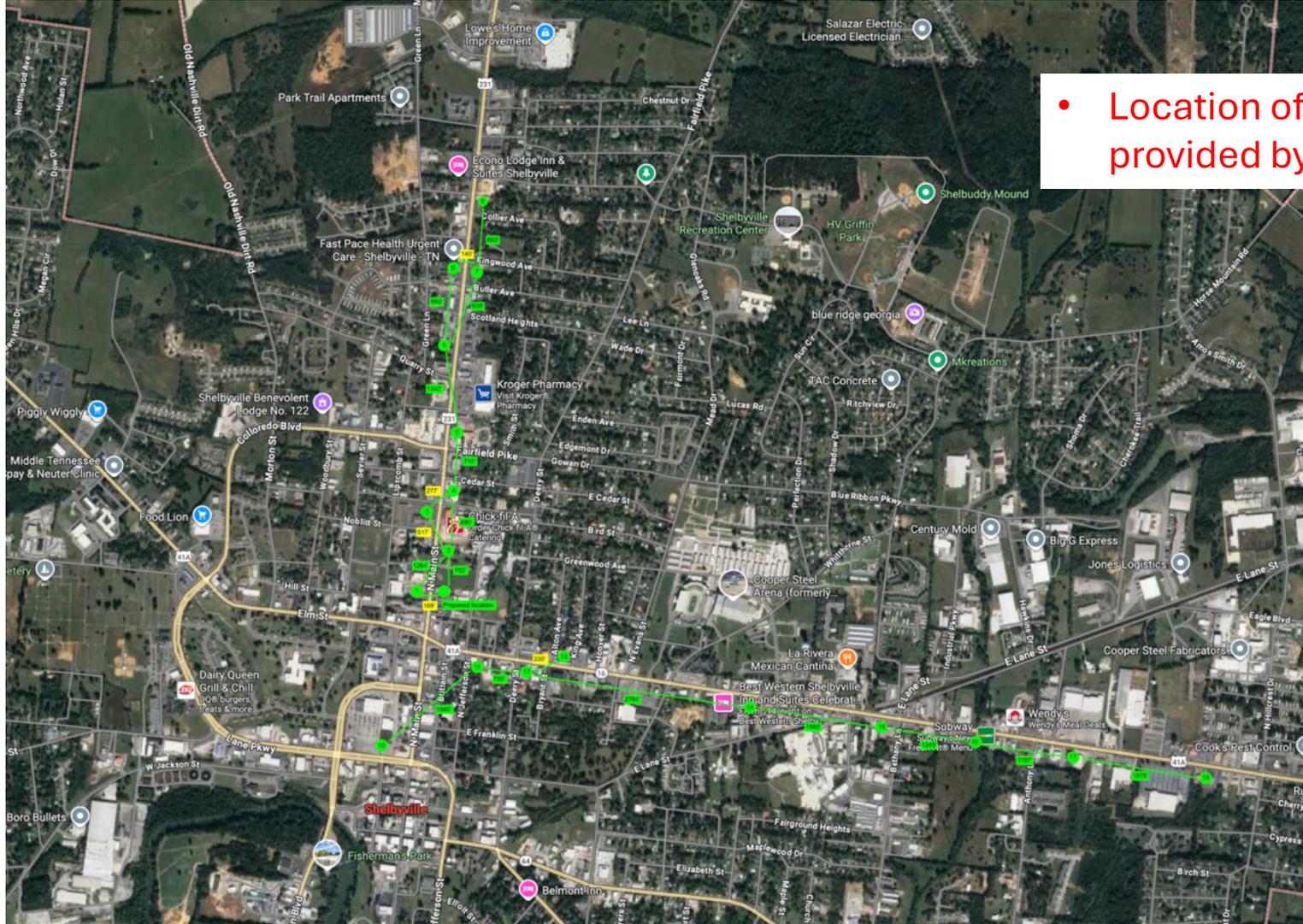
Core

**Appropriate Zoning Categories and Uses**

R-3 Medium Density Residential, R-3A (Medium-High Residential), R-4 High Density Residential, C-2 General Commercial, C-3 Neighborhood Commercial, Mixed Use or Residential PUD (Planned Unit Development)

# A. SIGN CODE – 716 N. Main St, Variance

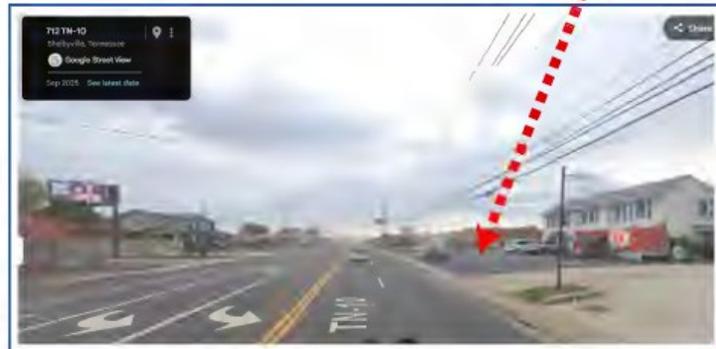
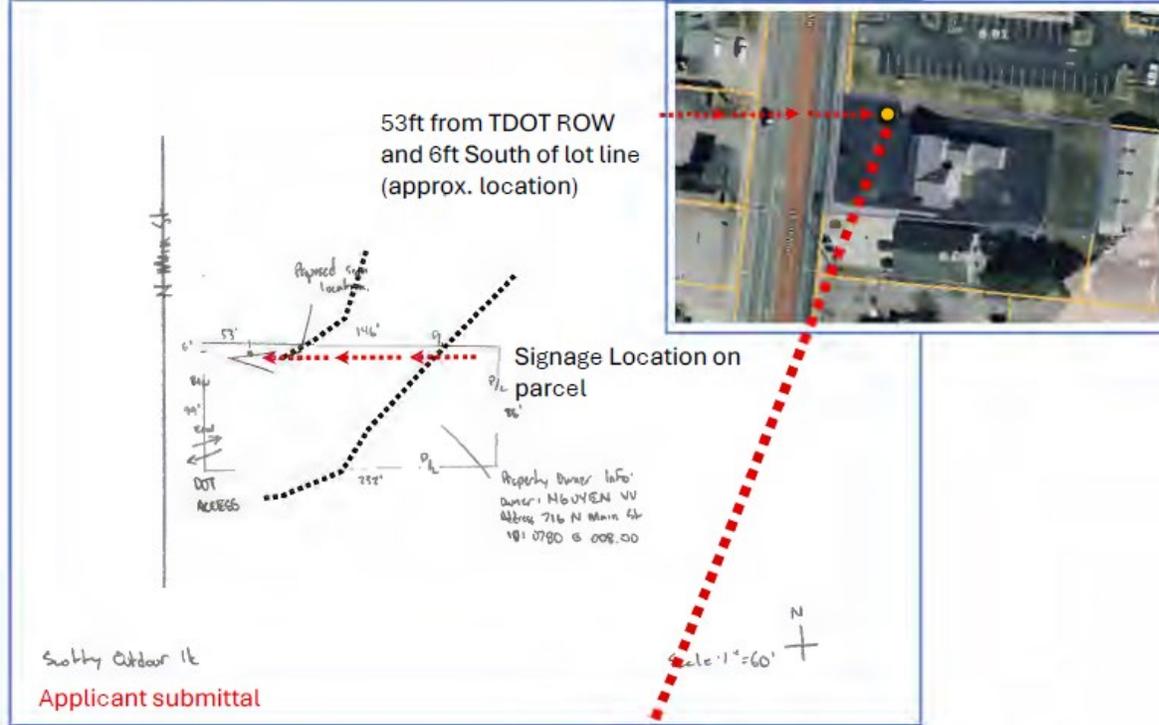
## Information from Applicant's Representative



- Location of Signage on Madison and N. Main St. provided by the applicant

# A. SIGN CODE – 716 N. Main St, Variance

GRAPHICAL REPRESENTATION OF SIGNAGE DEVICE



- Sketch plan from Applicant's TDOT submittal

# A. SIGN CODE – 716 N. Main St, Variance



SIGNAGE INSTALLED IN 2025

Subject Parcel-

# A. SIGN CODE – 716 N. Main St, Variance

---

## INTERPRETATION OF THE SIGN CODE.

The interpretation of the Sign Code is based on specific principles<sup>11</sup> on whether regulations are:

1. Explicitly expressed, or otherwise clear in language with no ambiguities to require interpretation; or,
  2. Where a regulation is not explicit, may be interpreted by implication, or exists in the nature or relationship of the codes, or understood in the relationship of the context of the situation; or,
  3. Does not exist and cannot be applied.
-

# A. SIGN CODE – 716 N. Main St, Variance

## HISTORY OF SIGNAGE REGULATION

### HISTORY OF REGULATION OF BILLBOARD SIGNAGE.

1965 “LADY BIRD’S LAW” – Highway Beautification. 1965 *Highway Beautification Act* (“HBA”), also known as “Lady Bird’s Law” passed under Presidential Lyndon B. Johnson requiring states to maintain effective control of *Outdoor Advertising* along federal highways or be subject to penalty of the federal aid for highway fund.

- 1965 HBA prohibited billboards in areas with non-commercial activity.
- 1965 HBA prohibited new billboards that do not conform to certain size, spacing, and lighting requirements. The minimum spacing between billboards under this federal statute is 650-ft.
- Each state was required to enter into a mandatory agreement with federal government and establish sign control in commercial and industrial areas. Billboards that are not located along federal aid roads are regulated by local sign ordinances established by the Community (City of Shelbyville).

# A. SIGN CODE – 716 N. Main St, Variance

## HISTORY OF SIGNAGE REGULATION

### COURT CASES THAT ALLOW GOVERNMENTS TO REGULATE BILLBOARDS.<sup>12</sup>

- Lehman v. City of Shaker Heights (1974). Billboards not a Public Forum
- Miami Herald Publishing Co. v. Tornillo (1974). Political advertising can be prohibited while allowing other types of advertisement.
- Village of Euclid v. Ambler Realty Co. (1926). US Supreme Court (“SCOTUS”<sup>13</sup>) established that zoning could regulate private property, even without providing owners with compensation.
- Berman v Parker (1954)-Slum Clearance. Aesthetic justification alone could permit government regulation of land issues.
- Metromedia, Inc. v. City of San Diego (1981). Ban on non-commercial billboards is unconstitutional.
- Consolidated Edison Co v. Public Service Commission (1980). First Amendment protects government-regulated utilities expression of opinion on issues related to public policy.
- Central Hudson Gas and Electric Corp. v. Public Service Commission (1980). For commercial content, a Four-Pronged Test, “Hudson Test”, in which regulation must directly advance a *Substantial Government Interest* in narrowly tailored manner. If noncommercial billboards are prohibited, it must be in a manner that is ultimately neutral to the message being conveyed.
- City Council of Los Angeles v. Tax Payers for Vincent (1984). Political billboards can be prohibited.
- Southlake Property Associates Ltd. v. City of Morrow (11th Cir. 1997). Prohibition of billboard signage by City of Morrow, GA. does not violate First and Fourteenth amendment.
- People v. Target Advertising, Inc. (2000).

# A. SIGN CODE – 716 N. Main St, Variance

## HISTORY OF SIGNAGE REGULATION

---

### CONSTITUTIONAL CHALLENGES REGULATING BILLBOARDS.

- *People v. Target Advertising, Inc. (2000).*
  - *Reed v. Town of Gilbert (2015).* Signs cannot be treated differently based on content. Content based laws are deemed a form of discrimination.
  - *Austin v. Reagan National Advertising of Austin (2022).* SCOTUS upheld City of Austin, TX. Billboard regulation prohibited off-site digital signs or conversion to digital while permitting onsite digital signs located at a place of business advertising services associated with the business.
-

# A. SIGN CODE – 716 N. Main St, Variance

## DISTINCTION BETWEEN SHELBYVILLE CODE AND TDOT REGULATIONS

### Section 4-1401, Title and Definitions<sup>14</sup>.

(1) "Billboard sign."<sup>15</sup> An advertising device upon which the message may be manually changed and may require catwalks, scaffolding or platforms to do so. This type of sign directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

(18) "Sign." Street graphics and includes frame, letter, figure, character, make, plain, point, marquee, canopy, awning, design, picture, poster, stroke, banner, streamer, pennant, bunting, inflatable sign, strike line, flag, logotype, trademark, reading matter, illuminating device, or any device used for illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, or any business, or any person, firm or corporation or to any public performance, or to any article, machine or merchandise of any nature whatsoever and which is displayed in any manner whatsoever. String lighting, strip lighting, (attached neon tubing), flashing lights, and chasing lights in commercial, industrial, and multi-family zones and/or uses are included in the definition of "sign."

- Both TDOT and Shelbyville Sign Code requires 600ft separation
- TDOT requirement is on **SAME SIDE** of a ROW
- Shelbyville Sign Code **DOES NOT QUALIFY** and requirement is 600FT FROM **ANY OTHER BILLBOARD**

Outdoor Advertising Devices, or *Billboards*, are a type of signage that provides advertisement for commercial and certain noncommercial businesses, activities, and events.

### TDOT CODE COMPARISON WITH CITY OF SHELBYVILLE

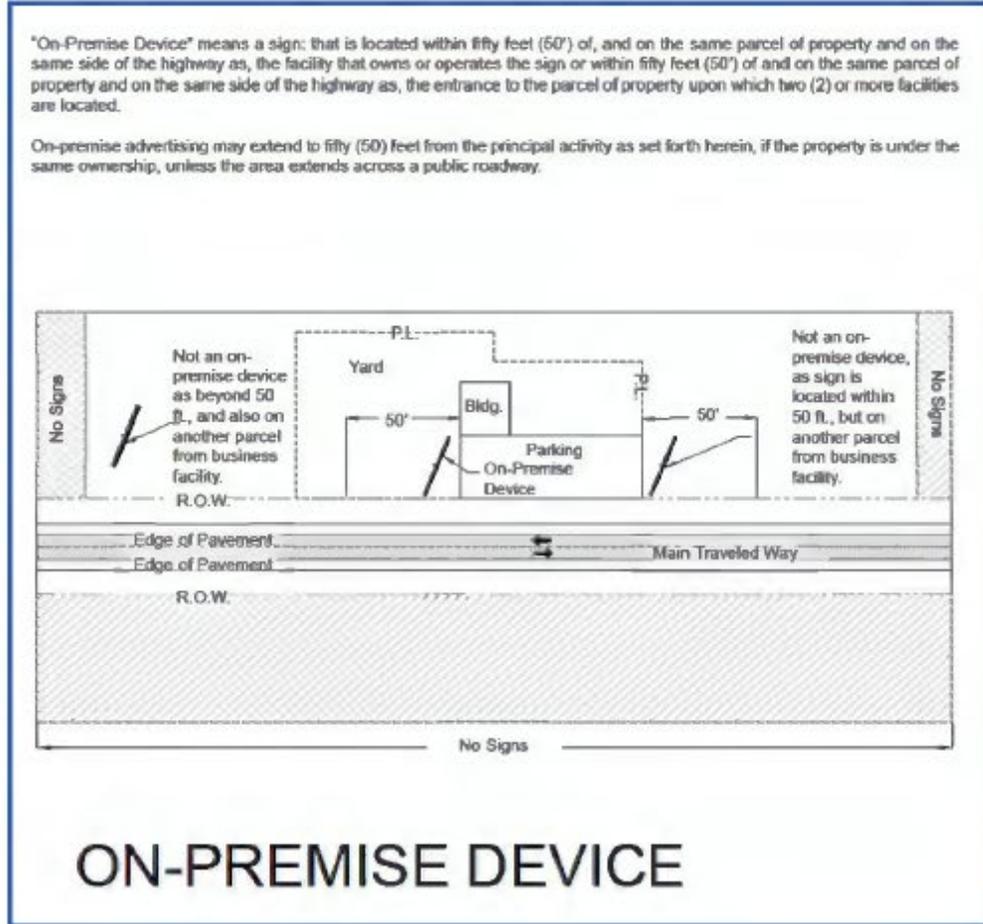
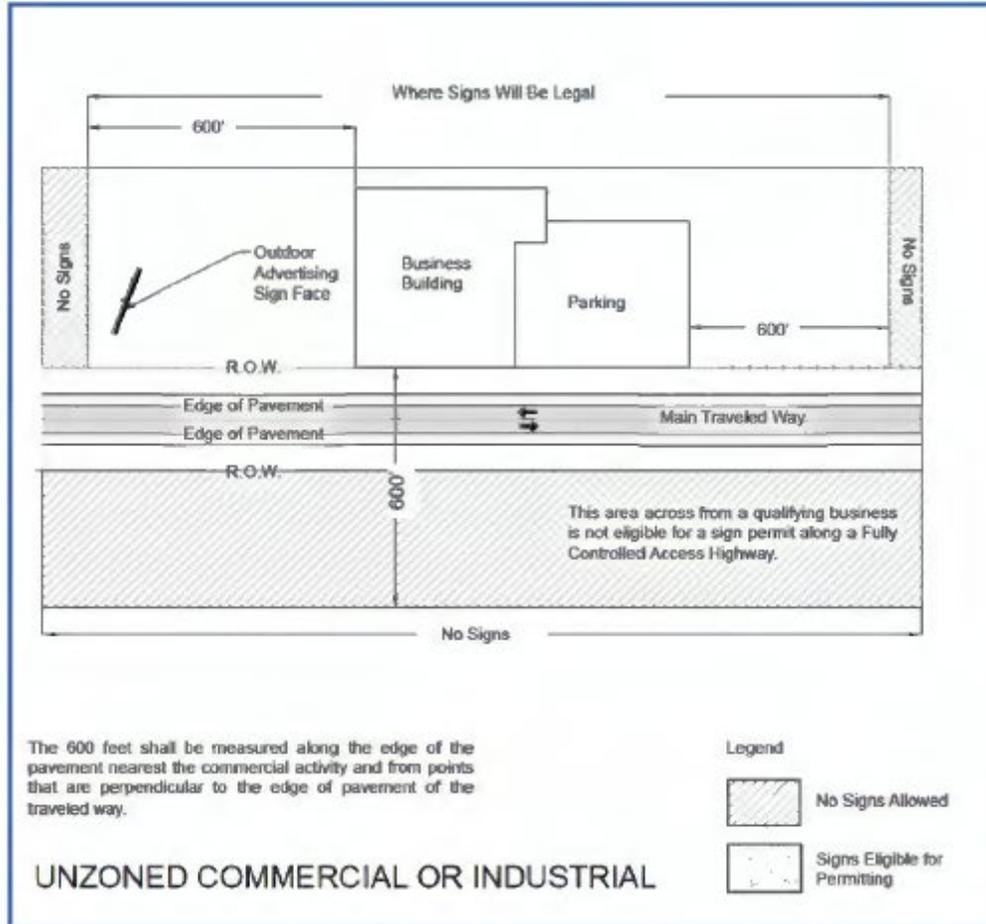
An application is required to be reviewed by TDOT and the City of Shelbyville. While both a specific minimum separation requirement (600ft), the language in the TDOT permit is substantially more specific, and the language in the City of Shelbyville Sign Code is substantially more restrictive.

- **TDOT Language<sup>16</sup>.** (e) The six hundred feet (600') shall be measured along the edge of the pavement nearest the commercial activity and from points that are perpendicular to the edge of pavement of the traveled way. (See illustration in Rule 1680-06-03-.09, Appendix.)

# A. SIGN CODE – 716 N. Main St, Variance

## DISTINCTION BETWEEN SHELBYVILLE CODE AND TDOT REGULATIONS

### TDOT APPENDIX



# A. SIGN CODE – 716 N. Main St, Variance

## DISTINCTION BETWEEN SHELBYVILLE CODE AND TDOT REGULATIONS

### SHELBYVILLE SIGN CODE LANGUAGE

4-1406. Regulations of billboards. One billboard may be erected on any lot zoned C-2 Highway Service District, I-1 Light Industrial District, I-2 Heavy Industrial District, or F-1 Floodway District provided it conforms with all provisions of the most recently adopted Shelbyville Municipal Flood Damage Prevention Ordinance. Such sign shall have a maximum of four hundred (400) square feet of display surface area and be located no closer than fifty (50) feet to a street right-of-way and is no closer than six hundred (600) feet to any other billboard. The billboard must be located on a U.S. or State of Tennessee designated highway containing four or more lanes and cannot be within two hundred (200) feet of an intersection. The maximum height shall be fifty (50) feet from ground level or street level, whichever is lower. No billboard shall be located within five hundred (500) feet of the property line of any designated historic district, landmark, or public park. (as added by Ord. #601, July 1998, and replaced by Ord. #616, April 1999)

# A. SIGN CODE – 716 N. Main St, Variance

## OTHER VARIATIONS WHERE SEPARATION IS NOT MET

### SIGNAGE STUDY.

Staff inventoried (20) Outdoor Advertising Devices/Signage (Not a comprehensive list) on Madison St. and N. Main St. Between 2017-2022, there are minimum of (2) that are less than 600ft separation. On Sept. 2025, BZA approved a variance for 208 Madison St. variance to the separation requirement because of the unbuildable condition imposed by the Flume on the parcel.



1401 N. MAIN ST AND 1310 N MAIN ST.  
165.14 (+/-) FT SEPARATION

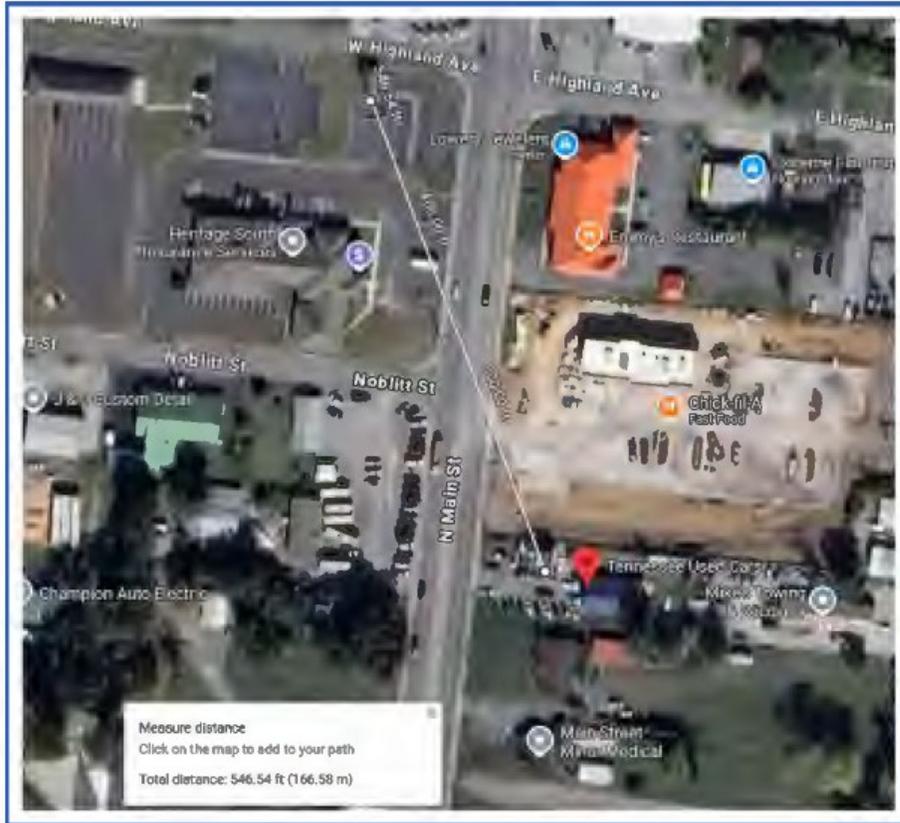
- Staff performed a survey of Billboard signage on N. Main St. and Madison St. (Not a comprehensive survey)
- Identified variations (nonconforming) billboard signage
- Applicant also provided variations on N. Main St.

# A. SIGN CODE – 716 N. Main St, Variance

## OTHER VARIATIONS WHERE SEPARATION IS NOT MET

### SIGNAGE STUDY.

Staff inventoried (20) Outdoor Advertising Devices/Signage (Not a comprehensive list) on Madison St. and N. Main St. Between 2017-2022, there are minimum of (2) that are less than 600ft separation. On Sept. 2025, BZA approved a variance for 208 Madison St. variance to the separation requirement because of the unbuildable condition imposed by the Flume on the parcel.



748 N. MAIN ST AND 763 N MAIN ST.  
**546.5 (+/-) FT SEPARATION**

- Staff performed a survey of Billboard signage on N. Main St. and Madison St. (Not a comprehensive survey)
- Identified variations (nonconforming) billboard signage
- Applicant also provided variations on N. Main St.

# A. SIGN CODE – 716 N. Main St, Variance

300 MADISON ST AND 208 MADISON ST  
241 (+/-) FT SEPARATION BY VARIANCE APPROVED SEPT. 18, 2025.



- Approved in Sept. BZA because of change in status of the lot to NONBUILDABLE from impact of the Flood Control Device located below building (FLUME)

# SIGN CODE – 716 N. Main St, Variance

## Information from Applicant's Representative

COMPARISON TO OTHER BILLBOARD SIGNS:

	SAME SIDE SPACING	CLOSEST RADIAL SPACING	APPRX. YEAR BUILT	SIGN OWNER
	782' N	169'	*PROPOSED SIGN	SCOTTY OUTDOOR
	1264' N	816'	2025	HUNTINGTON
	690' N	514'	2019-2022	TRAILHEAD
	1264' S & 2050' N	514' & 277'	BEFORE 2007	LAMAR
	690' S & 710' N	277'	2015	TRAILHEAD
	710' S & 2060' N	1340' (710' REMOVED SIGN)	BEFORE 2007	LAMAR
	2046' S & 993' N	939'	BEFORE 2007	TRAILHEAD
	2055' S & 863' N	140'	BEFORE 2007	LAMAR
	993' S & 3730' N	140'	2020	TRAILHEAD
	863' S	799'	2020	TRAILHEAD
	N/A	1590'	BEFORE 2007	LAMAR
	750' E	750'	BEFORE 2007	LAMAR
	750' W & 2764' E	330'	2024	SCOTTY OUTDOOR
	11000' E	330'	2024	?
	2764' W & 1560' E	1560'	BEFORE 2007	LAMAR
	1560' W & 1249' E	1249'	BEFORE 2007	LAMAR
	1249' W & 1197' E	1197'	BEFORE 2007	LAMAR
	1197' W & 1575' E	1197'	BEFORE 2007	TRAILHEAD
	1575' W & 1368' E	1368'	BEFORE 2007	LAMAR



- Signage distance and date of installation on Madison and N. Main St. provided by the applicant. (Arrows indicate City sign permits sampled)

[PUBLIC]

# SIGN CODE – 716 N. Main St, Variance

24-227, 503 Madison St. Applicant Catalogue No.13. TDOT application provides nearest billboard provided.

19-240, 748 N Main St. Applicant Catalogue No. 2. TDOT application provides no nearest billboard.

17-152, 910 N Main St. Application Catalogue No. 5 TDOT application provided (signage since removed).

Distance to nearest outdoor advertising device in each direction on the same side of the road: (Two Directions Required)

\_\_\_\_\_ Feet South \_\_\_\_\_ Feet North 100+ Feet East 100+ Feet West

Application for an existing sign? YES  NO  21. Previous Permit or Tag \_\_\_\_\_

22. Will the Outdoor Advertising Device be a back \_\_\_\_\_

**Tennessee Department of Transportation Environmental Division  
Highway Beautification Office  
Outdoor Advertising New Device Permit Application**

Application # 16828

Please Type or Print		Type of Application (Check One)		Original Application: <input type="checkbox"/>		Application for Expired Permit: <input type="checkbox"/>	
Owner # <u>3870</u>	1. Name of Applicant Shasha LLC, Eleazar Cruz-Bautista - Owner		2. Mailing Address 908 Railroad Avenue				
3. City Shelbyville	4. State TN	Zip Code 37160	5. Phone Number (Include Area Code) 931-639-1853	6. Application Date 9/21/2023			
7. Property Owner Name and Mailing Address (Required State and Zip Code) Montes Maria Yessenia Ibarra							
Location of Outdoor Advertising Device							
8. Physical Address of the sign (If not available, then please complete item #9) 503 Madison St. Shelbyville, TN 37160							
9. Parcel Information: (CMAP, GP, and Parcel ID) 0780, K, 018.00				10. Coordinates: (Optional) Latitude: 35 Longitude: -86			
11. Interstate Route: 41A			12. Is this a Fully Controlled Access Highway? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>				
13. County Name Bedford	14. Is the sign within 1,000 ft. of an entrance or exit ramp? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		15. Is the sign within the corporate limits of a City or Town? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> If YES, name of City or Town: <u>Shelbyville</u>				
16. Nearest Intersecting Highway or Road and Distance: <u>250+</u>		17. Present Zoning of Site C		18. Name of qualifying business activity if Unzoned Commercial or Unzoned Industrial			
19. Distance to nearest outdoor advertising device in each direction on the same side of the road: (Two Directions Required) _____ Feet South _____ Feet North <u>100+</u> Feet East <u>100+</u> Feet West							
20. Is this application for an existing sign? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		21. Previous Permit or Tag Number		22. Will the Outdoor Advertising Device be a back to back or V-Type structure? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			

Materials and Configuration – You are required to build whatever you apply for on your application if issued permit.

24. Sign Face Dimensions: Height <u>6</u> Ft. Width <u>15</u> Ft. Total Sign Face Area: _____ Sq. Ft.		25. Sign Face Shape: Square <input type="checkbox"/> Rectangular <input checked="" type="checkbox"/> Triangular <input type="checkbox"/> Other <input type="checkbox"/>		26. Sign Face Material: Wood <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Combination <input type="checkbox"/> Other <input type="checkbox"/>		27. Display Type: (Choose only one) Stretched Vinyl <input type="checkbox"/> Mechanical Changeable <input type="checkbox"/> Digital Display or LED <input checked="" type="checkbox"/> Painted <input type="checkbox"/>	
--	--	---	--	---	--	---	--

29. Direction Sign Faces: (choose only one) North  South  East  West

**NOTE: The following Must Accompany This Application – Whatever is stated on application will be required to be built if permitted.**

- 1) A check or money order in the amount of \$200.00 payable to TDOT for application fees and any additional fees for expired permits.
- 2) A copy of a signed notarized affidavit by the property owner stating permission has been given to erect a sign. Property owner's signature must be notarized. A copy of property owner's recent property record from the Assessor of Property Office. If this record is available on-line, a printout is acceptable.
- 3) A map or scaled drawing on a separate piece of paper which shows the location of the proposed outdoor advertising device on private property. It is mandatory to show the property lines and the State's highway right-of-way and to include any cross roads.

**Field Inspection Requirement: Please refer to the rules before applying for this permit.**

The applicant must mark the proposed sign location with an easily visible flag or stake. Failure to properly mark a proposed location will result in the rejection of this application; the application fee will be retained as required by law.

This application is for a permit for one face of an outdoor advertising device. Please submit a separate application for each sign face. The permit is not transferable to another Outdoor Advertising Device. I hereby certify that I have personally examined and understand the "Rules and Regulations for the Control for Outdoor Advertising" and this application is made in compliance with same, and further certify that the statements made on the application are accurate and true to the best of my knowledge and understand that if investigation reveals that any of the information on the application is false the permit will be voided, tag confiscated, and the Outdoor Advertising Device will be declared illegal.

I also certify that the only Vegetation Control to be performed at this location for signs erected after April 20, 1983, will be to maintain the visibility as it existed on the date of erection.

Applicant's Name (Printed) Eleazar Cruz-Bautista Signature [Signature]

Tennessee Department of Transportation		Central Office Use Only					
REFERENCE ID <u>14112</u>	COUNTY NAME <u>Bedford</u>	ROUTE <u>SR016</u>	SIDE OF HWY <u>LEFT</u>	GPS LOG MILE <u>18.497</u>	DIRECTION OF INV <u>EAST</u>	SIGN FACE DIRECTION <u>EAST</u>	
ISSUED BY <u>[Signature]</u>	DATE ISSUED <u>4/17/2024</u>	PERMIT STATUS <u>Z</u>	TAG NUMBER <u>02</u>	<u>02</u>	<u>59</u>		

Return Application to: TDOT Hwy Beautification Office, James K. Polk Building Suite 400, 505 Deaderick St., Nashville, TN 37243-0333  
(Please send the original application, \$200 Application Fee along with all supporting documentation to address above and NOT a copy.)

[PUBLIC]

# SIGN CODE – 716 N. Main St, Variance

BOOKS OF RECORDS (Art. III, Sec. 3.5) – *Reviewer Comment [In “RED” and “Italicized”]*

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such a lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible. *Existing building in conformance with the Zoning Ordinance.*
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building. *Parcel is in conformance with the Zoning Ordinance.*
- C. Where two or more lots of record with a continuous frontage is under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. *This section is not applicable.*



# SIGN CODE – 716 N. Main St, Variance

STANDARDS FOR VARIANCES SERVES AS A BASIS FOR THIS ANALYSIS. (Art. VII, Sec. 7.3) - *Reviewer Comment [In "RED" AND "Italicized"]*

1. The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out. ***This Request DOES NOT MEET this Standard.*** *The parcel is conforming with the C-2 Bulk Regulations for the zoned district. There are no exceptional hardships that are preventing the reasonable use of the land. The regulations imposed by the TDOT and City Sign Code are minimum and reasonable requirements.*
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district. ***This request DOES NOT MEET this Standard.*** *The conditions are regulatory and apply to any billboard signage within the same district, depending on proximity to other billboard signage.*
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance. ***This request DOES MEET this Standard.*** *This type of signage is permitted in the zoned district. Other mitigating factors based on the TDOT permit may prevent this type of signage.*
4. Financial returns shall not be considered as a basis for granting a variance. *Financial returns are not consideration of the Board, and therefore, **this Standards IS NOT applicable.***
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance. ***This request DOES NOT MEET this Standard.*** *The hardship is being created by the person having interest in the property and there are some land uses, such as billboard signage, that may be restricted by external conditions, such as TDOT regulations, existing signage that precludes the installation in this request.*
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. ***This Request DOES NOT MEET this Standard.*** *By granting of a variance others that met the standard have been denied the opportunity to exercise the same benefit.*
7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. ***This Request DOES NOT MEET this Standard.*** *The opportunity for commercial activity is regulated but denying the request does not remove all potential activities*

*for the use of the land.*

8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located. ***This Request DOES NOT MEET this Standard.*** *The granting of this request for variance contradicts the intention of the separation of Billboard signage which is to prevent saturation of visual distractions creating a negative impact of signage on public spaces.*
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area. ***This Request DOES MEET this Standard.*** *The proposed signage will not impair light or air or substantially increase congestion on the street or increase risk of fire. There are mitigation methods to address public safety, for example, sign permit.*
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation. *The building or parcel is not listed on the National Register of Historic Places or State Inventory of Historic places and therefore **this Standard IS NOT applicable.***

[PUBLIC]

# SIGN CODE – 716 N. Main St, Variance

## OTHER DEVIATIONS FROM CODE FOUND ON PROPERTY



- During the study of this Request, other deviations from the Code were observed on the property:
  1. Signage installed without a permit
  2. Change in Use and installation of permanent accessory without Site Plan Application

t 2025 Streetview

[PUBLIC]

# Setback Variance – 1301 Railroad Ave

## DATA

Address: 1301 Railroad Ave.

Map 078 Parcel 045.00 (Ward: 2 )

Current Zoning: **I-2, General Industrial**

Total Land Area: +/- 3.04 ac.

Code Book Page 849 (Current)

## PROPERTY OWNER/REPRESENTATIVE

Industrial Board, Owner  
Steel Fabricators, Inc., Rep.

## REQUEST

Request for a 30ft relief of the strict interpretation of the front yard setback for I-2 Zoning District for an 80ft x 120ft addition on an existing nonconforming building reaching 17.75ft into frontyard setback.

Proposed use is as a bolt storage and maintenance facility.



[PUBLIC]

# Setback Variance – 1301 Railroad Ave

VARIANCES SERVES AS A BASIS FOR THIS ANALYSIS. (Art. VII, Sec. 7.3) - *Reviewer*  
*D” AND “Italicized”*

ular physical surroundings, shape, or topographic conditions of the specific property  
that would result in a particular hardship upon the owner as distinguished from a mere  
ence, if the strict application of this ordinance were carried out. **This Request DOES**  
**Standard.** *The configuration of a Lot of Record is uniquely shaped and because of the*  
*nes, the setbacks for the zone district restricts development to full extent for typical*  
*ne district.*

ions upon which the petition for a variance is based would not be applicable, generally,  
property within the same district. **This Request DOES MEET this Standard.** *The*  
*created by this condition is unique in nature.*

ce will not authorize activities in a zone district other than those permitted by this  
**This Request DOES MEET this standard.** *The proposed use as a bolt storage and*  
*ce conforms with the zone district and*

eturns shall not be considered as a basis for granting a variance. *Not being requested*  
*red by the BZA and therefore NOT APPLICABLE.*

d difficulty or hardship has not been created by any person having an interest in the  
ter the effective date of this ordinance. **This Request DOES NOT MEET this standard**  
**the full 30ft encroachment.** *The purpose of a variance is to provide minimum relief if*  
*nal technical or physical barriers to conformance with the current codes exists. The*  
*will need to provide additional documentation or testimony to justify the full 30ft*  
*request because from aerial photographs and street level photographs indicate that the*  
*work is not constrained by physical limitations and to a moderate degree is constrained*  
*them setback. However, scaling from the combination plat, there appears to be*  
*offset to reduce encroachment to match the existing building encroachment of*

ng the variance requested will not confer on the applicant any special privilege that is  
this ordinance to other lands, structures, or buildings in the same district. **This**  
**DOES MEET this standard.** *The condition was not created by the Owner and from this*  
*Lot of Record is unique in the zoned district and there are barriers to meeting the full*  
*ce of the Bulk Regulations related to setbacks.*

7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. **The request for a 30ft variance DOES NOT MEET this standard.** *Unless testimony or documentation is provided otherwise demonstrating technical unfeasibility, the minimum relief should match the existing building encroachment of 17.75 ft.*
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located. **This Request DOES MEET this standard based on the Staff review comments.** *The proposed variance is the minimum to permit the proposed development and having met all other standards of the zoning code will not be injurious to the public welfare or safety.*
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area. **This Request DOES MEET this standard.** *The lot coverage is below requirement, height and size meet the standards and will not create endanger public safety or impair property values in the area since the land use is permitted by right and conforms to all other zoning regulation.*
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation. *This parcel is not listed on the National Register of Historic Places or State Inventory of Historic places and therefore **this standard is NOT APPLICABLE.***

# Setback Variance – 1301 Railroad Ave

## CRITERIA FOR VARIANCE BY BOARD OF ZONING APPEALS AND STAFF FINDINGS.

Developed parcel fronting on East Lane to the North and Railroad Ave. to the South, addressed as 1301 Railroad Avenue, Shelbyville, TN., identified in Bedford County, TN. tax records as 078 Parcel 045.00, Staff findings reveal the variance from the *Shelbyville Municipal Zoning Ordinance* Art. V, Sec. 5.6.2 (C), *Bulk Standards Minimum Front Yard Setback*, requesting relief from the strict application of the minimum setback requirement of 100-ft for the zone district for a 80ft x 90ft addition (7,200 sqft, single story) **MEETS STANDARDS to warrant a variance with one exception** from referenced requirement as described. *Action by the Board of Zoning Appeals for the Variance.*

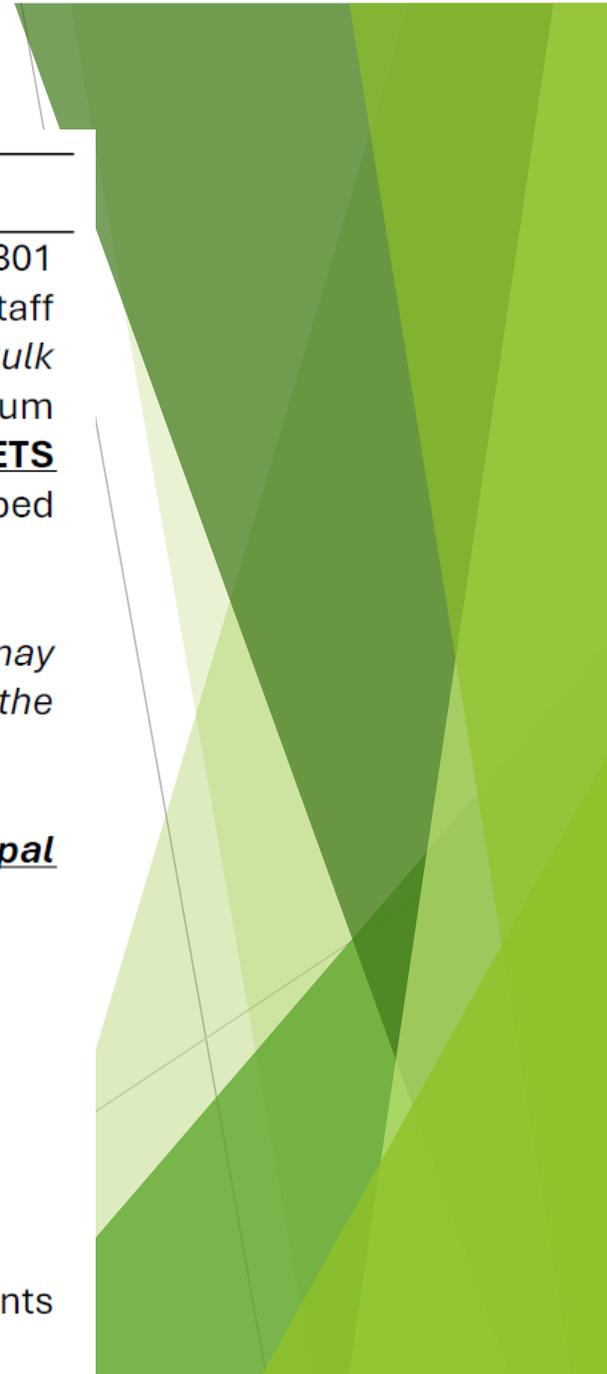
*requests the Applicant have the opportunity to speak to the Board on behalf of the Owner that may provide a rational basis in making this request that may differ or provide additional reasons to support the request.*

**Findings reveal the following based on the request for variance (Ref. *Shelbyville Municipal Zoning Ordinance Art. VII, Sec. 7.3 (A), Standards for Variances*):**

- Does not meet the 2 of the 10 criteria**
- 2 of the 10 criteria are inapplicable (Criteria nos. 4 and 10).**
- 6 of the 10 criteria are met (Including those for safety).**

A comprehensive analysis is provided below, in “ANALYSIS AND SUPPORTING DOCUMENTATION”.

Most Procedural Notifications are provided to the applicant to make aware of regulatory requirements (as required by Staff)



# Setback Variance – 1301 Railroad Ave

APPROVED BY THE BOARD OF ZONING APPEALS FOR THE VARIANCE.

## BOARD OF ZONING APPEALS CONCURS WITH STAFF FINDINGS, INCLUDING CONSIDERATION

OF STAFF SUPPORT BY TESTIMONY OF THE APPLICANT ON BEHALF OF THE OWNER: this request for a variance from the *Shelbyville Municipal Zoning Ordinance* Art. V, Sec. 5.6.2 (C), *Bulk Standards Minimum Front Yard Setback*, requesting relief from the strict application of the minimum front yard setback of 100ft. The 3.04 acre parcel identified in Bedford County, TN. tax records as 078 Parcel 045.00 for the purpose of adding an 80ft x 90ft (7,200 sqft) single story addition on an existing nonconforming structure, **HAS MET** the minimum requirements for a variance with the following exception:

In accordance with Art. VII, Sec. 7.2(C)<sup>1</sup>, the minimum variance is provided to affect relief of the strict application of the *Bulk Standards* for minimum front yard setback:

Unless the Applicant may demonstrate by document or testimony, the minimum variance should be consistent with the existing encroachment of 17.75ft from front yard on Railroad Ave. ***instead of the requested 30ft variance.*** Explanation of the determination by Staff Reviewer is expanded in the *Analysis and Supporting Documentation* section of this report.

### **Procedural Notification.**

Requires site plan application to be approved by the Planning Commission in accordance with Art. III, Sec. 3.13(A)<sup>2</sup>.

[PUBLIC]

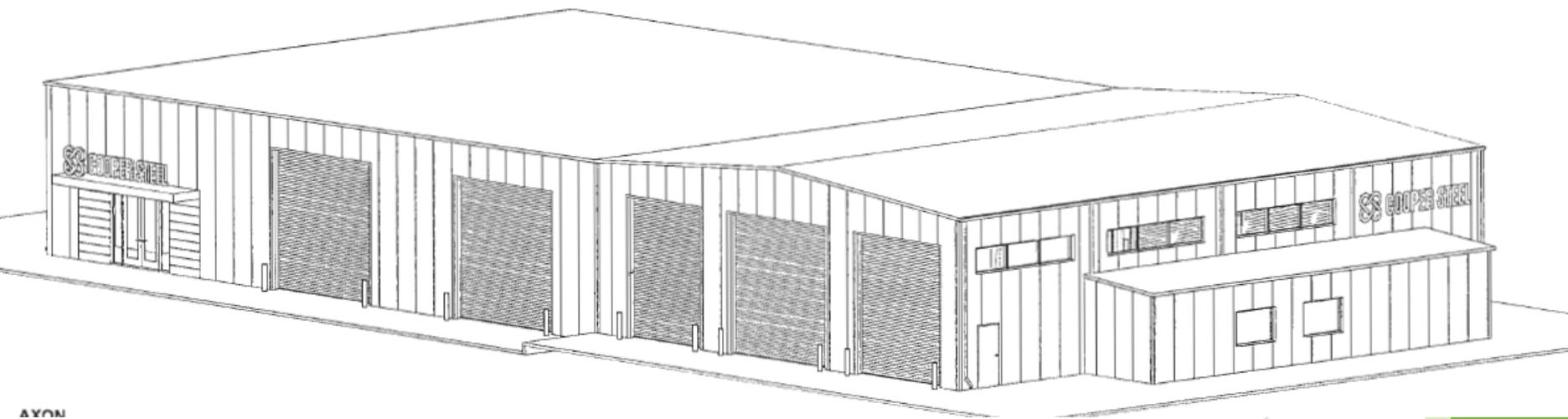
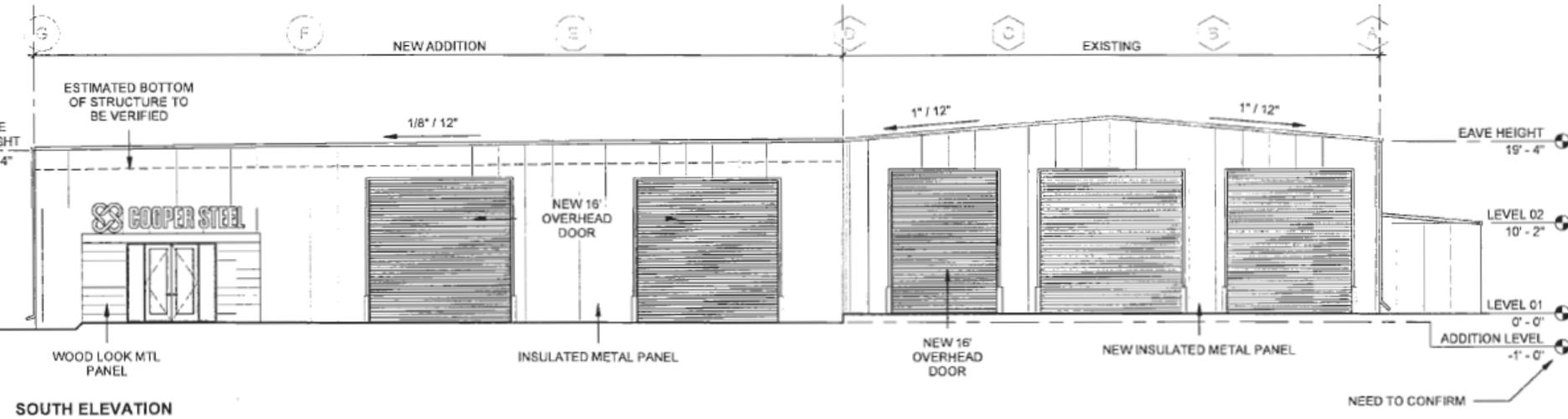
# Setback Variance – 1301 Railroad Ave

## ANALYSIS



[PUBLIC]

# Setback Variance – 1301 Railroad Ave



AYON

\*\*2061 2061 Addition (7,200 sq ft) and existing 1004 building

# Setback Variance – 1301 Railroad Ave

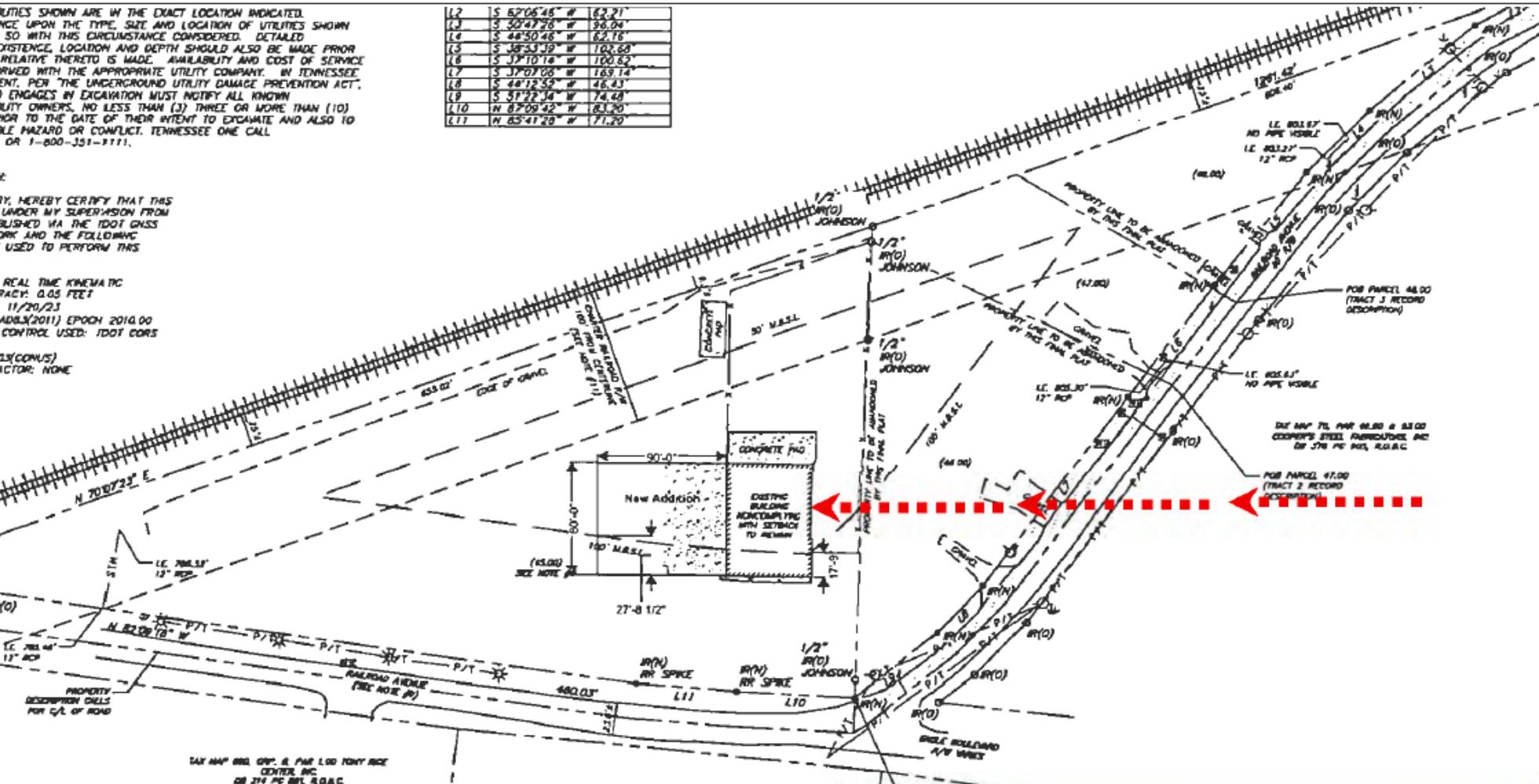
UTILITIES SHOWN ARE BY THE EXACT LOCATION INDICATED. DEPTH VARIATIONS SHOULD BE MADE PRIOR TO EXCAVATION. DISTANCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO EXCAVATION. AVAILABILITY AND COST OF SERVICE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. IN TENNESSEE, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, CONTRACTORS ENGAGED IN EXCAVATION MUST NOTIFY ALL KNOWN UTILITY OWNERS, NO LESS THAN (3) THREE OR MORE THAN (10) TEN PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID HAZARD OR CONFLICT. TENNESSEE ONE CALL OR 1-800-351-1111.

L.2	S 67°05'46" W	62.71'
L.3	S 22°47'28" W	36.04'
L.4	S 44°50'46" W	62.76'
L.5	S 38°53'39" W	102.60'
L.6	S 37°10'18" W	100.62'
L.7	S 37°07'08" W	169.14'
L.8	S 44°12'59" W	46.43'
L.9	S 31°22'34" W	74.48'
L.10	N 87°00'42" W	83.20'
L.11	N 65°41'29" W	71.20'

THE CONTRACTOR HEREBY CERTIFIES THAT THIS PLAN WAS PREPARED UNDER MY SUPERVISION FROM INFORMATION FURNISHED VIA THE TDDOT CHSS AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS WORK:

REAL TIME KINEMA DC  
ACCY: 0.05 FEET  
11/20/23  
ADDITIONAL EPOCH 2010.00  
CONTROL USED: TDDOT CORNERS

SCALE: NONE



**CONCEPT**  
80x90ft single story addition on existing bldg.  
constructed on or around 1984

As early as 1989 Lot of Record has been zoned I-2

# Setback Variance – 1301 Railroad Ave

Applicant may want to elaborate by providing testimony on how the addition is configured since there is additional space to the North that may be utilized for an addition (to avoid a variance) or description of the carrier that makes shifting the addition to meet the required setback unfeasible.

PREPARED, RELYING UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED INVESTIGATION OF EXISTING LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) THREE OR MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OF CONFLICT, TENNESSEE ONE CALL 1-877-386-1987 OR 1-800-351-1111.

L.4	S. 46°17' 42" W	100.00'
L.5	S. 48°30' 48" W	62.18'
L.6	S. 38°31' 52" W	102.88'
L.8	S. 37°10' 14" W	100.69'
L.7	S. 37°02' 08" W	100.14'
L.9	S. 44°12' 54" W	40.43'
L.9	S. 61°22' 54" W	24.88'
L.10	N. 67°09' 52" W	83.20'
L.11	N. 89°41' 28" W	71.20'

### GPS CERTIFICATION

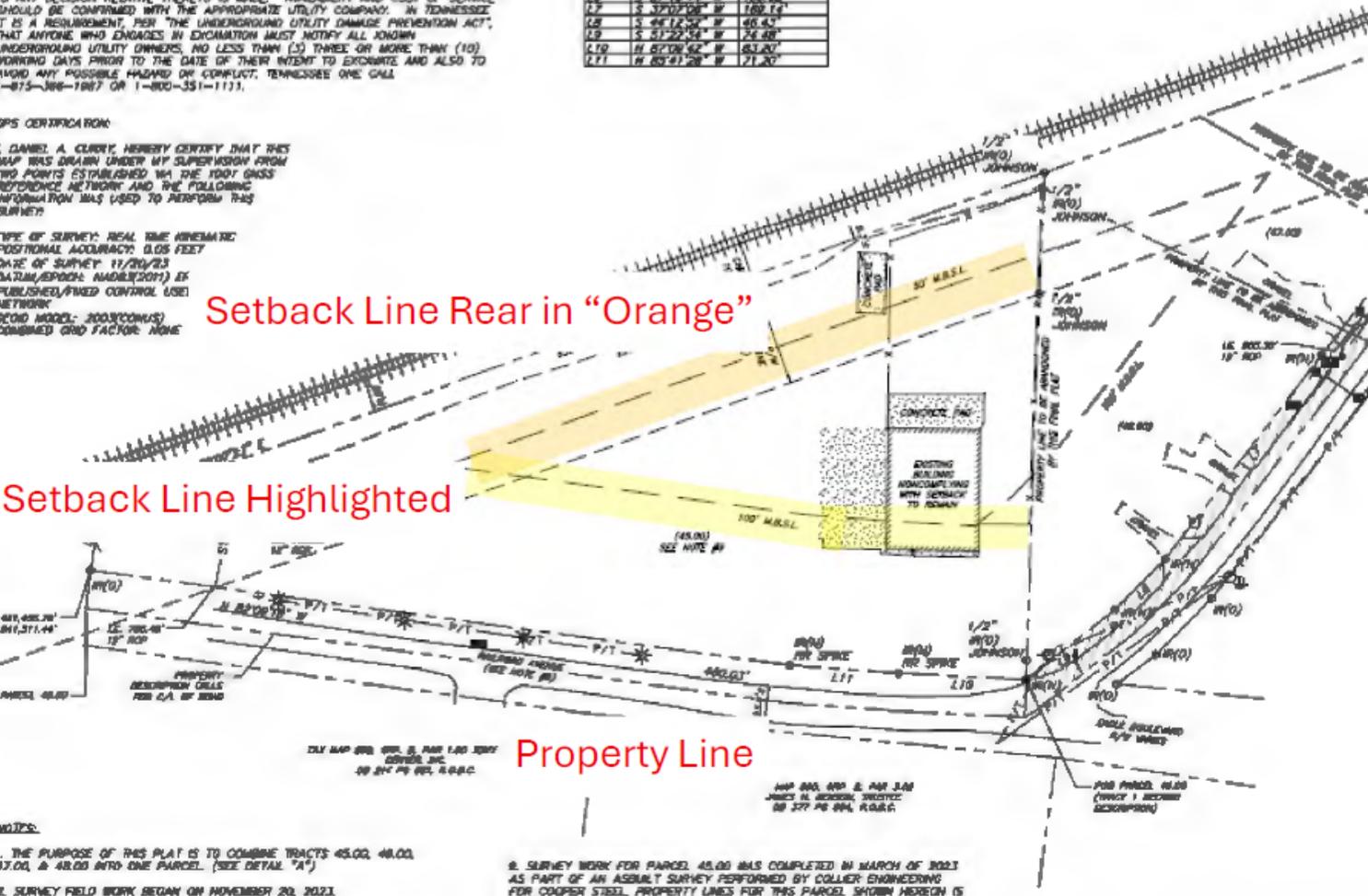
DANIEL A. CURRY, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM TWO POINTS ESTABLISHED IN THE 1980'S GROUND REFERENCE NETWORK AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS SURVEY:

TYPE OF SURVEY: REAL TIME KINEMATIC  
ASTRONOMICAL ACCURACY: 0.05 FEET  
DATE OF SURVEY: 11/20/23  
MATH/PROGRAM: MAGNETRON) &  
PUBLISHED/PIVOT CONTROL USE  
NETWORK  
SCOD MODEL: 2003(COCONUS)  
COMBINED GRID FACTOR: NONE

Setback Line Rear in "Orange"

Setback Line Highlighted

Property Line



[PUBLIC]

# Setback Variance – 1301 Railroad Ave

## BULK REGULATIONS BY COMPARISON BETWEEN REQUIRED AND PROPOSED (I-2)

Bulk Regulations Comparison (I-2)	I-2	Existing	Addition
Min. Lot Size	2.5 acres	3.04 acres	3.04 acres
Min. Lot Width @ Bldg Setback	None	+400ft	+400ft
Min. Front Yard Setback	100ft	+100 ft (E. Lane) / +/- 82.25 ft (Railroad Ave)	+100 ft (E. Lane) / +/- 72.3 ft (Railroad Ave)
Min. Side Yard Setback	50ft	10ft	10ft
Min. Rear Yard Setback	50ft	20ft	30ft
Min. Side Yard Adj. Residential	75ft	N/A	N/A
Min. Rear Yard Adj. Residential	75ft	N/A	N/A
Min. Street Frontage	200ft	Greater than 600ft (E. Lane St.) Greater than 400ft Railroad Ave.	Greater than 600ft (E. Lane St.) Greater than 400ft Railroad Ave.
Min. Street Frontage @ Cul de sac	100ft	N/A	N/A
Max. Building Height	None	Less than 30ft	Less than 30ft
Max. Building Lot Coverage	50%	+/- 5%	10.5%

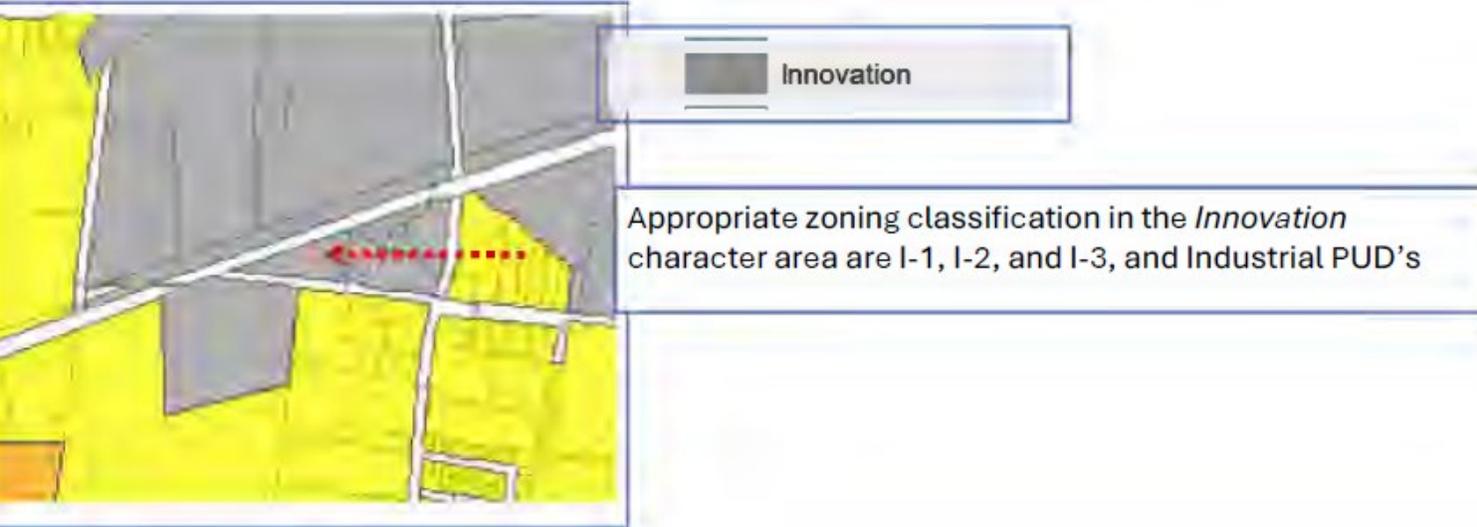
**\*\*PROPOSING TO INCREASE ENCROACHMENT BY THE ADDITION**

[PUBLIC]

# Setback Variance – 1301 Railroad Ave

## CONSISTENCY WITH THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN

Planning and Land Uses are Consistent with Comprehensive Plan



## AVAILABILITY AND ACCESS TO PUBLIC FACILITIES AND SERVICES (CONCURRENCY)

The subject parcel has access to public services such as waste service, roads, and emergency services. Lane St. and Railroad Ave. are functionally classified as a Major Collectors.<sup>15</sup> Both are sufficient to service the subject parcel and proposed development.

Service extensions may be required for fire protection, water and sewer.



[PUBLIC]

# Setback Variance – 1301 Railroad Ave

NEIGHBORHOOD <sup>16</sup> - Little change in neighborhood conditions since 1992.



- Elections: Chair, Vice Chair, Secretary.
- Approval of Training Hours

