

Development Review Committee

Staff Report

April 6, 2022



Case No.	21-WAIVER-0113
Project Name	Changing Image Sign Waivers
Location	3938 Poplar Level Road
Owner	Holy Family Church
Applicant	Golden Rule Signs
Jurisdiction	Louisville Metro
Council District	10 - Pat Mulvihill
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

WAIVER 1 to permit a changing image sign to be located within 300ft of a residential zone or residential use (LDC 8.2.1.D.6)

WAIVER 2 to permit a changing image sign to exceed the maximum size allowed in a Neighborhood form district (LDC 8.2.1.D.4.a.)

CASE SUMMARY / BACKGROUND

The applicant proposes to construct a new freestanding sign which includes a changing image panel. Two existing freestanding signs, a monument sign and a reader board sign, are to be removed. The new sign will be placed at the location of the existing reader board sign, approximately 170ft south of its Cheak Street frontage.

The site, including the area of both signs, is located in a Neighborhood form district. The majority of it is zoned R-5, with a small portion on its south end zoned OR-3. This portion of Bardstown Road is a five-lane arterial roadway. The proposed sign meets all standards and requirements other than the subject of the waiver requests.

The vicinity of the proposed sign is fully developed, with 17 residences within the 300ft buffer area. The applicant's site occupies a significant part of the overall buffer area. The site is bordered on all sides by single-family residential uses, including those parcels nearest the proposed sign.

SIGN STANDARDS

Freestanding Sign Neighborhood Form District	Permitted	Proposed
Total Area	Maximum 80 sf	35 sf
Changing Image Area	Maximum 30% of total	15.6 sf (45% of total)
Overall Height	Maximum 10 ft	6 ft
Base Style	Monument or Columnar Style	Monument

STAFF FINDINGS

Based upon the information in the staff report, the applicant's written justification statement and the testimony and evidence provided at the public hearing, DRC must determine whether the waiver requests are justified.

The overall area of the proposed sign is less than half of what would be permitted. If the applicant chose to erect the sign at the maximum allowable size, the changing image panel could be up to 24sf, well above the applicant's request of 15.6sf.

The overall height of the proposed sign is 40% less than what is permitted and meets all remaining LDC standards.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to permit a changing image sign to be located within 300ft of a residential zone (LDC 8.2.1.D.6.)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver may adversely affect adjacent property owners in that the sign will operate around the clock on a daily basis.

(b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver may violate guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the applicant is requesting a sign area and height that are less than would be permitted.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The proposed sign has incorporated other design measures that exceed the minimums of the district and compensate in that the sign is significantly smaller in area and shorter in overall height than would otherwise be permitted.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to permit a changing image sign to exceed the maximum size allowed in a Neighborhood form district (LDC 8.2.1.D.4.a.)

(e) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver may adversely affect adjacent property owners in that the changing image portion as proposed is a larger percentage of the total area than permitted.

(f) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver may violate guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

(g) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the proposed sign is smaller in area and height than would be permitted.

(h) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The proposed sign has incorporated other design measures that exceed the minimums of the district and compensate in that the sign is significantly smaller in area and shorter in overall height than would otherwise be permitted.

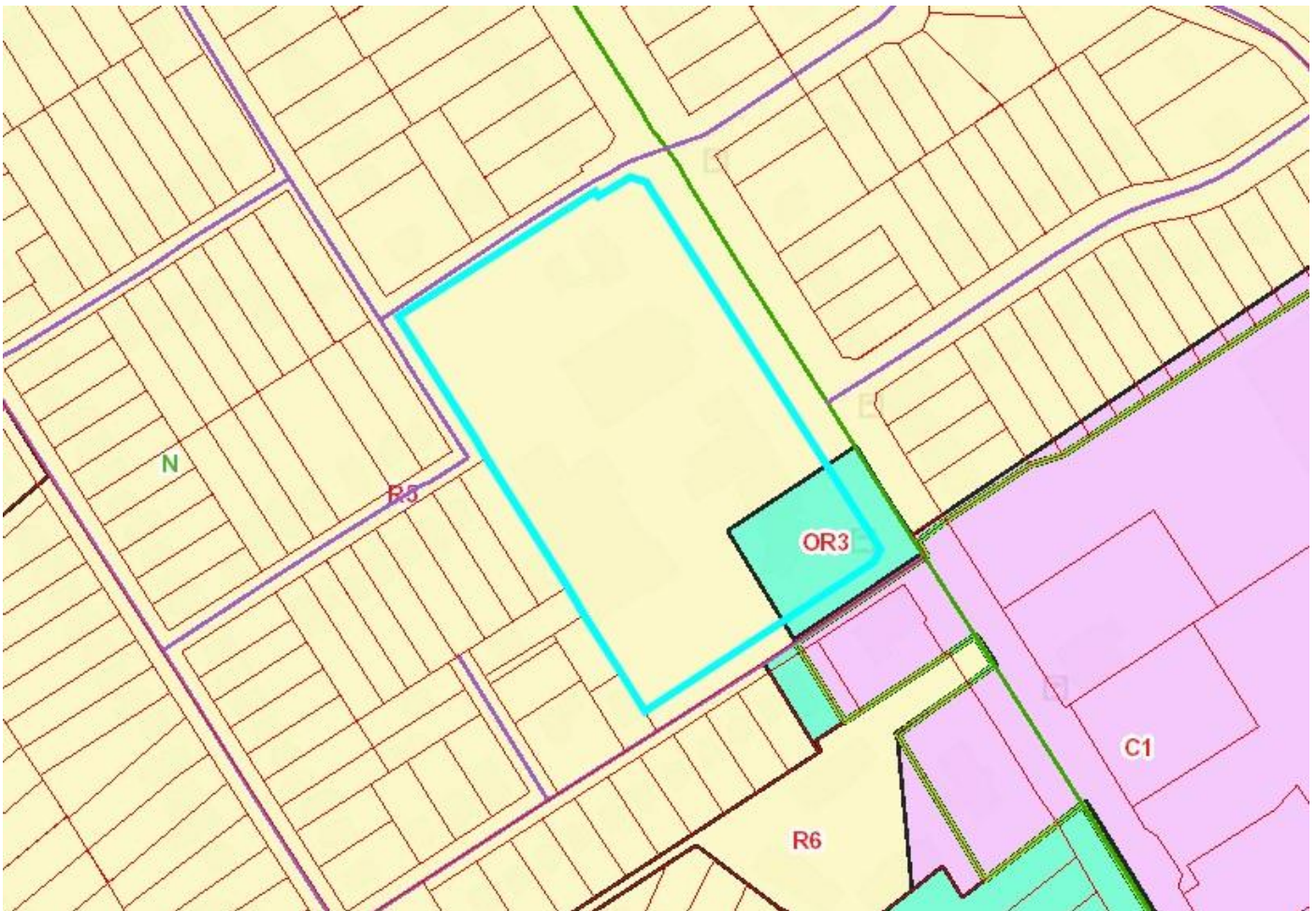
NOTIFICATION

Date	Purpose of Notice	Recipients
3/23/2022	DRC	1st tier adjoining property owners Registered Neighborhood Groups in Council District 10

ATTACHMENTS

1. Zoning Map
2. Aerial View
3. Buffer Zone
4. Street View of Site
5. Street View to East
6. Street View to North
7. Street View to South
8. Existing Sign to be removed
9. Existing Sign to be replaced
10. Proposed Sign

1. Zoning Map



2. Aerial View



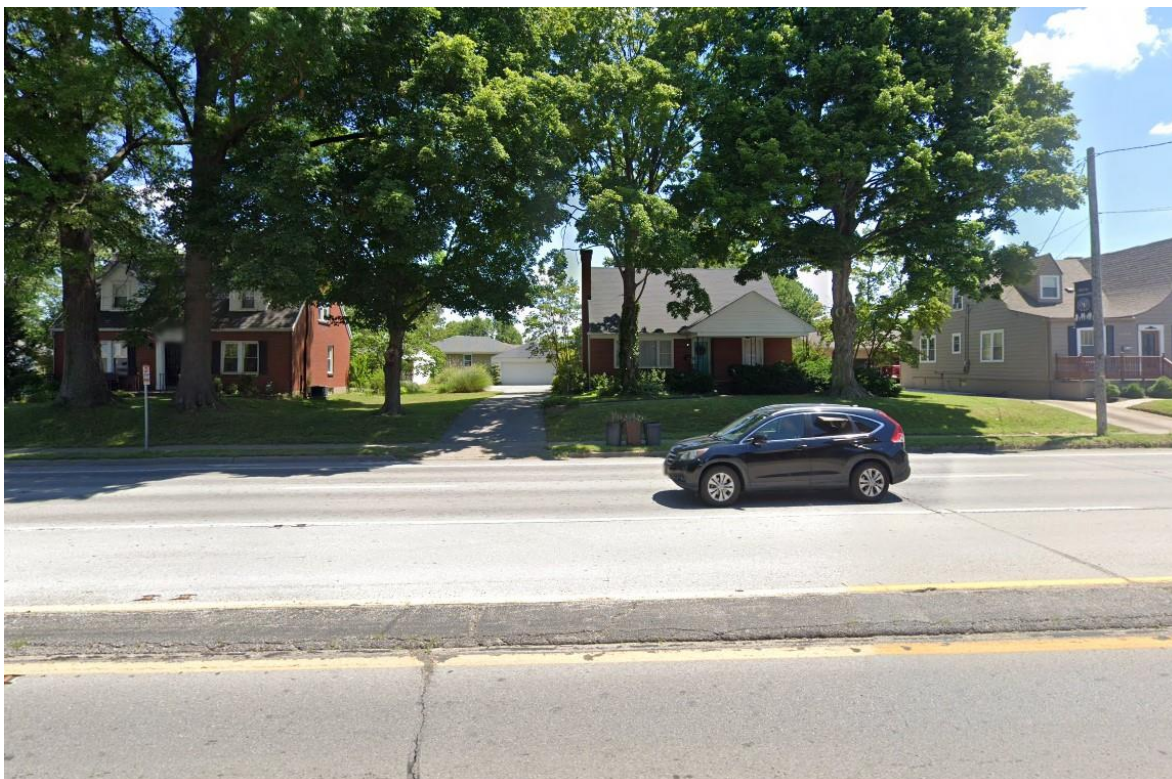
3. Buffer Zone



4. Street View of Site



5. Street View to East



6. Street View to North



7. Street View to South



8. Existing Sign to be removed



9. Existing Sign to be replaced



10. Proposed Sign

