

# Development Review Committee

## Staff Report

November 4, 2015



Case No:	15WAIVER1028
Request:	Waiver to allow an LED sign to be closer than 300 feet to a residential zoning district
Project Name:	Saint Athanasius Catholic Church
Location:	5915 Outer Loop
Owner:	Roman Catholic Bishop of Louisville.
Applicant:	Saint Athanasius Catholic Church
Representative:	William Bardenwerper, Bardenwerper Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Sherie' Long, Landscape Architect

### REQUEST

Waiver to allow a LED/Changing Image sign to be closer than 300' to a residential zoning district (LDC Section 8.2.1.D.6)

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is to allow an LED/Changing Image Sign to be closer than 300' to a residential zoning district. The applicant, Saint Athanasius Church, is updating their signage. The subject site located on the north side of Outer Loop, a designated parkway, is zoned R-4 in the Neighborhood Form District (N). The proposal is to replace the current monument sign with a new 7 feet tall identification sign (33sf sign face) with 30% of the sign being LED/Changing Image. The new LED/Changing Image sign will be located approximately 175 feet from the nearest residentially zoned property with twelve (12) properties being within 300 feet; ten (10) homes of which are directly across the street. The LED/Changing Image Sign shall be capable of dimming after dark and the message shall remain constant for 20 seconds – no flashing, blinking, scrolling, etc.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Church/School	R-4	N
<b>Proposed</b>	N/A	N/A	N/A
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single family residential	R-4	N
<b>South</b>	Single family residential	R-4	N
<b>East</b>	Swim Club	R-4	N
<b>West</b>	Vacant residential	R-4	N

### PREVIOUS CASES ON SITE

No previous cases.

## INTERESTED PARTY COMMENTS

Staff has not received any inquiries from interested parties.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to allow an LED/Changing Image sign to be closer than 300' to a residential zoning district (LDC Section 8.2.1.D.6)

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

STAFF: The waiver will adversely affect adjacent property because the nearest property is 175 feet south of the proposed location of the sign. Ten (10) homes are within the 300 feet and have a view of the proposed sign.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate the Comprehensive Plan because the sign is located in a residential area in the Neighborhood Form District. The proposal is not compatible with adjacent residential. The proposal is not designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. The proposal does not provide appropriate transitions between uses that are substantially different in scale and intensity. The proposal does not mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. Signage is not compatible with the form district pattern and does not contribute to the visual quality of their surroundings.

- (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 because the relief being provided would allow the sign to be updated to the standard desired.

- (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: Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant because the applicant can provide adequate signage without a changing image.

## TECHNICAL REVIEW

The sign elevation is required to be modified to show the area of the LED/Changing Image being within the allowed 30% of the total sign area. Also, the applicant should confirm the changing image is capable of dimming after dark and the message will remain constant for 20 seconds – no flashing, blinking, scrolling, etc.

## STAFF CONCLUSIONS

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver is not justified as requested.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for granting a Waiver established in the Land Development Code.

### Required Action

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the Waivers listed in the staff report.

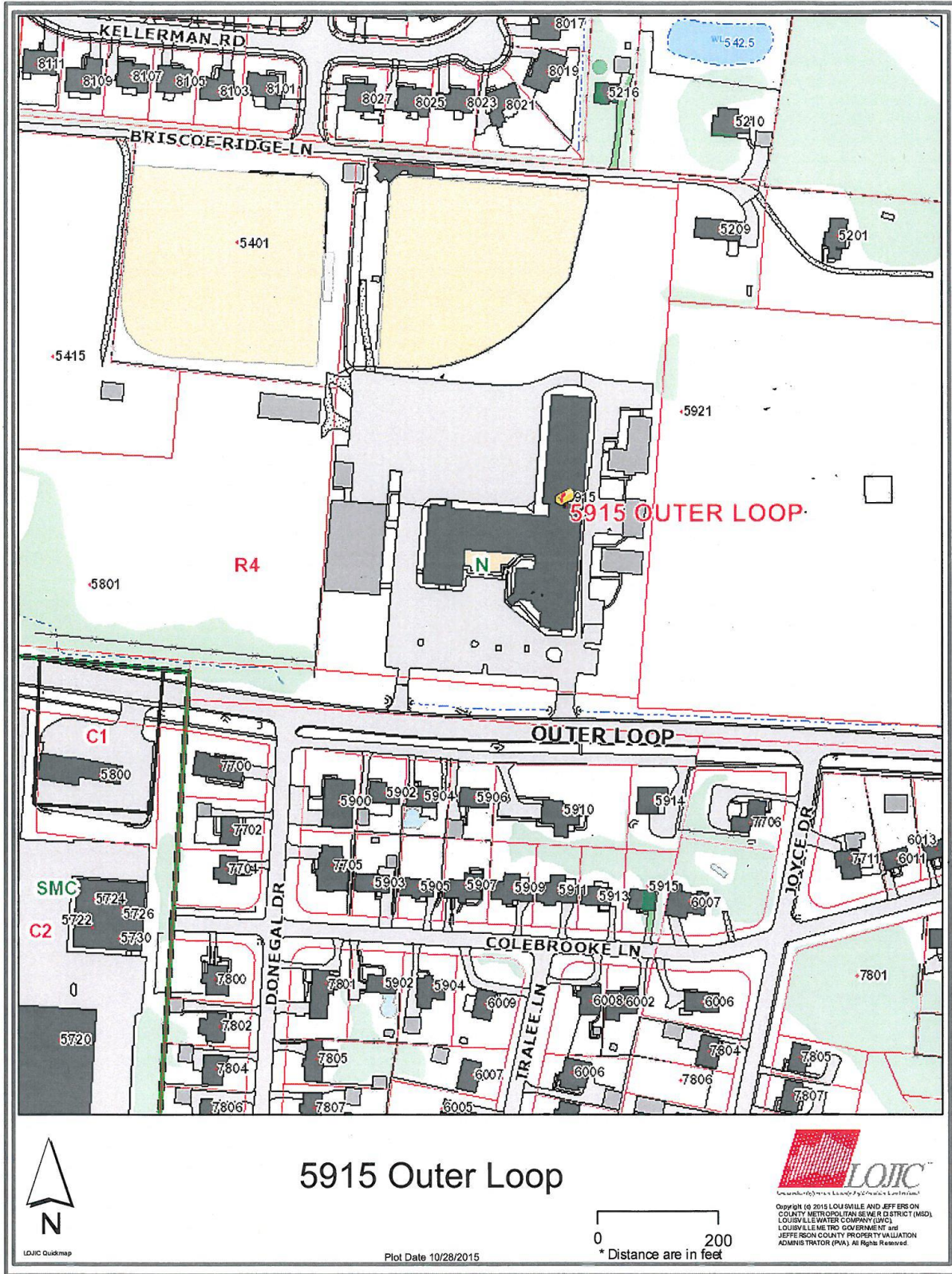
## NOTIFICATION

Date	Purpose of Notice	Recipients
10/20/2015	Public Hearing before DRC	1 <sup>st</sup> tier adjoining property owners
10/16/2015	Public Hearing before DRC	Subscribers to Council District Notification of Development Proposals

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Sign Elevation
4. Applicant's Justification
5. Photographs

Attachment 1: Zoning Map





Attachment 2: Aerial Maps



5915 Outer Loop



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0 200  
\* Distance are in feet

Plot Date 10/28/2015







1530 East Washington St  
Louisville, Kentucky 40206  
**502-582-1714 - Phone**  
**502-584-6427 - Fax**

<b>CUSTOMER</b>	St Athanasius
<b>LOCATION</b>	Outer Loop
<b>SALESMAN</b>	Steve Hulsman
<b>DATE</b>	6-8-15
<b>SCALE</b>	3/4" = 1'
<b>FILE NAME</b>	St Athanasius Monument Sign

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COMPLIES TO UL 48

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 SUITABLE FOR WET LOCATIONS

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## Attachment 4: Applicant's Justification

### General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 8.2.1.D.6 to allow the changing image sign to be closer than 300 ft to the adjoining residentially zoned property

RECEIVED

AUG 17 2015

PLANNING &  
DESIGN SERVICES

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because many of the adjacent properties, especially across Outer Loop do not object to this changing image sign waiver with respect to distance. Part of the reason for that is because lots of people in the area are members of the St. Athanasius parish. Part of the reason is because Outer Loop is a wide, multi-lane arterial highway. And part of the reason is because it is a non-commercial sign intended to advertise not commercial products, but rather parish church service and school events.

2. The waiver will not violate the Comprehensive Plan because, from a Guideline 3 "Compatibility" standpoint, this sign is related to a use that is in keeping with any residential properties in the area, and it is of an aesthetically attractive design. As respects to Guidelines 7 and 8 pertaining to "Traffic" and "Transportation", the changing image is recognized as not presenting a traffic or road safety hazard as long as the image does not too frequently.

change

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it has set the sign back at an appropriate distance from the Outer Loop in an area that does not interfere with other important uses of the property that need to be preserved.

4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because, as stated above, given that most or maybe all neighbors do not object to this sign, locating it elsewhere on this site would interfere with structures and uses that need to be protected and/or would limit St. Athanasius opportunities to appropriately advertise its parish functions.

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15WAIVER1028



# Attachment 5: Photographs





