

Board of Zoning Adjustment

Staff Report

October 16, 2023



Case No:	23-VARIANCE-0116
Project Name:	Church Freestanding Sign
Location:	7709 Bardstown Road
Owner(s):	Cedar Creek Baptist Church
Applicant:	Mike Borland
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Heather Pollock, Planner I

REQUEST(S)

- **Variance** of Land Development Code (LDC), Section 8.3.3, Table 8.3.3 to allow a freestanding sign to exceed the maximum height permitted along a designated parkway.
- **Variance** of Land Development Code (LDC), Section 8.2.1.D.4 to allow a changing image sign to be greater than 30% of the total sign area.

CASE SUMMARY

The property is in the C-1 commercial and R-4 single family residential zoning districts and the Neighborhood Form District. It is about a third of a mile south of the intersection of Bardstown Road and Gene Snyder Freeway. This portion of Bardstown Road is a designated parkway. The applicant is requesting to construct a 54.3 sq. ft. monument sign that is 11.79 ft. tall. Incorporated with the proposed sign is a 21.49 sq. ft changing image sign. The sign will be located in the C-1 portion of the subject site, adjacent to the Bardstown Road. The sign location is greater than 300 ft. from any residentially used properties.

STAFF FINDING

Staff finds that the variance is adequately justified based on staff's analysis contained in the standards of review.

TECHNICAL REVIEW

Comments were received from Kentucky Transportation Cabinet and are attached to this agenda item.

Requirements for Freestanding signs on Scenic Corridors, Olmsted Parkways, and Parkways

Freestanding Sign Designated Parkway Commercial Use	Permitted	Proposed
Total Sign Area/ Height (when street frontage is less than 450 ft.)	Maximum 60 sf./ 6 ft. tall	54.3 sf./ 11.79 ft. tall
Changing Image Sign Area	16.29 sf. (30% of total sign)	21.49 sf.
Sign Style (base width)	Monument or Columnar	Monument

- Changing image signs may be included and shall be integrated within the overall design of a freestanding sign.
- No more than 30% of the freestanding sign shall be composed of the changing image sign.
- Changing image signs shall not be closer than 300 feet to a residentially used property or in a residential zoning district excluding properties exclusively used for non-residential purposes or the changing image sign is not visible to the residential property.
- All changing image signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIGN VARIANCE FROM SECTION 8.3.3, TABLE 8.3.3.

- (a) The variance will not adversely affect the public health, safety, and welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the sign will not impact the safe movement of pedestrians and vehicles as it is sufficiently setback from the roadway. There are other freestanding signs in the area that exceed the Parkway height standards.

- (b) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone as the proposed sign height is in compliance with the form district standards, which would otherwise apply in the absence of the Parkway.

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

STAFF: Strict application of the regulations would create an unnecessary hardship on the applicant as the proposed sign is in character with the existing development on the site and with the surrounding commercial uses. There are other freestanding signs in the area that exceed the Parkway height standards.

- (d) The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as work has not begun on the proposed sign for which the variance is being requested.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIGN VARIANCE FROM SECTION 8.2.1.D.4.

- (a) The variance will not adversely affect the public health, safety, and welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the sign will not obstruct the save movement of vehicles and pedestrians. Additionally, it is in character with the existing development on the site and with the adjacent commercial uses along the Bardstown Road corridor. The sign location is greater than 300 ft. from any residentially used properties.

- (b) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone as the location of the sign is adjacent to Bardstown Road and zoned commercial. Whereas the remainder of the property to the rear is zoned residential.

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

STAFF: Strict application of the regulations would create an unnecessary hardship on the applicant as the proposed sign is in character with the existing development on the site and with the surrounding commercial uses. The sign is setback from the road and the proposed changing image sign area would make it more visible to vehicular traffic.

- (d) The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as work has not begun on the proposed sign for which the variance is being requested.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** of Land Development Code (LDC), Section 8.3.3.B, Table 8.3.3 to allow a freestanding sign to exceed the maximum height permitted along a designated Parkway.
- **APPROVE** or **DENY** the **Variance** the Land Development Code (LDC), Section 8.2.1.D.4 to allow a changing image sign to be greater than 30% of the total sign area.

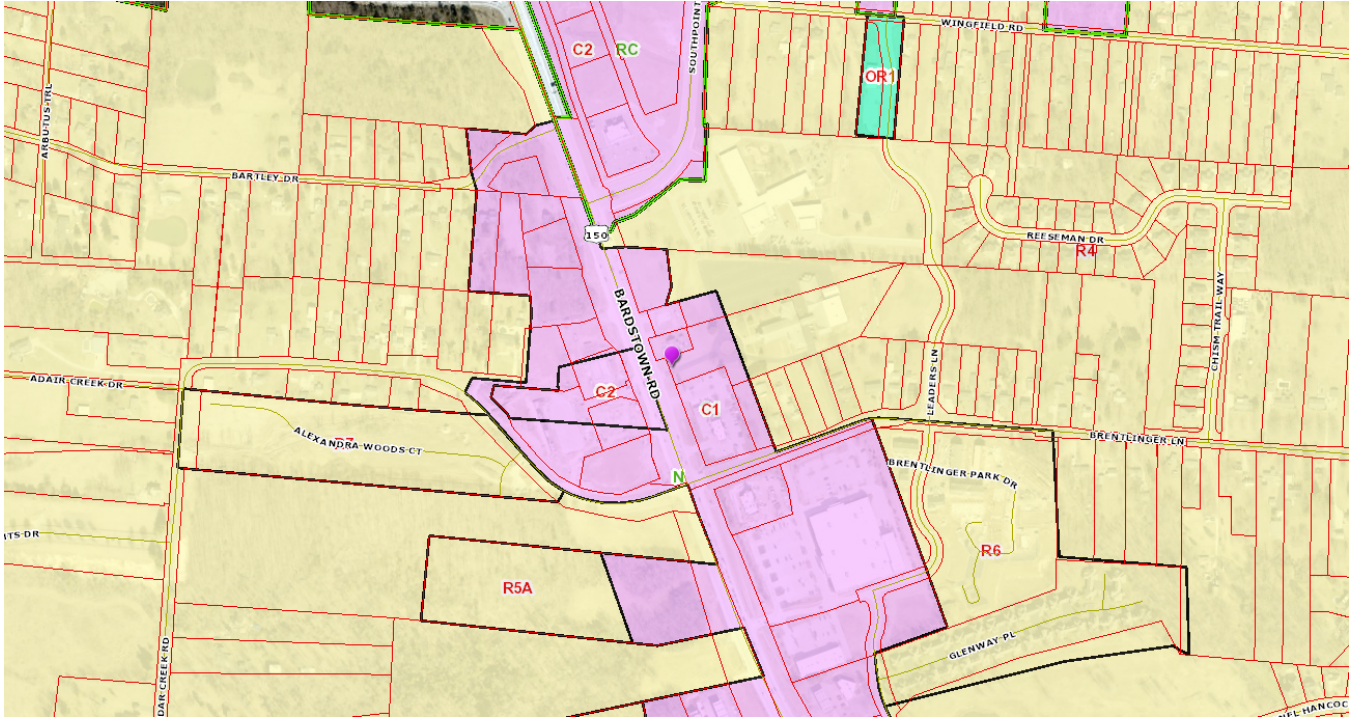
NOTIFICATION

Date	Purpose of Notice	Recipients
10/02/2023	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 22
10/02/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

