

Board of Zoning Adjustment

Staff Report

September 11, 2023



Case No:	23-VARIANCE-0105 & 23-WAIVER-0094
Project Name:	Class Act FCU Freestanding Sign
Location:	3620 Fern Valley Road
Owner(s):	Classroom Teachers Federal Credit Union
Applicant:	Heather Mullin, Golden Rule Signs
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
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.
- **Waiver** of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential use.

CASE SUMMARY

The property is in the C-1 commercial and R-4 single family residential zoning districts and the Suburban Marketplace Corridor Form District. It is close to the intersection of Fern Valley Road and Preston Highway. This portion of Fern Valley Road is a designated parkway. The applicant is requesting to construct a 48 sq. ft. columnar sign that is 24 ft. tall. Incorporated with the proposed sign is an 18 sq. ft changing image sign. The sign will be located in the C-1 portion of the subject site, adjacent to the Fern Valley Road. The sign location is approximately 268 ft. from a residentially used property across Fern Valley Road. The changing image portion of the sign will be visible to the residential property across Fern Valley Road but is screened from view by vegetation to the residential uses to the rear of the subject property.

Associated Cases

- 09-124-86: Change of zoning from R-4 to C-1.
- B-098-96: Variance to allow 2 freestanding signs to encroach into the required front yard setbacks.

STAFF FINDING

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

TECHNICAL REVIEW

Preliminary approval has been received from Transportation Planning.

Requirements for Freestanding signs on Scenic Corridors, Olmsted Parkways, and Parkways and for changing image signs:

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	48 sf./ 24 ft. tall
Changing Image Sign Area	29 sf. (60% of total sign)	18 sf.
Sign Style (base width)	Monument or Columnar	Columnar

- Changing image signs may be included and shall be integrated within the overall design of a freestanding sign.
- No more than 60% 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

- (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 setback from the roadway and property entrances. 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 WAIVER.

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

STAFF: The waiver will not adversely affect adjacent property owners, as the majority of adjacent uses are non-residential. Additionally, the changing image sign will not be directly facing the adjacent residential use and will have auto-dimming features.

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

STAFF: The waiver will not violate Community Form Goal 1 number 14: Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The proposed sign is compatible with this guideline, it is columnar style which is consistent with the Parkway requirements in the LDC, and of a design compatible with existing development on the site and other signage in the area.

- (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 regulations is the minimum necessary to afford relief to the applicant as the sign location is approximately 268 ft. from a residentially used property across Fern Valley Road.

- (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 applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived, the changing image sign will be on the bottom portion of the sign, this coupled with existing landscape screening will mitigate the impact the sign has on adjacent residential uses. Additionally, the proposed area of the changing image sign is less than the 60% of the total sign area permitted.

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 **Waiver** of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential use

NOTIFICATION

Date	Purpose of Notice	Recipients
08/04/2023	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 21
08/08/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

This aerial map displays a commercial district in St. Louis, Missouri, with various lots and buildings. The map includes labels for lot numbers (e.g., 3620, 3612, 3624, 3700, 3800, 3800R), street names (FERN VALLEY RD, C2, SW, R4), and zoning codes (C1, CM, SMC). A blue outline highlights a specific area, and a purple dot is marked on lot 3620.