

Board of Zoning Adjustment

Staff Report

February 19, 2018



Case No:	18VARIANCE1000
Project Name:	Ormsby Heights Baptist Church Sign
Location:	2120 Lower Hunters Trace
Owner(s):	Ormsby Heights Baptist Church
Applicant:	Golden Rule Signs – Nick Delsignore
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 8.3.2 to allow a sign to exceed the allowable height in the Neighborhood form district
- **Waiver** from Land Development Code section 8.2.1.D.4.a to allow the changing image panel of a sign to exceed 30% of the total area of the sign
- **Waiver** from Land Development Code section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residential properties

Location	Requirement	Request	Variance
Sign Height	8 ft.	17.83 ft.	9.83 ft.

CASE SUMMARY/BACKGROUND

The subject property is located on Lower Hunters Trace at the intersection with Upper Hunters Trace. A sign currently exists on the property. The applicant proposes to replace the cabinet of the sign with a new cabinet, to contain a static image panel and a changing image panel.

The existing sign exceeds the allowable height in the Neighborhood form district. Because the applicant proposes to use the same pole as the existing sign, the new sign will also exceed the allowable height.

The overall area of the sign is proposed to be 44.61 sf. The changing image panel is proposed to be 22.61 sf in area, or 50.68% of the overall area of the sign, which exceeds the allowed 30%.

The location of the sign is approximately 80 feet from the nearest residentially zoned property which is being used residentially, less than the required 300-foot separation. There are 8 properties partially or fully within 300 feet of the proposed sign.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review. Staff finds that the requested waiver from section 8.2.1.D.6 is adequately justified and meets the standard of review. Staff finds that the requested waiver from section 8.2.1.D.4.a is not adequately justified and does not meet the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code from table 8.3.2 to allow a sign to exceed the allowable height, and if the proposal meets the standards for granting a waiver from the Land Development Code from section 8.2.1.D.4.a to allow a changing image panel to exceed 30% of the area of a sign, and from section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residential properties.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.2

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the existing sign exceeds the form district allowance, which has caused no known adverse effects.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the existing sign has been in place for many years and has become part of the essential character of the neighborhood.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the sign will not obstruct views for drivers or pedestrians.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the existing sign is to be replaced using the existing pole.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the new sign is proposed to be replacement cabinets for an existing sign, using the same pole.

2. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant could remove the existing pole and build an entirely new sign that would comply with the Neighborhood form district height restrictions.

3. The circumstances are not the result of actions of the applicant taken 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 regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 8.2.1.D.4.a

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

STAFF: The waiver will not adversely affect adjacent property owners as the applicant could comply with the regulations by keeping the changing image panel the same size and increasing the size of the static image panel.

- (b) The waiver will violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 states that signs should be 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. These guidelines are violated because the proposed sign is not compatible with the form district pattern as described in the zoning regulations.

- (c) The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the sign could be designed to as to comply with the regulations.

- (d) Either:

(i) The applicant has not 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 not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has not incorporated other design measures that exceed the minimums of the district to compensation for non-compliance with the requirements to be waived, and the strict application of the provision of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the sign could be designed with a larger static image panel or a smaller changing image panel in order to comply with the regulations.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 8.2.1.D.6

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

STAFF: The waiver will not adversely affect adjacent property owners as the sign must comply with the requirement that the image change no more frequently than once per twenty seconds.

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

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 states that signs should be 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. These guidelines are not violated because Lower Hunters Trace is a primary collector level roadway with sufficient traffic that a changing image sign is appropriate for this location.

- (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 as there is no location on the property where a sign could be reasonably placed that is not within 300 feet of residential properties.

- (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 strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to place the sign in a location that would not be visible from the road in order to comply with the regulation.

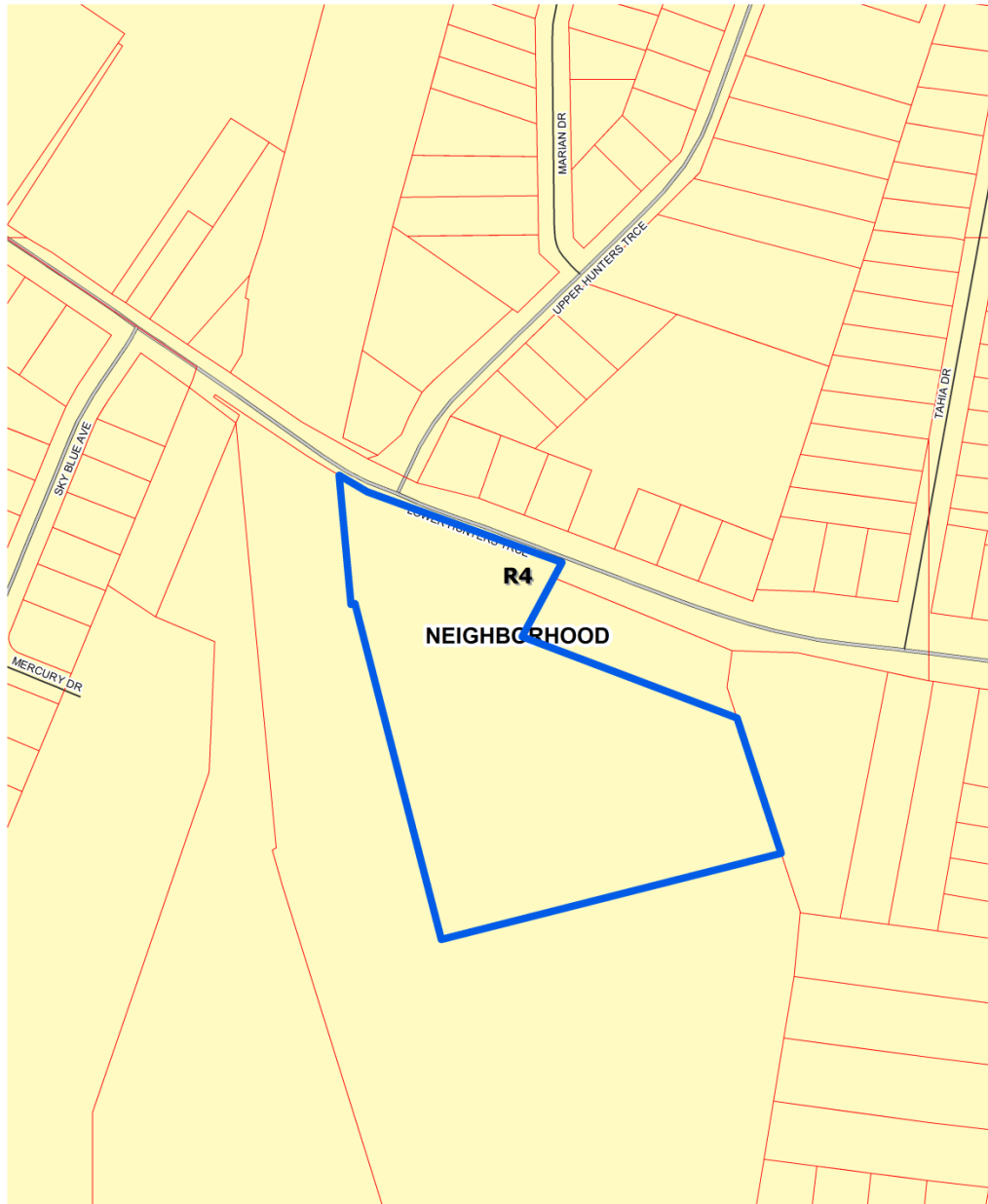
NOTIFICATION

Date	Purpose of Notice	Recipients
01/31/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 12
02/02/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

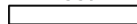
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. 300-Foot Buffer Around Sign
6. Site Photos

1. **Zoning Map**



2120 Lower Hunters Trace

feet



230

Map Created: 2/7/2018



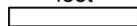
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2. Aerial Photograph



2120 Lower Hunters Trace

feet



230

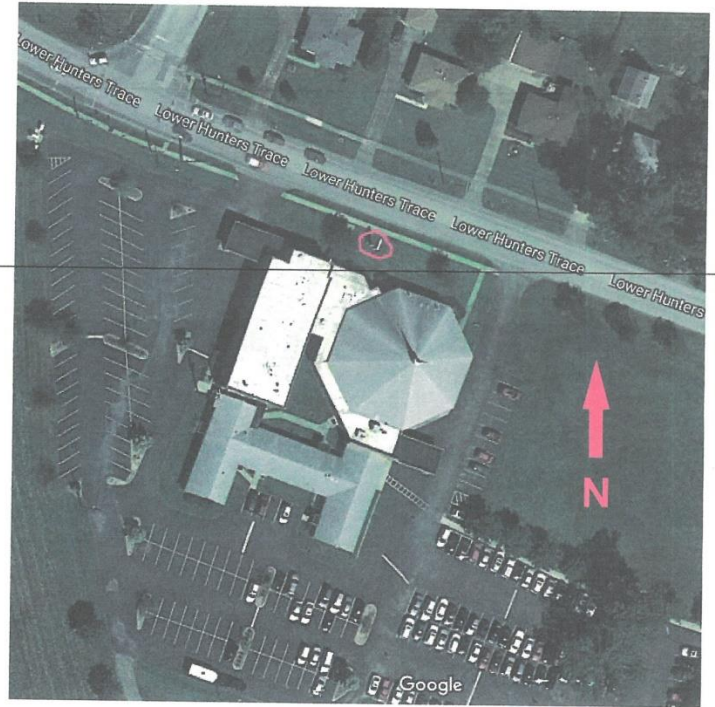
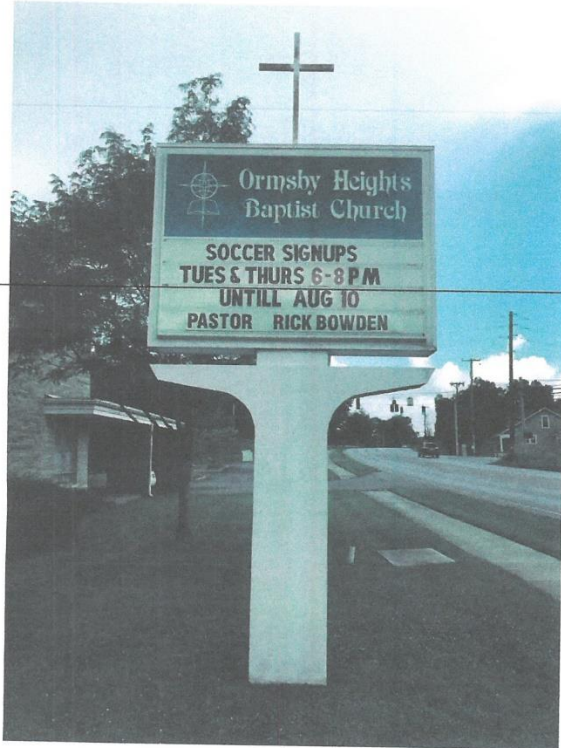
Map Created: 2/7/2018



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3. Site Plan

Current Sign Location/Conditions



RECEIVED

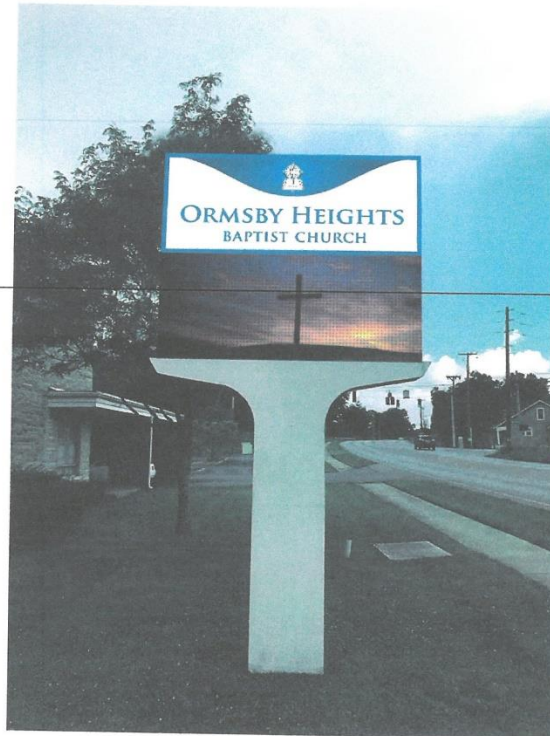
JAN 03 2018
PLANNING &
DESIGN SERVICES

Notes: 2120 Lower Hunters Trace, Louisville KY,
Parcel ID: 102503730000

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4. Elevations

Mockup of Completed Install



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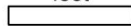
Notes:

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5. 300-Foot Buffer Around Sign



300 Foot Buffer
feet



100
Map Created: 2/7/2018



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6. **Site Photos**



The front of the subject property with the sign to be replaced.



The sign to be replaced.



The properties directly across Lower Hunters Trace.