

Board of Zoning Adjustment

Staff Report

October 5, 2020



Case No.	20-WAIVER-0097 20-VARIANCE-0091
Project Name	Freestanding Sign
Location	8025 New LaGrange Road
Owner/Applicant	Lyndon Baptist Church
Jurisdiction	Louisville Metro
Council District	7 - Paula McCraney
Case Manager	Beth Jones, AICP, Planner II

REQUEST

WAIVER to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (LDC 8.2.1.D.6)

VARIANCE to permit a freestanding sign to exceed the maximum permitted height (LDC Table 8.3.2. Town Center)

CASE SUMMARY / BACKGROUND

The applicant proposes to renovate a freestanding sign located on a parcel zoned R-4 Single-Family Residential in a Town Center form district, located on New LaGrange Road at Wood Road. The sign serves a church located on one of two adjoining parcels with LaGrange Road frontage.

The majority of properties adjoining the site and in the immediate vicinity are zoned and developed with Commercial and Office/Residential uses. A multi-residential site, zoned R-7 in a Neighborhood form district, is located across New LaGrange Road, adjoining the site to the southwest. It is developed with 83 units on 4.4 acres. It has a frontage on New LaGrange Road of approximately 275 ft within the 300 ft buffer zone.

The existing sign consists of an internally illuminated cabinet sign at the top with a message board panel underneath. The two elements are the same size. It is mounted on a single-pole structure and includes a cross-shaped decorative element mounted to the left side which extends above the top of the upper cabinet. The applicant is proposing to reface the existing cabinet and to replace the message board with a changing image sign. The current size of each will remain the same.

The changing image portion of the proposed sign will meet the remaining LDC requirements: no more than one per site; rate of change of no less than 20 seconds; size of 60% or less of the total sign area; and auto-dimming technology.

REQUIREMENTS

Freestanding Sign Town Center Form District 4-Lane Arterial	Permitted	Proposed
Height (above grade)	10 ft	12.5 ft (existing)
Total Area	80 sq ft	48 sq ft
Changing Image Area	28.8 sq ft (60% of proposed size)	24 sq ft (50% of proposed size)
Changing Image Location	300 ft from residential zone	Within residential zone; +/- 90 ft from nearest residential use
Cabinet Sign Illumination	Internal	Internal

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, BOZA must determine if the requested waiver and variance are justified.

Staff supports the variance request for the sign height to accommodate the existing sign structure. This structure has been in place for in excess of 50 years and the proposed changes do not affect the current height. In addition, while the decorative element of the cross causes the sign to exceed height standards, the body of the sign does not.

Staff does not support the waiver request as the proposed location is both within a residential district and directly across a four-lane street from a multi-family residential development. The multi-family property is as close as 90 ft from the proposed sign.

The fact that LDC regulations require opaque backgrounds for internally illuminated signs located in this form district is evidence that maintaining limits on light produced by signage is an important factor in determining the appropriateness of any proposed sign. Use of an opaque background on the cabinet portion of the sign and an agreement to turn off the changing image sign during nighttime hours would mitigate the negative affects on the adjoining residences (see Attachment 6).

TECHNICAL REVIEW

No technical issues remain to be resolved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (LDC 8.2.1.D.6) to permit a changing image sign to be located closer than 300 ft to a residentially zoned district

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

STAFF: The waiver will adversely affect adjacent property owners in that the proposed changing image sign is located on a site adjoining residentially zoned property developed with multi-family

residences. The direct glare of the light face, the indirect lighting produced and the flashing caused by the changing images would result in negative effects to residents.

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

STAFF: The waiver violates 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 proposed changing image sign will meet all remaining LDC requirements.

- (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 not incorporated design measures that compensate for non-compliance with requirements. 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, as the existing sign could be renovated without adding a changing image panel. Agreement to the proposed Conditions of Approval would aid in compensating for non-compliance.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE to permit freestanding signage to exceed the maximum permitted overall height (LDC 2.7.E.7.b.)

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the location of the sign will not interfere with pedestrian or vehicular traffic or with nearby land uses.

- (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 since the sign has been in place for more than 50 years.

- (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 since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses.

- (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 zoning regulations since the portion of the sign requiring the variance is decorative in nature and not visually intrusive.

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 since the sign has been in place for more than 50 years.

2. The strict application of the provisions of the regulation would deprive the applicant of 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 reasonable use of the land but would create an unnecessary hardship on the applicant since the existing uses on adjoining properties will not be adversely affected by the proposal.

3. The circumstances are 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 sign was in existence prior to the regulations.

NOTIFICATIONS

Date	Purpose of Notice	Recipients
9/18/2020	BOZA	1st tier adjoining property owners Registered Neighborhood Groups in Council District 7

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Street View
4. Buffer Zone
5. Existing and Proposed Signs
6. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Street View



4. Buffer Zone



5. Existing and Proposed Sign



6. Proposed Conditions of Approval

1. The changing image portion of sign shall be programmed so as to be non-functional between the hours of 9:00pm and 6:00am daily, so as to mitigate negative impacts on residential uses in the vicinity during nighttime hours. Confirmation of compliance with this condition shall be made by Planning & Design Staff as part of the sign permit approval process.
2. The panels of the internally-illuminated cabinet portion of the sign shall have an opaque background so as to mitigate negative impacts on residential uses in the vicinity during nighttime hours. Confirmation of compliance with this condition shall be made by Planning & Design Staff as part of the sign permit approval process.