

**MINUTES
LOUISVILLE ZONING BOARD OF APPEALS
MARCH 14, 2023**

Louisville Zoning Board of Appeals met in regular session with Chairman Casar presiding.

The Pledge of Allegiance was led by Chairman Casar.

MEMBERS PRESENT

Daniel Casar
Dan Harrison
John Phillippi
Mark Sigler
Bruce Barth

CITY PERSONNEL PRESENT

Joanie Aljancic, Council Member
Magan Denzer, Deputy City Clerk
Kaitlyn Carpenter, Administrative Assistant
Tiffany Justice, City Clerk

The Certificate of Open Meeting was presented.

MINUTES OF THE JANUARY 10, 2023 MEETING

Chairman Casar declared the minutes of the January 10, 2023 meeting approved as presented by unanimous consent.

Chairman Casar swore in those in attendance planning to speak before the board.

NEW BUSINESS

AB 23-02 ADAMS SIGNS, APPLICATION, FOR PARADISE CHRUCH, 619 E MAIN ST, FOR A VARIANCE OF SECTION 1160.11 FOR AN ELECTRONIC MESSAGE BOARD SIGN GREATER THAN THE PERMITTED 6.6 FT IN HEIGHT, WITH BONUSSES, (7.9 FT PROPOSED).

ZONING

Parcel: PGMI
North: R-3
South: R-3
East: R-3
West: B-4

BACKGROUND INFORMATION AND ZONING REQUIREMENTS

- The applicant is proposing to replace an existing low-profile sign with an electronic message board sign (EMB).
- The existing and proposed signs represent both Paradise Church and Kid Watch.
- A Certificate of Appropriateness will need approved by the Design Review Board.

DISCUSSION

- Variances are intended to alleviate a situation in which, for no public reason, zoning for an area more stringently burdens one parcel of land than others. *The zoning requirements do not impact the subject lot more stringently than others.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *There are no property characteristics causing the need for a variance.*

The standard to use in determining the merits of an area variance is whether the denial of the variance would result in “practical difficulties” for the property owner.

The following questions need to be examined in considering an area variance:

- Can there be a beneficial use of the property without the variance? *Yes.*
- Is the variance substantial? *A variance of 1.3 ft is being requested. This constitutes a variance of 19%.*
- Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment? *Adjoining property owners were notified of the variance request.*
- Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown.*
- Can the problem be solved by some other manner other than the granting of a variance? *Yes, the applicant could reduce the height of the sign.*

Member Harrison questioned the ability of the sign to be dimmed in the evening and what the intention of the church will be for the sign during nighttime hours.

Rick Cain, applicant representing Adams Signs, stated that Daktronics, an EMB sign manufacturer, is one of the largest in the nation. The sign will auto dim depending on the ambient lighting. During evening and nighttime hours, the sign will dim to 4% compared to a full sunny day. Mr. Cain also explained the software does allow you to program the sign to shut off and turned on at certain times.

Allen Gress, church member representing the congregation, stated the church had no purpose of keeping the sign on all night however he would need to discuss this further with other church members.

Member Sigler also commented that the church property has a lighted bell tower near the sign location and if the sign was illuminated all night, it would detract from the lighted tower.

Member Caser questioned why the height variance was needed. Mr. Gress explained the “pointed” design at the top of the sign is made to look like a church, so they are wanting to keep the message and beauty behind that hidden meaning, therefore needing to request a variance.

MEMBER BARTH MOVED, MEMBER HARRISON SECONDED, and the Motion carried to approve the variance for the height of the EMB sign as submitted. The vote: Casar yea, Harrison yea, Phillippi no, Sigler abstain, Barth yea.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Magan Denzer
Deputy City Clerk