

# Board of Zoning Adjustment

## Staff Report

June 18, 2018



**Case No:** 18VARIANCE1049  
**Project Name:** Family Dollar Sign  
**Location:** 5312 S 3<sup>rd</sup> Street  
**Owner(s):** Iroquois Legacy Center LLC  
**Applicant:** John Talbott  
**Jurisdiction:** Louisville Metro  
**Council District:** 21 – Vitalis Lanshima  
**Case Manager:** Dante St. Germain, Planner I

### REQUEST

- **Variance** from Land Development Code table 8.3.1 (Traditional Neighborhood) to allow a sign to exceed the allowed maximum area.

| Location  | Requirement | Request    | Variance  |
|-----------|-------------|------------|-----------|
| Sign Area | 60 sf.      | 135.86 sf. | 75.86 sf. |

### CASE SUMMARY/BACKGROUND

The subject property is located in the Iroquois neighborhood, in the Iroquois Manor shopping center at the intersection of S 3<sup>rd</sup> Street and W Southland Boulevard. The applicant proposes to replace an existing attached sign on the Family Dollar store with a new attached sign utilizing the store's new branding. The existing sign is 142.08 sf. in area, which is proposed to be decreased to 135.86 sf.

### STAFF FINDING

Staff finds that the requested variance is adequately justified and meets 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 table 8.3.1 (Traditional Neighborhood) to allow a sign to exceed the allowed maximum area.

### TECHNICAL REVIEW

- No technical review was undertaken.

### INTERESTED PARTY COMMENTS

Staff received a phone call from neighbor Ann Ramser, inquiring about the specifics of the variance and the relationship of the variance to the remainder of the shopping center. She did not express support or opposition.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.1**

- (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 sign will be installed according to code and will be securely attached to the façade.

- (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 proposed sign and existing sign are similar in area.

- (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 attached sign will have to comply with all other requirements of the Land Development Code.

- (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 proposed sign, while larger than the zoning regulations permit, is smaller than the existing sign, and brings the sign closer to compliance with the Land Development Code restrictions.

### **ADDITIONAL CONSIDERATIONS:**

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because all tenants in the shopping center have the same restrictions on attached signage.

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 may not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant could install a smaller attached sign which would be more in compliance with the regulations.

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.

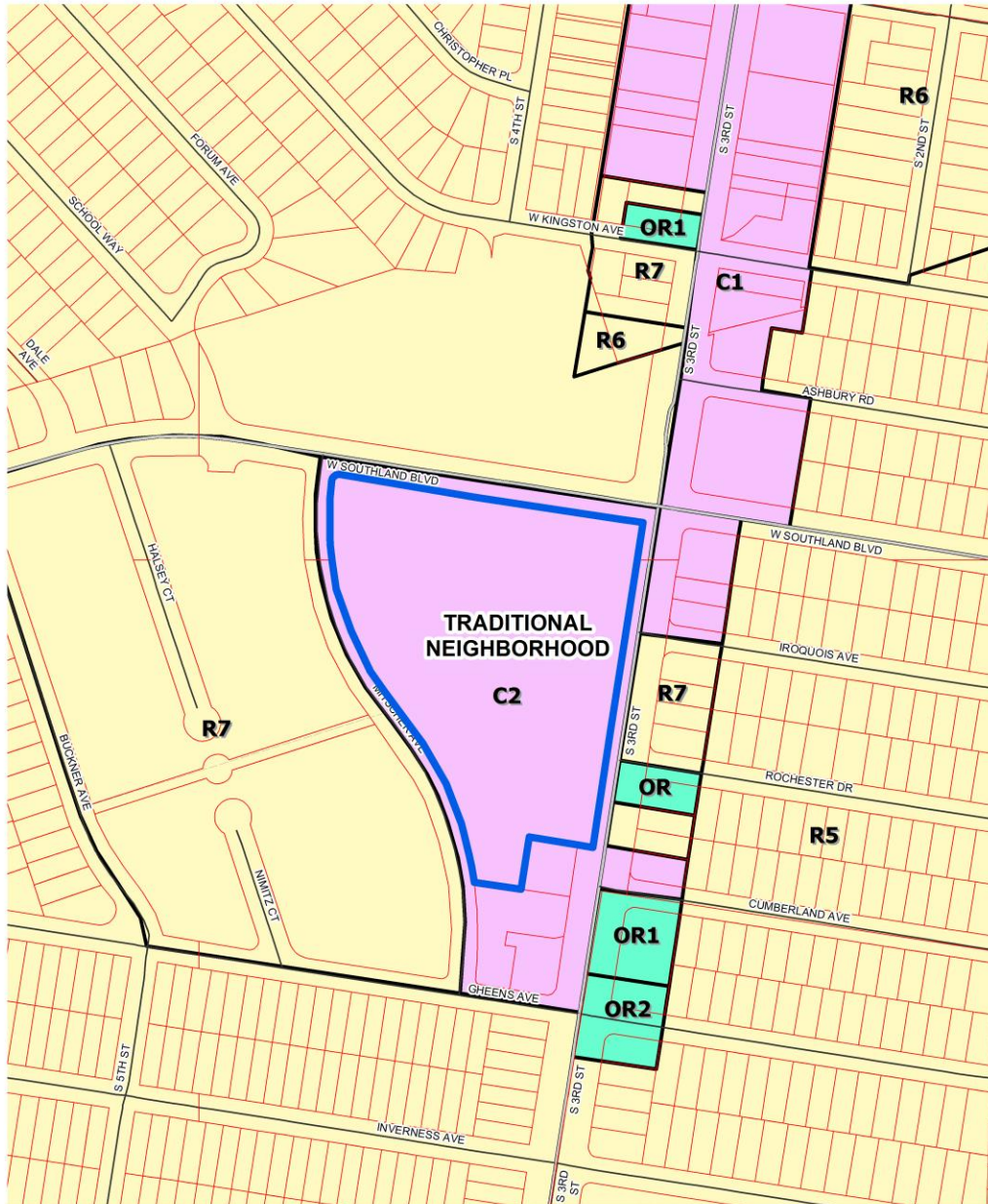
**NOTIFICATION**

| Date       | Purpose of Notice   | Recipients                                                                                              |
|------------|---------------------|---------------------------------------------------------------------------------------------------------|
| 06/01/2018 | Hearing before BOZA | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 21 |
| 06/01/2018 | Hearing before BOZA | Notice posted on property                                                                               |

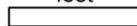
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Elevations
4. Site Photos

# 1. Zoning Map



5312 S 3rd Street  
feet



290

Map Created: 6/7/2018



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## 2. Aerial Photograph



5312 S 3rd Street  
feet



230  
Map Created: 6/7/2018



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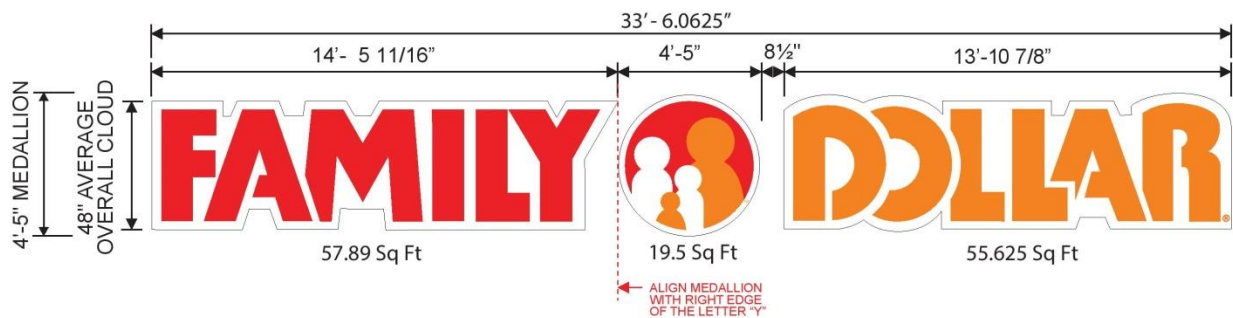
### 3. Elevations



BEFORE



AFTER



|                                    |              |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |
|------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
|                                    |              | <small>DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.</small> |                                     |
| Customer: FAMILY DOLLAR            |              | Description: 48" Cloud Sign with 53" Medallion                                                                                                                                                                                                                                                                                                                                                                                              |                                     |
| Project No: 384853                 | Scale: NTS   | Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.                                                                                                                                                                 |                                     |
| Date: 6/7/18                       | Drawn By: DB |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |
| Location & Site No: Louisville, KY | FDO2117      | Revised:                                                                                                                                                                                                                                                                                                                                                                                                                                    | CUSTOMER SIGNATURE _____ DATE _____ |
|                                    |              | Revised:                                                                                                                                                                                                                                                                                                                                                                                                                                    | LANDLORD SIGNATURE _____ DATE _____ |

4. Site Photos



The sign that is proposed to be replaced.



The subject property is located in Iroquois Manor.



Other nearby signs in the same shopping center.



Another nearby sign in the same shopping center.



Other nearby signs in the same shopping center.



Other nearby signs.



Other nearby signs.



Other nearby signs.