

Board of Zoning Adjustment Staff Report

November 2, 2015



Case No:	15VARIANCE1071
Project Name:	Kroger Freestanding Sign
Location:	2200 Brownsboro Road
Owner(s):	Dahlem Enterprises, Inc.
Applicant(s):	The Kroger Company
Representative(s):	John Campbell
Project Area/Size:	3.03 acres
Existing Zoning District:	C-1, C-2, Commercial
Existing Form District:	TN, TMC, Traditional Neighborhood, Traditional Marketplace
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variances from the Land Development Code to allow a proposed freestanding sign to exceed the maximum size and height.

Location	Requirement	Request	Variance
Size of Sign	48' (square feet)	80'	32'
Height of Sign	6'	18' – 9"	12' – 9"

CASE SUMMARY

The applicant is proposing to remove the existing Dixie Dry Cleaners and Kroger signs along Brownsboro Road. A new freestanding sign will be constructed that will be 18" – 9" in height and 80 square feet in area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Commercial	C-1, C-2	TN, TMC
Proposed	Commercial	C-1, C-2	TN, TMC
<i>Surrounding Properties</i>			
North	Residential, Office	R-7, C-1	TN, TMC
South	Residential	R-3	TN
East	Commercial, Residential	C-1, R-5	TN, TMC
West	Commercial, Residential	C-1, r-3	TN

SITE CONTEXT

The site is irregular in shape and has frontage on Brownsboro Road, North Clifton Avenue, and North Jane Street. The area is a mix of residential, commercial, and office uses.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The requested variances will not adversely affect the public health, safety or welfare because the proposal will allow the number of sign to be reduced and allow multi-tenant identification.

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

STAFF: The requested variances will not alter the essential character of the general vicinity because the proposed sign will be compatible in style with the existing structure on site.

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

STAFF: The requested variances will not cause a hazard or nuisance to the public because the proposed sign will not be located near a sight triangle.

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

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations because there are similar encroachments of this type throughout the surrounding area.

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 location of the existing structure and parking on site may be considered special circumstances.

2. The strict application of the provisions of the regulation would 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 create an unnecessary hardship on the applicant because the sign could not be built as shown and would need to be modified.

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 owner is trying to improve the existing conditions on site.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

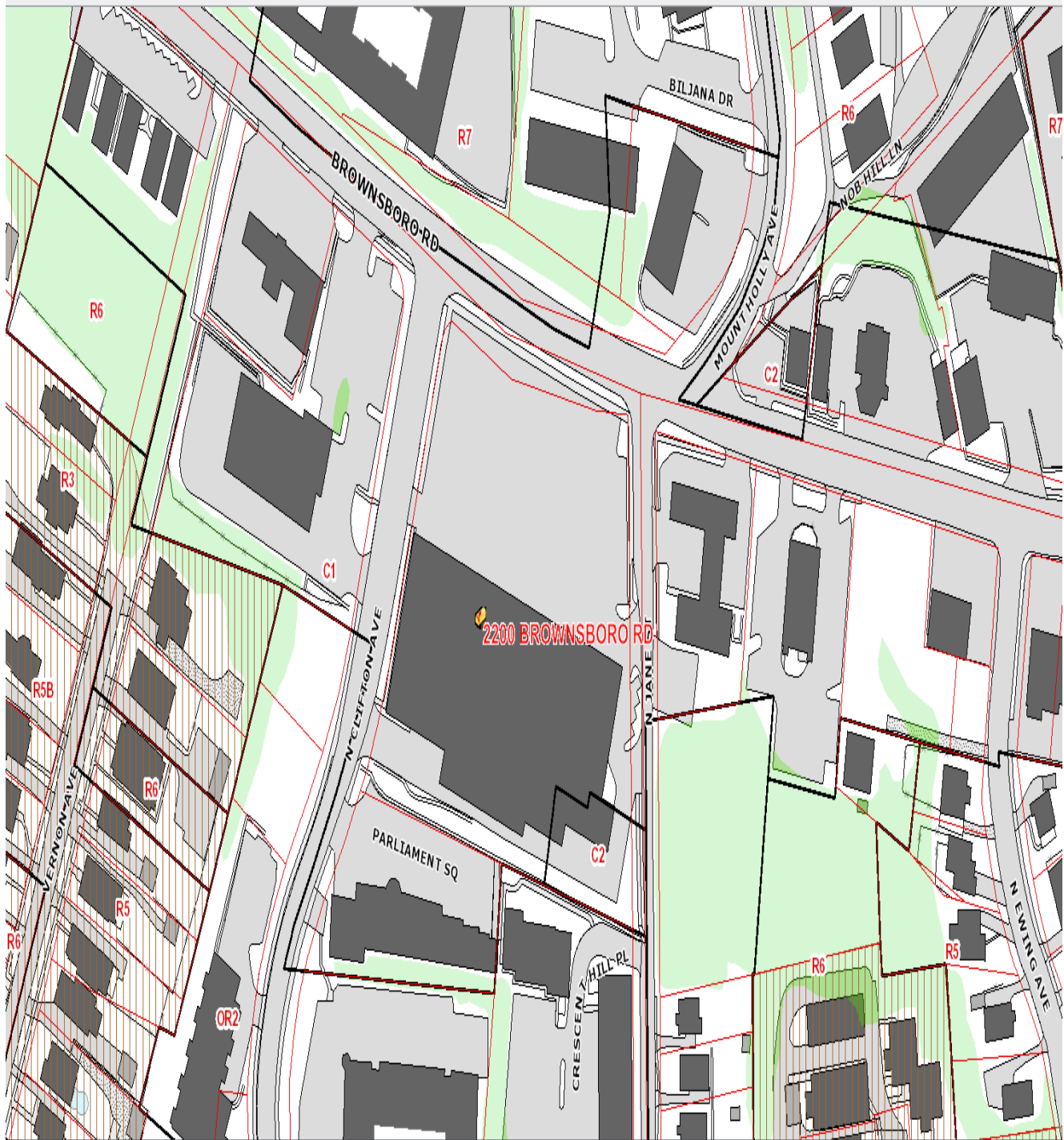
The new sign will be compatible with the surrounding properties. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
10/16/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
10/16/2015	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

HERITAGE ENGINEERING, LLC

September 28, 2015

Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

RECEIVED

SEP 30 2015
PLANNING &
DESIGN SERVICES

Re: Clifton Plaza Sign Variance Request – Letter of Explanation

Dear Staff:

On behalf of The Kroger Co. we are submitting the attached variance request for a proposed shopping center sign at the Clifton Plaza Kroger grocery located at 2200 Brownsboro Road.

Our proposal is for the removal of two existing signs onsite. The removed signage includes both an existing Dixie Dry Cleaners, Inc. pylon sign and an existing Kroger grocery pylon sign. Both existing signs are currently located along Brownsboro Road.

Construction of the replacement signage and removal of the existing pylon signage onsite is subject to a variance from Chapter 8, Part 3; Section 8.3.3 – Table 8.3.2 of the Land Development Code. The requested variance will allow the proposed sign to exceed the maximum area to 80 square feet and maximum height to 18'-9".

Justification for the requested variance:

- The requested variance will not adversely affect the public health, safety or welfare because granting of the variance will allow the existing signage to be combined into a single Clifton Plaza identification sign with multi-tenant identification.
- The variance requested will not alter the essential character of the general vicinity as the proposed signage is located along the Brownsboro Road commercial corridor and will be constructed using materials that complement the building onsite.
- Granting of the variance will not cause a hazard or a nuisance to the public as the proposed sign will combine two existing signs onsite into a single attractive Clifton Plaza identification sign and is located along the Brownsboro Road commercial corridor.
- The development as proposed with the requested variance will not allow for an unreasonable circumvention of the zoning regulations as it will allow for the identification of the Clifton Plaza as the primary commercial hub within the neighborhood.

642 S. 4TH STREET, SUITE 100
LOUISVILLE, KENTUCKY 40202
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204
JEFFERSONVILLE, INDIANA 47130
PHONE: 812-280-8201 FAX: 812-280-8281

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HERITAGE ENGINEERING, LLC

In addition to the justification as defined, please also take into consideration:

- The subject property is impacted by special circumstances such as the grocery parking being located near the Brownsboro Road right-of-way and the onsite signage needing the additional height to provide visibility.
- Strict application of the provisions would limit the ability to place the sign onsite in a location that provides safe visibility of the signage from the public right-of-way and would limit the ability to identify not only the multi-tenant services provided at the Kroger grocery but also the Clifton Plaza designation for the shopping area.
- The proposed enhancements of the property and need for the variance is not a result of actions taken by the applicant as the property was developed prior to the Land Development Code with parking placed directly along Brownsboro Road in a manner that doesn't allow for placement of monument signage along the roadway in a manner that provides safe visibility of tenant signage to motorist using Brownsboro Road.

Thank you for your consideration; please advise us immediately if any additional information is needed.

Sincerely,



John D. Campbell

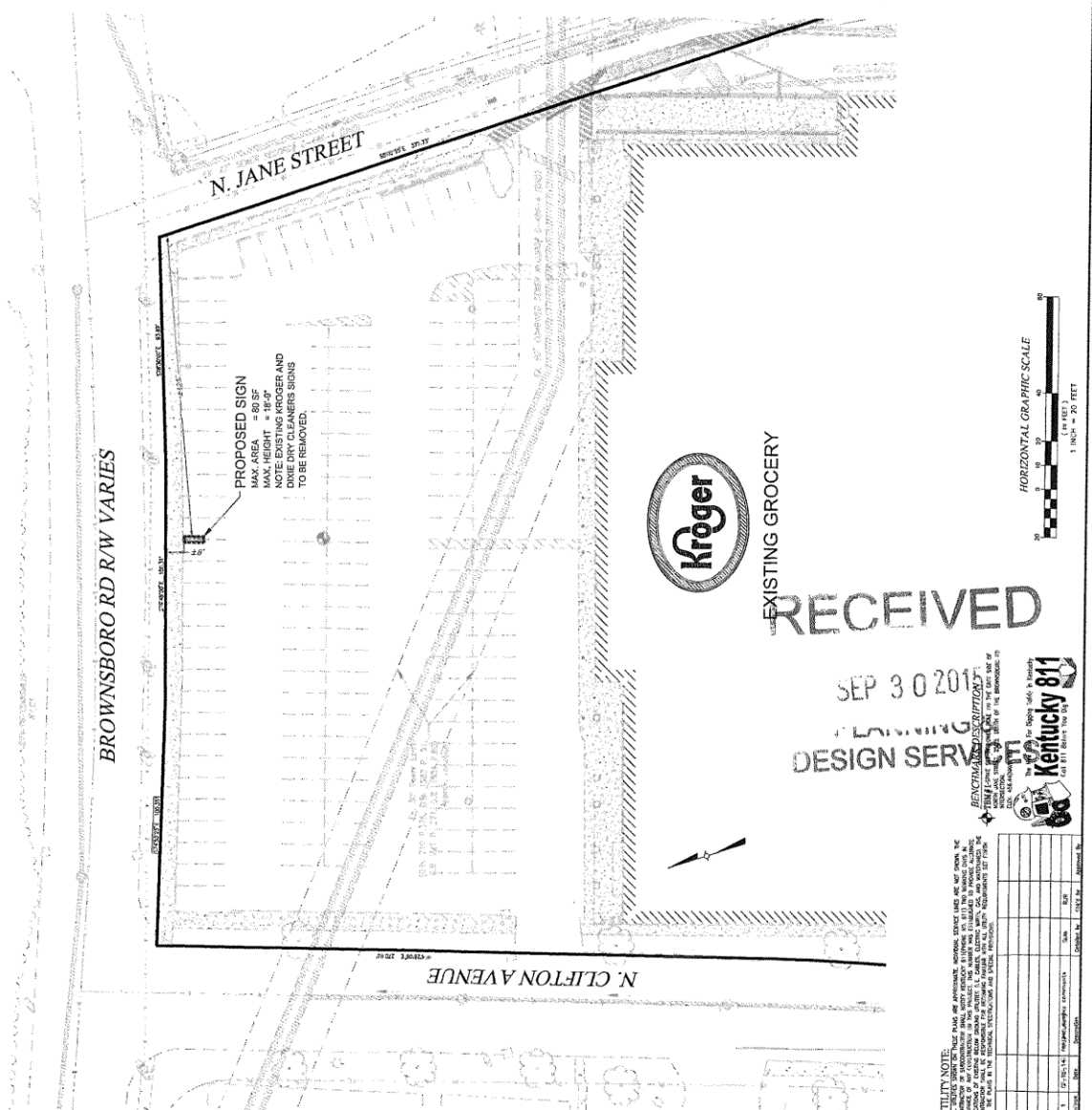
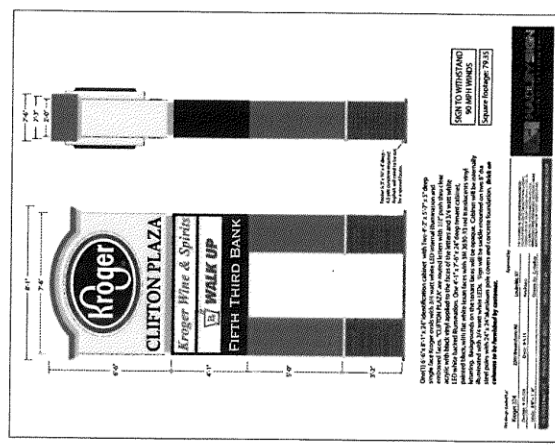
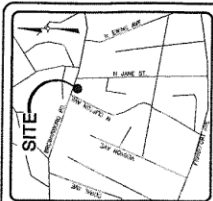
Encl. Application
Signage Exhibit Plan

RECEIVED
SEP 30 2015
PLANNING &
DESIGN SERVICES

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UTILITY NOTE:
 ALL UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE. WORKERS SHOULD USE ALL APPROPRIATE METHODS TO LOCATE UTILITIES PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES FROM DAMAGE DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL UTILITIES AND STRUCTURES TO ORIGINAL CONDITION OR BETTER AFTER CONSTRUCTION IS COMPLETE.

NO.	DATE	REVISION
1	09/28/15	ISSUE FOR PERMITTING

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