

Board of Zoning Adjustment Staff Report

June 2, 2014



Case No:	14Variance1037
Request:	Variances to exceed sign area and height
Project Name:	Aamco of Louisville
Location:	11696 Dixie Hwy.
Owner:	A&A Land & Development
Applicant:	Same
Representative:	Same
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Latondra Yates, Planner II

REQUEST

- Variance of Table 8.3.2. of the Land Development Code (LDC) to allow a freestanding sign to exceed the maximum 60 sf. area. The requested area is 97.5 sf. a variance of 37.5 sf.
- Variance of Table 8.3.2. of the LDC to allow a freestanding sign to exceed the maximum 12 ft. height. The requested height is 24 ft., a variance of 12 ft.

Variances

Location	Requirement	Request	Variance
Off Moorman Rd. (northeast prop. line)	60 sf.	97.5 sf.	37.5 sf.
Off Moorman Rd. (northeast prop. line)	12 ft.	24 ft.	12 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The variances are for installation of a sign related to a Revised Detailed District Development Plan for Aamco Transmission.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned C-2 and in the Suburban Marketplace Corridor (SMC) Form District. The site transitions to the Neighborhood Form District (NFD) to the north, where there is a church, zoned R-4. To the south and west is vacant commercial, zoned C-2. To the east is Thornton's, fronting Dixie Hwy. and Moorman Rd.

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Commercial	C-2	SMC
Proposed	Commercial	C-2	SMC
<i>Surrounding Properties</i>			
North	Church	R-4	NFD
South	Commercial	C-2	SMC
East	Commercial	C-2	SMC
West	Commercial	C-2	SMC

RELATED CASES

18743, Revised Detailed District Development Plan for Aamco
9252, Category 2B Plan, variance and landscape waiver

INTERESTED PARTY COMMENTS

Staff received an inquiry from Thornton's, who expressed no issues with the proposal.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- Variance of Table 8.3.2. of the Land Development Code (LDC) to allow a freestanding sign to exceed the maximum area. The requested area is 97.5 sf. a variance of 37.5 sf.
- Variance of Table 8.3.2. of the LDC to allow a freestanding sign to exceed the maximum height. The requested height is 24 ft., a variance of 12 ft.

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

STAFF: The variances will not adversely affect the public health, safety or welfare because of the location of the sign away from adjacent residential and other structures. The sign will not be LED, and the lighting of the sign should not negatively impact adjacent properties.

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

STAFF: The variances not will alter the essential character of the general vicinity because the sign will be located in the area of a commercial corridor off Dixie Hwy. The proposed signage is consistent with the size of signage allowed and that exists along Dixie Hwy.

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

STAFF: The variances will not cause a hazard or nuisance to the public because the signage appears to be directed toward the commercial frontage of Dixie Hwy.

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

STAFF: The variances will not allow an unreasonable circumvention of the zoning regulations because the signage is intended to be visible from Dixie Hwy., which would allow signage of this area and height.

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 variances arise from the location of the lot, which is separated from Dixie Hwy. by another commercial lot.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship because visibility of the signage from Dixie Hwy. could be impacted if the sign isn't large enough to be clearly visible.

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 the result of the proposed signage and separation of the lot from Dixie Hwy. by another commercial lot.

TECHNICAL REVIEW

No outstanding technical review items

STAFF CONCLUSIONS

Staff's analysis of the standards of review supports the granting of the variances.

Based upon the information in the staff report, testimony and evidence provided, the Board of Zoning Adjustment must determine if the proposal meets the standards for approval of variances as established in the Land Development Code.

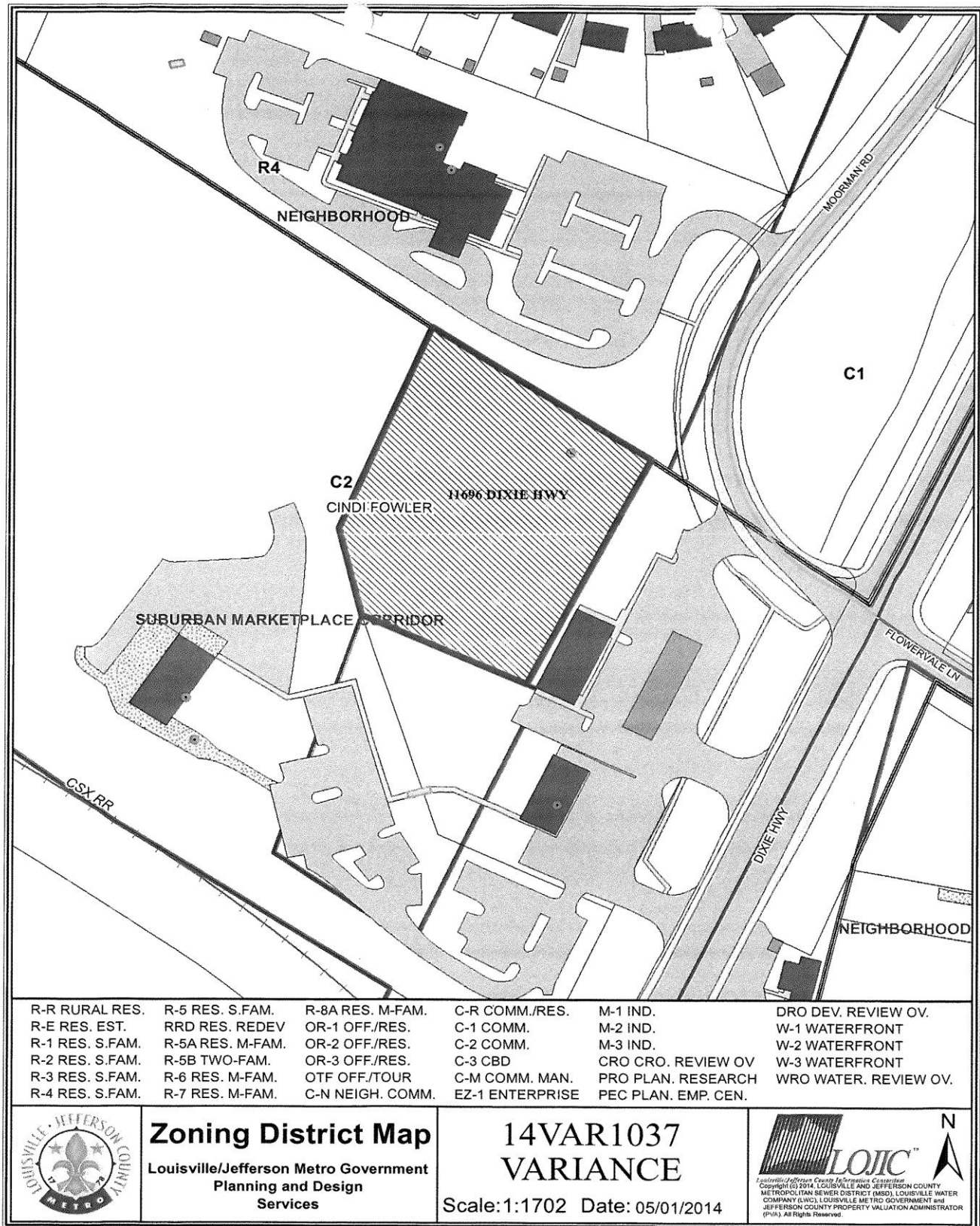
NOTIFICATION

Date	Purpose of Notice	Recipients
5/15/2014	BOZA Meeting	1 st and 2 nd tier adjoining property owners Neighborhood Notification
5/20/2014	Sign Posting	On property

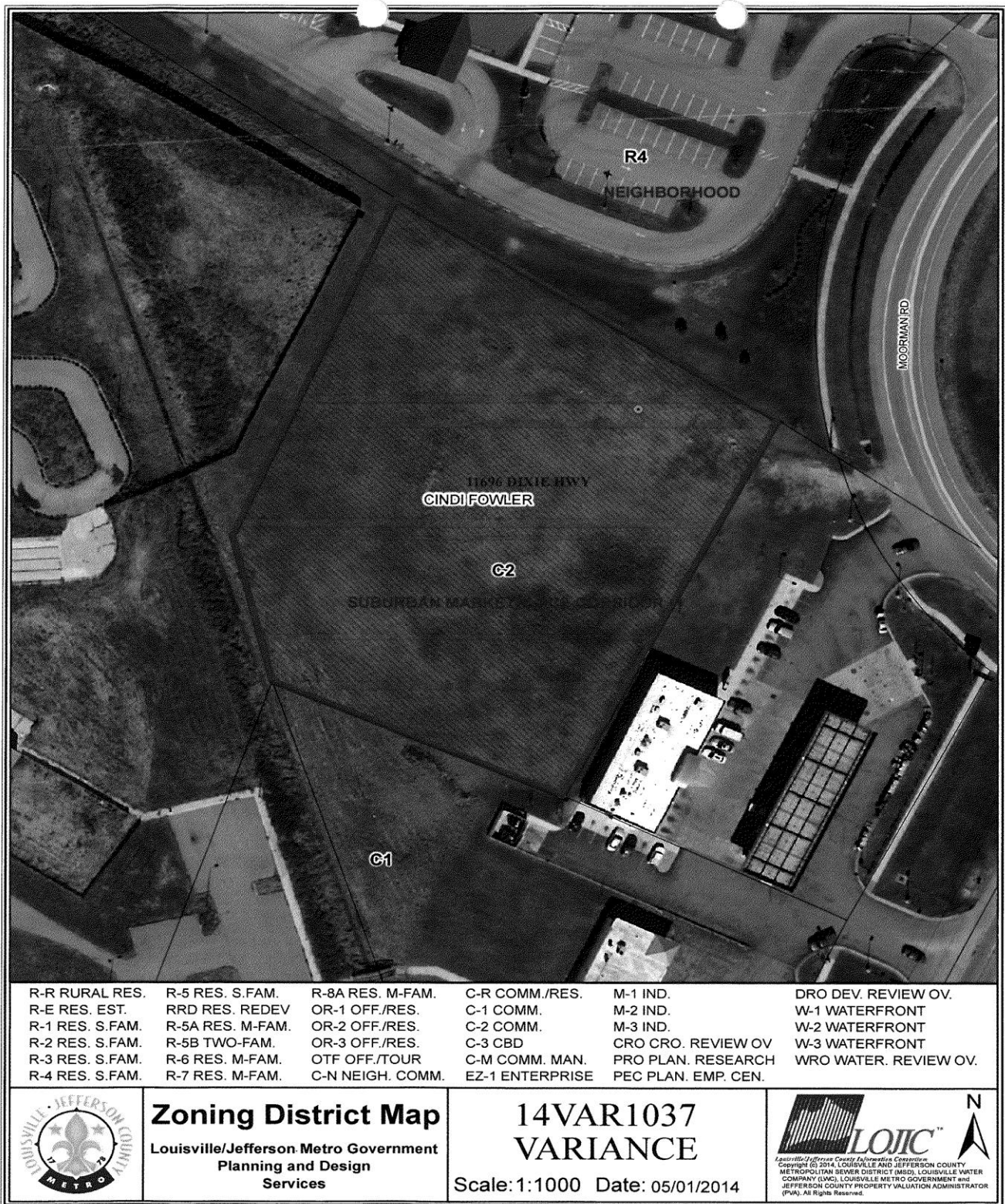
ATTACHMENTS

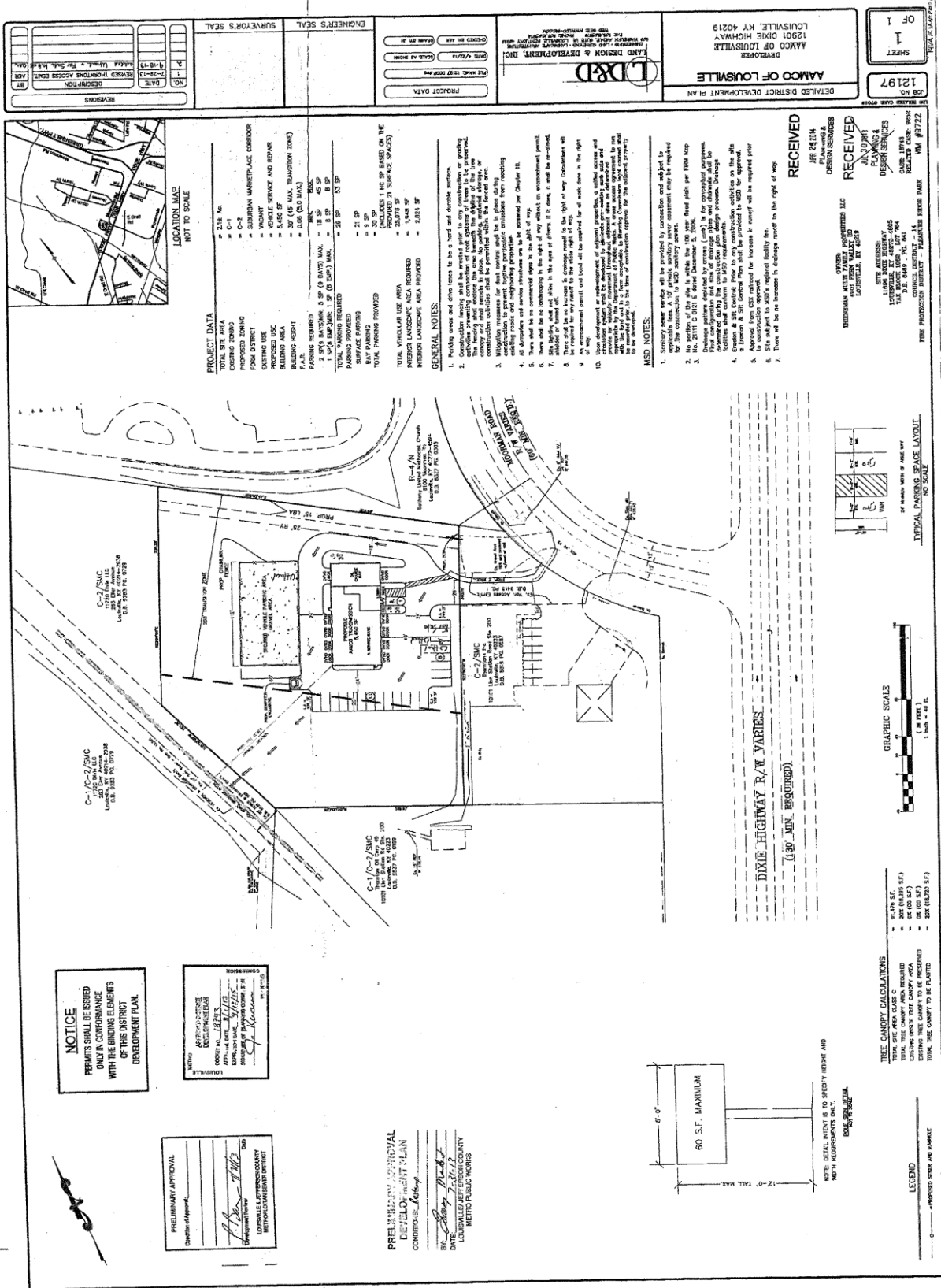
1. Zoning Map
2. Aerial Photo
3. Site Plan
4. Sign Elevation
5. Applicant's Justification Statement

1. Zoning Map



2. Aerial Photo





4. Sign Elevation

		Commonwealth SignCo. 1824 Berry Blvd. Louisville, KY 40215 502.368.7554 Fax 502.361.4490 www.commonwealthsign.com	
		COMPANY Aamco LOCATION FILENAME Aamco 24' Pylon Cabinet SALESPERSON Clara Bowman ARTIST Robert Gastinger ART RENDERED DATE 04-17-14 TYPE CHECKED Proposal SCALE 3/8" = 1' LAST REVISED DATE 1st 00-00-00 PAGE 1 OF 1 SALES FINAL APPROVAL CUSTOMER APPROVAL	
ONE (1) DOUBLE-SIDED ILLUMINATED CABINET 18" DEEP WITH 2" RETAINERS PAINT BLACK 2ND SURFACE DIGITAL PRINT GRAPHICS BACK SPRAY WHITE SINGLE POLE		ONE (1) DOUBLE-SIDED ILLUMINATED READER BOARD CABINET 18" DEEP WITH 2" RETAINERS PAINT BLACK 2" PAN FACE FROM WHITE LEXAN READER BOARD TRACKING 8 ON 9" BINKLEY LETTERS	
<small>This drawing may not be copied or exhibited without written consent from a Commonwealth Sign Co. officer. This proof drawing is for your review and approval before fabrication begins. Commonwealth Sign Co. Inc. will not be responsible for problems or discrepancies that could have been prevented by the proper review of this form. The intent of this drawing is to show a conceptual representation of the proposed signage.</small>			

14VARIANCE#1037

5. Applicant's Justification Statement

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

We are asking for a taller sign so it will be visible from Dixie Hwy. The sign will stay in the same location, and will not interfere with anyone or their safety.

2. Explain how the variance will not alter the essential character of the general vicinity.

There is currently a sign that is 24' tall on the next property & we will just be doing the same. It follows the pattern of the surrounding signs.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The sign will not be in the way of anyone & will actually be better since it will be taller.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The address & location should qualify for a larger sign.

RECEIVED

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PLANNING &
DESIGN SERVICES

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Most businesses have better visibility from Dixie Hwy & there's does not. Due to the location of the lot, he needs visibility so motorists will be able to find him, in order to make his business viable.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The client is opening a new Amco & wants to get visibility to his address. It sits somewhat behind the Thornton's & the building will not have very good visibility from Dixie Hwy. He wants to make sure motorists know that he is there & by having a 24ft tall sign, it will help to give him the visibility he needs.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No, this is a new site & we are trying to improve the sign height.