

Board of Zoning Adjustment
Staff Report
February 20, 2023



Case No:	23-VARIANCE-0001
Project Name:	Freestanding Sign Variances
Location:	2935 Breckenridge Lane
Owner:	Triple M Investments
Applicant:	Signarama Dixie
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Beth Jones, AICP, Planner II

REQUEST

VARIANCE 1 to permit a freestanding sign to exceed area standards (LDC 8.3.2 Regional Center)
VARIANCE 2 to permit a freestanding sign to exceed height standards (LDC 8.3.2 Regional Center)

CASE SUMMARY/BACKGROUND

The subject property is zoned C-1 and C-2 Commercial within a Regional Center form district. It is located on the northeast corner at the intersection of Taylorsville Road and Breckenridge Lane. There are three outlots, each with its own parking area, which share roadway access and interior circulation with the subject site. The subject sign formerly served the big box store originally developed on the site and is in an area specifically created for it within one of the Taylorsville Road outlots. The front of this building faces Taylorsville Road from a distance of approximately 690ft. It will house up to six Norton healthcare tenants.

The existing non-conforming sign, consisting of a single large internally-illuminated cabinet, is non-conforming and exceeds the current standards for both height and area. If the applicant chose to simply re-face the existing cabinet, no variances would be required (LDC 8.1.4.A.). Since the applicant is requesting to increase the total sign area, however, the LDC requires that the sign be brought into compliance with current regulations (LDC 8.1.4.B.). Thus, variances are required for both the height and the area of the proposed sign.

The existing cabinet of the proposed sign will be re-faced and its supporting structural poles will be encased for aesthetic reasons. Two cabinets will be added below the existing, mounted between the new pole cases, abutting each other to create the look of a single cabinet. These cabinets will be used to list each of the Norton tenants to be located on the subject site.

Although it is not required in this form district, the applicant has also agreed to ensure that all sign faces have opaque backgrounds to lower the amount of light emitted during nighttime hours, an improvement over the pre-existing sign as formerly used.

Regional Center Form District Major Arterial Roadway	Standard	Existing	Request	Variance From Standard
Sign Height	28 ft	44 ft 6 in	44 ft 6 in	16 ft 6 in
Sign Area	140 sf	304.7 sf	444 sf	304 sf

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets the standard of review. The proposal makes good use of an existing structure, improves its overall appearance and includes design details that will mitigate impacts on nearby residences. A condition of approval requiring opaque sign faces is recommended to ensure that any future user of the sign maintain that design standard.

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 1** to permit a freestanding sign to exceed area standards (LDC 8.3.2 Regional Center); and **VARIANCE 2** to permit a freestanding sign to exceed height standards (LDC 8.3.2 Regional Center).

TECHNICAL REVIEW

No technical review is required.

INTERESTED PARTY COMMENTS

No interested party comments have been received by Staff.

RELATED CASES

There are no related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 1 to permit a freestanding sign to exceed area standards (LDC 8.3.2 Regional Center)

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone in that the applicant is adapting an existing non-conforming sign structure for a new use of the property.

- (b) The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Strict application of the regulation would create an unnecessary hardship on the applicant in that the proposed re-use is in character with the existing development on the site and with the surrounding commercial development.

- (c) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

STAFF: The special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations in that the variance request is being made to alter an existing sign. In addition, the overall development of the site, including the placement and height of the sign, is pre-existing.

- (d) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public in that the placement and height of the sign is pre-existing, In addition, the client is adding non-required design features that will mitigate negative impacts.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 2 to permit a freestanding sign to exceed height standards (LDC 8.3.2 Regional Center)

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone in that the applicant is adapting an existing non-conforming sign structure for a new use of the property.

- (b) The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Strict application of the regulations would create an unnecessary hardship on the applicant in that the proposed re-use is in character with the existing development on the site and with the surrounding commercial development.

- (c) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

STAFF: The special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations in that the variance request is being made to alter an existing sign. In addition, the overall development of the site, including the placement and height of the sign, is pre-existing.

- (d) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public in that the placement and height of the sign is pre-existing, In addition, the client is adding non-required design features that will mitigate negative impacts.

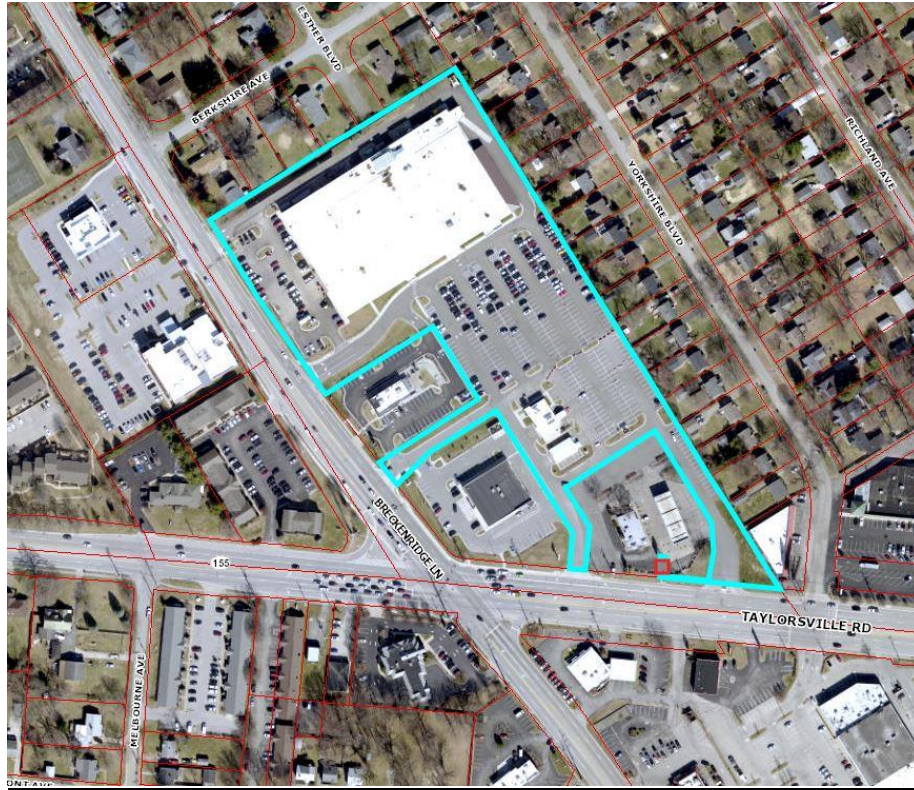
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
2/1/2023	Hearing before BOZA	1st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26
2/9/2023	Hearing before BOZA	Notice posted on property

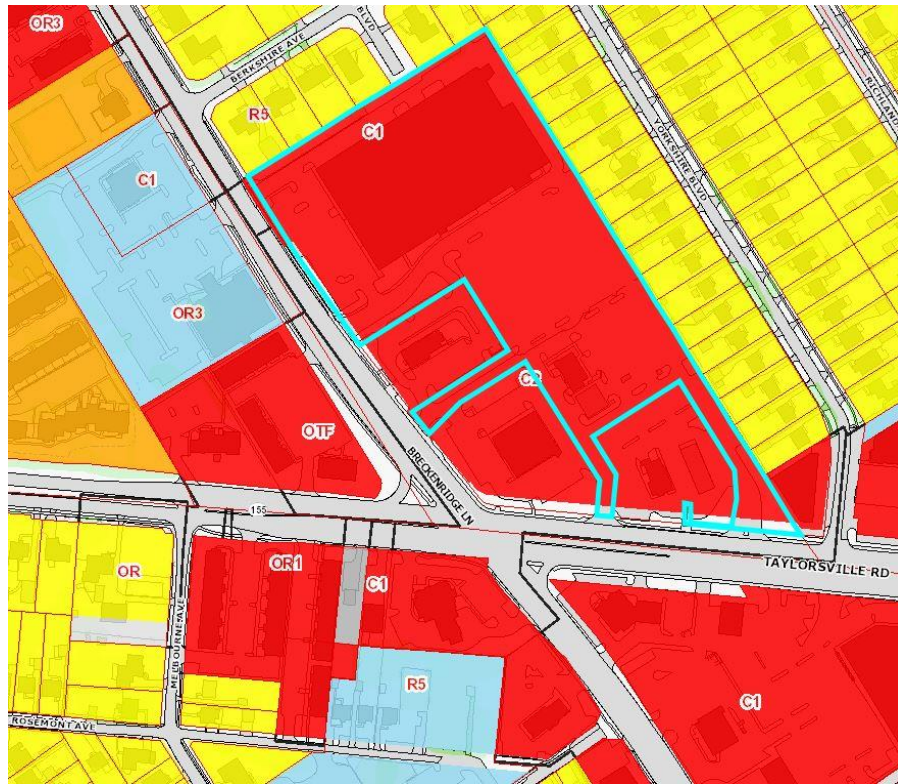
ATTACHMENTS

1. Aerial View showing sign location
2. Land Use
3. Adjoining to South
4. View East Toward Sign
5. View West Toward Sign
6. Existing Sign
7. Proposed Sign
8. Proposed Condition of Approval

1. Aerial View showing sign location



2. Land Use



3. Adjoining to South



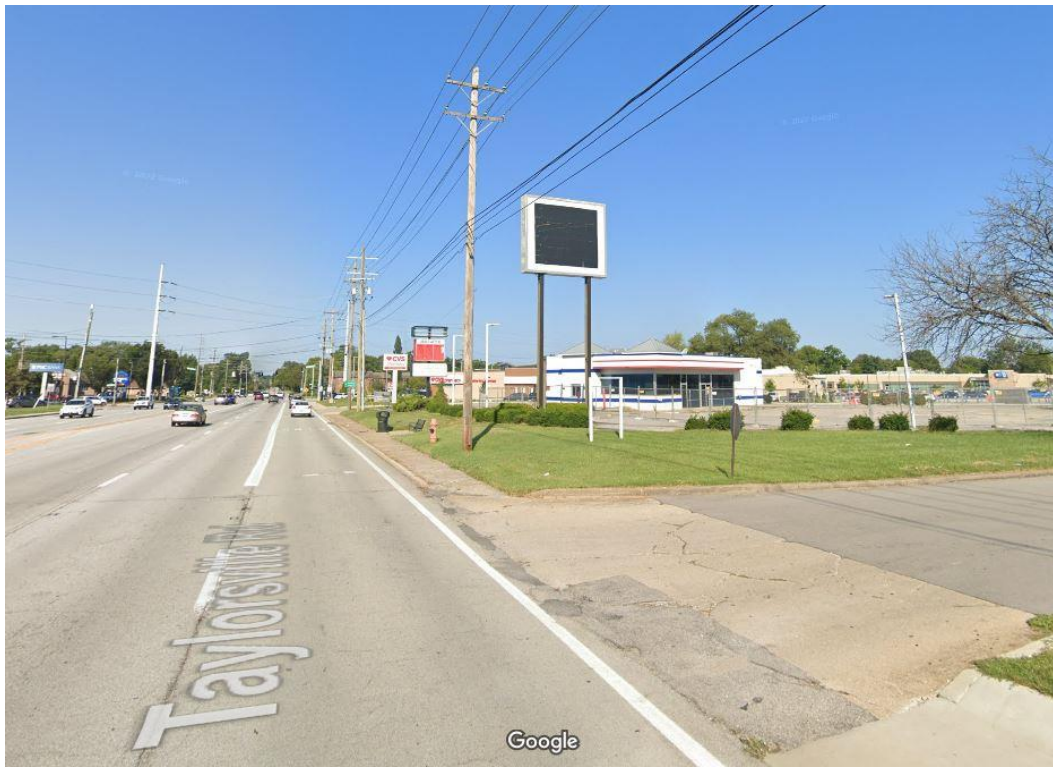
4. To East Toward Sign



5. To West Toward Sign



6. Existing Sign



7. Proposed Sign



8. Proposed Condition of Approval

1. An opaque background is required for sign faces for all internally-illuminated sign cabinets associated with this sign structure.