

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.

The sign proposed is consistent with other signs in this area. The sign is for the benefit of citizens that are searching for their own bank brand, to be able to identify their bank location.

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

The adjoining property is also a bank. Signs and ATM facilities are necessary to assure that patrons are in the right location. Citizens, transient motorists as well as the elderly rely on signs to be sure they are in the "right place". The sign enhances the overall aesthetics of this new ATM structure.

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

To deny the variance would create motorist confusion and cause hazard to the public safety. However, to approve the variance would ensure that all persons seeking this destination can find it safely, without difficulty. The text is the minimal amount necessary for the image to be legible.

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

Signs of this type are allowed by code, we are not asking for anything that is prohibited.

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).

The ATM structure is not defined by the code, the interpretation is that this is considered a "wall". Typically walls are much larger. The variance is due to the unique nature of a drive up ATM.

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.

Statement of hardship attached.

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, the applicant did not cause this situation directly. The property owner wants to develop this property as a drive up ATM location for PNC Bank customers.

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Statement of Hardship

The proposed land use is for a drive up ATM for PNC Bank. The bank is not at this location, but rather located across the street. The adjoining property is also a bank. The ATM canopy has a tower that extends upward and on that triangular shaped tower cover are the words "PNC Bank". The tower measures 9' 3 1/2" x 1' 9 1/8". The PNC Bank text and logo measures 8 11/16" x 6' 3 1/16". There are six text lines total, three on each tower.

The hardship created is by the strict application of the interpretation of the zoning ordinance that would define this as a wall. The ATM structure is not specifically covered by the code.

The unique use of the property is not covered by the sign ordinance and this type of sign is not specifically covered by the sign ordinance. It was determined thru the review process that this tower would be treated as a wall sign. Wall signs are limited to 20% of the wall and each of these exceeds that amount because of the unique design of the "tower". The PNC Bank logo cannot be reduced in size because it would not be legible. Additionally this is consistent with the national image for PNC and one that their patrons are most familiar with.

Transient motorists that are not familiar with the area may be searching for their bank, this sign will help to reassure them that they are in the correct location. This location is one mile from Interstate 264 and located in the vicinity of the University of Louisville. It is likely that the persons visiting this area will not be familiar with where the bank is located. Additionally, Churchill Downs is within walking distance of this location and the Kentucky Derby Museum is also nearby. It's imperative that motorists and pedestrians that are not familiar with this location be able to safely locate their bank. Elderly motorists are going to be looking for a bank that they are familiar with and PNC customers are familiar with our logo and brand image. Essentially, the text needs to be legible for all that want to use this facility.

Motorists and pedestrians use signs to navigate. When motorists are confused they make erratic turns, stop suddenly and that can cause traffic accidents. This area may be congested at times. Accidents put a financial burden on the city's emergency services. That financial burden can be avoided with adequate signage. It is paramount that persons that are using this bank can feel safe, know that they are in the right place and be able to clearly identify their bank thru the use of signs.

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