

Board of Zoning Adjustment

Staff Report

August 20, 2018



Case No:	18VARIANCE1067
Project Name:	Family Dollar Sign Area Variance
Location:	6621 Southside Drive
Owner(s):	Family Dollar Stores of Kentucky
Applicant:	Lenny Lipari – Family Dollar Stores of Kentucky
Representative:	Stacey Martin – Commonwealth Sign Company
Jurisdiction:	Louisville Metro
Council District:	21 – Vitalis Lanshima
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variance #1** from Land Development Code (July 2018a) 8.3.3; table 8.3.2 for a proposed replacement attached static sign to exceed the 60 sq. ft. on the Evangeline Avenue façade frontage on a C-1 zoned parcel within the Traditional Neighborhood Form District.
- **Variance #2** from Land Development Code (July 2018a) 8.3.3; table 8.3.2 for a proposed replacement attached static sign to exceed the 60 sq. ft. on the Southside Drive façade frontage on a C-1 zoned parcel within the Traditional Neighborhood Form District.

Location	Requirement	Request	Variance
Variance #1: Attached Sign Area (Evangeline Street)	60 sq. ft.	101 sq. ft.	41 sq. ft.
Variance #2: Attached Sign Area (Southside Drive)	60 sq. ft.	101 sq. ft.	41 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is located in south-central Louisville Metro at the corner of Southside Drive and Evangeline Avenue east of the Louisville International Airport. The subject site is a multi-tenant structure with Family Dollar occupying the corner of the building, having a frontage along Southside Drive and along Evangeline Avenue. The owner intends to replace the existing signage as found on each frontage mounted upon a mansard roof, which by LDC definition of a roof sign is *“A sign erected and constructed wholly or in part upon, against, or above the roof of a building. For purposes of this Regulation, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.”* Staff has determined that the sign although mounted on a mansard roof is located to the front and below the parapet wall where the flat roof of the structure meets the mansard roof, thus meeting the regulations of the LDC roof sign definition and Section 8.3.3.A.4.

RELATED CASES

- **17CUP1043**: A conditional use permit to allow outdoor alcohol sales in an eastern adjacent tenant to the subject site (case no. 18VARIANCE1067) for a 198 sq. ft. outdoor patio area having five tables with four chairs per table for a total capacity of 20 people facing the Evangeline Avenue frontage.
- **18VARIANCE1049**: A variance request to allow replacement sign to exceed the allowable 60 sq. ft. of an attached Family Dollar sign as located at 5312 South 3rd Street. The variance was approved by BOZA on June 18, 2018 for a variance of 75.86 sq. ft.

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 Section 8.3.3; table 8.3.2 for a proposed replacement attached static sign to exceed the 60 sq. ft. on the Southside Drive and 60 sq. ft. area on the Evangeline Avenues façades on a C-1 zoned parcel within the Traditional Neighborhood Form District.

TECHNICAL REVIEW

None

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1: from Section 8.3.3, table 8.3.2 for a proposed replacement attached static sign to exceed the 60 sq. ft. on the Southside Drive façade on a C-1 zoned parcel within the Traditional Neighborhood Form District.

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

STAFF: The applicant has stated in their justification “The new rebranding look is a fresh, more modernized looking sign. This alone adds value and not an eye sore for surrounding neighbors. It would have a positive effect. Staff finds that the existing signs are larger than what is proposed.” The proposed replacement sign is smaller than the existing sign. The structure upon which the signs are to be attached is setback from Southside Drive by approximately 52 feet and from Evangeline by approximately 42 feet from the edge of pavement.

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

STAFF: The applicant states, “The sign has been designed to complement existing architecture and color schemes that share its environment, considering the existing sign is larger than 60 sq.

ft., visual look will be the same.” Staff finds that the existing signs are larger than what is proposed. Signage as found on the same parcel, Pic-Pac Grocery Store, as the applicant’s site do exceed the requirements of the current land development code making the applicants request not out of character for the general vicinity.

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

STAFF: The applicant states, “The existing signage that is there now, prior to the rebranding is larger than 60 sq. ft. No issues or problematic occurrences were ever an issue.” Staff finds that the existing signage is larger in area than the replacement signs. Distances from right of ways are approximately 52 ft. from South Side Drive and 42 feet from Evangeline Ave. which may adequately justify the variance request.

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

STAFF: The applicant states, “There is plenty of store frontage at this location. The existing sign will be replacing a larger than 60 sq. ft. by decreasing the square footage of both elevations, again would only enhance the look of the neighborhood.” The subject site is a corner structure on a larger attached multi-tenant site within a Traditional Neighborhood Form District (TNFD). The TNFD normally requires that buildings be built close to the corner/property lines with the applicant/owner’s structure being setback approximately 52 ft. along Southside Drive and 42 ft. along Evangeline Ave. The existing signage exceeds the requirements of the land development code and the applicant is proposing signage that is smaller in area which is more in compliance with the intent of the LDC sign regulations within a TNFD.

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 applicant states, “Property is not different, existing signage there is larger than 60 sq. ft., existing sign is non-conforming and out dated that will be replaced with modernized sign.” Staff finds that the proposed replacement signage does not arise from special circumstances which do not generally apply to land in the general vicinity. An existing tenant in the shopping mall, Pic-Pac Grocery Store, has an existing sign larger than what the LDC would allow.

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 applicant states, “A smaller sign area would be a visibility challenge that would adversely affect the center. Increasing the sq. ft. would alleviate a sight challenge and increase traffic flow.” Signage as found in the same shopping mall of the subject site do in fact exceed the requirements of the current land development code making the applicants request not out of character for the general vicinity namely the Pic-Pac Grocery Store.

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 applicant states, “No, location and existing geography/neighbors would only benefit from a new modern sign.” 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 since the

applicant is requesting relief from LDC 8.8.3, table 8.3.2. The building upon which the applicant intends to attach the signage pre-dates the LDC sign regulations as of July 2018a.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2: from Section 8.3.3, table 8.3.2 for a proposed replacement attached static sign to exceed the 60 sq. ft. on the Evangeline Avenue façade on a C-1 zoned parcel within the Traditional Neighborhood Form District.

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

STAFF: The applicant has stated in their justification “The new rebranding look is a fresh, more modernized looking sign. This alone adds value and not an eye sore for surrounding neighbors. It would have a positive effect. Staff finds that the existing signs are larger than what is proposed.” The proposed replacement sign is smaller than the existing sign. The structure upon which the signs are to be attached is setback from Southside Drive by approximately 52 feet and from Evangeline by approximately 42 feet from the edge of pavement.

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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 applicant states, "Property is not different, existing signage there is larger than 60 sq. ft., existing sign is non-conforming and out dated that will be replaced with modernized sign." Staff finds that the proposed replacement signage does not arise from special circumstances which do not generally apply to land in the general vicinity. An existing tenant in the shopping mall, Pic-Pac Grocery Store, has an existing sign larger than what the LDC would allow.

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 applicant states, "A smaller sign area would be a visibility challenge that would adversely affect the center. Increasing the sq. ft. would alleviate a sight challenge and increase traffic flow." Signage as found in the same shopping mall of the subject site do in fact exceed the requirements of the current land development code making the applicants request not out of character for the general vicinity namely the Pic-Pac Grocery Store.

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STAFF: The applicant states, "No, location and existing geography/neighbors would only benefit from a new modern sign." 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 since the applicant is requesting relief from LDC 8.8.3, table 8.3.2. The building upon which the applicant intends to attach the signage pre-dates the LDC sign regulations as of July 2018a.

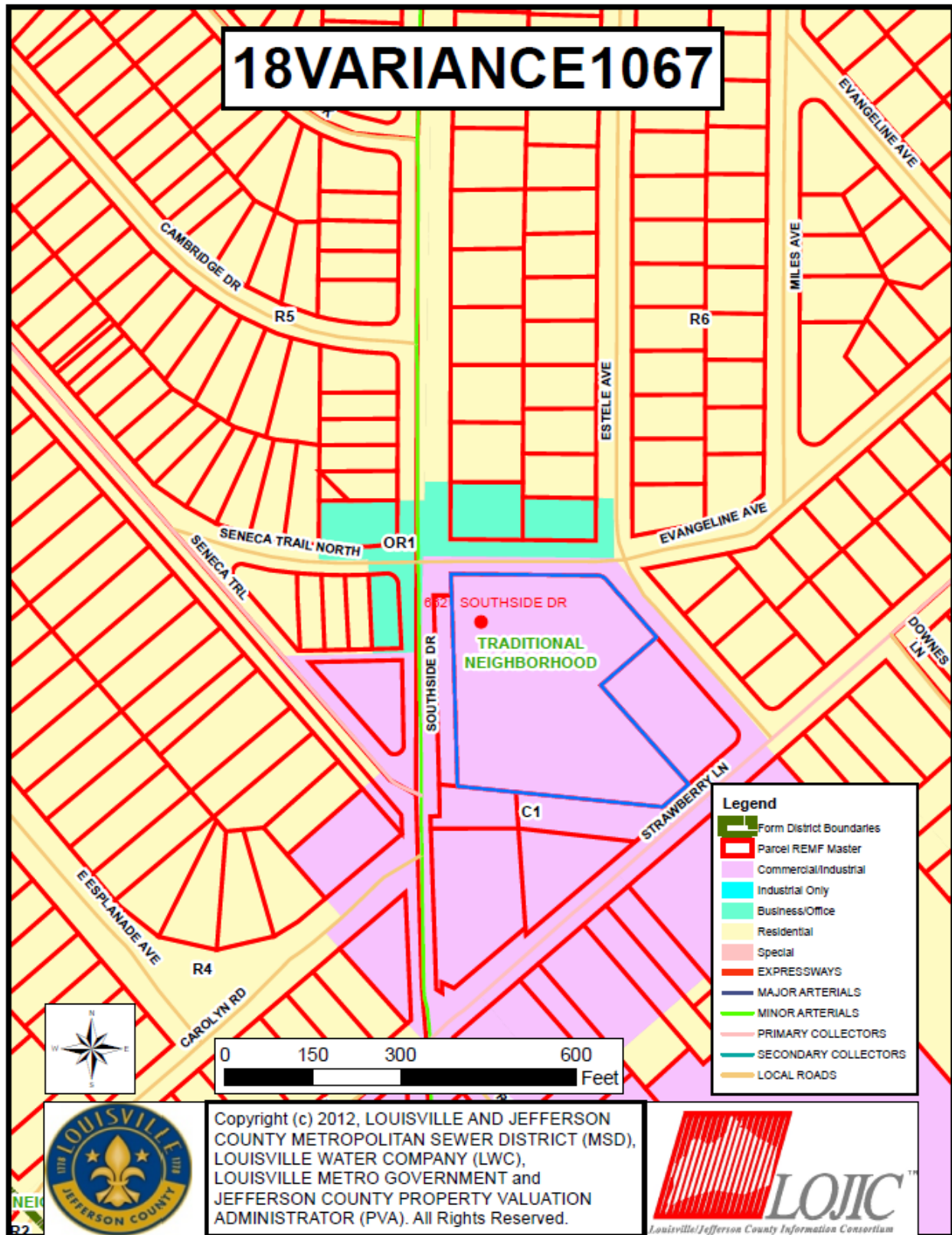
NOTIFICATION

Date	Purpose of Notice	Recipients
08/03/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 21
08/03/2018	Hearing before BOZA	Notice posted on property

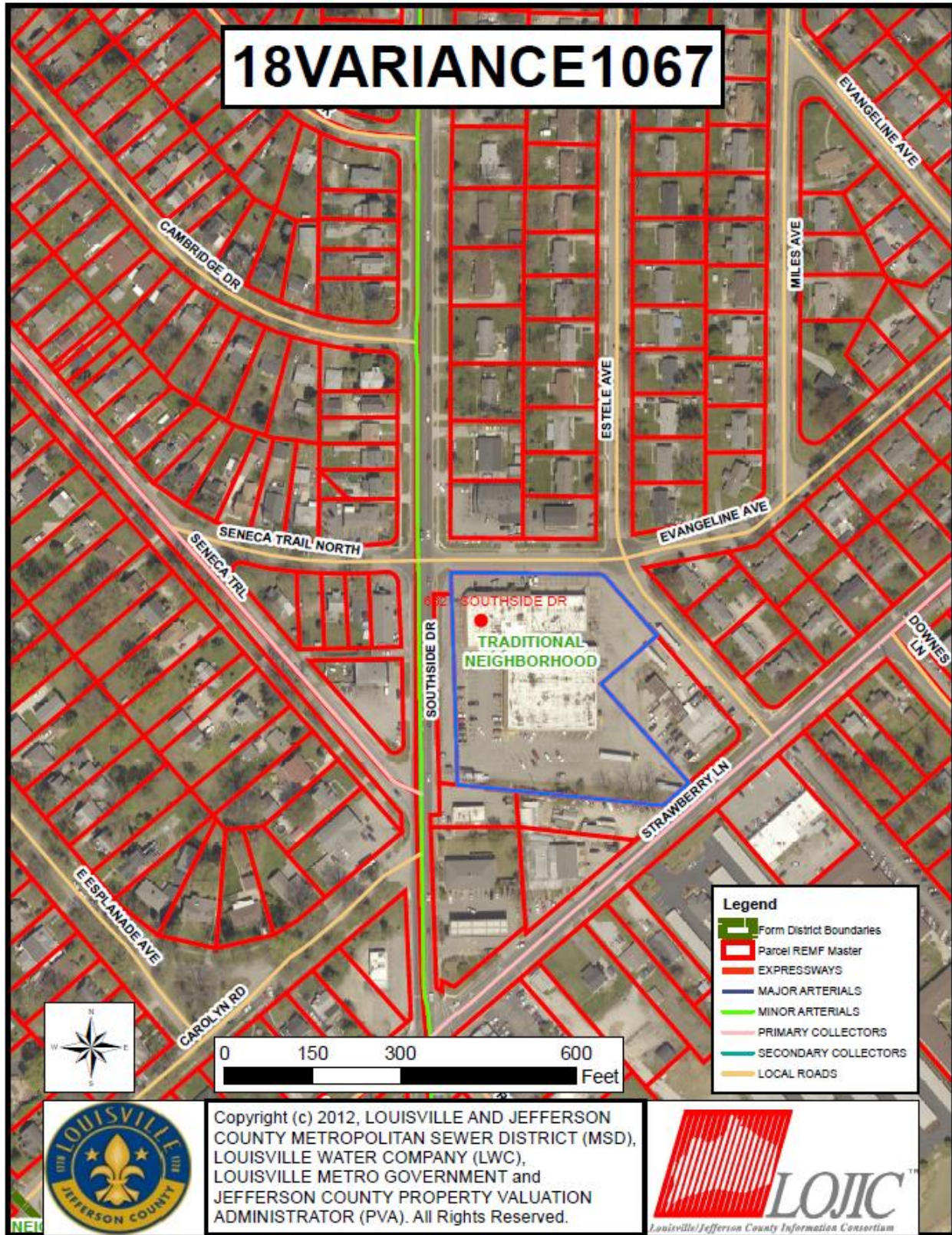
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map



2. Aerial Photograph



3. Site Plan

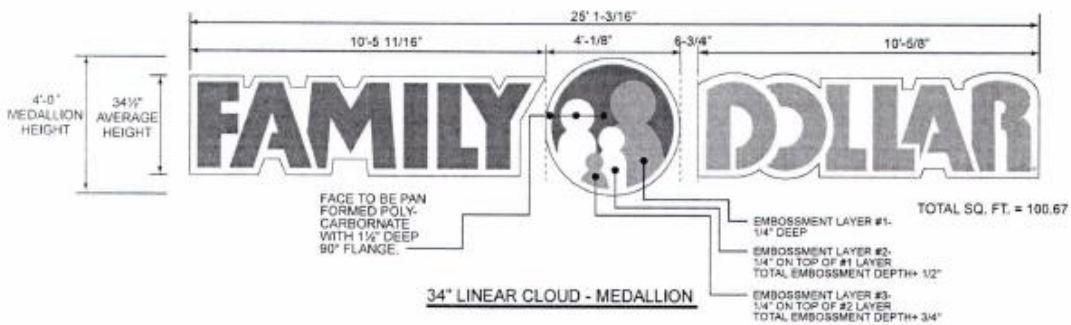
RECEIVED
 JUL 11 2018
 PLANNING &
 DESIGN SERVICES



BEFORE



AFTER



		<small>DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For material requirements, actual dimensions and mounting details, 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	Project No: 379128	Description: 34" Cloud Sign with 48" Medallion	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: 3/1/18	Scale: NTS	Drawn By: DB	CUSTOMER SIGNATURE _____ DATE _____
Location & Site No: Louisville, KY FDO4110	Revised:	Revised:	LANDLORD SIGNATURE _____ DATE _____

18 VARIANCE 1067

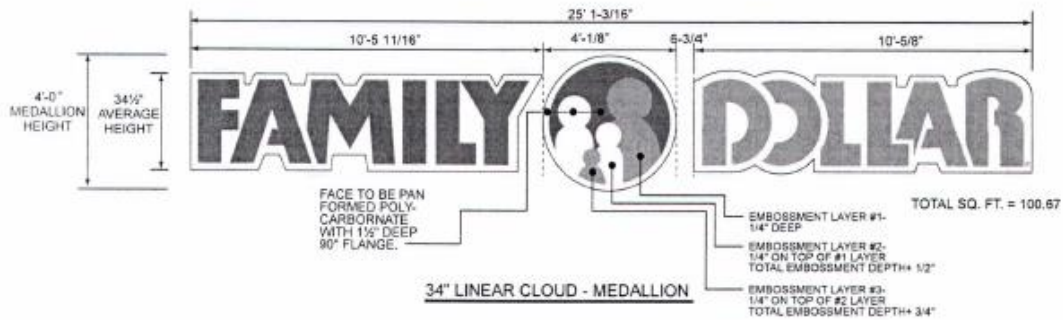
Side facing
Evangline



BEFORE



AFTER



		<small>DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For material requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbite LLC. Use of, or duplication in any manner without express written permission of Everbite LLC is prohibited.</small>	
Customer: FAMILY DOLLAR	Project No: 379126	Scale: NTS	Description: 34" Cloud Sign with 48" Medallion
Date: 3/1/18	Drawn By: DB	Revised:	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 Everbite.
Location & Site No: Louisville, KY FDC4110	Revised:	CUSTOMER SIGNATURE _____	DATE _____
	Revised:	LANDLORD'S SIGNATURE _____	DATE _____

RECEIVED
JUL 11 2018
PLANNING &
DESIGN SERVICES

18 VARIANCE 1067

FAMILY DOLLAR
Site Plan For Variance

Legend
📍 6621 Southside Dr
📍 Evangeline @ Southside

