

Board of Zoning Adjustment Staff Report

December 21, 2015



| | |
|----------------------------------|---------------------------------------|
| Case No: | 15VARIANCE1083 |
| Project Name: | Melton's Food Mart Sign |
| Location: | 9817 3 rd Street Rd. |
| Owner: | Joe Melton Jr./Melton Investments LLC |
| Applicant: | Karla Hill |
| Representative: | Karla Hill |
| Project Area/Size: | .2874 acres |
| Existing Zoning District: | C-1, Commercial |
| Existing Form District: | N, Neighborhood |
| Jurisdiction: | Louisville Metro |
| Council District: | 25 – David Yates |
| Case Manager: | Ross Allen, Planner I |

REQUEST

Variance #1

Variance from the Land Development Code (table 8.3.3) to allow a proposed free standing sign to exceed the maximum size.

Variance #2

Variance from the Land Development Code (table 8.3.3) to allow a proposed free standing sign to exceed the maximum height.

| Location | Requirement | Request | Variance |
|----------|-------------|---------------|---------------|
| Size | 60 sq. ft | 82.66 sq. ft. | 22.66 sq. ft. |
| Height | 6 ft. | 14' 6.5" ft. | 8' 6.5" ft. |

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to add a free standing sign along Stone Street Road (Designated Parkway), the sign will have a height of 14' 6.5" and area of 82.66 square feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|--------------------------------------|---------------|----------------------|
| Subject Property | | | |
| Existing | Commercial | C-1 | N, Neighborhood |
| Proposed | Commercial | C-1 | N, Neighborhood |
| Surrounding Properties | | | |
| North | Commercial, Commercial Manufacturing | C-1, CM | N, Neighborhood |
| South | Commercial | C-1 | N, Neighborhood |
| East | Commercial | C-1 | N, Neighborhood |
| West | Commercial | C-1 | N, Neighborhood |

PREVIOUS CASES ON SITE

No related zoning cases or enforcement action/s are associated with the subject property.

INTERESTED PARTY COMMENTS

- None

APPLICABLE PLANS AND POLICIES

- Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

VARIANCE #1

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

STAFF: The requested variance will not adversely affect the public health, safety, or welfare since the sign size would not obstruct views for vehicular and/or pedestrian traffic.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since there are there are 2 existing signs along Stone Street Road in the general vicinity.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the sign size would not obstruct views of vehicular and/or pedestrian traffic.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since there are two existing signs along Stone Street Road.

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 requested variance arises from a special circumstance as a result of parcel sitting on a corner lot with less than 90° at the corner of Stone Street Road (Designated Parkway) and Third Street road.

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 since the size/area requirement for a designated parkway would not result in the obstruction of vehicular and pedestrian traffic.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

VARIANCE #2

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

STAFF: The requested variance will not adversely affect the public health, safety, or welfare since the sign height would not obstruct views for vehicular and/or pedestrian traffic.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since there are there are 2 existing signs along Stone Street Road in the general vicinity.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the sign would not obstruct views of vehicular and/or pedestrian traffic.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since two existing signs along Stone Street Road exceed the maximum 6' height as defined by table 8.3.3.

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 requested variance does arise from a special circumstance as a result of parcel sitting on a corner lot with less than 90° at the corner of Stone Street Road and Third Street road. A monument or columnar style could obstruct the view of vehicular and/or pedestrian traffic with a six foot height limit.

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 since the six foot height requirement for a designated parkway would result in the obstruction of vehicular and pedestrian traffic views.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

TECHNICAL REVIEW

- There are no outstanding Technical Review items.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. 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 granting a variance established in the Land Development Code.

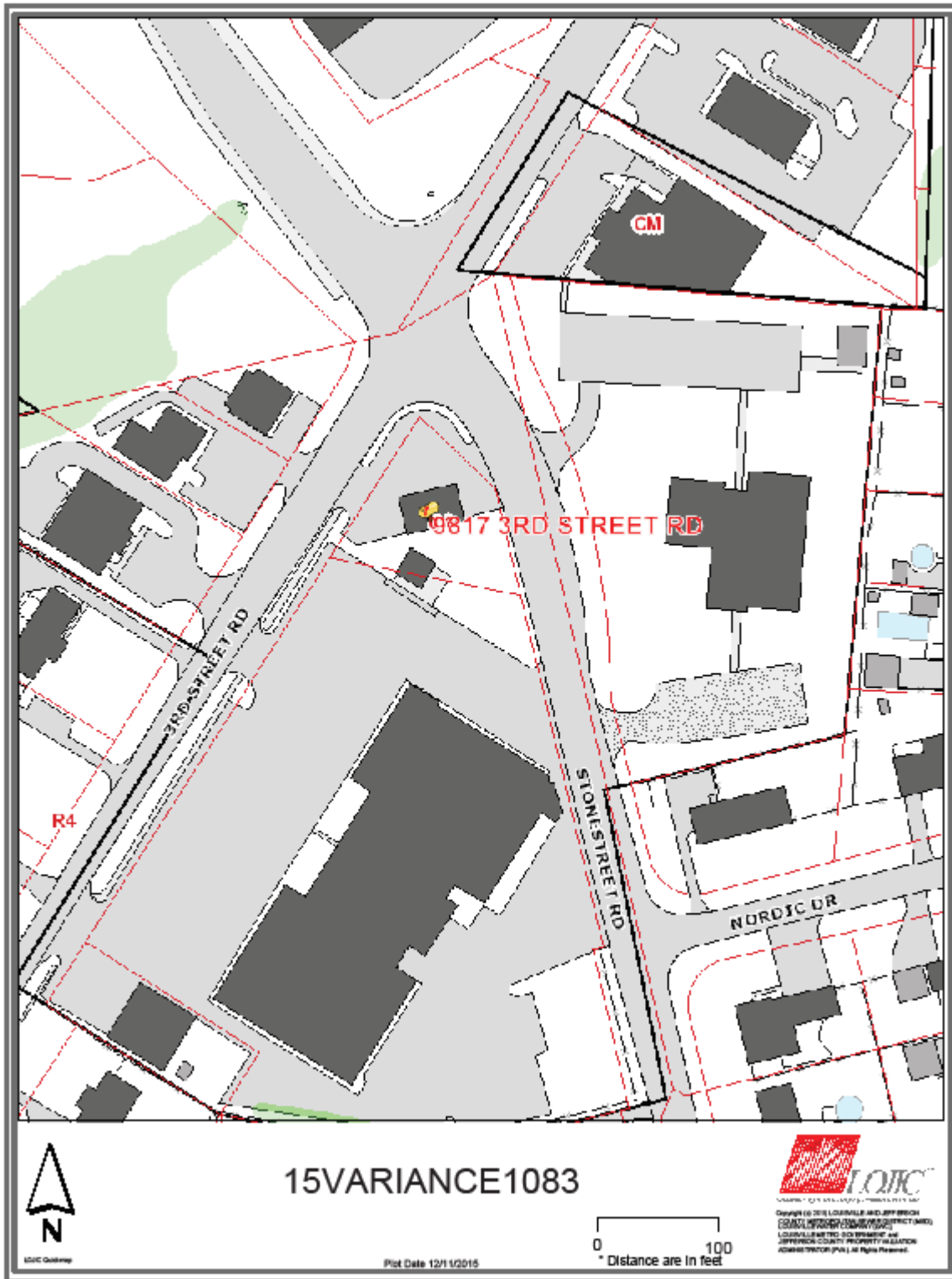
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|-------------------|--|
| 12/21/2015 | BOZA Hearing | 1 st tier adjoining property owners |
| 12/04/2015 | BOZA Hearing | Sign Posting on property |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. View shed
6. Transportation Planning E-mail

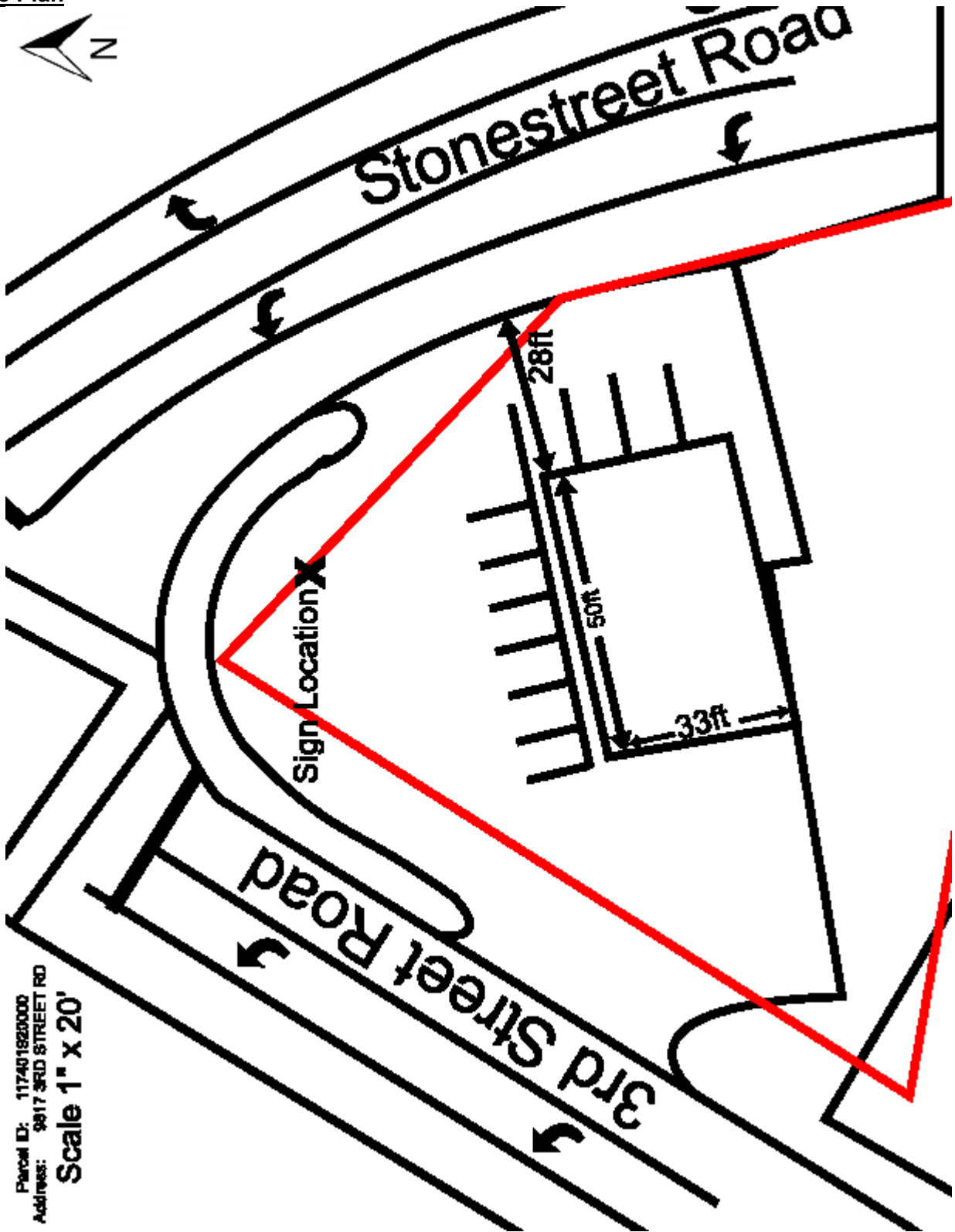
1. Zoning Map



2. Aerial Map



3. Site Plan



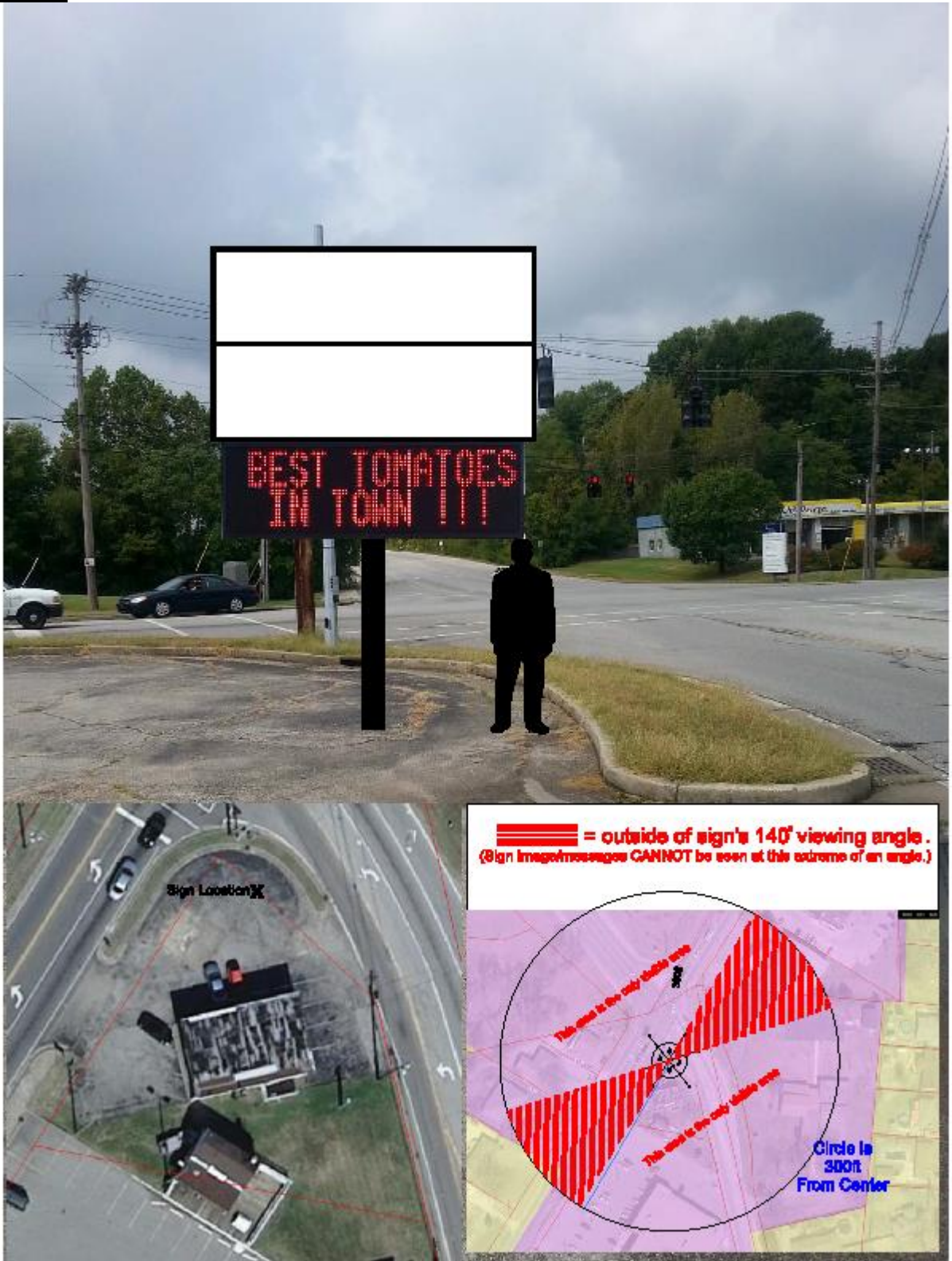
Parcel ID: 117401820000
Address: 9817 3RD STREET RD
Scale 1" x 20'

4. Elevation

**Actual LED part (not including frame) of LED 22.64 sq ft
ID Cabinet 60 sq ft
Total Square footage 82.64
30% of 82.64 is 24.79 (less than proposed LED)**



5. View Shed



6. E-mail attachment from Transportation Planning

Public Works will require the area near the intersection remain free of sight distance obstructions between 24' and 72' in height so if the sign is located within the triangular area bounded by the property lines abutting the public streets and a diagonal line joining points on the property lines 35' from the point of intersection of the property lines, a pole sign would be more appropriate.

Jeffrey Brown, PE, PTOE

From: Mattingly-Humphrey, Laura L
Sent: Thursday, December 03, 2015 9:32 AM
To: Brown, Jeffrey E
Subject: Public Works Approval for Sign on Parkway

Hi Jeff! I have a variance case I'm working on. It is supposed to go to BOZA on the 21st but we've come to a snag. It is a commercial sign in the Neighborhood from district located along a parkway. They are requesting a height variance but it looks like they also may need a waiver of Section 8.3.3.B.9 due to the fact that the sign is neither monument or columnar. They can avoid the waiver if PW can approve this sign type due to visibility obstruction. I spoke to Pat Brierly and he seemed to think that you would not approve it but I want to make sure. Would you mind taking a minute to look at it with me, possibly today since we are on a time crunch?

Let me know. Thanks!

Laura Mattingly-Humphrey
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