

**Board of Zoning Adjustment**  
**Staff Report**  
January 10, 2022



<b>Case No.</b>	21-VARIANCE-0158
<b>Project Name</b>	Sign Variance
<b>Location</b>	7714 Bardstown Road
<b>Owner</b>	HT Properties of Kentucky LLC
<b>Applicant</b>	Hogan Real Estate
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	22 – Robin Engel
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

**VARIANCE** to permit a freestanding multi-tenant sign to exceed the permitted size on a parkway (LDC Table 8.3.3. Freestanding Signs on Designated Parkways)

**CASE SUMMARY / BACKGROUND**

The applicant proposes to place a freestanding multi-tenant sign for a multi-tract development located at the corner of Bardstown Road and Cedar Creek Road. The subject development site is in a Neighborhood form district and is zoned C-1, C-2 and R-4. The site will be accessed via Bardstown Road, a five-lane arterial parkway, and Cedar Creek Road, a two-lane collector.

The subject site is adjoined on the north by developed and undeveloped residential parcels and to the east by developed commercial and institutional parcels. To the south are undeveloped multi-family residential parcels and to the west, developed and undeveloped multi-family residential parcels.

The proposed sign is to be placed along the Bardstown Road parkway frontage on Tract 6 to serve the businesses on that tract. Each tract with a parkway frontage is also entitled to its own freestanding sign. The approved development plan (20-DDP-0054) shows a freestanding sign on each, for a total of five freestanding signs.

The applicant requested area and height variances for five freestanding signs on this development site under 21-VARIANCE-0032, which was heard by BOZA on June 7, 2021. The request for the subject sign on Tract 6 was 120 square feet in area and 16 feet in height, which would be the permitted height and area if the sign were not located on a designated parkway/scenic corridor. All requests, including the variances for the sign on Tract 6, were denied (the findings from the case may be found in the Legistar file 21-VARIANCE-0032 Findings).

The current request for the sign on Tract 6 is for a multi-tenant sign with a height of 12 feet and an area of 100 square feet, which is smaller than requested under 21-VARIANCE-0032 but still in excess of parkway standards. The proposed sign on the Cedar Creek Road frontage has a height of 8 feet and an area of 72 square feet. It is in compliance with the sign regulations (maximum height of 12 feet, maximum area of 100 square feet) and a variance is not needed.

## **STANDARDS AND REQUIREMENTS**

<b>Freestanding Sign Neighborhood Form District/Parkway</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Variance</b>
Parcel Road Frontage (approx. 90 ft)			
Total Area	60 sq ft	100 sq ft	40 sq ft (+67%)
Overall Height	6 ft	12 ft	6 ft (+100%)

## **STAFF FINDINGS**

Based upon the information in the staff report, the applicant's written justification statement and the testimony and evidence provided at the public hearing, BOZA must determine if the requested variance is justified.

If fully developed as shown on the approved development plan 20-DDP-0054, there will be five freestanding signs located within a road frontage of approximately 450 ft along the Bardstown Road parkway. In addition, each tenant is permitted at least one attached sign on each façade. The large number of freestanding signs in close proximity to each other was mentioned in the DDP staff report and discussed at the Planning Commission approval hearing.

The intent behind permitting multi-tenant signs is to reduce the frequency of freestanding signs along a roadway, for both aesthetic and traffic safety reasons. The proposal for multiple signs across the development site would reduce the visual experience along this section of a developing parkway. When developing in this section of the corridor it is important to maintain the parkway to set the stage for the pattern of development intended for the area. That pattern is established by the parkway designation, which calls for reduced signage and enhanced landscaping. The more restrictive size and design standards developed both for signs in a Neighborhood form district and along Metro parkways emphasize the importance of aesthetics in this case.

The applicant has submitted a design for a second multi-tenant sign for use on the Cedar Creek Road development site frontage that is smaller than would be, intended as mitigation for the larger size of the subject sign.

Staff recommends denial of the variance for the proposed multi-tenant sign, based on the fact that each tract will have its own freestanding sign and the permitted size is adequate to serve the tenants on Tract 6, where the proposed sign is located.

## **TECHNICAL REVIEW**

The Neighborhood Form District requires opaque backgrounds for all internally illuminated cabinets. A sign permit will be required.

## **COMMENTS**

A comment was received and is included in the Legistar case file.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE** to permit a freestanding multi-tenant sign to exceed the permitted size on a parkway (LDC Table 8.3.3. Freestanding Signs on Designated Parkways)

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the location of the sign will not interfere with pedestrian or vehicular traffic or result in negative impacts on nearby land uses of lesser intensity.

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

STAFF: The requested variance will alter the essential character of the general vicinity as the proposed sign placement is along a parkway in a Neighborhood form district, making more restrictive design and size standards applicable. The only signs in the vicinity not meeting these standards were constructed before these standards were developed or were granted variances for reasons which the Board felt were justified.

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

STAFF: The requested variance may cause a hazard or nuisance to the public since the proposed sign location will be one of five to be located within approximately 450 feet of one another along the parkway frontage, which may result in a traffic hazard.

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

STAFF: The requested variance will allow an unreasonable circumvention of zoning regulations since the development site served by the proposed sign is located along a specially-designated parkway and in a Neighborhood form district.

### **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 not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since the proposed sign does not meet parkway standards as followed for similar freestanding signs in the vicinity.

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

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant since the variance is required to meet development conditions under the control of the applicant.

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 actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as the parkway sign regulations were in place before the development plan was submitted for approval and the variance was requested.

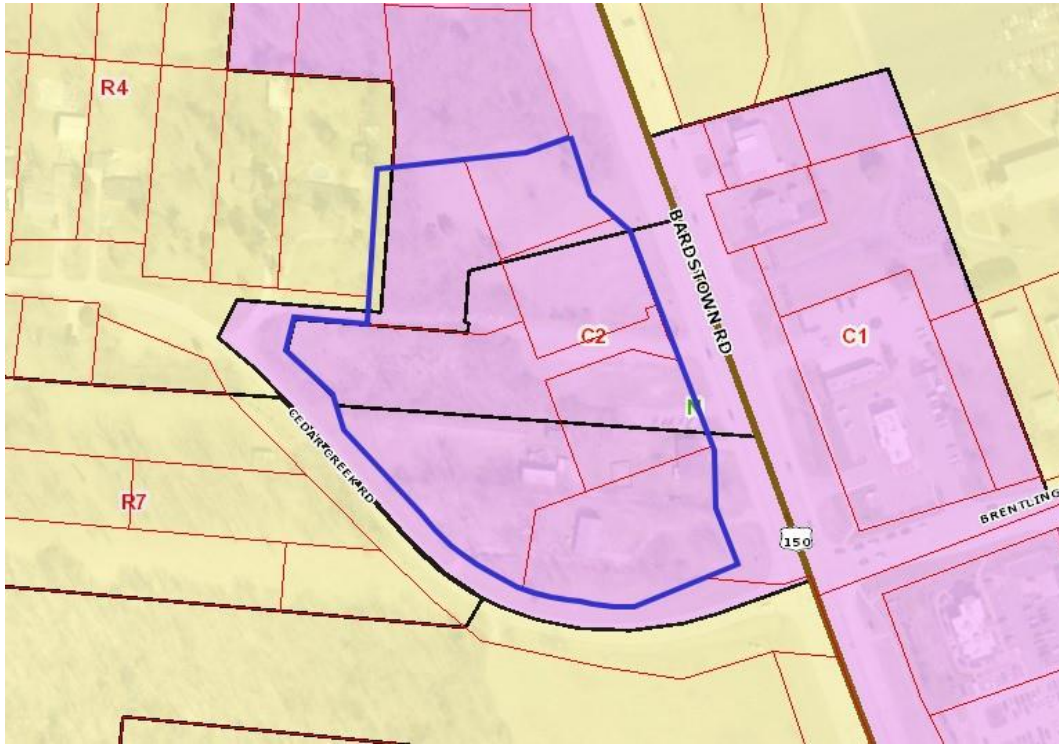
### **NOTIFICATIONS**

Date	Purpose of Notice	Recipients
11/6/2021	BOZA	1st tier adjoining property owners Registered Neighborhood Groups in Council District 22

### **ATTACHMENTS**

1. Zoning Map
2. Aerial View
3. Development Site Frontage, Bardstown Road
4. Development Site Frontage, Cedar Creek Road
5. Development Plan
6. Freestanding Sign Location
7. Proposed Sign, Bardstown Road parkway
8. Proposed Sign, Cedar Creek Road

1. Zoning Map



2. Aerial View





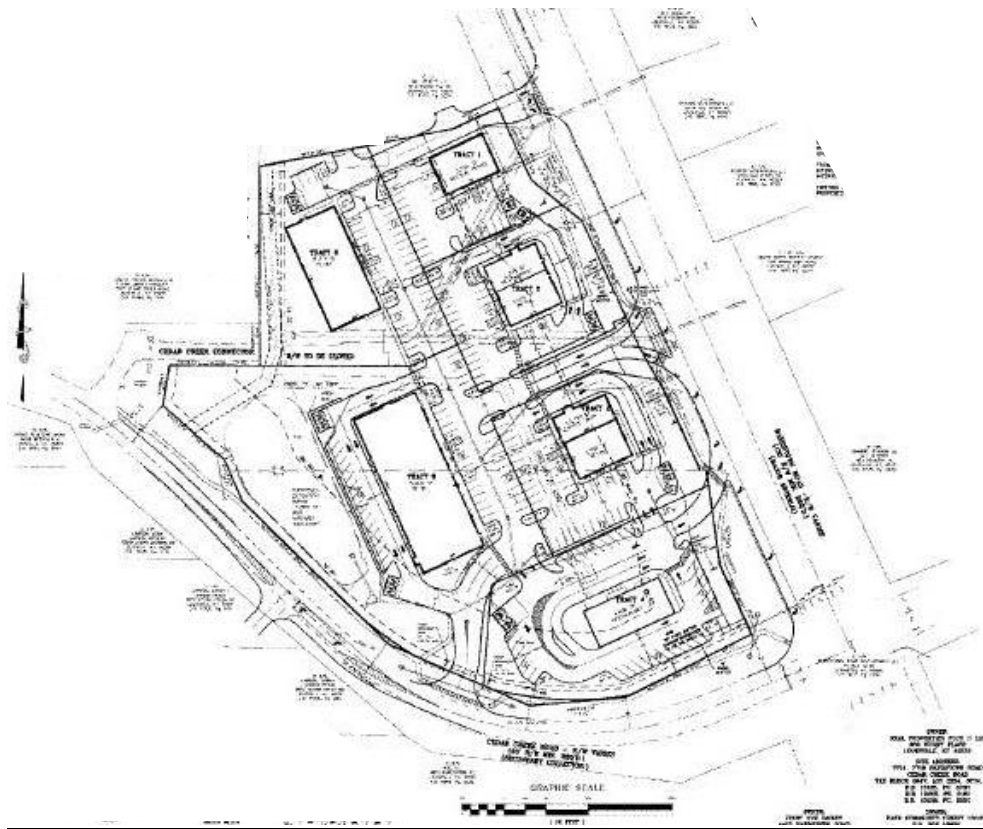
3. Development Site Frontage, Bardstown Road



4. Development Site Frontage, Cedar Creek Road



5. Development Plan

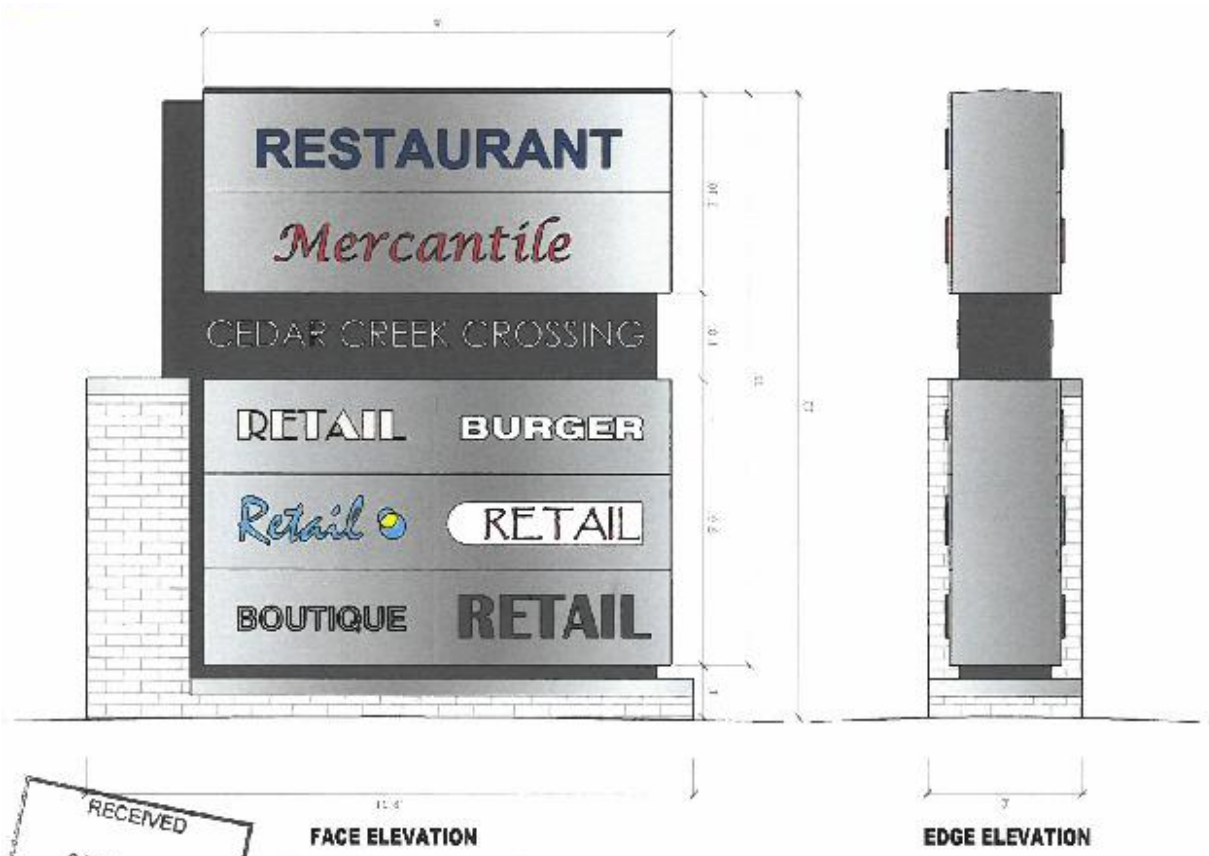


6. Freestanding Sign Locations





7. Proposed Sign, Bardstown Road parkway



8. Proposed Sign, Cedar Creek Road

