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ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE  
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**Variance Justification**  
**Trackside at Churchill Downs**  
**4520 Poplar Level Road, Louisville, KY 40213**

These are variance requests from Sections 4.2.7.B & 4.4.3.A.1.a.i of the Land Development Code to allow:

- 1) a proposed free-standing sign to be 24' tall rather than 10' and 168.6 square feet in area rather than 100 square feet; and
- 2) to allow two entrance walls to be 6-10' tall rather than 4'.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

Variance #1-Free-standing Sign: This variance will not adversely affect the public health, safety or welfare because the design of the sign is such that will safely alert motorists to the location of the facility.

Variance #2-Entrance Walls: This variance will not adversely affect the public health, safety or welfare it will actually shield adjacent properties from those entering and exiting the facility.

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

Variance #1- Free-standing Sign: This variance will not alter the essential character of the general vicinity because the previous sign that is in this same location is of a similar height and area to the proposed sign and has existed for many years without any negative impacts on the area.

Variance #2- Entrance Walls: This variance will not alter the essential character of the general vicinity because this is an industrial/commercial corridor and the proposed entrance design will help to improve the appearance of the area.

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

Variance #1- Free-standing Sign: This variance will not cause a hazard or a nuisance to the public because it will safely alert motorists of the location of the facility. A smaller sign would be difficult to notice, and the facility is located off the roadway behind other properties so additional signage size is necessary for safe wayfinding.

Variance #2- Entrance Walls: This variance will not cause a hazard or a nuisance to the public, in fact this layout will help to safely guide pedestrians and motorists to and from the facility.

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

Variance #1- Free-standing Sign: This variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the applicant is simply asking permission to install better designed, more attractive signage than the similarly sized previous sign.

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18 VARIANCE 1031

Variance #2- Entrance Walls: This variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. These walls will really function as if they are portion of a signature entrance, but because this is not a subdivision the Land Development Code does not consider them to be signature entrances. Signature entrances can be up to 14' tall.

*Additional consideration:*

- 1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity, or in the same zone (please specify/identify).**

Variance #1- Free-standing Sign: Special circumstances in this case include the fact that this property is a flag lot and the facility is set back off Poplar Level Road a significant distance as well as located behind structures on neighboring industrial properties. Furthermore, this request is only needed because of the required conditional use permit for the race track facility, which has more restrictive signage requirements. The proposed signage complies with the Suburban Workplace Form District signage requirements.

Variance #2- Entrance Walls: Special circumstances in this case include the fact that this property is a flag lot and has very limited area to provide the desired entry walls.

- 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 an unnecessary hardship on the applicant.**

Variance #1- Free-standing Sign: The strict application of the applicable regulations would require the applicant to only have a 10' tall, 100 square foot sign, which would be ineffective in safely notifying motorists of the location of the facility.

Variance #2- Entrance Walls: The strict application of the applicable regulations would not allow the applicant to adequately screen their entrance from view from the adjacent properties.

- 3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

Variance #1- Free-standing Sign: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought. The applicant is proposing to develop the site after the adoption of the applicable regulation.

Variance #2- Entrance Walls: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought. The applicant is proposing to develop the site after the adoption of the applicable regulation.

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