

# Board of Zoning Adjustment Staff Report

March 21st, 2016



<b>Case No:</b>	16VARIANCE1010
<b>Project Name:</b>	Bashford Manor Walmart
<b>Location:</b>	2020 Bashford Manor Lane
<b>Owner:</b>	Walmart Real Estate Business Trust
<b>Applicant:</b>	Harrison French and Associates
<b>Representative:</b>	Brittany Lewis
<b>Project Area/Size:</b>	20.64 acres
<b>Existing Zoning District:</b>	C-2, Commercial
<b>Existing Form District:</b>	SMC, Suburban Marketplace Corridor
<b>Jurisdiction:</b>	West Buechel
<b>Council District:</b>	10 – Patrick Mulvihill
<b>Case Manager:</b>	Laura Mattingly-Humphrey, Planner I

### REQUEST

- Modified variance of Chapter 8.3.3, Table 8.3.2 to allow an additional 194.48 square feet of attached signage along the front elevation.

Location	Requirement	Request	Variance
Front Elevation (B-18416-12)	300 sq. ft.	480.41 sq. ft.	180.41 sq. ft.
<b>Front Elevation (Modification)</b>		<b>Additional 194.48 sq. ft.</b>	<b>374.89 sq. ft.</b>

### SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is plan certain under docket 9-57-85 and is located in West Buechel, along the southeast side of Bashford Manor Lane.

Walmart is remodeling the exterior of the building on Bashford Manor Lane, which will include replacing existing attached signage and adding two new signs along the front facade. Currently, there are 5 attached signs on the front façade, including one tenant sign. Walmart proposes to replace four of the existing attached signs and add two new signs. These changes will require a modified variance to allow the additional square footage of signage.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Retail	C-2	SMC
<b>Proposed</b>	Retail	C-2	SMC
<b>Surrounding Properties</b>			
<b>North</b>	Single family residential, Multi-family residential	R-5, R-7	N
<b>South</b>	Office, Multi-family residential	C-2, R-7	N
<b>East</b>	Retail	C-2	SMC
<b>West</b>	Retail	C-2	SMC

## PREVIOUS CASES ON SITE

**9-57-85:** The property was rezoned in 1985 to C-2, Commercial, and was previously occupied by the Bashford Manor Mall. A revised detailed district development plan was approved by the Planning Commission on October 8<sup>th</sup>, 2004.

**B-26-04:** Variances were approved on March 15<sup>th</sup>, 2004 to allow a total of 750 square feet of total signage on the front façade with 13 attached signs. The variances were approved on condition that the applicant deletes the “Low Prices” and “We Sell for Less” signage.

**B-13948-10:** Variance to allow a total of 429.66 square feet of attached signage along the front elevation. Five attached signs allowed along Bashford Manor Lane.

**B-18416-12:** Variance from 8.3.2, Table 8.3.1 to allow additional 50.75 square feet of signage along front elevation for a total of 480.41 square feet.

**15WAIVER 1041:** Waiver to allow front and side facades to exceed the maximum number of signs per façade.

## INTERESTED PARTY COMMENTS

Staff has not received any inquiries or interested party comments to date.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

(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 as the signs will be approximately 460 feet from Bashford Manor Lane.

(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 generally vicinity as the attached signs are typical for this form district and type of uses in this area.

(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 as the building is located approximately 460' from the edge of pavement along Bashford Manor Lane and the new signs allow for better branding and way finding.

(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 as the signs are better identifying the departments within the Walmart store, as well as their location.

## 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 special circumstances which do not generally apply to land in the general vicinity or the same zone as Wal-Mart is a large store that is subject to the general branding of the larger corporation.

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 create an unnecessary hardship on the applicant since the Wal-Mart would not be able to fit into the national branding of the chain 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 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 signage is already over the maximum square footage set forth in the regulations and more new signage is being proposed.

### TECHNICAL REVIEW

There are no outstanding technical review items.

### STAFF CONCLUSIONS

The applicant has requested 374.89 additional square feet of attached signage for the two new signs and alterations of existing signs. The attached signage along the Bashford Manor Lane façade already exceeds the maximum 300 square feet by 180.41 square feet. However, the façade is approximately 460 feet from Bashford Manor Lane, so the additional sign square footage will be in keeping with the existing signage.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the waivers.

### REQUIRED ACTION

- **APPROVE** or **DENY** variance from Section 8.3.3, Table 8.3.2 of the LDC to allow square footage of signage on front façade to exceed the maximum by 374.89 square feet.

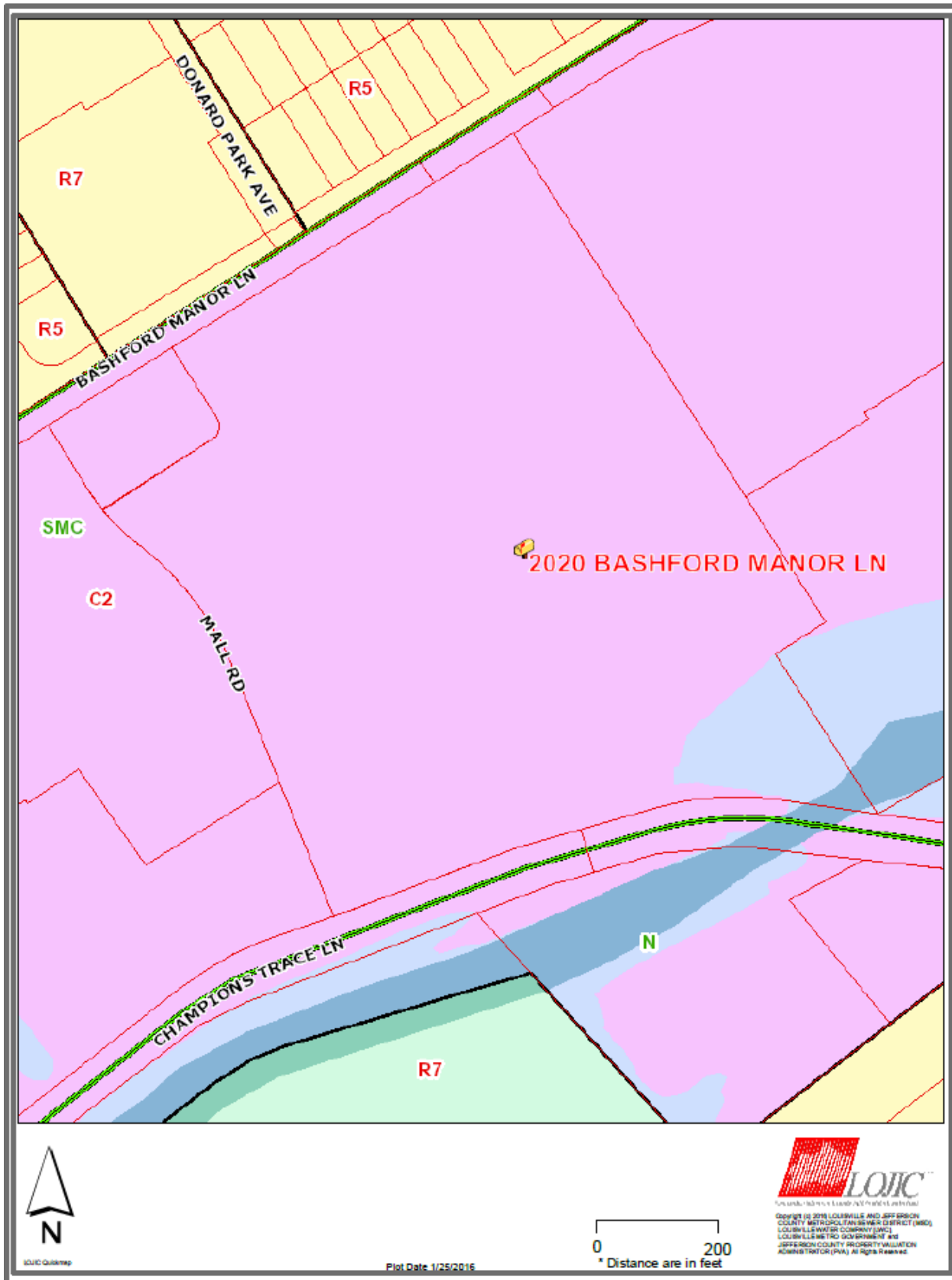
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/4/16	Hearing before BOZA	Registered neighborhood groups
3/4/16	Sign Posting	Subject Property Owner
3/7/16	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

