

# Board of Zoning Adjustment

## Staff Report

October 5, 2015



<b>Case No:</b>	15VARIANCE1056
<b>Project Name:</b>	4405 Bardstown Road
<b>Location:</b>	4405 Bardstown Road
<b>Owner:</b>	Todd's Place Express, LLC
<b>Applicant:</b>	Todd's Place Express, LLC
<b>Representative:</b>	Todd's Place Express, LLC
<b>Project Area/Size:</b>	1.61 acres
<b>Existing Zoning District:</b>	C-2, Commercial
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	2 – Barbara Shanklin
<b>Case Managers:</b>	Matthew Doyle, Planner II, Steve Hendrix, Planning Supervisor

### REQUEST

- Variance from section 8.3, Table 8.3.2 of the Land Development Code to allow a proposed sign to exceed the maximum height.

Location	Requirement	Request	Variance
Freestanding sign	12 Feet	20 Feet	8 Feet

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is plan certain as approved in Case 10374 and revised in Case 14DEVPLAN1092. It is located on the north side of Bardstown Road between Fegenbush Lane and Breckenridge Lane across from Resthaven Memorial Cemetery in Buechel.

The applicant proposes a permanent freestanding sign in front of his building along Bardstown Road. The height of the proposed sign exceeds the maximum height permitted for a freestanding sign on a site in the Neighborhood Form District. Commercial properties to the west are allowed a height of 24 feet, since they are located in a Suburban Marketplace Corridor. The Family Dollar sign is approximately 20 feet high and the tire store sign is approximately 24 feet high.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Facility under construction	C-2	N
<b>Proposed</b>	Car wash	C-2	N
<b>Surrounding Properties</b>			
<b>North</b>	Single family residential	R-4	N
<b>South</b>	Cemetery	R-7/R-4	N
<b>East</b>	Church	R-4	N
<b>West</b>	Vacant	C-2	SMC

### PREVIOUS CASES ON SITE

10374: Change in zoning from R-4 Single Family Residential to C-2 Commercial and adoption of the Detailed District Development Plan for auto service, sales, and storage complex.

14DEVPLAN1092: Approval of a Revised Detailed District Development Plan for a car wash.

### INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

#### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

(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 would be located more than 10 ft. from the pavement and will not obstruct views of 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 the site is along a major commercial corridor that has many establishments with freestanding signs.

(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 be located more than 10 ft. from the pavement and will 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 the sign would have a similar high to existing commercial signs.

#### 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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the existing grade is approximately 3 ft. lower than the street and this particular parcel is within a Neighborhood Form District.

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 existing grade is 3 ft. lower than the street.

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

None

### 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.

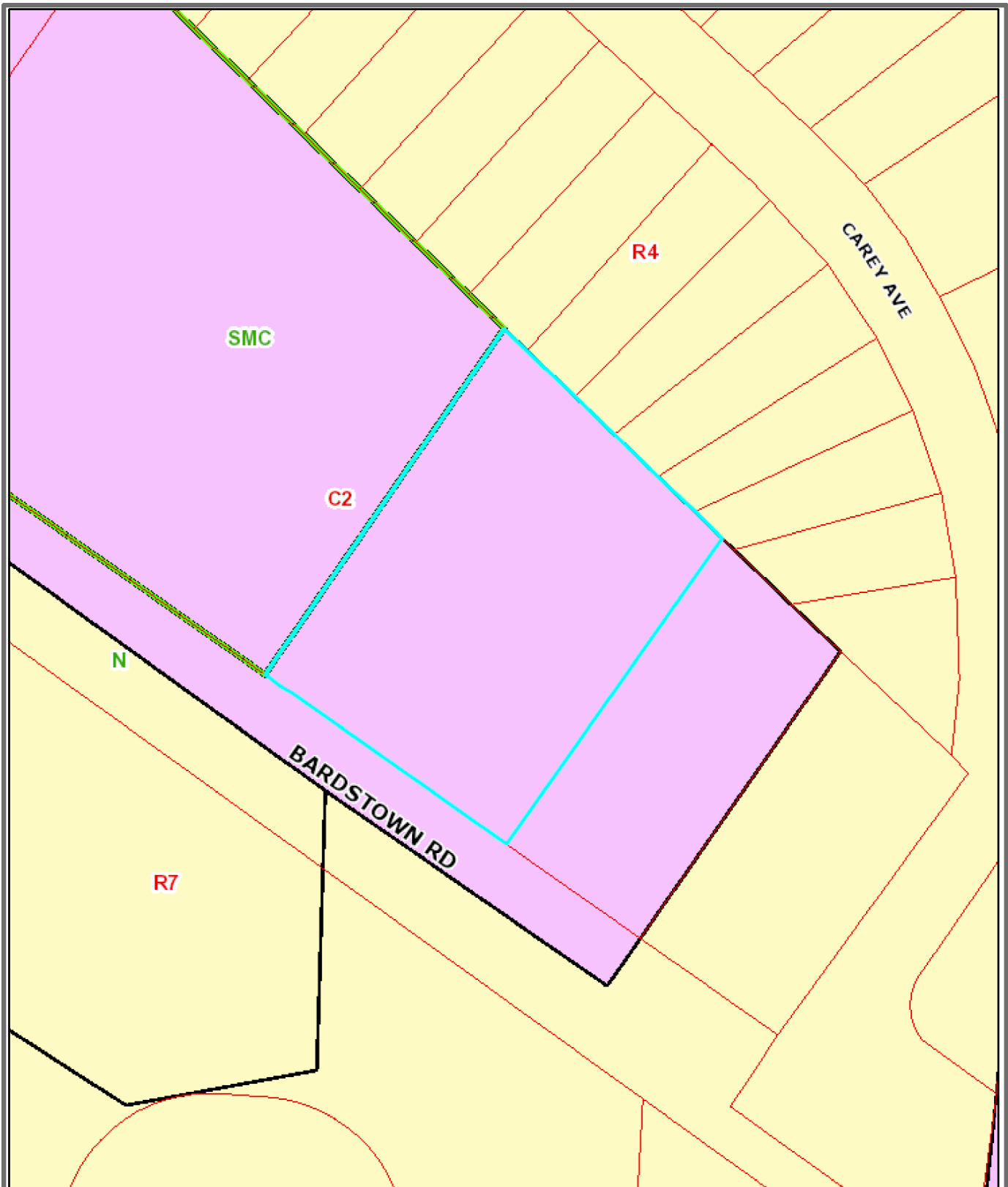
### NOTIFICATION

Date	Purpose of Notice	Recipients
9/4/15	BOZA Hearing	Adjoining property owners, applicant, representative, case manager, and neighborhood groups
9/22/15	Sign Posting	General

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Sign Exhibit

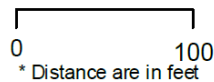
1. **Zoning Map**



LOJIC Quickmap

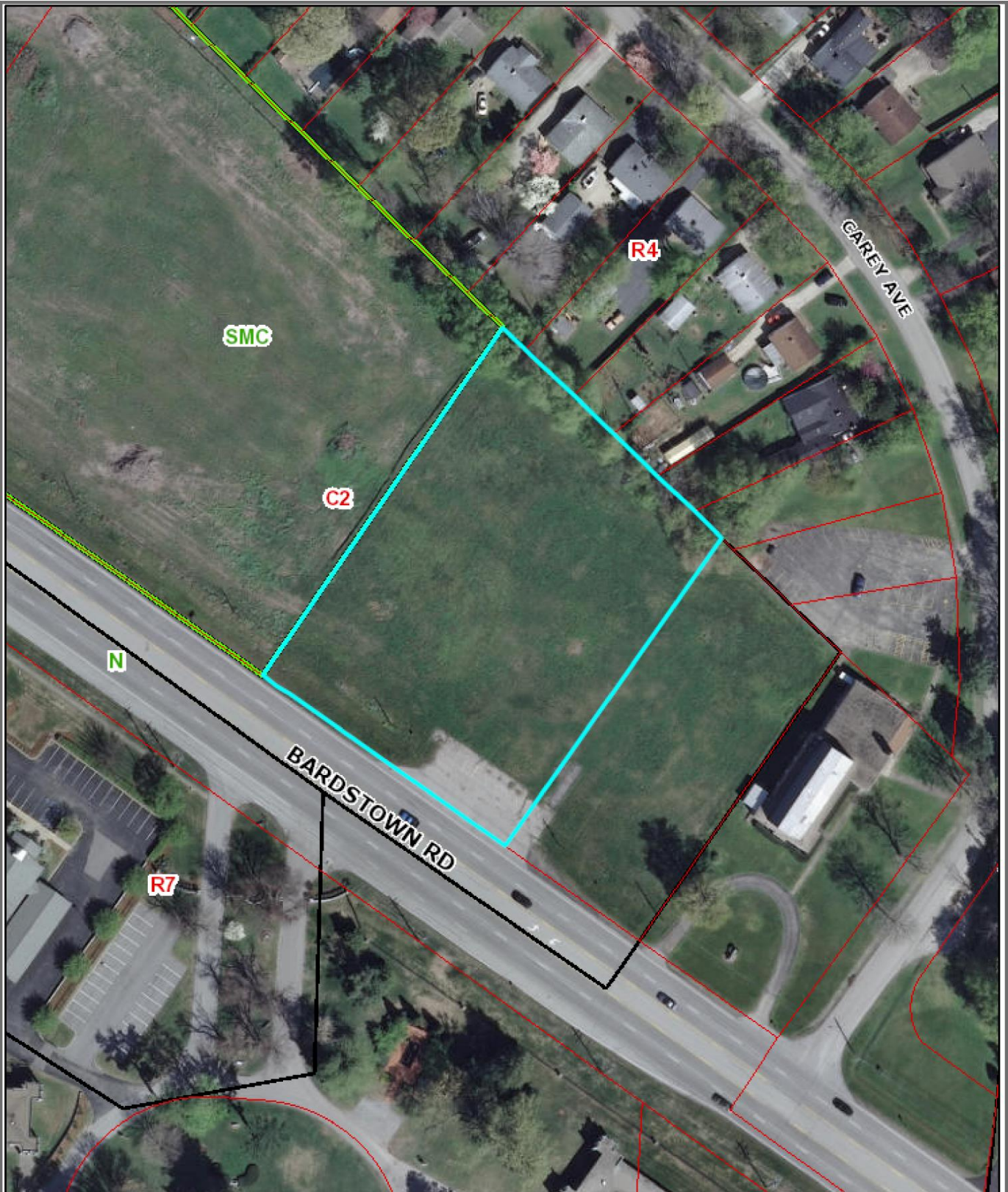
4405 Bardstown Road

Plot Date 8/30/2015



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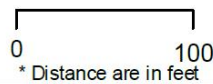
2. Aerial Photograph



LOJIC Quickmap

4405 Bardstown Road

Plot Date 8/30/2015



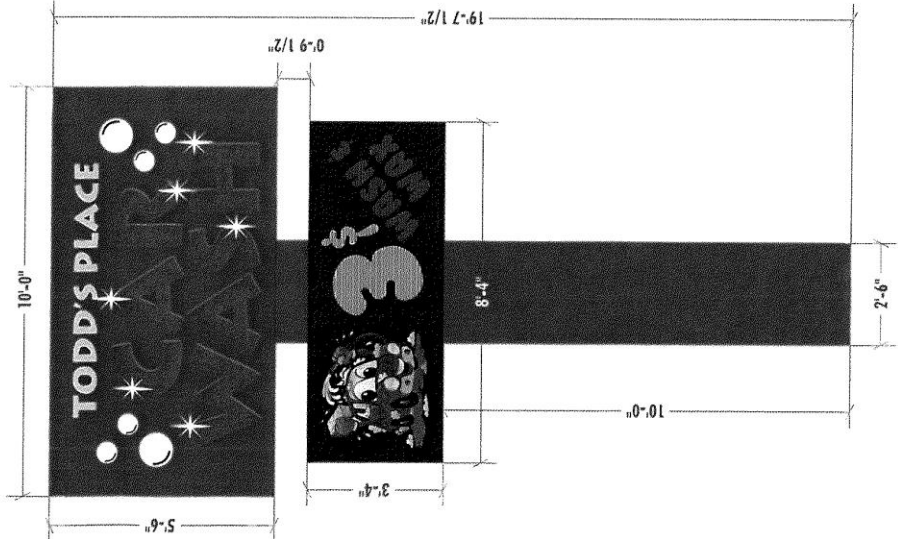
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1824 Berry Blvd.  
 Louisville, KY 40215  
 502.368.7554  
 Fax 502.361.4490  
 www.commonwealthsign.com

<b>CLIENT</b>	Todd's Place Car Wash Pylon
<b>ADDRESS</b>	4405 Bardstown Rd., Louisville, KY
<b>FILENAME</b>	Todd's Place Car Wash Pylon
<b>SALESPERSON</b>	Lester Lemaster
<b>ARTIST</b>	Robert Gastinger
<b>ART RENDERED DATE</b>	04-23-15
<b>TYPE</b>	CHECKED
<b>Proposal</b>	
<b>SCALE</b>	3/8" = 1'
<b>REVISIONS / DATES</b>	CHANGE FONT 08-04-15
	2nd 00-00-00
	3rd 00-00-00
	4th 00-00-00
	5th 00-00-00
<b>PAGE</b>	1 OF 1
<b>SALES FINAL APPROVAL</b>	
<b>CUSTOMER APPROVAL</b>	



<b>DOUBLE SIDED LED MESSAGE CENTER</b>
<b>QUANTITY:</b> 1
<b>SIZE:</b> 8'-4" w x 3'-4" h
<b>19MM FULL COLOR</b>

<b>DOUBLE SIDED ILLUMINATED CABINET</b>
<b>QUANTITY:</b> 1
<b>SIZE:</b> 24" d
<b>RETAINER SIZE:</b> NA
<b>COLOR:</b> PAINT PMS300
<b>FACE TYPE:</b> FLAT
<b>FACE MATERIAL:</b> ALUMINIUM
<b>GRAPHICS:</b> ROUTED FROM FACE BACK W/ WHITE ACRYLIC
<b>ILLUMINATION:</b> FLOURESCENT LAMP
<b>MOUNTING:</b> SINGLE POLE W/ ALUMINIUM SKIRT

<b>VINYL COLORS</b>
<input checked="" type="checkbox"/> 8500-031 RED
<input type="checkbox"/> 8500-021 YELLOW

RECEIVED  
 AUG 10 2015  
 TRAINING &  
 DESIGN SERVICES

15VARIANCE1056