

**Board of Zoning Adjustment  
Staff Report**  
March 16, 2015



<b>Case No:</b>	15VARIANCE1008
<b>Project Name:</b>	4209 Outer Loop
<b>Location:</b>	4209 Outer Loop
<b>Owner(s):</b>	Prateek Gupta
<b>Applicant(s):</b>	Smart LED Signs
<b>Representative(s):</b>	Smart LED Signs
<b>Project Area/Size:</b>	0.24 acres
<b>Existing Zoning District:</b>	C-2, Commercial
<b>Existing Form District:</b>	RC, Regional Center
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Matthew Doyle, Planner I

**REQUEST**

- Variance from section 8.3.3, Table 8.3.3 of the Land Development Code to allow proposed signage to exceed the maximum height.

Location	Requirement	Request	Variance
Freestanding sign	6'	8.9' (or 107")	2.9' (or 35")

**CASE SUMMARY**

The applicant proposes a permanent freestanding sign in front of his building along Outer Loop, which is a designated parkway at this location. The height of the proposed sign exceeds the maximum height permitted for a freestanding sign along a designated parkway. The applicant requests a variance to allow the proposed sign to exceed the maximum height by nearly 3 ft.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Medical office	C-2	RC
<b>Proposed</b>	Medical office	C-2	RC
<b>Surrounding Properties</b>			
<b>North</b>	LG&E substation	OR-1	N
<b>South</b>	Shopping center	C-1	RC
<b>East</b>	Restaurant	C-1	RC
<b>West</b>	Residential	R-4	N

**PREVIOUS CASES ON SITE**

9-20-96: Approval of a change in zoning from R-4 to C-2.

**INTERESTED PARTY COMMENTS**

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

## APPLICABLE PLANS AND POLICIES

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 10 ft. from the front property line, no taller than 6 ft. above street grade level, 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 10 ft. from the front property line, no taller than 6 ft. above street grade level, 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 be no taller than 6 ft. above street grade level.

### 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 where the proposed sign would be is approximately 3 ft. lower than the street.

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 where the proposed sign would be is approximately 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

All technical comments have been addressed.

### 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.

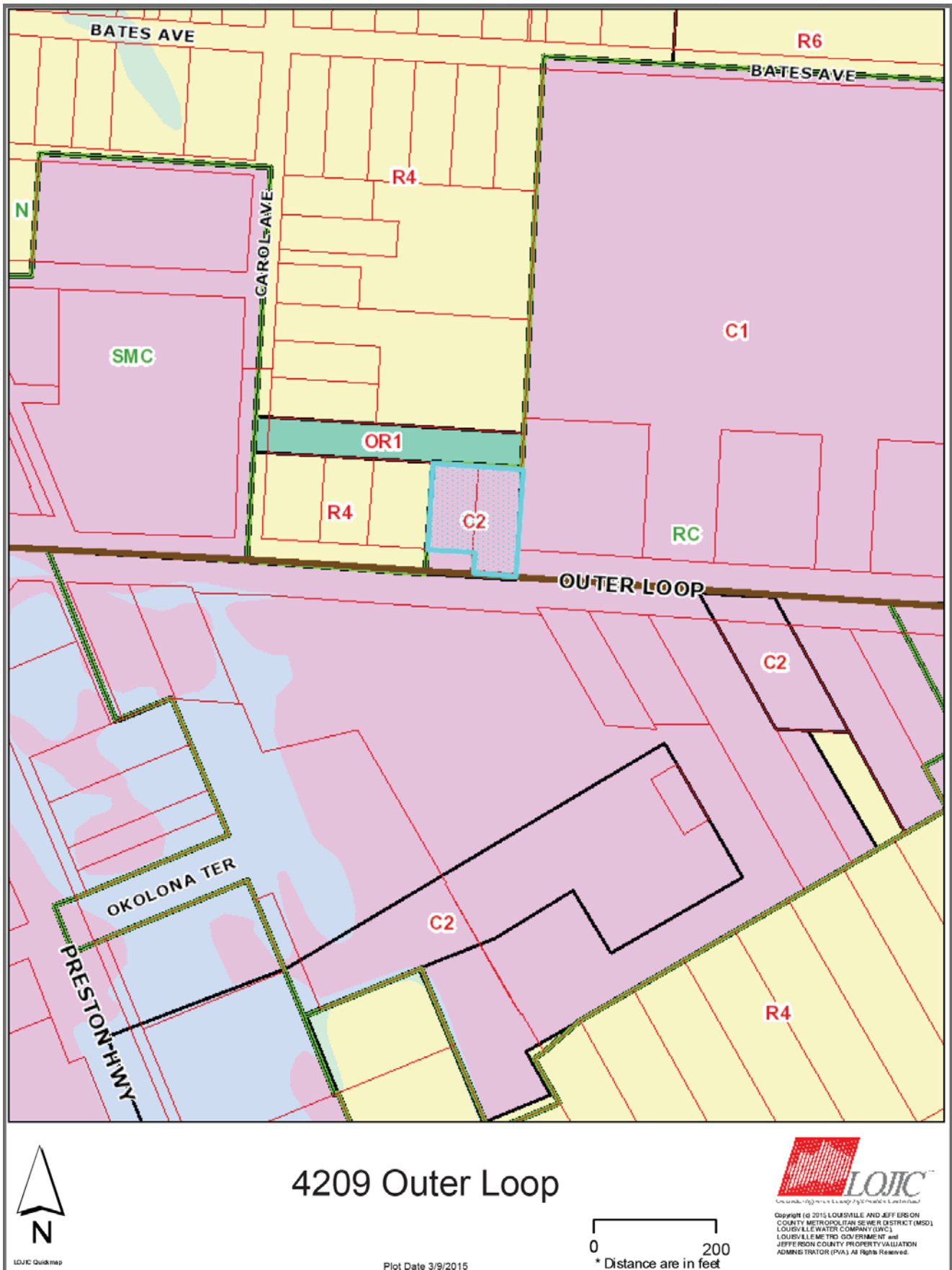
### NOTIFICATION

Date	Purpose of Notice	Recipients
2/18/15	BOZA	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

