

**Board of Zoning Adjustment**  
**Staff Report**  
 November 19, 2018



<b>Case No:</b>	18VARIANCE1095
<b>Project Name:</b>	Outer Loop Variance and Sign Authorization
<b>Location:</b>	4801 R Outer Loop
<b>Owner:</b>	Jefferson Mall CMBS LLC
<b>Representative:</b>	Chris Radford, Twin Shores Construction
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code table 8.3.2 to allow a sign to exceed the allowable height in the Regional Center Form District
- **Sign Authorization** in accordance with Land Development Code section 8.4.1.C.3

	<b>Requirement</b>	<b>Request</b>	<b>Variance</b>
<b>Sign Height</b>	12 ft.	17 ft.	5 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located on Outer Loop at the rear of Jefferson Mall. The applicant proposes to add a freestanding sign in the shape of a bowling pin. The proposed freestanding sign is 17 feet tall and would exceed the maximum height by five feet.

Due to the proposed bowling pin design of the sign, a request for a sign authorization is included.

**STAFF FINDING**

Staff finds that the requested variance for maximum height is adequately justified and meets the standard of review. Staff finds that the requested sign authorization is adequately justified and meets the standard of review. Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code from table 8.3.2 to allow a sign to exceed the allowable height, and if the proposal meets the standards for granting a sign authorization in accordance with Land Development Code section 8.4.1.C.3.

**TECHNICAL REVIEW**

- No technical review was undertaken.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.2**

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

STAFF: The requested variance to exceed the maximum height will not adversely affect the public health, safety, or welfare as the structure will be constructed to comply with all building codes and the sign is separated from public streets by a parking lot.

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

STAFF: The requested variance for a freestanding sign to exceed the maximum height will not alter the essential character of the general vicinity as the subject property is a mall in the Regional Center Form District and the sign is located adjacent to the building with a parking lot separating the sign from adjacent right-of-way.

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

STAFF: The requested variance to exceed the maximum height will not cause a hazard or nuisance to the public as the sign will not obstruct views for drivers or pedestrians as the proposed sign is adjacent to a sidewalk next to the building separated from the right-of-way by a parking lot.

- (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 proposed sign is on a large lot with a large structure and parking lot separating the sign from adjacent public right-of-way.

### **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 apply to land in the general vicinity or the same zone because the site is a mall with a consistent design.

2. The strict application of the provisions of the regulation would not 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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant could make the new sign comply with the Regional Center Form District height restrictions.

3. 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.

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 as the applicant is requesting the variance and has not begun construction.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIGN AUTHORIZATION IN ACCORDANCE WITH SECTION 8.4.1.C.3**

- (a) The sign authorization will not adversely affect adjacent property owners; and

STAFF: The sign authorization will not adversely affect adjacent property owners as the proposed sign would be located a significant distance from neighboring properties due to the parking lot. There is also a row of trees between the parking lot and neighboring properties.

- (b) The sign authorization will not violate specific guidelines of Cornerstone 2020; and

STAFF: The sign authorization will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 states that signs should be compatible with the form district pattern and contribute to the visual quality of their surroundings and promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. The proposed sign is freestanding; however, the subject property has a large parking lot reducing the impact on surrounding properties.

- (c) The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the sign could be designed so as to comply with the regulations. However, the land use and structures on the subject property reduce the impact of the proposed sign. Also, the sign authorization would allow the construction of a unique type of sign not normally permitted by the strict reading of the Land Development Code. The proposed sign would also provide visual interest to the property.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) 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.

STAFF: The sign authorization would allow the construction of a unique type of sign not normally permitted by the strict reading of the Land Development Code. The proposed sign would also provide visual interest to the property.

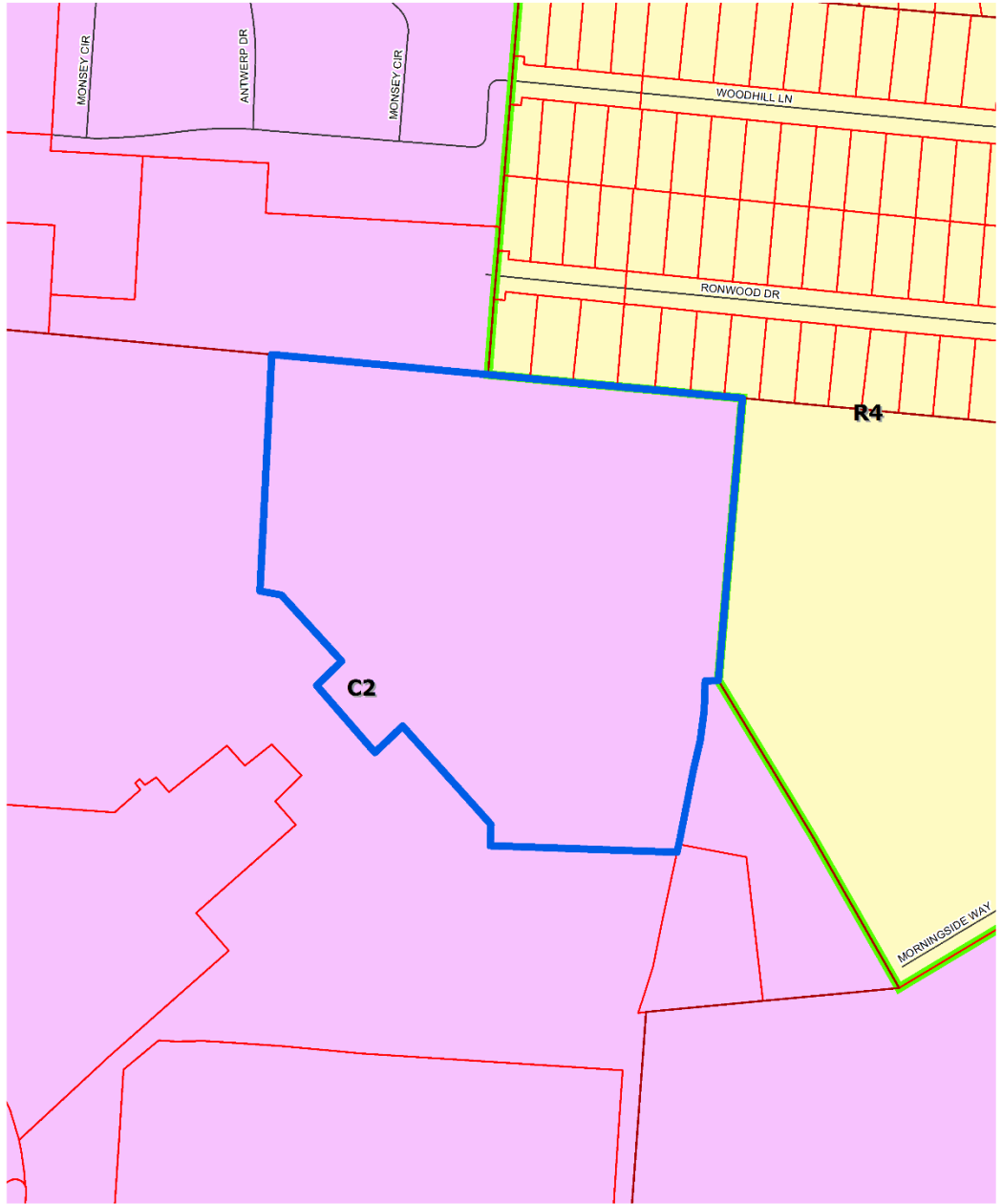
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>10/30/2018</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24
<b>11/02/2018</b>	Hearing before BOZA	Notice posted on property

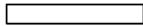
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Detail Plan
6. Site Photos

1. **Zoning Map**



4801 R Outer Loop  
feet



240  
Map Created: 11/7/2018



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2. Aerial Photograph



4801 R Outer Loop  
feet

240

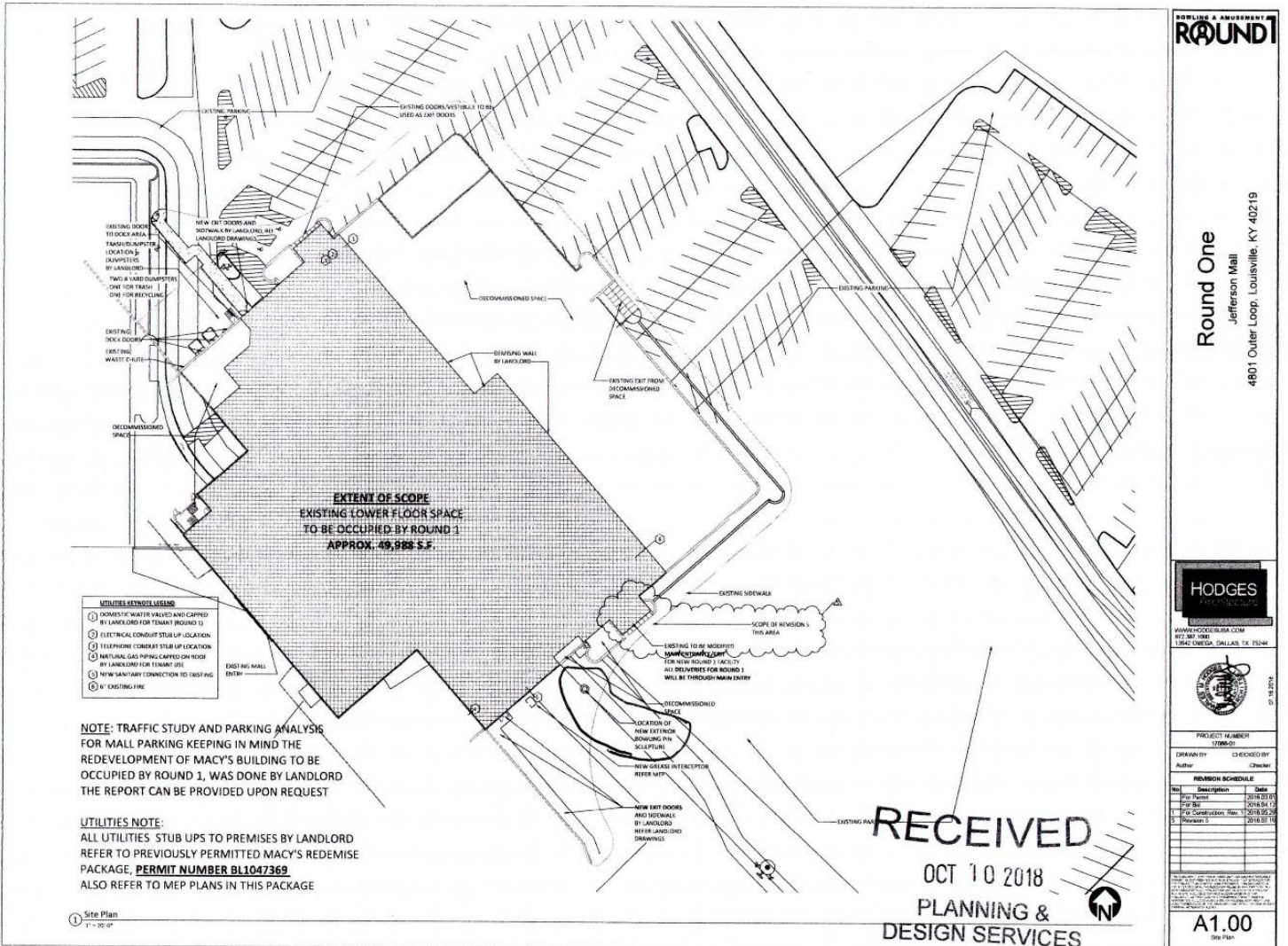
Map Created: 11/8/2018



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**3. Site Plan**



8 VARIANCE 1095

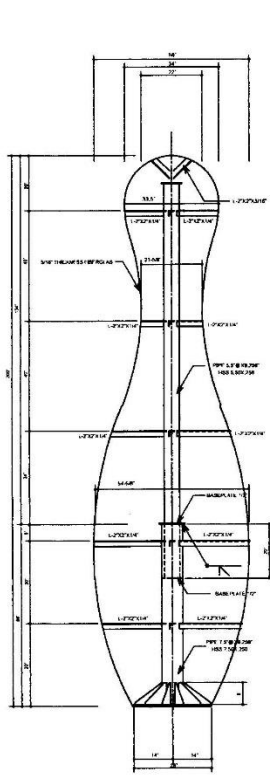
4. Elevations

**RECEIVED**  
OCT 10 2018  
PLANNING & DESIGN SERVICES

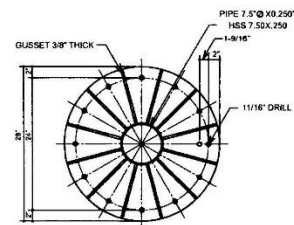
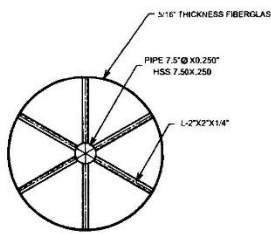
Spec	Manufacturer	Material Schedule - Exterior	Comments
E-1.1	Drivet	PRG 351.5 Vanity	See Notes - Follow Manufacturer Requirements
E-1.2	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.3	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.4	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.5	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.6	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.7	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.8	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.9	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.10	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.11	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.12	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.13	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.14	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.15	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.16	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.17	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.18	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.19	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements
E-1.20	Drivet	PRG 13.12 CONCRETE	See Notes - Follow Manufacturer Requirements



5. Detail Plan



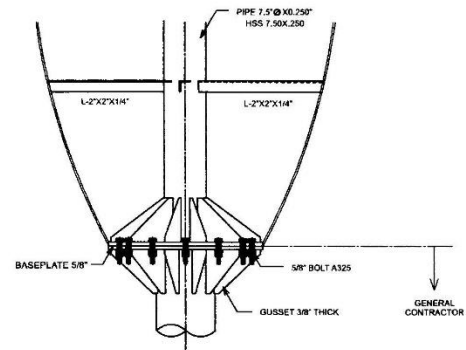
STRUCTURE DETAIL



ATTACHMENT PLATE PLAN VIEW

17'-0" HEIGHT (w/pick-up ring)  
 22"-56" DIAMETER  
 1,350 lbs. WEIGHT  
 5/16" THICKNESS FIBERGLAS  
 MATTHEWS PAINT FINISH

**RECEIVED**  
 OCT 10 2018  
 PLANNING &  
 DESIGN SERVICES



ATTACHMENT DETAIL



17'-0" PIN

DETAIL PLAN 1

6. Site Photos



Looking toward location of proposed sign from rear of parking lot.



Looking south from rear of parking lot.





Looking west from rear of parking lot.



Location of proposed sign.





Looking northeast toward parking lot.



BOZA public hearing notice sign.