

Board of Zoning Adjustment
Staff Report
 May 20, 2019



Case No:	19VARIANCE1030
Project Name:	Dixie Highway Variances
Location:	5138 Dixie Highway
Owner(s):	Dixie PF Real Estate LLC
Applicant:	Commonwealth Sign Co. – Lester Lemasters
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance #1** from Land Development Code table 8.3.2 to allow a sign to exceed the allowable height in the Suburban Marketplace Corridor Form District
- **Variance #2** from Land Development Code table 8.3.2 to allow a sign to exceed the allowable area in the Suburban Marketplace Corridor Form District

Location	Requirement	Request	Variance
Sign Height	24 ft.	29 ft. 10 in.	5 ft. 10 in.
Sign Area	100 sq. ft.	188.68 sq. ft.	88.68 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is located in Pleasure Ridge Park on the west side of Dixie Highway at the intersection with Meyers Lane. A nonconforming freestanding sign is currently on the property. The applicant is proposing to add an LED portion to the sign. This addition requires variances to bring the existing sign into compliance for exceeding the permitted height and area.

STAFF FINDING

Staff finds that the requested variances to exceed the maximum height and area are adequately justified and meet 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 area.

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 (1)

- (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 existing sign is nonconforming in that it currently exceeds the height allowance and has caused no known adverse effects.

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

STAFF: The requested variance to exceed the maximum height will not alter the essential character of the general vicinity as there are other signs of similar height along this portion of Dixie Highway.

- (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.

- (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 sign is similar in height to other signs in the general vicinity.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do 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 subject property is similar in size and use to other surrounding properties.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant would have to take down the existing legally nonconforming sign.

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 VARIANCE FROM TABLE 8.3.2 (2)

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

STAFF: The requested variance to exceed the maximum area will not adversely affect the public health, safety or welfare as the existing sign is nonconforming in that it currently exceeds the area allowance and has caused no known adverse impacts.

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

STAFF: The requested variance to exceed the maximum area will not alter the essential character of the general vicinity as there are other signs of similar size along this portion of Dixie Highway.

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

STAFF: The requested variance to exceed the maximum area will not cause a hazard or nuisance to the public as the sign will not obstruct views for drivers or pedestrians.

- (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 sign is similar in size to other signs in the general vicinity.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do 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 subject property is similar in size and use to other surrounding properties.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant would have to take down the existing legally nonconforming sign.

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.

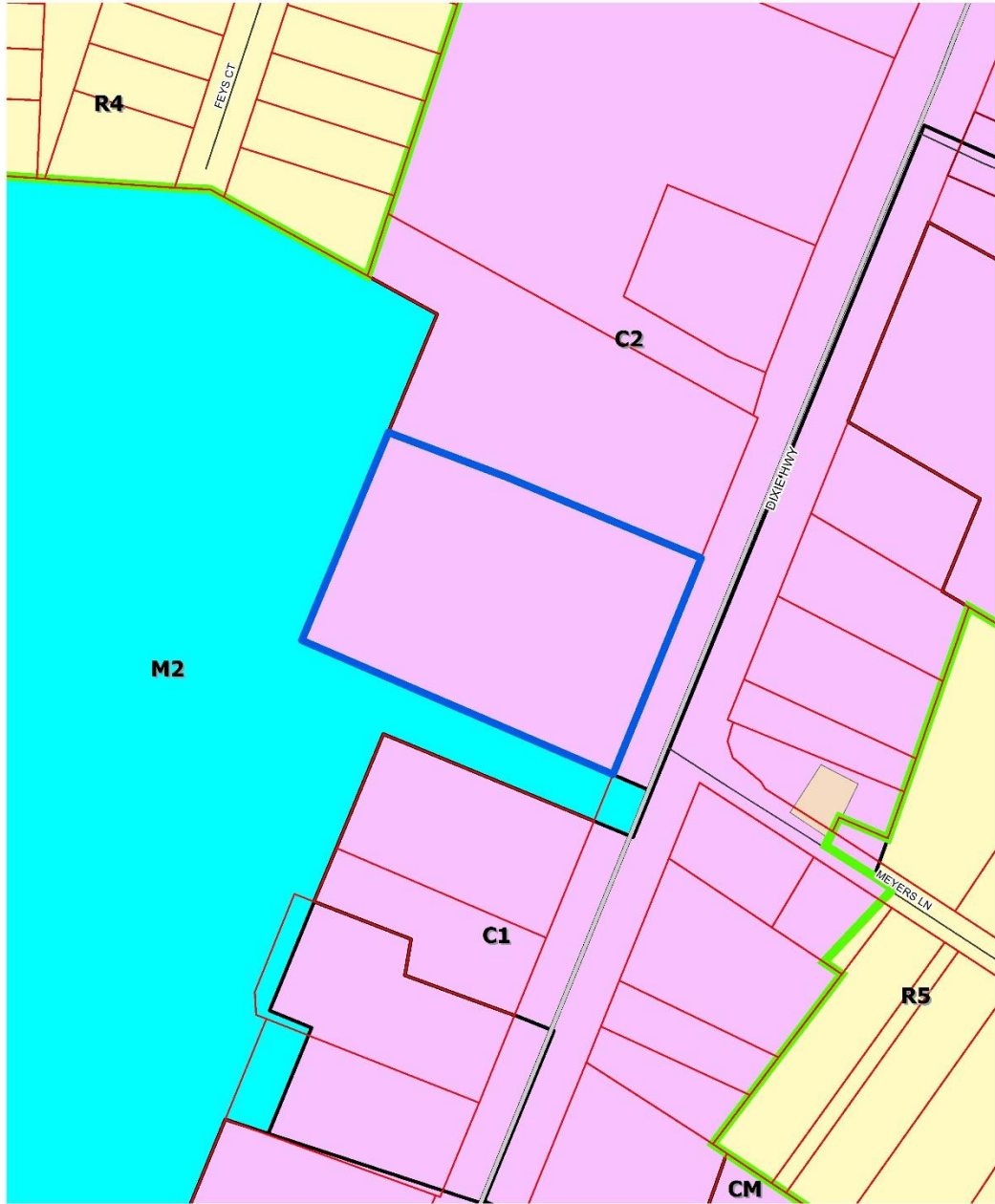
NOTIFICATION

Date	Purpose of Notice	Recipients
04/04/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 12
05/02/2019	Hearing before BOZA	Notice posted on property

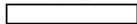
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Photos

1. Zoning Map



5138 Dixie Highway
feet



150
Map Created: 5/9/2019

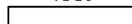


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JEFFERSON COUNTY PROPERTY VALUATION
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2. Aerial Photograph



5138 Dixie Highway
feet

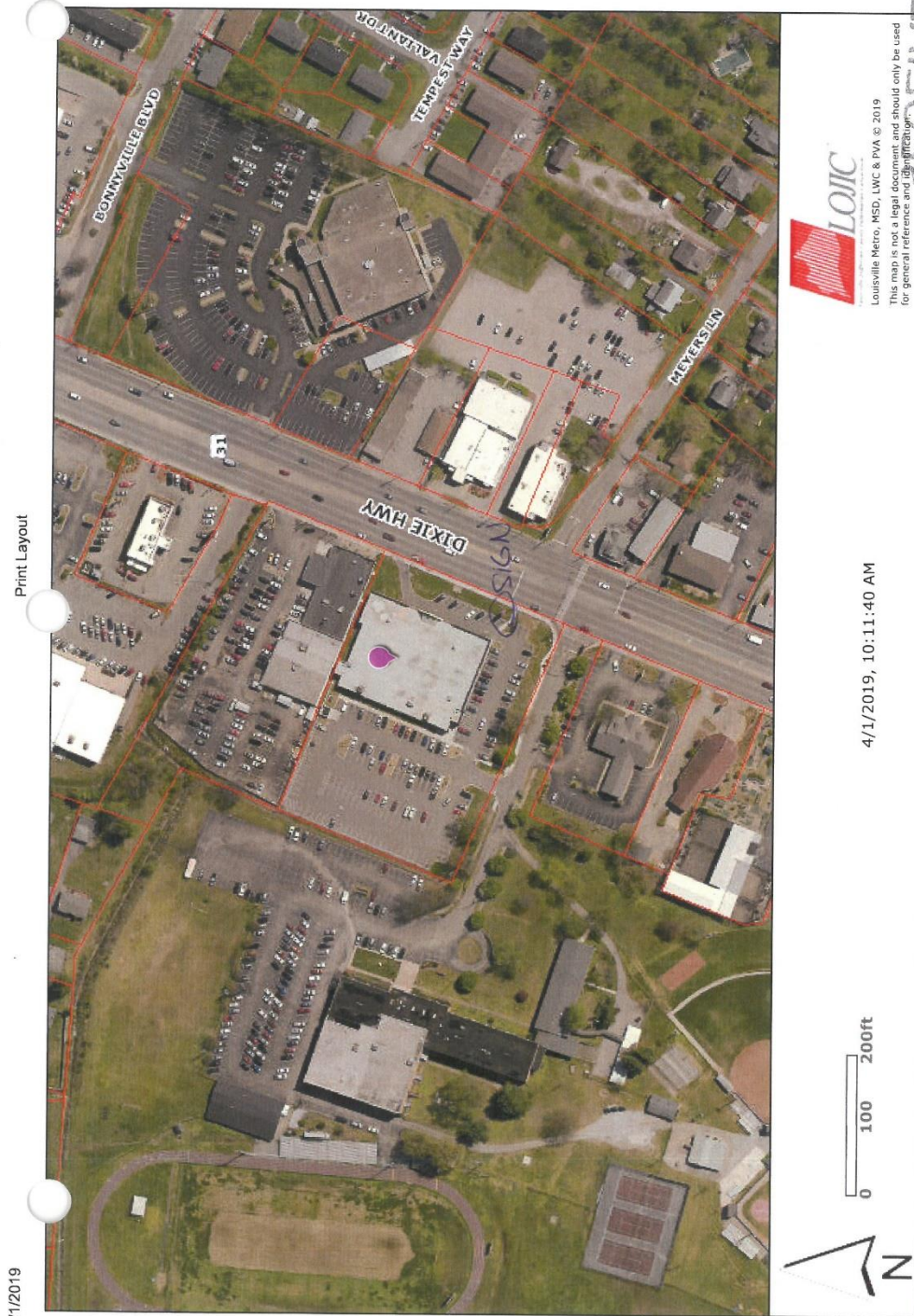


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Map Created: 5/9/2019




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3. Site Plan



<https://apps.lojic.org/scripts/2.2/print/85x11-landscape.html>

4. Elevation



8'-0"

6'-6"

DOUBLE SIDED L.E.D. MESSAGE CENTER

QUANTITY: 1


SIZE: 8' w x 6'h


10 MM FULL COLOR

RECEIVED

APR 01 2019

DESIGN SERVICES





COMMONWEALTH
SIGN COMPANY

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

CLIENT	
Planet Fitness	
ADDRESS	
5138 Dixie Hwy, Louisville, KY	
FILENAME	
Planet Fitness Pylon Message Unit	
SALESPERSON	
Lester Lemaster	
ARTIST	
Robert Gastinger	
ART RENDERED DATE	
01-17-19	
TYPE	CHECKED
Proposal	
SCALE	
1/2" = 1'	
REVISIONS / DATES	
Increase Size	02-19-19
2nd	00-00-00
3rd	00-00-00
4th	00-00-00
5th	00-00-00
5th	00-00-00
PAGE	
1 OF 1	
SALES FINAL APPROVAL	
CUSTOMER APPROVAL	

5. Site Photos



The front of the subject property.



Property to the right of the subject property.



Property across Dixie Highway.



Existing sign looking north.



Signs on the west side of Dixie Highway looking north.