

Board of Zoning Adjustment
Staff Report
 October 28, 2019



Case No.	19-VARIANCE-0051
Project Name	The Ivy
Location	13651 Aragon Way
Owner/Applicant	VOC Phase I Owner LLC
Representative	Bardenwerper Talbott & Roberts PLLC
Jurisdiction	Louisville Metro
Council District	19 – Anthony Piagentini
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Variance to permit attached signs for a residential use in a Neighborhood form district to exceed the maximum permitted size of 12 sq ft (LDC Table 8.3.1)

	Permitted Size	Proposed Size	Variance
Variance 1: Public Entrance Sign	12 sq ft	14.4 sq ft	2.4 sq ft
Variance 2: Identification Sign	12 sq ft	103 sq ft	91 sq ft

CASE SUMMARY/BACKGROUND

The applicant is developing a 274-unit residential apartment complex (17DEVPLAN1082). The site consists of a single parcel, zoned OR-3 Office/Residential within two form districts: the western portion is Suburban Workplace and the eastern portion is Neighborhood.

Adjoining properties to the north and east of the site are zoned OR-3 and are currently undeveloped. Properties to the east are zoned R-7 and are currently developed with single- and multi-family housing, which continues around the western portion of the southern property line. The remainder of the property to the south is zoned C-2 and is undeveloped.

The applicant is proposing two signs consisting of interior lit channel cut lettering. The area in which they will be located is within the Neighborhood form district portion of the site along a proposed local road, Terra Crossings Blvd, which will provide the primary access to the site. One attached sign, 14.4 sq ft, will be mounted on a canopy over a doorway leading to the pool/clubhouse/ leasing office. The second attached sign, 103 sq ft, will be mounted at the top of a round turret located at the southern end of Building 1. It will face south toward adjoining undeveloped C-2 and OR-3 properties.

STAFF FINDING

Staff finds the requested variance for each sign is adequately justified.

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 standards for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

No outstanding technical issues remain.

INTERESTED PARTY COMMENTS

No comments have been received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 1 to permit an attached sign to exceed the maximum permitted size by 2.4 sq ft (LDC Table 8.3.1.):

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

STAFF: The requested variance will not adversely affect public health safety or welfare since its location does not interfere with pedestrian or vehicular traffic or with nearby land uses.

(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 area adjacent to the sign is undeveloped at this time. In addition, the zoning of these adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future.

(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 location will not disrupt pedestrian or vehicular traffic or nearby land uses.

(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 zoning regulations since the zoning of undeveloped adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future.

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 since the property served by the signage has multiple zones and form districts.

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 not deprive the applicant of reasonable use of the land since the zoning and form district of the property would allow other types of development that would permit signage of the requested size.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 2 to permit an attached sign to exceed the maximum permitted size by 91 sq ft (LDC Table 8.3.1.):

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

STAFF: The requested variance will not adversely affect public health safety or welfare since its location does not interfere with pedestrian or vehicular traffic or with nearby land uses.

- (f) 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 area adjacent to the sign is undeveloped at this time. In addition, the zoning of these adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future.

- (g) 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 location will not disrupt pedestrian or vehicular traffic or nearby land uses.

- (h) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning of undeveloped adjacent areas (C-2 and OR-3) is unlikely to result in incompatible development in the future.

ADDITIONAL CONSIDERATIONS:

4. 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 since the property the signage serves has multiple zones and form districts.

5. 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 not deprive the applicant of reasonable use of the land since the zoning and form district of the property would allow other types of development that would permit signage of the requested size.

- 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.

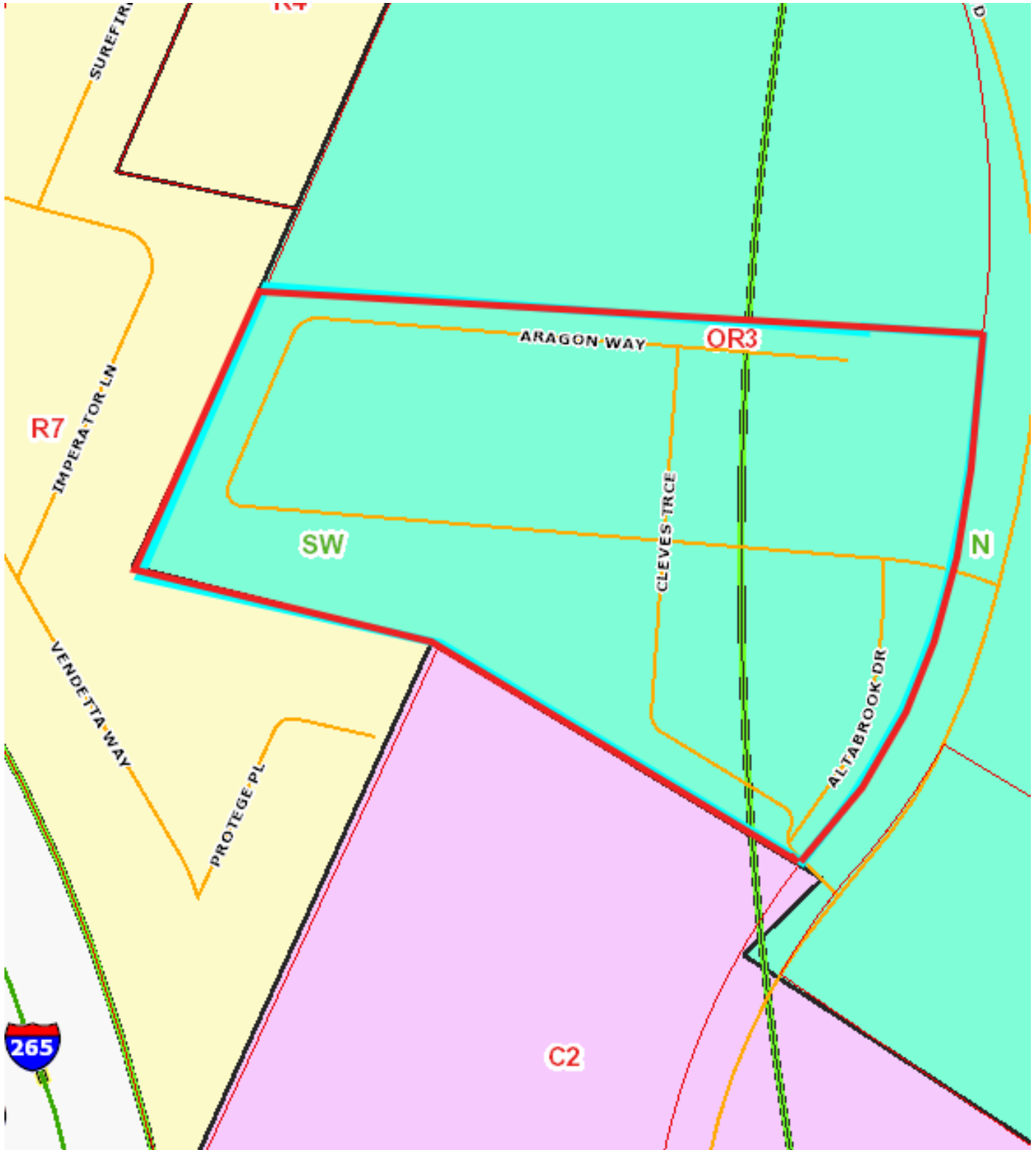
NOTIFICATION

Date	Purpose of Notice	Recipients
10/11/2019	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 19 Sign Posting

ATTACHMENTS

- Zoning Map
- Aerial View
- Site Plan
- Building Elevation

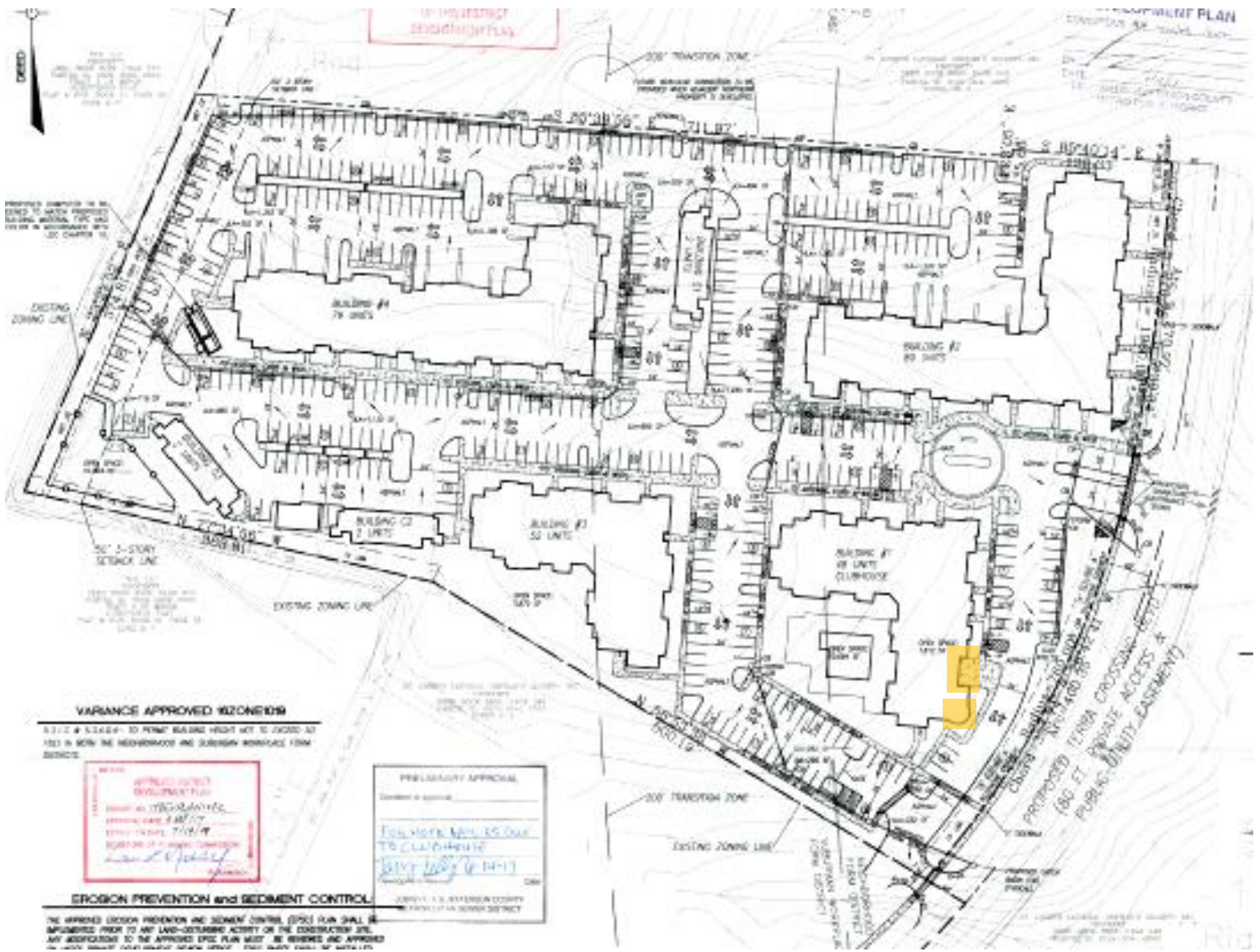
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Building Elevation

