

Board of Zoning Adjustment Staff Report

February 17, 2014



Case No:	13VARIANCE1052
Request:	Variance to allow signage to exceed the maximum area on the canopy structure
Project Name:	LNG Fueling Station
Location:	4626 Preston Highway
Owner:	Pelco Associates, Inc.
Applicant:	Clean Energy
Representative:	Fiedler Group
Jurisdiction:	Louisville
Council District:	21 – Dan Johnson
Case Manager:	Christopher Brown, Planner II

REQUEST

- Variance #1: Variance from Chapter 8.3.3, Table 8.3.2 of the Land Development Code to allow attached signage to exceed the maximum allowed on the north side elevation of the canopy by 9.8 SF
- Variance #2: Variance from Chapter 8.3.3, Table 8.3.2 of the Land Development Code to allow attached signage to exceed the maximum allowed on the south side elevation of the canopy by 10.8 SF
- Variance #3: Variance from Chapter 8.3.3, Table 8.3.2 of the Land Development Code to allow attached signage to exceed the maximum allowed on the west side elevation of the canopy by 4.8 SF

Variations

Location	Requirement	Request	Variance
North Side Elevation - Canopy	21.6 SF	31.4 SF	9.8 SF
South Side Elevation - Canopy	21.6 SF	32.4 SF	10.8 SF
West Side Elevation - Canopy	15 SF	19.8 SF	4.8 SF

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1, Commercial
 Existing Form District: SMC, Suburban Marketplace Corridor
 Existing Use: Vacant
 Proposed Use: Fuel Station
 Minimum Parking Spaces Required: 0
 Parking Spaces Proposed: 0
 Plan Certain Docket #: 9-87-85

The applicant is proposing to construct a 900 SF gas canopy with fueling dispensers and two 42.7' tall above ground storage tanks on the subject site. The applicant is proposing attached signage on the structures on the property. The attached signage on the above ground storage tanks follows the requirements of the Land Development Code. The Land Development Code allows 3 attached signs per façade of the gas canopy to not exceed 20% of the façade area. The applicant is requesting variances to exceed the maximum sign area allowed on the north, south and west side elevations of the gas canopy structure. The variances are 9.8 SF on the north side, 10.8 SF on the south side and 4.8 SF on the west side. These are the facades that will allow appropriate sight lines for traffic traveling in both directions along Preston Highway and I-65.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	SMC
Proposed	Fueling Station	C-1	SMC
Surrounding Properties			
North	Restaurant	C-1	SMC
South	Restaurant Hotel	C-1 C-2	SMC
East	Cemetery	R-1 C-1	N SMC
West	I-65 ROW		

PREVIOUS CASES ON SITE

- 9-87-85: The subject property was rezoned from R-5, residential, to C-1, commercial.
- B-90-87: Variance approved to allow a billboard on the subject site to exceed the maximum permitted height.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (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 canopy areas with the additional signage square footage will be located facing other commercial uses as well as the interstate ROW and have no effect upon residential 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 signage of varying sizes exist along this portion of Preston Highway and the signage will not exceed the maximum number of allowed signage.

- (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 by locating the additional square footage signage to the north, south and west while not along the front facing canopy façade.

- (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 additional signage square footage follows a pattern of varying sized signage within the commercial vicinity of the subject property.

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 subject property has frontage on both the Preston Highway and Grade Lane corridors as well as the I-65 corridor to the west with signage needed to direct traffic from all three corridors.

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 or create an unnecessary hardship on the applicant since signage would have to be reduced along the major roadway corridors surrounding the subject site.

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 since signage of varying signage existed along this corridor prior to this proposed use.

TECHNICAL REVIEW

- The revised detailed district development plan and associated landscape waivers will require review by either LD&T or DRC.

STAFF CONCLUSIONS

The standard of review is met for the requested signage variances on the subject site. The additional square footage will not have a nuisance or adverse impact upon the I-65 or Preston Highway corridor surrounding the property to the east and west. 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 variance as established in the Land Development Code.

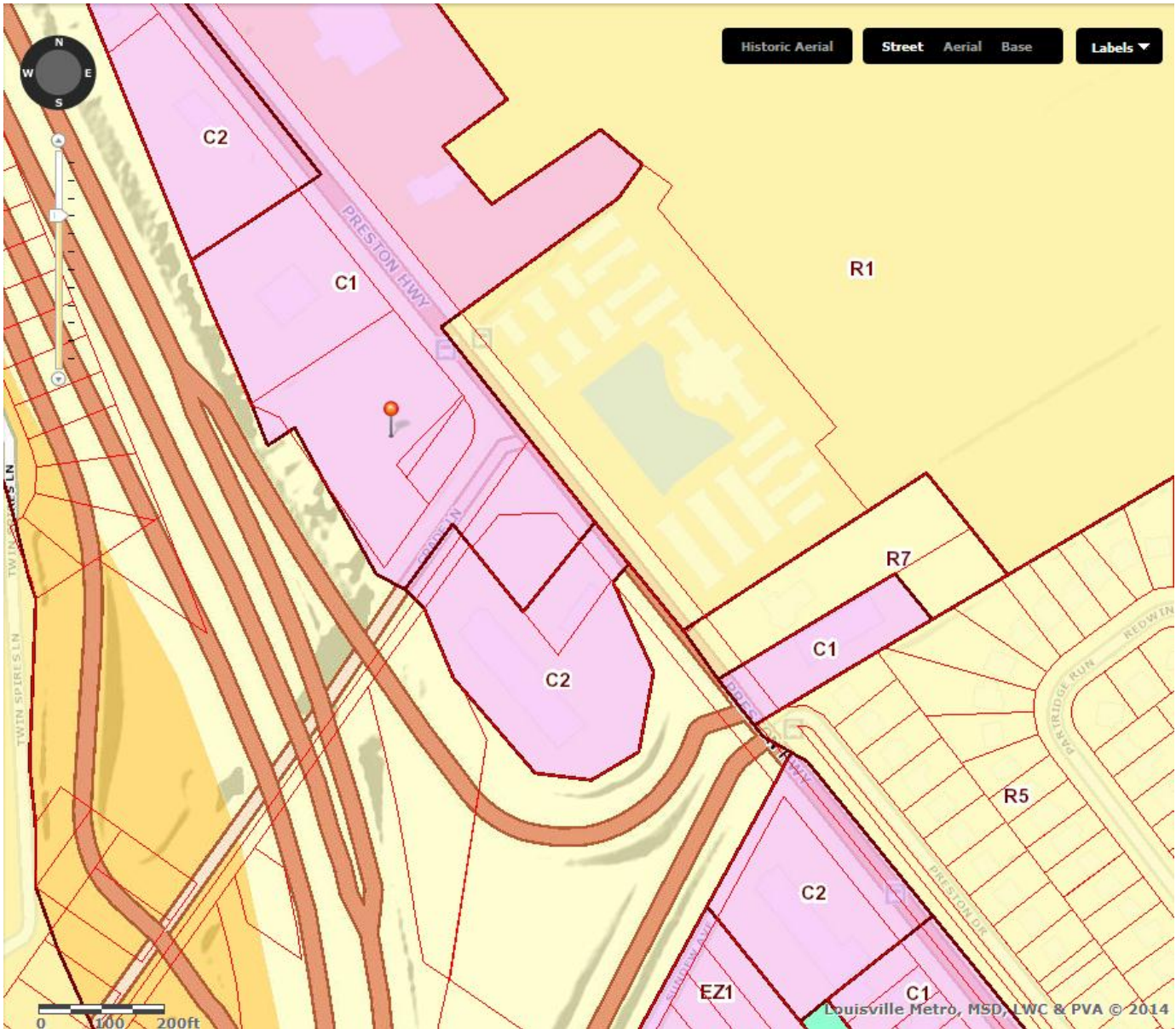
NOTIFICATION

Date	Purpose of Notice	Recipients
2/3/14	Hearing before BOZA	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 21 Notification of Development Proposals
2/7/14	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

