

# Board of Zoning Adjustment Staff Report

September 12, 2016



<b>Case No:</b>	16VARIANCE1063
<b>Request:</b>	To allow a proposed sign to exceed the maximum area/height and a waiver to allow more than one sign on the subject property.
<b>Project Name:</b>	Holiday Inn Sign
<b>Location:</b>	1921 Bishop Lane
<b>Area:</b>	3.09050 acres
<b>Owner:</b>	Sumeet Seth - Newburg Hospitality LLC.
<b>Applicant:</b>	Shannon Childress – Newburg Hospitality LLC.
<b>Representative:</b>	Jeffrey Lamb – Commonwealth Sign Company
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Ross Allen, Planner I

### REQUEST

- **Variance:** from the Land Development Code section 8.3.3.A.10.d to allow a freestanding sign to exceed the height and area as allowed from table 8.3.2 for the Suburban Workplace Form District.

Location	Requirement	Request	Variance
Area	60 sf.	217 sf.	157 sf.
Height	12 ft.	67 ft.	55 ft.

- **Waiver:** from the Land Development Code section 8.3.3.B.3 to allow more than one freestanding sign on a lot fronting one local road, Bishop Lane.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant will be replacing an existing sign with an approximate area of 164.14 sf. with a new sign of approximately 215.71 sf. The applicant is reusing an existing sign box from another location and is unable to meet the dimensions of the existing sign on site requiring a variance for the height and the area of the proposed sign as found along the rear of the property facing the I-264. The applicant also has been permitted to have two monument style signs on their site and will now require a waiver to allow the freestanding sign to remain, the subject site having only one local road frontage along Bishop Lane. The applicant plans on adding another freestanding sign and re-facing another preexisting sign for a total of two freestanding signs along Bishop Lane. The subject site is zoned OR-3 in a Suburban Workplace Form District and bounded by Interstate 264 on the North and western sides and by Bishop Lane on the South and East.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Commercial	OR-3	Suburban Workplace
<b>Proposed</b>	Commercial	R-5	Suburban Workplace
<b>Surrounding Properties</b>			
<b>North</b>	Interstate Right of Way (I-264)	R-1	Suburban Workplace
<b>South</b>	Commercial	OR-3	Suburban Workplace
<b>East</b>	Commercial	OTF	Suburban Workplace
<b>West</b>	Commercial	OR-3	Suburban Workplace

## PREVIOUS CASES ON SITE

B-42-01 - (March 19, 2001) variance to allow a 5 ft. setback from the property line along the rear property line along Watterson Expressway right of way.

B-170-92: (Sept. 21, 1992) to allow a proposed sign to be 75 feet tall.

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)  
Comprehensive Plan – Cornerstone 2020

## 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 replacement of the existing sign with a slightly larger sign that is adjacent to interstate 264 and has been in place for several years prior to the issuance of permit # SI985610 has had no adverse effects upon the public.

- (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 existing sign has been in place for several years prior to the request for the larger sign box.

- (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 proposed replacement sign box will be located where the existing structural poles are already located.

- (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 existing sign box and poles have been present prior to the variance request.

## 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 sign has been placed in a location allowing visibility to motorist along Interstate 264. Furthermore, the interstate ramp is at a greater elevation than the subject property requiring additional height for sign visibility.

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 owner purchased the property with the intent of utilizing the signage along interstate 264, strict application of the regulation may limit the advertising of the hotel.

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 the sign was in place prior to the requested variance and the slight square footage increase in the sign box will allow the applicant to meet standard specifications for the brand requirements.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC section 8.3.3.B.3 to allow more than one freestanding sign on a lot with single street frontage along Bishop Lane and I-264:**

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

STAFF: The waiver will not adversely affect adjacent property owners since the property had operated years prior with the existing freestanding sign near Interstate 264 while also having a monument sign located along Bishop Lane. The intent of the sign along the interstate is to allow visibility while the sign along Bishop Lane helps to direct people to the hotel.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, namely Community Form/Land Use Guideline 3: Compatibility A.4/5/6/7 and A.28, which the proposed sign does not constitute a non-residential expansion into the existing residential area. The sign is compatible with the form district pattern (general vicinity) since there are existing freestanding signs along Newburg Road and along the rear of parcels on Bishop Lane.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant purchased the property with the intent of utilizing both freestanding signs on 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 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 since the proposed new sign box along Interstate 264 and the existing monument sign along Bishop Lane were present prior to the applicant purchasing the subject site.

## TECHNICAL REVIEW

- None

## STAFF CONCLUSIONS

The variance and waiver request appear to be adequately justified and meet 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 of review for granting a variance as established in the Land Development Code from section 8.3.3.A.10.d and a waiver from section 8.3.3.B.3 to allow a proposed new sign face to exceed the area/height requirements for a freestanding sign within a Suburban Workplace Form District and to allow more than one sign on the subject site.

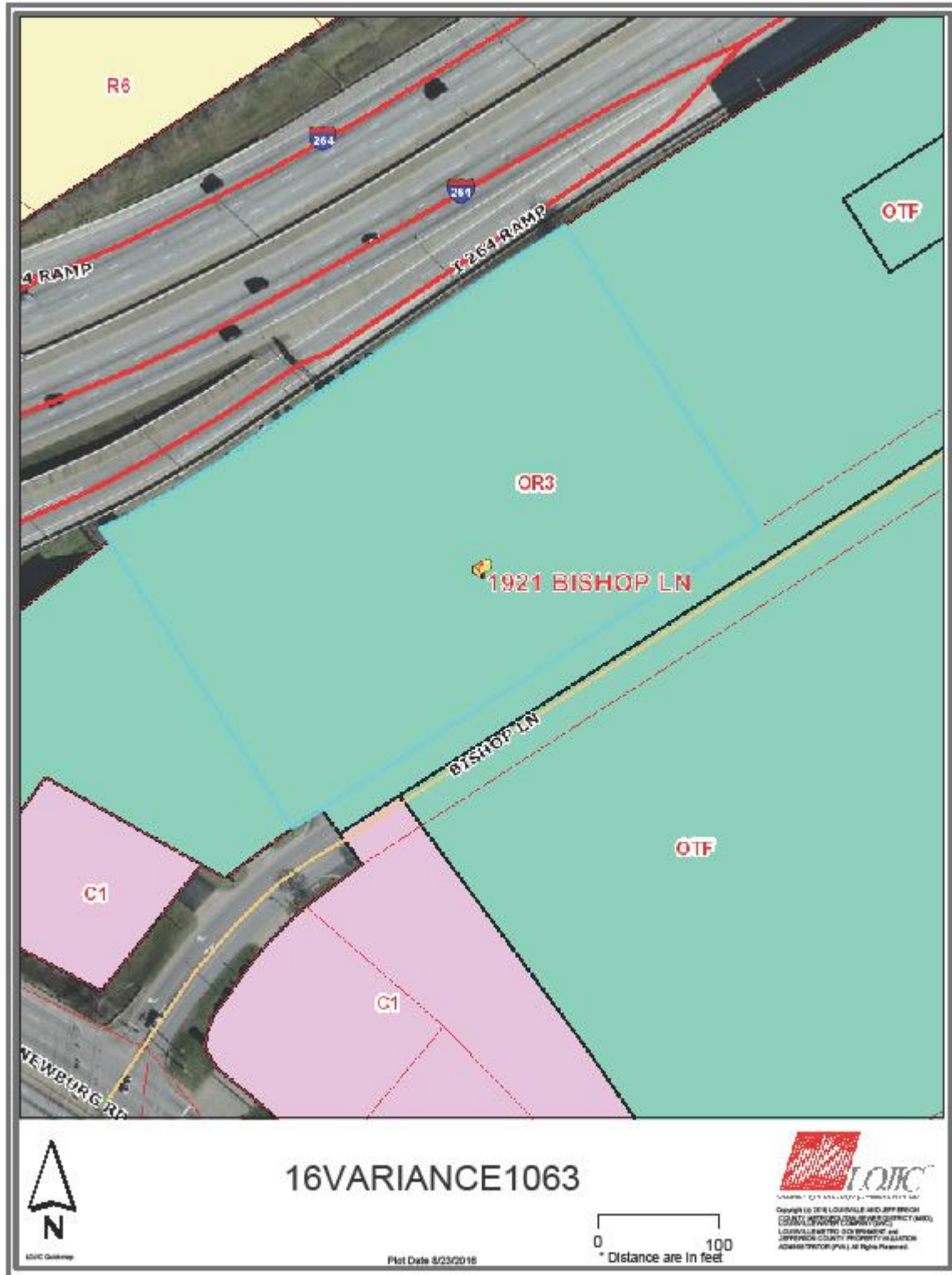
## NOTIFICATION

Date	Purpose of Notice	Recipients
August 26, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
August 26, 2016	Sign Posting for BOZA	Sign Posting on property

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

