

**Board of Zoning Adjustment  
Staff Report**  
May 18, 2015



<b>Case No:</b>	15Variance1023
<b>Project Name:</b>	Kentucky One Health
<b>Location:</b>	3920 Dutchmans Lane
<b>Owner(s):</b>	Kentucky One Health
<b>Applicant:</b>	Lloyd Graves, Signaroma Louisville East
<b>Representative:</b>	Lloyd Graves, Signaroma Louisville East Project
<b>Area/Size:</b>	0.39 Acres
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

**REQUEST**

- Variance #1: Variance from the Development Code, Article 11.E.2.b to allow a sign to be located 15 feet from the front property line and 9.5 feet from the street side property line.
- Variance #2: Variance from the Development Code, Article 11.E.2.f to allow the sign to be located 55 feet from the Dutchmans Lane street centerline.
- Variance #3: Variance from the Development Code, Article 11.E.2.g to allow the sign to be located approximately 100 feet from the nearest edge of the residential property to the north.
- Variance #4: Variance from the Development Code, Article 11.E.2.g to allow the sign to be located approximately 200 feet from the nearest edge of the residential property to the west.

**Variance #1**

Location	Requirement	Request	Variance
Front Property Line Setback (Dutchmans Ln)	30 feet	15 feet	15 feet
Street Side Property Line Setback (Breckenridge Ln)	30 feet	9.5 feet	20.5 feet

**Variance #2**

Location	Requirement	Request	Variance
Intersecting Street Centerline/Dutchmans Lane	75 feet	55 feet	20 feet

**Variance #3**

Location	Requirement	Request	Variance
Nearest Edge of a Residential Zone (north)	300 feet	Approx. 100 feet	200 feet

**Variance #4**

Location	Requirement	Request	Variance
Nearest Edge of a Residential Zone (west)	300 feet	Approx. 200 feet	100 feet

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The property owner is requesting variances to allow an existing illuminated off-premise sign to be refaced and reused. This existing sign is located in the City of St. Matthews at the corner of Breckenridge Lane and Dutchmans Lane. City of St. Matthews Council has approved the off-premise sign on condition the applicant is granted the required variances.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned C-2 in the Regional Center Form District (RC). It is surrounded by Commercial, Office, and residential property zoned C-1, C-2, OR-3, and R-4 in the Regional Center Form District (RC).

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Medical Facility	C-2	RC
<b>Proposed</b>	Medical Facility	C-2	RC
<b>Surrounding Properties</b>			
<b>North</b>	Commercial Parking Lot across Dutchmans Lane	R-4	RC
<b>South</b>	Office, Utility Property	OR-3 & C-2	RC
<b>East</b>	Medical Facility	C-2	RC
<b>West</b>	Office & Commercial across Breckenridge Lane	OR-3 & C-2	RC

## PREVIOUS CASES ON SITE

14Variance1073      Variances were granted to allow attached signage to exceed the maximum height on August 18, 2014.

B-216-02      Variances were granted to allow attached signage to exceed the maximum height on October 21, 2002.

## INTERESTED PARTY COMMENTS

No inquiries were received.

## APPLICABLE PLANS AND POLICIES

Development Code (City of St. Matthews, Ordinance 14-04, adopted August 12, 2014)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the sign is an existing sign. The only alteration of this existing signage is to replace the sign faces with new sign faces. The location of the existing sign does not interfere or impede traffic flow at the intersection.

- (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 because the sign is an existing sign which is being refaced.

- (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 because the sign is an existing sign which is being refaced. The location of the sign does not interfere or impede traffic flow.

- (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 because the sign is an existing sign being used. The location of the sign is an existing condition.

### **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 because the sign is an existing sign being refaced.

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 create an unnecessary hardship on the applicant because the owner would be required to relocate the sign on the property. This new sign would be required to conform to both the size and setback regulations.

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 sign is an existing sign, plus the applicant is reusing the sign by only re-facing the structure.

### **TECHNICAL REVIEW**

No technical issues to be addressed.

### **STAFF CONCLUSIONS**

Based upon the information in the staff report, the analysis of the standards of review support the request to grant the variances. Therefore, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Development Code based on the testimony and evidence provided at the public hearing.

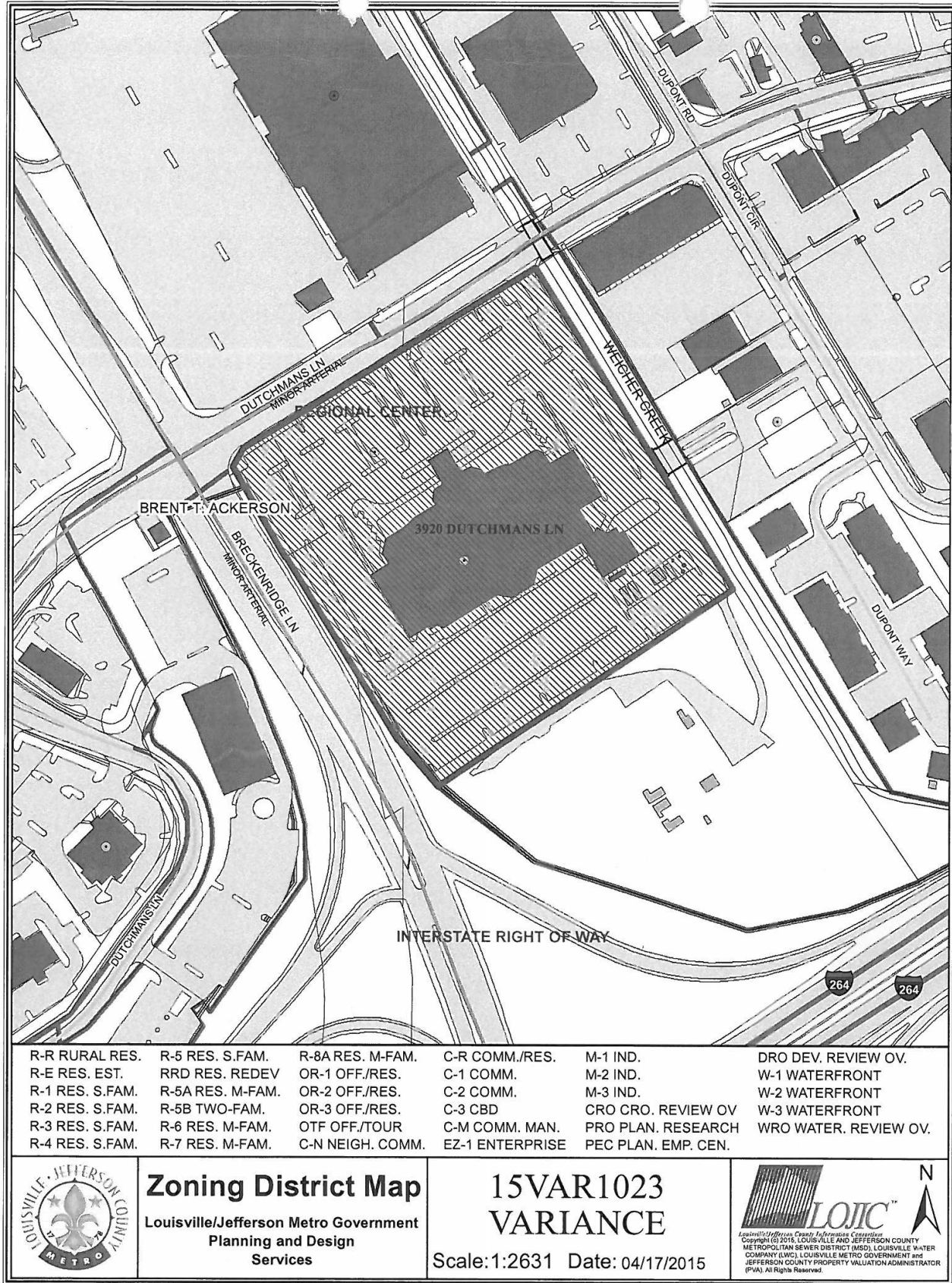
### NOTIFICATION

Date	Purpose of Notice	Recipients
05/01/2015	BOZA Hearing	Neighborhood notification recipients
05/04/2015	BOZA Hearing	1 <sup>st</sup> tier adjoining property owners
05/04/2015	Sign Posting	Subject property

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Applicant's Justification
6. Site Photographs

# Attachment 1: Zoning Map





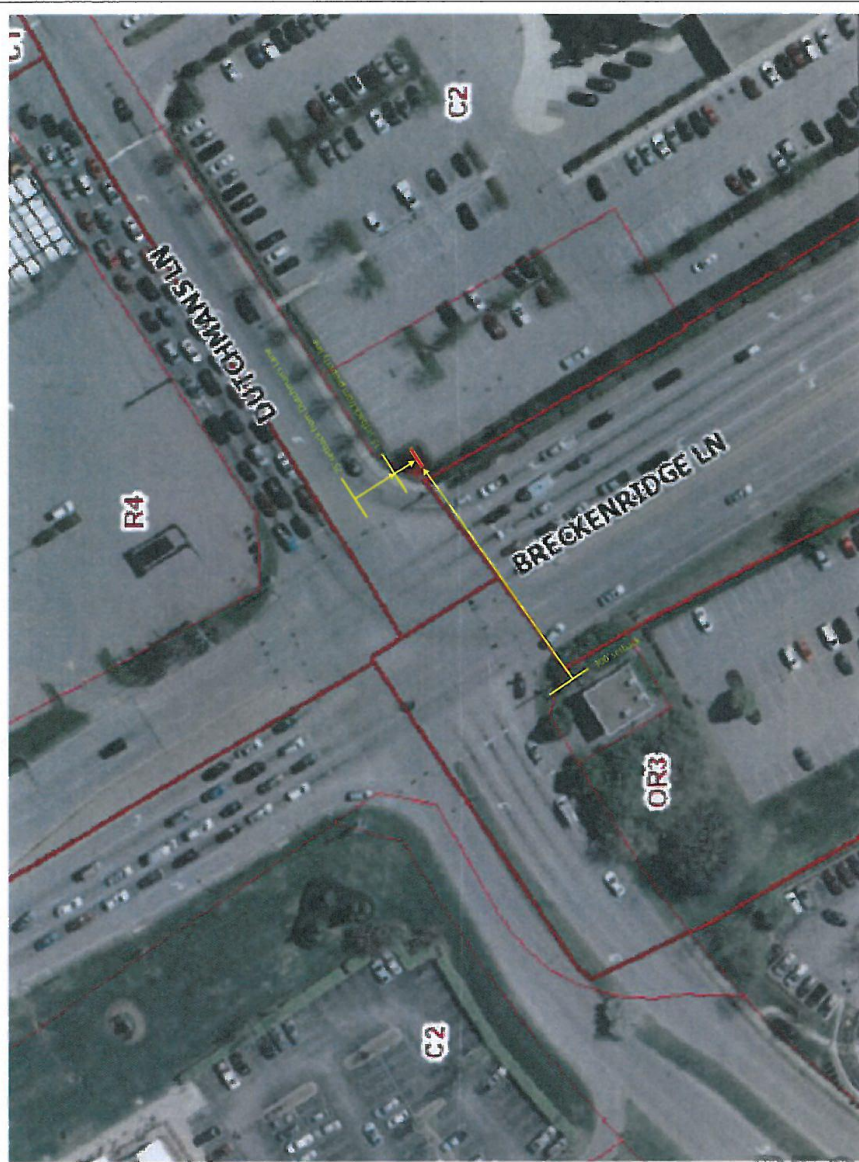
## Attachment 2: Aerial Photograph





**LOUISVILLE-EAST**  
**Signarama**  
 The way to grow your business

9824 Bluegrass Pkwy, Louisville, KY 40299 - 502-454-4321



**Ky. One Health**

This design and drawing shown are property of Signarama Louisville East. No transmittal of this design and drawing to any other firm or corporation without written approval.

**CUSTOMER / COMPANY:**

Kentucky One Health

Location:

**PROJECT DESCRIPTION:**

desc.

Date: 4/8/15



☐ Pantone

**INSTALLATION DETAILS:**

Give a brief description of installation procedures.

**FABRICATION DETAILS:**

Type: NA

Quantity: NA

Mounting: NA

Illumination: NA

Faces: NA

TrimCap Color: NA

Raceway Color: NA

Return Color: NA

Additional MFG details:

**CUSTOMER APPROVAL:**

RECEIVED

APR 16 2015

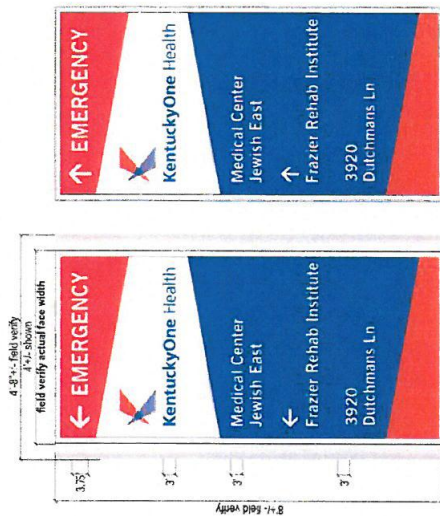
15VARIANCE1023

## Attachment 4: Elevations



### Existing Conditions

Existing Sign Type: Monument  
 Face Material: Flat Plastic  
 Graphics Material: Vinyl  
 Height Above Grade: 8'-0" / 5'-8"  
 Face Height: 8'-0" / 5'-8"  
 Face Width: 4'-0" / 5'-8"  
 Sign Depth: 10"  
 Illumination: Internal  
 Electrical: E-8  
 Special Notes:



### Sign E029 Custom Replace existing illuminated Pylon

Action Code: C  
 Face Height: 8'-0" / 5'-8"  
 Face Width: 4'-0" / 5'-8"  
 Overall Height: 10'  
 Illumination: Internal  
 Message A: (See Illustration)  
 Message B: (See Illustration)  
 Comments:

Restoration Notes:  
 Reuse, repaint existing sign box & retainers to match 'Kone' white.  
 Refurbish available circuits and lamping as required





## Attachment 5: Applicant's Justification

### Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

This variance will not adversely affect the public health, safety or welfare because the sign has been at this spot for many years and aids the public directionally.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

Keeping the sign where it is and allowing a face change will still be in line with the essential character that exists now.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

Not allowing the face change for new directional purposes will cause a nuisance to those in the public that need direction to the services the hospital provides.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

Allow the face replacement on a sign that has had a permit for years is not a circumvention of the zoning requirements.

RECEIVED

Additional consideration:

APR 16 2015

PLANNING &  
DESIGN SERVICES

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

These are special circumstances because this parcel is in St. Matthews, the City Council will allow the face change and has granted a permit, but the Plan Commission says BOZA must approve any change to the sign.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

Not allow the use of the existing signs face to be changed out will create a hardship not only for Kyone but everyone who is coming to the facility.

**3. Are the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought?**

No not at all.

15VARIANCE1023

## Attachment 6: Site Photographs



Existing sign to be replaced



Existing Sign looking southeast from the Breckenridge Lane & Dutchmans Lane intersection





**Looking west across Breckenridge Lane**



**Looking north across Dutchmans Lane**





Looking east along Dutchmans Lane



Looking south along Breckenridge Lane