

# Board of Zoning Adjustment

## Staff Report

August 5, 2019



**Case No:** 19-VARIANCE-0008 and 19-WAIVER-0007  
**Project Name:** River Road Variances and Waiver  
**Location:** 3015 River Road  
**Owner:** Pastime Development, Co.  
**Applicant:** Tanya Scott – Signarama Downtown  
**Jurisdiction:** Louisville Metro  
**Council District:** 7 – Paula McCraney 9 – Bill Hollander  
**Case Manager:** Zach Schwager, Planner I

### REQUEST

- **Variances**
  1. from Land Development Code table 8.3.3 to allow a sign to exceed the allowable height on a designated parkway.
  2. from Land Development Code table 8.3.3 to allow a sign to exceed the allowable area on a designated parkway.
- **Waiver** from Land Development Code section 8.3.3.B.9 to allow a freestanding sign to not be a monument or columnar style sign on a lot adjacent to a designated parkway.

Location	Requirement	Request	Variance
<b>Sign Height</b>	6 ft.	23 ft. 9 in.	17 ft. 9 in.
<b>Sign Area</b>	60 sq. ft.	205.2 sq. ft.	145.2 sq. ft.

### CASE SUMMARY/BACKGROUND

The subject property is located in the River Road Realty subdivision on the northern side of River Road at the intersection with Mockingbird Valley Road. A nonconforming freestanding sign is currently on the property. The applicant is proposing to add another sign to the structure. This addition requires variances to bring the existing sign and the new portion into compliance for exceeding the permitted height and area. A waiver is also required as the existing sign is not a monument or columnar style sign, which is required on a designated parkway.

### STAFF FINDING

Staff finds that the requested variances and waiver are adequately justified and meet the standards 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 variances established in the Land Development Code from table 8.3.3 to allow a sign to exceed the allowable height and area. The Board must also determine if the proposal meets the standards for granting a waiver established in the Land Development Code from section 8.3.3.B.9 to allow a freestanding sign to not be a monument or columnar style sign on a lot adjacent to a designated parkway.

## **TECHNICAL REVIEW**

- No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

Staff received a phone call from Meme Sweets Runyon, Executive Director of River Fields, in opposition to the variances and waiver.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.3 (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. The proposed sign will not add any additional height to the structure.

- (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 the sign is existing and there are other signs in the vicinity of similar height.

- (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 and the height of the structure will not be increased.

## **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 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 height of the structure would not be increased.

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 8.3.3 (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 the sign is existing and there are other signs in the vicinity of similar area.

- (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 structures that the businesses are located in are approximately 950 ft from the road. This prevents the applicant from using attached signage as an alternative to the existing freestanding sign.

**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 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 not be able to use signage that directs motorists to the proposed business.

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 WAIVER FROM SECTION 8.3.3.B.9**

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

STAFF: The waiver will not adversely affect adjacent property owners as the sign faces woods on both sides on the same side of the street and an institutional use across River Road.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 Goal 1 Policy 14 describes signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern.

These guidelines are not violated because the sign is legally nonconforming in regards to design.

- (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 as they are using an existing freestanding sign.

- (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 regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the sign is existing and the applicant would have to change the style of the sign.

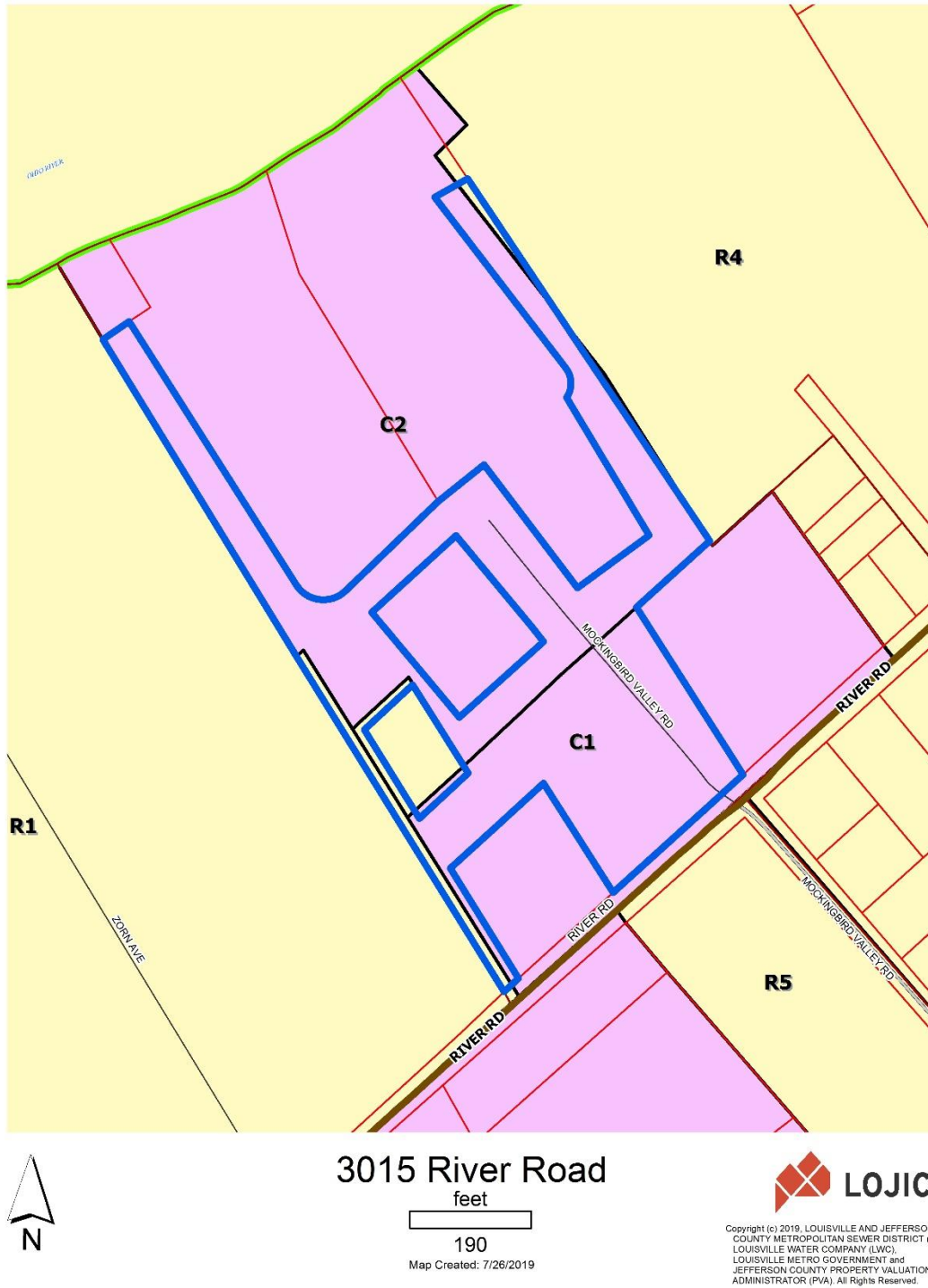
**NOTIFICATION**

Date	Purpose of Notice	Recipients
07/03/2019	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council Districts 7 & 9
07/24/2019	Hearing before BOZA	Notice posted on property

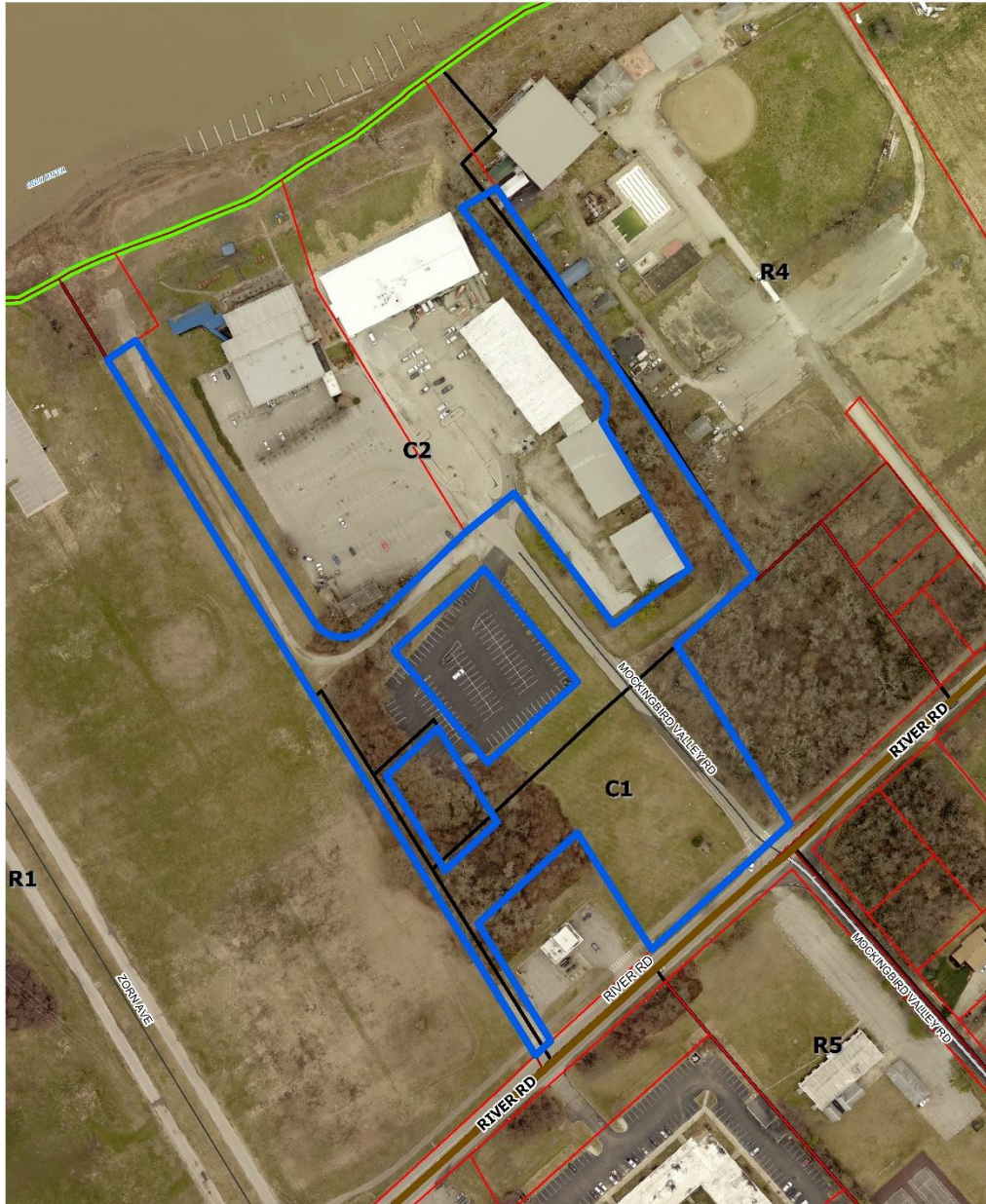
**ATTACHMENTS**

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

1. **Zoning Map**



## 2. Aerial Photograph



3015 River Road  
feet

190  
Map Created: 7/26/2019



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JEFFERSON COUNTY PROPERTY VALUATION  
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3. Site Plan



Click to  
shape,  
down to  
let go to

RECEIVED  
JUN 20 2019  
PLANNING &  
DESIGN SERVICES

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19-Variance-0008



#### 4. Elevation

WE **CANNOT** PROCEED  
WITH YOUR ORDER  
UNTIL YOU RESPOND  
TO THIS PROOF.

PLEASE REVIEW THIS  
PROOF **CAREFULLY**:

- Spelling is *your responsibility*
- Sizes are noted
- Drawing is not to scale
- Colors on finished product may vary slightly from electronic proof
- If color accuracy is important and you require a press proof, please request one in your response

**APPROVE OR  
REQUEST REVISION**

See instructions in the email.  
You can send all responses  
through our online service.



909 East Market St. • Suite 400 • Louisville, KY 40206  
p: 502.585.4099 f: 502.585.9905  
www.signaramadowntown.com

OR# 52642 - Savor  
Proof Created: 6/20/2019  
5:16:08 PM

Sales Rep: MC  
Designer: CW  
Design File: RiverCabinetSign-07.fs

Sign to be left aligned with existing river house sign

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5. Site Photos



Existing sign looking west.





Property across River Road.



Shared access road.





Existing sign looking east.