

Board of Zoning Adjustment

Staff Report

June 11, 2021



Case No:	21-NONCONFORM-0011
Project Name:	Durrett Change in Nonconforming Billboard
Location:	1231 Durrett Lane
Owner/Applicant:	AirCross Logistics, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Priscilla Bowman, Associate Planner

REQUEST(S)

- Change in nonconforming rights for the change in location of off-premises signage (outdoor advertising sign).

CASE SUMMARY/BACKGROUND

The subject property is located within the PEC zoning district and the Suburban Marketplace Corridor form district.

The use of off-premises signage was permitted prior to 2020, when the property was re-zoned from C-1 and C-2 Commercial to PEC Planned Employment Center, making the sign nonconforming.

In December 2020, construction on the subject properties required that the sign be torn down. The applicant intends to re-build the sign within approximately 300 feet of the prior location.

The applicant intends to build the new sign 25 feet from the property line alongside Interstate 264, which would be 6 feet further away from the property line than the previous sign location. Additionally, the applicant intends to re-build the sign with new similar materials and with the same dimensions as the old sign. In addition, the rebuilt sign cannot include changing image components such as video display, LED display, trifold sign capability, or other similar means of movement. Based on information from the applicant the rebuilt sign will have a static sign face.

STAFF FINDING/RECOMMENDATION

The proposed nonconforming use, off-premises signage (outdoor advertising sign), is in the same classification as the original nonconforming use. Since off-premises signs are a principal land use the sign nonconforming rights section would not apply. In this case, off-premises signs are subject to the land use nonconforming rights provisions; removal of the sign would not be considered abandonment unless the off-premises sign was not reconstructed within one year of its removal.

In regard to the change in nonconforming rights request, the movement of the sign location on the property does not increase the nonconformance of the off-premise sign, the primary nonconforming rights issue for this sign is based on the current zoning, PEC which does not permit off-premise signs. Therefore, staff believes the change in nonconformance conforms to the provisions of the LDC and recommends that the Board approve the request.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No comments received.

STANDARD OF REVIEW FOR CHANGE IN NONCONFORMING USE

Subject to the limitations and restrictions imposed by items A through C of Chapter 1 Part 3, the Board of Zoning Adjustment may permit a change in the nonconforming use to another nonconforming use only if the new nonconforming use is in the same or more restrictive classification and upon finding that the new nonconforming use will be no more odious or offensive to surrounding properties than the first nonconforming use. When the Board of Zoning Adjustment permits a change from one nonconforming use to another nonconforming use pursuant to this paragraph, it may impose such conditions upon such new nonconforming use as it finds are necessary to preserve the character of the neighborhood, to minimize nuisances to surrounding properties, and to protect the value of surrounding properties.

1. Is the new nonconforming use in the same or more restrictive classification of the first nonconforming use?

Staff Finding: The proposed nonconforming use, billboard/outdoor advertising sign, is in the same classification as the original nonconforming use.

2. Is the new nonconforming use no more odious or offensive to surrounding properties than the first nonconforming use?

Staff Finding: The proposed nonconforming use in its new location is no more offense or odious than the nonconforming use in its previous location. The proposed location for the sign will have a similar impact on the surrounding community as the sign's previous location. In addition, it appears that the movement of the sign would not increase the nonconformance of the sign in terms of the special standards associated with off-premises signs listed in LDC Section 4.3.12.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Change in nonconforming use**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustments must determine if the proposal is in conformance with the Land Development Code Section 1.3.1 paragraph D.

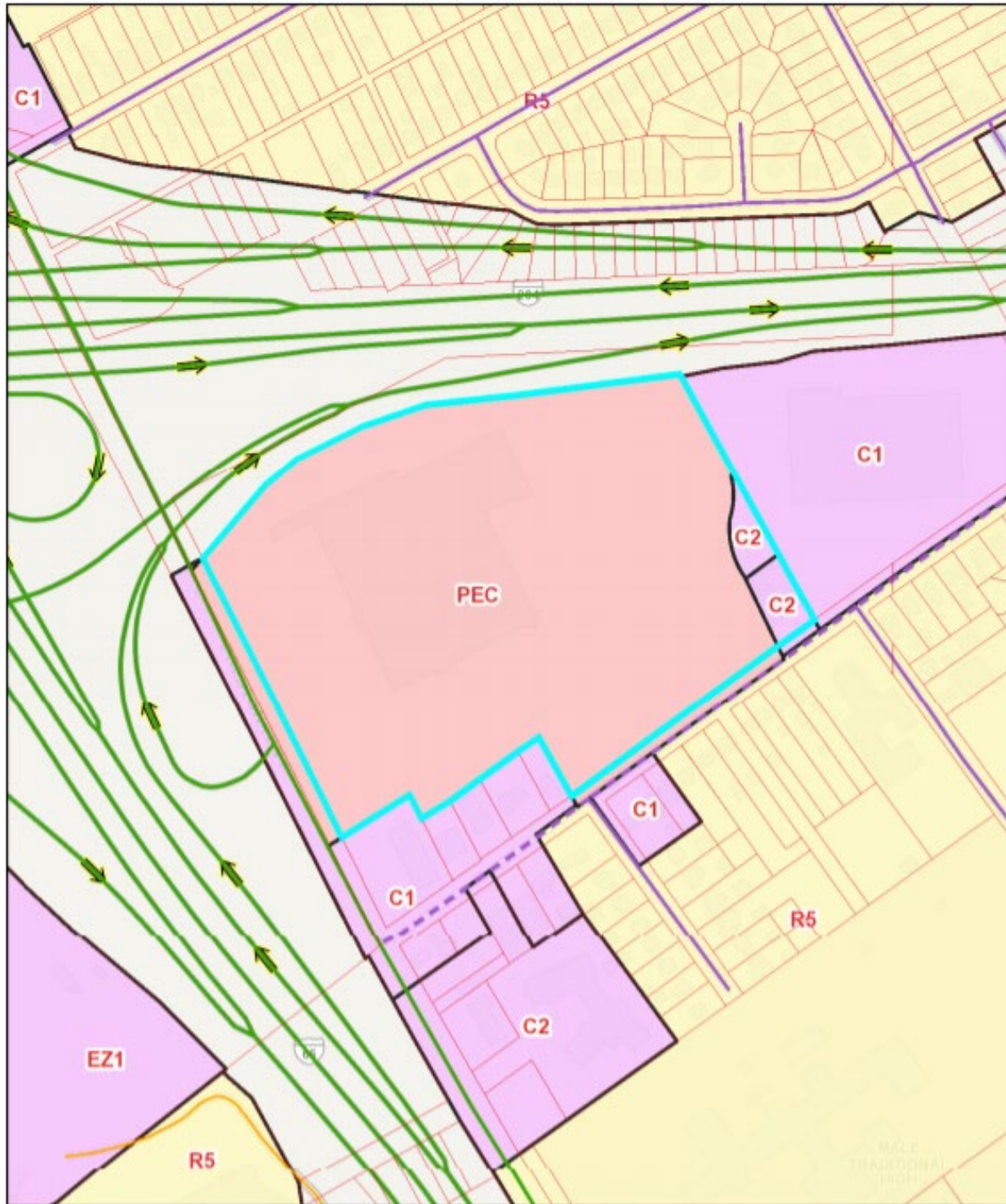
NOTIFICATION

Date	Purpose of Notice	Recipients
06/25/2021	Hearing before Board of Zoning Adjustment	1 st and 2 nd tier adjoining property owners
06/28/2021	Hearing before Board of Zoning Adjustment	Sign posted on property

ATTACHMENTS

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

1. Zoning Map



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2. Aerial Photograph



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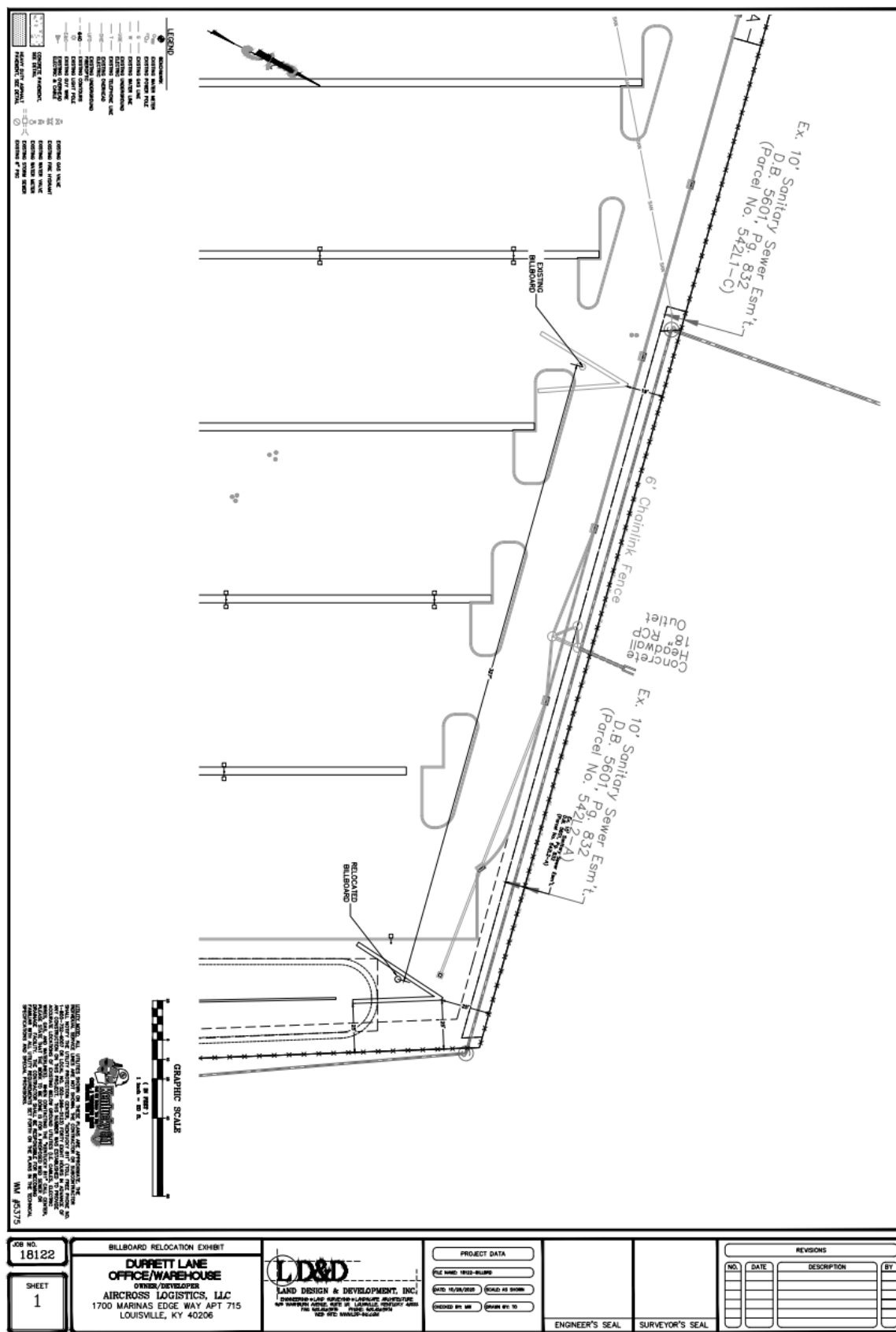
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3.



4. **Site Photos**





