

# Board of Zoning Adjustment

## Staff Report

August 30, 2021



|                         |                              |
|-------------------------|------------------------------|
| <b>Case No.</b>         | 21-VARIANCE-0109             |
| <b>Project Name</b>     | Sign Variance                |
| <b>Location</b>         | 5801 Preston Highway         |
| <b>Owner</b>            | DaVita Kidney Care           |
| <b>Applicant</b>        | Signarama Downtown           |
| <b>Jurisdiction</b>     | Louisville Metro             |
| <b>Council District</b> | 2 – Barbara Shanklin         |
| <b>Case Manager</b>     | Beth Jones, AICP, Planner II |

### REQUEST

**VARIANCE** to permit a freestanding multi-tenant sign to exceed the total area permitted (LDC Table 8.3.2. Suburban Marketplace Corridor)

### CASE SUMMARY / BACKGROUND

The applicant proposes to add a tenant panel to an existing multi-tenant freestanding sign. The subject parcel is located on a five-lane arterial roadway in a Suburban Marketplace Corridor and is zoned R-4/C-2/C-1.

The subject site is adjoined on the north by R-7 multi-family uses and by C-1 commercial uses on the remaining sides. It has no direct roadway frontage and is on a separate parcel but, as it shares access and interior circulation with the shopping center, is permitted to share in the center's multi-tenant sign. There are no other options available to the applicant for a sign along the roadway.

It appears that the existing multi-tenant sign was installed in 1993, at the time of the original development of the shopping center, and included the name of the center and space for one tenant sign. The sign was expanded at a later date to allow for an additional tenant panel. At 152sf in area, it currently exceeds the permitted maximum area of 120sf.

The proposed new tenant panel is to be installed above the most recently added existing panel (50.2 sf); at 42sf, it will be slightly smaller in size.

### REQUIREMENTS

| Multi-Tenant Freestanding Sign<br>Suburban Marketplace Corridor | Permitted | Existing | Proposed<br>Addition | Final    |
|---|-----------|----------|----------------------|----------|
| Total Area  | 120 sq ft | 152sq ft | 42sq ft ft           | 162sq ft |

## **STAFF FINDINGS**

Based upon the information in the staff report, the applicant's written justification statement and the testimony and evidence provided at the public hearing, BOZA must determine if the requested variance is justified. Staff supports the variance request for the existing multi-tenant sign to be expanded to accommodate the applicant's business.

## **TECHNICAL REVIEW**

No technical issues remain to be resolved. A sign permit will be required.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE** to permit a freestanding multi-tenant sign to exceed the total area permitted (LDC Table 8.3.2. Suburban Marketplace Corridor)

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the location of the sign will not interfere with pedestrian or vehicular traffic or conflict with nearby land uses, which are exclusively commercial.

(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 as it is in character with the existing signage on the site and within the general vicinity.

(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 sign location will not disrupt pedestrian or vehicular traffic or nearby land uses.

(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 zoning regulations since the existing sign meets all other requirements and an addition to this sign is the applicant's only option for a sign at the street entrance.

## **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 proposed addition to the existing sign is the only option available to the applicant.

2. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of reasonable use of the land but would create an unnecessary hardship on the applicant since, due to the unusual circumstances surrounding the location of the business and the existing development of the site, this is the applicant's only option available to have a sign along the roadway.

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 existing sign was already insufficient for the current site development as well as this proposal.

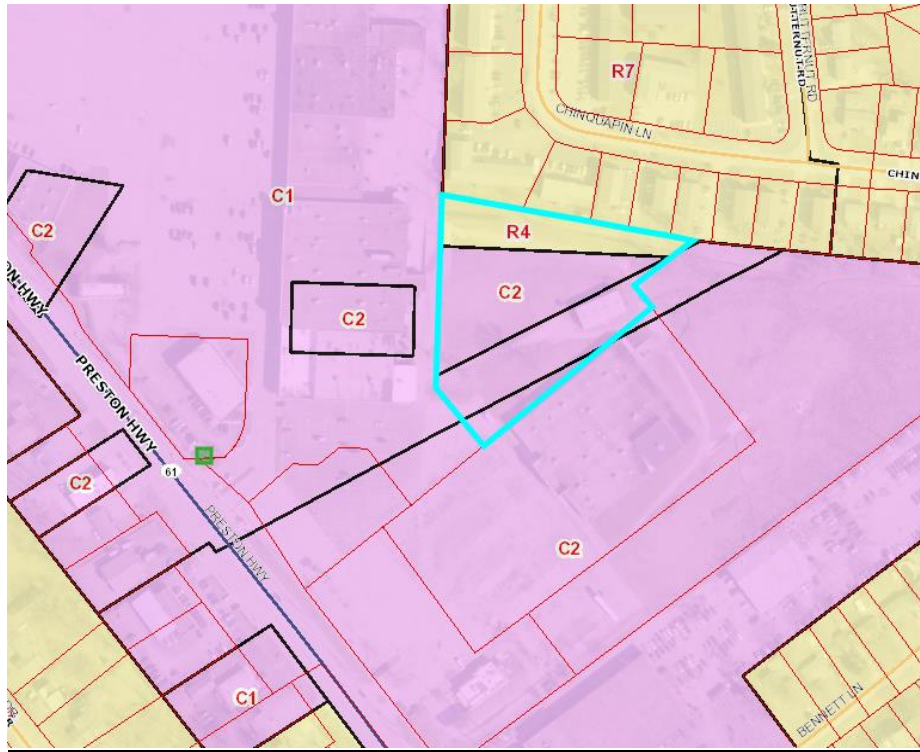
### **NOTIFICATIONS**

| Date      | Purpose of Notice | Recipients   |
|-----------|-------------------|--|
| 8/16/2021 | BOZA              | 1st tier adjoining property owners<br>Registered Neighborhood Groups in Council District 2 |

### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Street View
4. Parcel View
5. Existing Freestanding Sign
6. Proposed Sign Expansion

## 1. Zoning Map



## 2. Aerial Photograph





3. Street View



4. Parcel View



5. Existing Freestanding Sign



6. Proposed Sign Expansion

