

**MINUTES OF THE MEETING
OF THE
LOUISVILLE BOARD OF ZONING ADJUSTMENT**

DECEMBER 4, 2006

DOCKET NO. B-214-06

Applicant: Sam Swope Auto Group, LLC
Richard Swope
10 Swope Autocenter Drive
Louisville, Kentucky 40299

Owner: S G S Properties, LLC

Subject: An application for a variance from the Land Development Code to allow 3 proposed freestanding signs to exceed maximum permitted signage dimensions for the site.

Premises affected: On property known as 4120 Bardstown Road and being in Louisville Metro.

Appearances for Applicant:

John G. Carroll, Attorney, One Riverfront Plaza, 410 W. Main Street, Suite 1200, Louisville, Kentucky 40202.

Richard Swope, 10 Swope Autocenter Drive, Louisville, Kentucky 40299.

Appearances Interested Party:

No one.

Appearances Against Applicant:

No one.

Staff case manager, Mike Wilcher, gave a brief presentation of the case to the Board.

On November 2, 2006, Sam Swope Auto Group, LLC filed an application for a variation from the requirements of the Land Development Code to allow 3 proposed freestanding signs to exceed maximum permitted signage dimensions for the site.

On December 4, 2006, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

**MINUTES OF THE MEETING
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LOUISVILLE BOARD OF ZONING ADJUSTMENT**

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DOCKET NO. B-214-06

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A video of the site and surrounding area was shown.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the office of Planning and Design Services, located at 444 South Fifth Street, Suite 300, Louisville, Kentucky.

The recording of this hearing will be found on the cd of the December 4, 2006 proceedings.

Board Member Anderson made a motion to approve the signs, but then withdrew his motion because the Board decided to vote on each requested sign individually.

SIGN # 1:

After the public hearing and further discussion of the case by the members of the Board in open business session, on a motion by Member Anderson, seconded by Member Crowder, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing to allow Sign #1 to be 100 square feet in area and 30 feet in height; and

WHEREAS, the Board finds that the variance for the sign will not adversely affect the public health, safety or welfare of adjacent property owners because the applicant is only requesting an additional 6 feet in height; and because the sign is consistent with or smaller than an existing sign across Buechel Bypass from the site and other signs east of the site on Buechel Bypass; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because the area is entirely retail and commercial with the exception of a healthcare center and apartments directly across Buechel Bypass from the site; and because the new sign and renovation of the exterior will enhance the appearance of the business and the area; and because there are similar signs on commercial properties in the vicinity; and

**MINUTES OF THE MEETING
OF THE
LOUISVILLE BOARD OF ZONING ADJUSTMENT**

DECEMBER 4, 2006

DOCKET NO. B-214-06

WHEREAS, the Board finds that the variance will not cause a hazard or a nuisance to the public because the sign is setback from the roadways and will not cause any sight obstruction for vehicles; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulation because the increase in height is minimal in comparison to other signs in the area; and

WHEREAS, the Board finds that the requested variance arises out of special circumstances which do not generally apply to land in the general vicinity or in the same zone because the site has roads on all 4 sides and could have 4 freestanding signs, but only 3 are proposed;

NOW, THEREFORE, BE IT RESOLVED, that the variance for Sign #1 is hereby **APPROVED**, to allow the sign to be 100 square feet in area and 30 feet in height.

The vote was as follows:

YES: Members Francis, Crowder and Anderson.

NO: Members Rhodes and Stewart.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member Grisanti.

ABSTAINING: No one.

SIGN #2:

After the public hearing and further discussion of the case by the members of the Board in open business session, on a motion by Member Anderson, seconded by Member Crowder, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing to allow Sign #2 to be a monument style sign consisting of 86.5 square feet in area and 20 feet in height; and

WHEREAS, the Board finds that the requested variance will not affect the public health, safety or welfare because the sign is consistent or smaller than an existing sign across Buechel Bypass from the site and other signs east of the site

**MINUTES OF THE MEETING
OF THE
LOUISVILLE BOARD OF ZONING ADJUSTMENT**

DECEMBER 4, 2006

DOCKET NO. B-214-06

on Buechel Bypass; and because the requested height is only 2 feet more than what is suggested in the Land Development Code; and

WHEREAS, the Board finds that the variance will not alter the essential character of the general vicinity because the area is entirely retail and commercial with the exception of a healthcare center and apartments directly across Buechel Bypass from the site; and because the new sign and renovation of the exterior will enhance the appearance of the business and the area; and because there are similar signs on commercial properties in the vicinity; and

WHEREAS, the Board finds that the variance will not cause a hazard or a nuisance to the public because the sign is setback from the roadways and will not cause any sight obstruction for vehicles; and

WHEREAS, the Board finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulation because the increase in height is minimal in comparison to other signs in the area; and

WHEREAS, the Board finds that the requested variance arises out of special circumstances which do not generally apply to land in the general vicinity or in the same zone because the site has roads on all 4 sides and could have 4 freestanding signs, but only 3 are proposed;

NOW, THEREFORE, BE IT RESOLVED, that the variance for Sign #2 is hereby **APPROVED**, to allow the sign to be a monument style sign consisting of 86.5 square feet in area and 20 feet in height.

The vote was as follows:

YES: Members Francis, Crowder and Anderson.

NO: Members Rhodes and Stewart.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member Grisanti.

ABSTAINING: No one.

SIGN #3:

After the public hearing and further discussion of the case by the members of the Board in open business session, on a motion by Member Anderson, seconded by Member Stewart, the following resolution was adopted:

**MINUTES OF THE MEETING
OF THE
LOUISVILLE BOARD OF ZONING ADJUSTMENT**

DECEMBER 4, 2006

DOCKET NO. B-214-06

WHEREAS, the Board finds that denial of the requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulation because the Board felt the applicant had a sufficient amount of other signage to attract customers;

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby **DENY** the variance request to allow Sign #3 to be 143.5 square feet in area and 37.4 feet in height.

The vote was as follows:

YES: Members Rhodes, Anderson and Stewart.

NO: Members Francis and Crowder.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member Grisanti.

ABSTAINING: No one.