

Board of Zoning Adjustment

Staff Report

October 5, 2015



Case No:	15VARIANCE1056
Project Name:	4405 Bardstown Road
Location:	4405 Bardstown Road
Owner:	Todd's Place Express, LLC
Applicant:	Todd's Place Express, LLC
Representative:	Todd's Place Express, LLC
Project Area/Size:	1.61 acres
Existing Zoning District:	C-2, Commercial
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Managers:	Matthew Doyle, Planner II, Steve Hendrix, Planning Supervisor

REQUEST

- Variance from section 8.3, Table 8.3.2 of the Land Development Code to allow a proposed sign to exceed the maximum height.

Location	Requirement	Request	Variance
Freestanding sign	12 Feet	20 Feet	8 Feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is plan certain as approved in Case 10374 and revised in Case 14DEVPLAN1092. It is located on the north side of Bardstown Road between Fegenbush Lane and Breckenridge Lane across from Resthaven Memorial Cemetery in Buechel.

The applicant proposes a permanent freestanding sign in front of his building along Bardstown Road. The height of the proposed sign exceeds the maximum height permitted for a freestanding sign on a site in the Neighborhood Form District. Commercial properties to the west are allowed a height of 24 feet, since they are located in a Suburban Marketplace Corridor. The Family Dollar sign is approximately 20 feet high and the tire store sign is approximately 24 feet high.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Facility under construction	C-2	N
Proposed	Car wash	C-2	N
Surrounding Properties			
North	Single family residential	R-4	N
South	Cemetery	R-7/R-4	N
East	Church	R-4	N
West	Vacant	C-2	SMC

PREVIOUS CASES ON SITE

10374: Change in zoning from R-4 Single Family Residential to C-2 Commercial and adoption of the Detailed District Development Plan for auto service, sales, and storage complex.

14DEVPLAN1092: Approval of a Revised Detailed District Development Plan for a car wash.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the sign would be located more than 10 ft. from the pavement and will not obstruct views of vehicular and/or pedestrian traffic.

(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 since the site is along a major commercial corridor that has many establishments with freestanding signs.

(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 would be located more than 10 ft. from the pavement and will not obstruct views of vehicular and/or pedestrian traffic.

(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 since the sign would have a similar height to existing commercial signs.

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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the existing grade is approximately 3 ft. lower than the street and this particular parcel is within a Neighborhood Form District.

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 deprive the applicant of the reasonable use of the land since the existing grade is 3 ft. lower than the street.

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.

TECHNICAL REVIEW

None

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for granting a variance established in the Land Development Code.

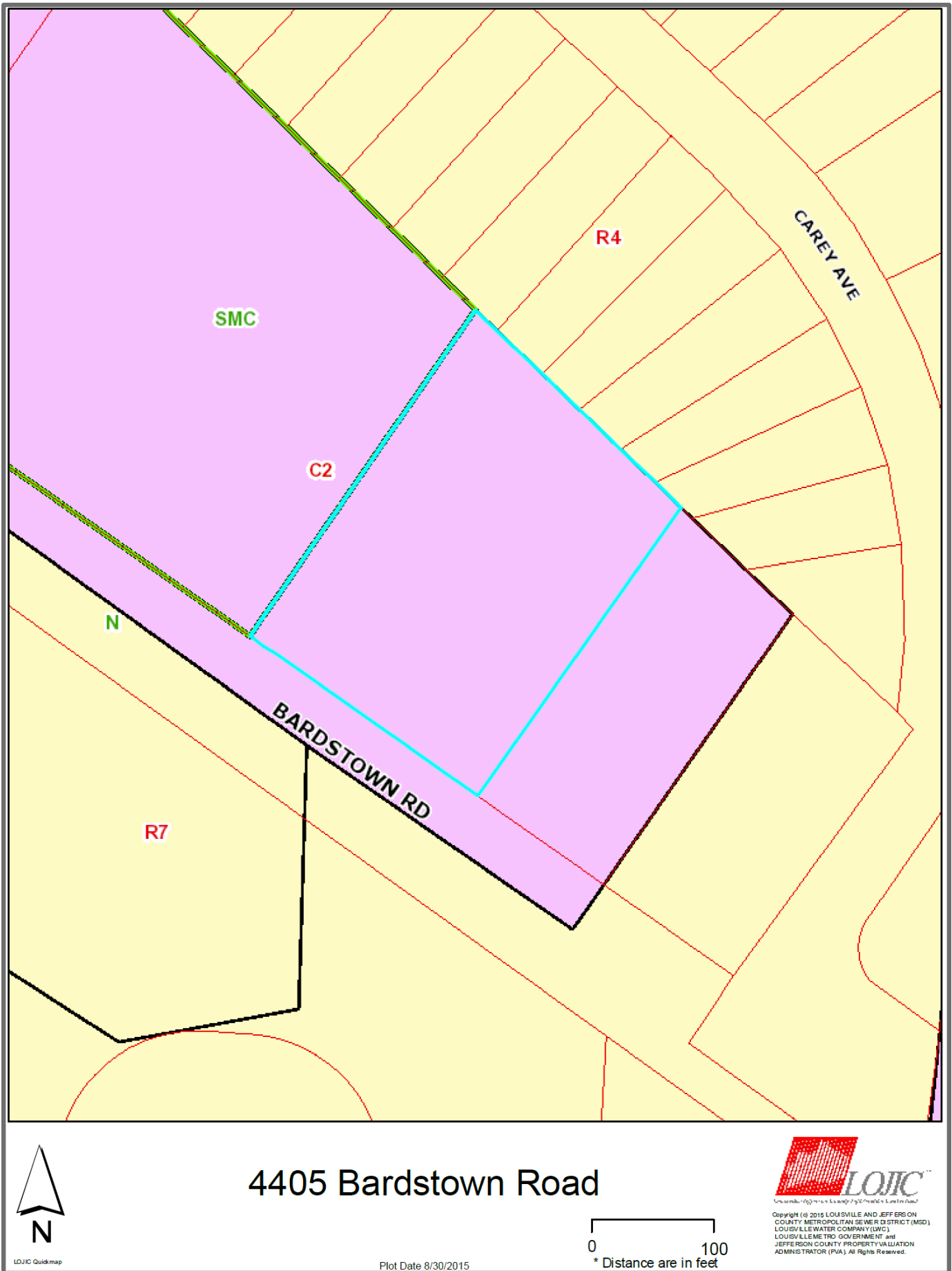
NOTIFICATION

Date	Purpose of Notice	Recipients
9/4/15	BOZA Hearing	Adjoining property owners, applicant, representative, case manager, and neighborhood groups
9/22/15	Sign Posting	General

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Sign Exhibit

1. **Zoning Map**



2. Aerial Photograph



LOJIC Quickmap

4405 Bardstown Road

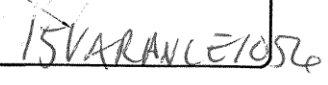
Plot Date 8/30/2015

0 100
* Distance are in feet



LOJIC

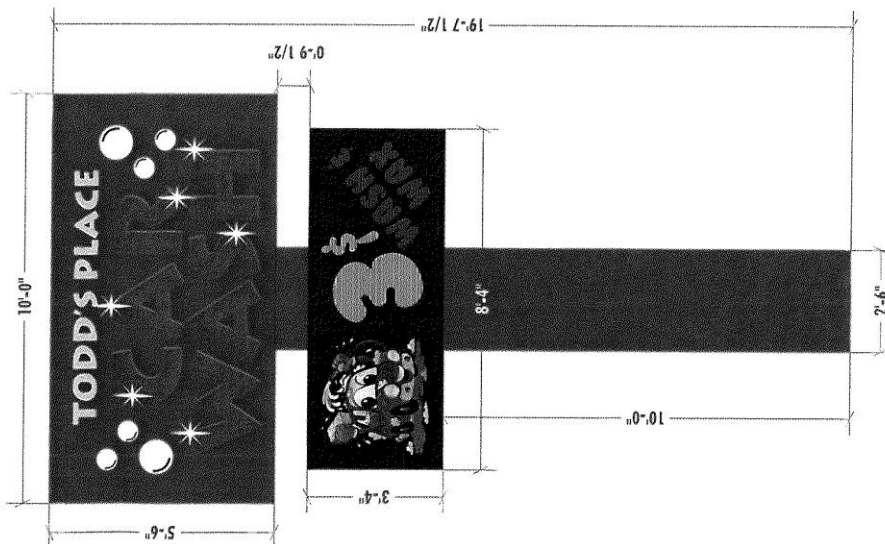
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502.368.7554
Fax 502.361.4490
www.commonwealthsign.com

CLIENT	Todd's Place Car Wash Pylon
ADDRESS	4405 Bardstown Rd., Louisville, KY
FILENAME	Todd's Place Car Wash Pylon
SALESPERSON	Lester Lemaster
ARTIST	Robert Gaslinger
ART RENDERED DATE	04-23-15
TYPE	CHECKED
Proposal	
SCALE	3/8" = 1'
REVISIONS / DATES	CHANGE FONT 08-04-15
2nd	00-00-00
3rd	00-00-00
4th	00-00-00
5th	00-00-00
5th	00-00-00
PAGE	1 OF 1
SALES FINAL APPROVAL	
CUSTOMER APPROVAL	



DOUBLE SIDED LED MESSAGE CENTER
QUANTITY: 1
SIZE: 8'-4" w x 3'-4" h
19MM FULL COLOR

DOUBLE SIDED ILLUMINATED CABINET
QUANTITY: 1
SIZE: 24" d
RETAINER SIZE: NA
COLOR: PAINT PMS300
FACE TYPE: FLAT
FACE MATERIAL: ALUMINUM
GRAPHICS: ROUTED FROM FACE BACK W/ WHITE ACRYLIC
ILLUMINATION: FLOURESCENT LAMP
MOUNTING: SINGLE POLE W/ ALUMINUM SKIRT

VINYL COLORS
8500-031 RED
8500-021 YELLOW

RECEIVED
AUG 10 2015
PLANNING &
DESIGN SERVICES

15VARIANCE1056