

# Board of Zoning Adjustment

## Staff Report

June 03, 2024



**Case No:** 24-VARIANCE-0054  
**Project Name:** Freestanding Sign  
**Location:** 6803 Beulah Church Road  
**Owner(s):** James & Carolyn Ball  
**Applicant:** Danny Ryan, Kroger Co.  
**Representative:** John Campbell, Heritage Engineering  
**Jurisdiction:** Louisville Metro  
**Council District:** 23 – Jeff Hudson  
**Case Manager:** Heather Pollock, Planner I

### REQUEST(S)

- **Variance** of Land Development Code (LDC), Section 8.3.3, Table 8.3.2 to allow a freestanding sign to exceed the height permitted.

### CASE SUMMARY

The property where the proposed sign will be is zoned C-1, Commercial and the Neighborhood form district. It is located on the east side of Beulah Church Road, just south of the Gene Snyder Freeway. The property is under development for a grocery store and several retail spaces. The applicant is requesting to install a columnar sign that will be 56.2 square feet and 20 feet tall.

### Related Cases

- 23-ZONE-0030: Change in zoning from R-4 to C-1, R-5A, R-6, R-5 with Detailed District Development Plan, approved ON 02/01/2024.

### STAFF FINDING

Staff finds that the variance is adequately justified based on the staff analysis contained in the standard of review.

### TECHNICAL REVIEW

#### Requirements for Freestanding Signs in Neighborhood Form District:

Freestanding Sign on Collector Level Roadway	Permitted	Proposed
Total Sign Area	Maximum 100 sq. ft.	52.6 sq. ft.
Total Sign Height	12 ft.	20 ft.
Base Style	Monument or Columnar	columnar

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIGN VARIANCE**

- (a) The variance will not adversely affect the public health, safety, and welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public as the sign will not impact the safe movement of pedestrians and vehicles. This property is part of a recently approved mixed commercial and residential center that has the potential to add multiple new signs to the area. The applicant has stated they plan to mitigate the impact of new signage by installing one sign instead of the 3 they would be permitted to have. The proposed sign is consistent with what is present at other suburban commercial developments throughout the community.

- (b) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or in the same zone as this property is part of a new development that will have higher intensity uses than the surrounding areas.

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

STAFF: Strict application of the regulations would create an unnecessary hardship on the applicant as this development would be permitted to have several freestanding signs and the applicant has stated they plan to have one taller sign in lieu of installing multiple freestanding signage.

- (d) The circumstances are not the result of actions taken by the applicant 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 regulations as work has not begun on the proposed sign for which this variance is being requested.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance** of LDC, Section 8.3.3, Table 8.3.2 to allow a freestanding sign to exceed the height permitted.

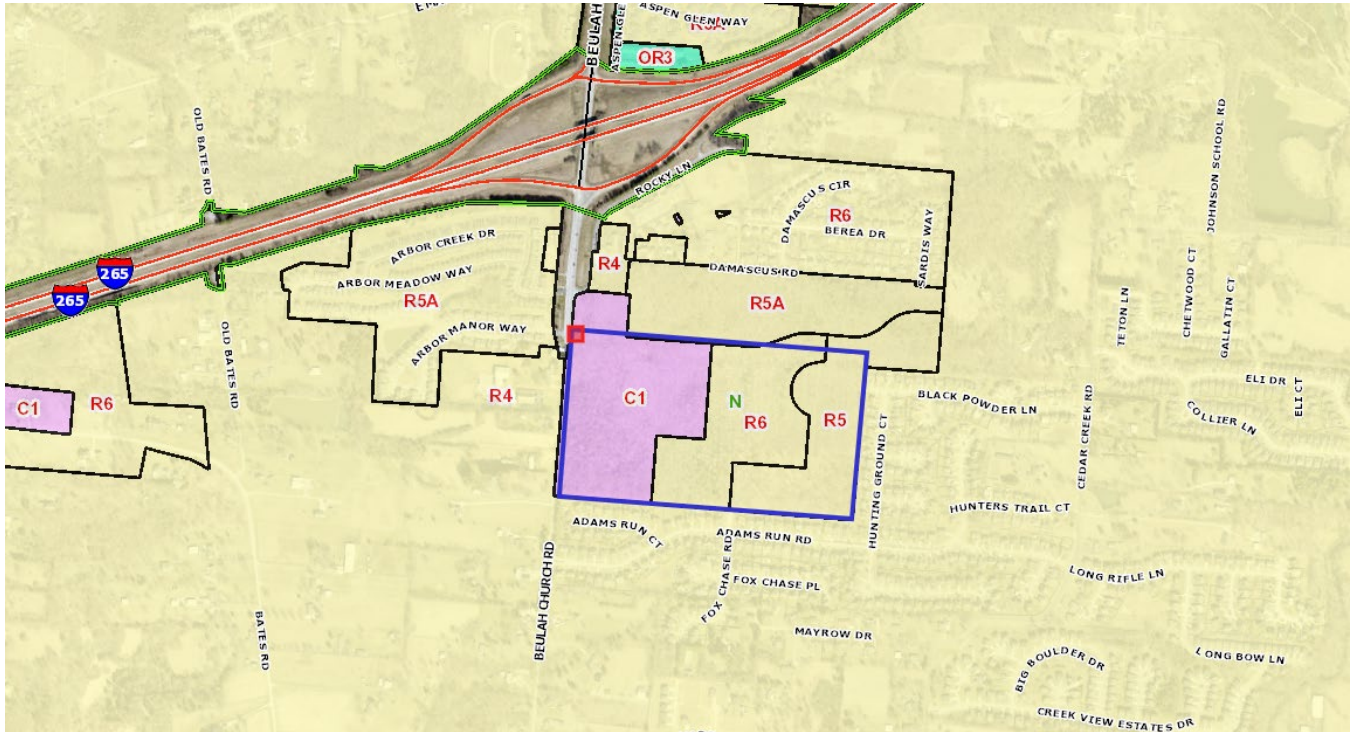
**NOTIFICATION**

Date	Purpose of Notice	Recipients
05/20/2024	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents, Registered Neighborhood Groups in Council District 22
05/21/2024	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

## 1. Zoning Map



## 2. Aerial Photograph

