

Board of Zoning Adjustment Staff Report

July 10, 2017



Case No:	17VARIANCE1032
Request:	Variance to allow attached signs in the C-2 zoning district to exceed 25 feet in height
Project Name:	Hilton Garden Inn Attached Signs
Location:	400 Sherburn Lane
Area:	3.305 Acres
Owner:	St. Matthews Hotel Partner
Applicant:	Matt Wilson – Chandler Signs
Representative:	Matt Wilson
Jurisdiction:	City of St. Matthews
Council District:	26 – Brent Ackerson
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variance from City of St. Matthews Development Code section 11.D.2.c to allow attached signs in the C-2 zoning district to exceed a height of 25 feet above the ground

Location	Requirement	Request	Variance
Height of Signs on Facade	25 ft.	61.5 ft.	36.5 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is located in the City of St. Matthews. A five-story, 150-room hotel is currently under construction on the property. The building is close to completion, and is 67' 6" in height. The applicant proposes to place two signs each on the north and south façades of the building, at a height of 61' 6". The signs on each elevation will consist of an illuminated brand logo, and illuminated channel letters reading "Hilton Garden Inn". The total sign area for each façade will be 222.25 square feet, which is within the area allowed.

City of St. Matthews Development Code article 11, section 11.D.2.c, limits the height of attached signage to 25 feet above the ground at the highest point. The applicant requests a variance to allow the four proposed signs to extend to 61.5 feet above grade. The requested variance is 36.5 feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Hotel (under construction)	C-2	Regional Center
Proposed	Hotel	C-2	Regional Center
Surrounding Properties			
North	Commercial	C-2	Regional Center
South	Parking & Vacant	C-2	Regional Center
East	Mall St. Matthews	C-2	Regional Center
West	Commercial	C-2	Regional Center

PREVIOUS CASES ON SITE

9-19-96

Planning Commission recommended approval for a change in zoning from R-1 and R-2 to C-2 for a restaurant on 05-16-1996. Land Development and Transportation Committee approved a revised detailed district development plan on 03-26-1998 under the same docket number to change the proposed use from a restaurant to expanded parking for Mall St. Matthews.

16DEVPLAN1038

Development Review Committee of the Planning Commission recommended approval of a revised detailed district development plan on 05-18-2016 for a 150-room hotel. The revised plan was approved by the City of St. Matthews on 06-28-2016.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Development Code for the City of St. Matthews.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 11.D.2.c

- (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 as the signs will not obstruct sight lines and are unlikely to distract drivers.

- (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 Mall St. Matthews is adjacent to the site, and signs on the mall buildings exceed 25 feet in height.

- (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 as the signs will be steady in color and intensity, and are therefore unlikely to distract drivers.

- (d) The requested variance will allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as the signs on the adjacent mall do not reach 61.5 feet in height from grade, nor do the signs on any other nearby property.

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 because the hotel under construction is taller than other nearby structures.

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 create an unnecessary hardship on the applicant by requiring the applicant to install the signs lower on the façades, and the building has been designed for signs at the top of the structure.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the hotel is new and under construction, and the building was designed after the zoning regulation was adopted.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 standards for granting variances established in the Development Code from section 11.D.2.c allowing proposed attached signs in the C-2 zoning district to extend higher than 25 feet from grade.

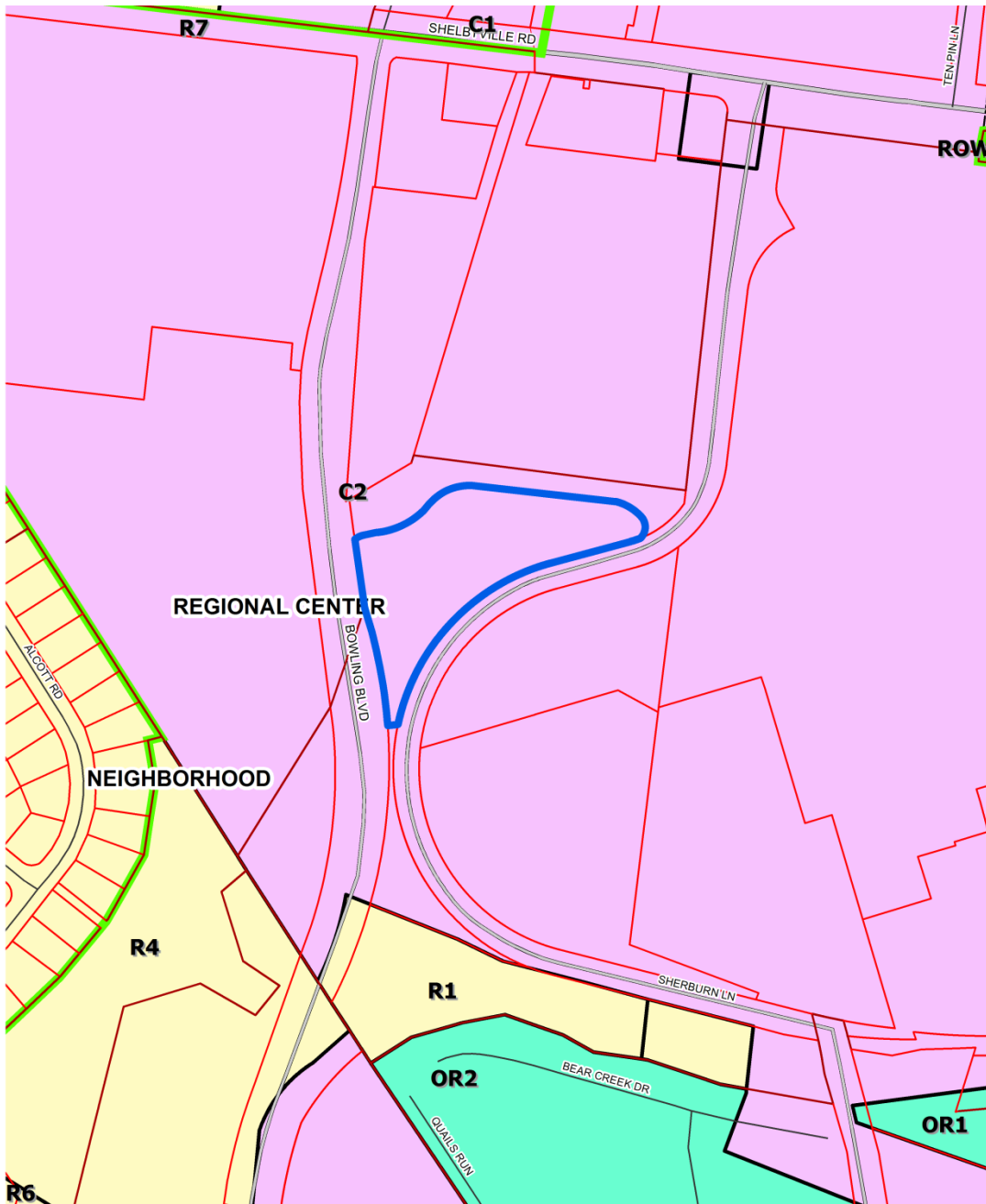
NOTIFICATION

Date	Purpose of Notice	Recipients
06-23-2017	Public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
06-23-2017		Sign posted on property

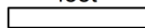
ATTACHMENTS

1. Zoning Map
2. Aerial
3. Elevations
4. Site Photos

1. Zoning Map



400 Sherburn Lane
feet



290

Map Created: 6/27/2017

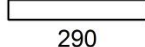


Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial



400 Sherburn Lane
feet

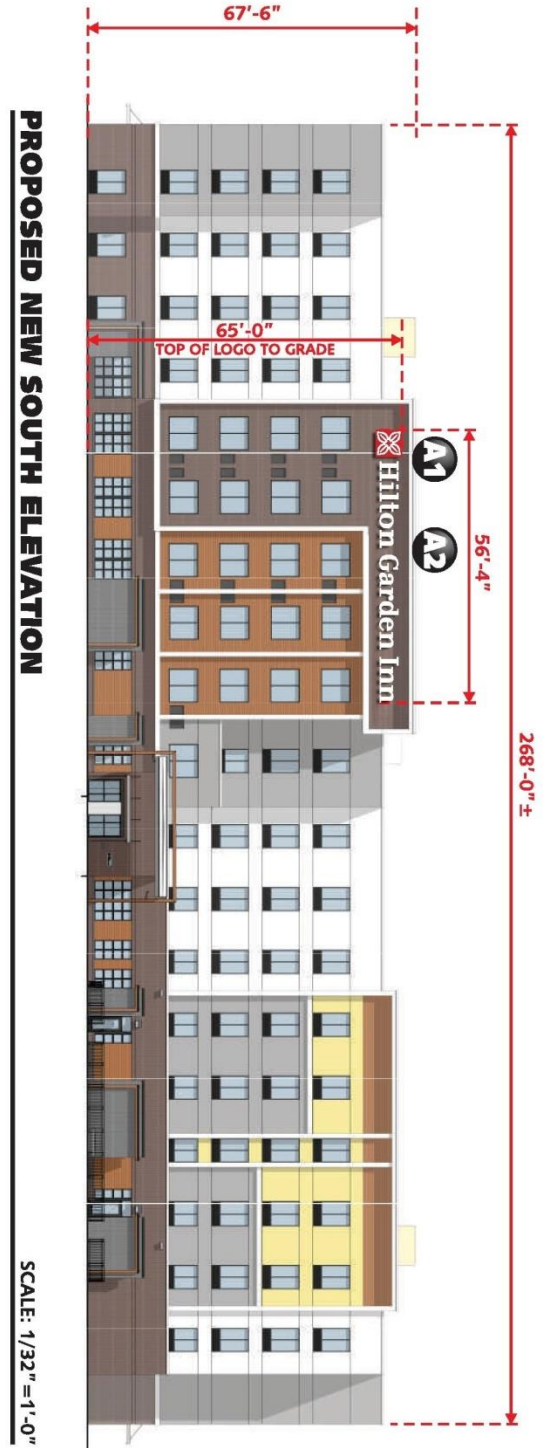
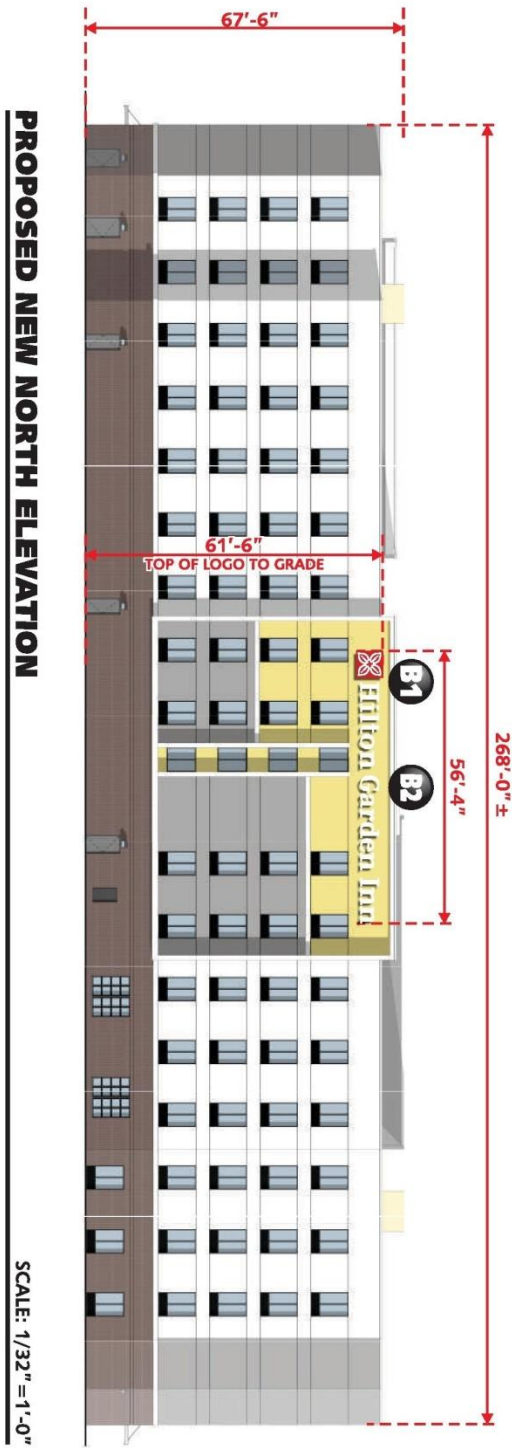


290
Map Created: 6/27/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Elevations



4. Site Photos



The south elevation of the hotel under construction.



The location on the south façade where the signs are proposed to be installed.



The north elevation of the hotel under construction.



The location on the north façade where the signs are proposed to be installed.



The commercial center to the north. The hotel is visible in the background.



Dillard's is the nearest portion of Mall St. Matthews to the site.



The hotel and the commercial center to the west.



The nearby Cinemark is also part of Mall St. Matthews and has a sign higher than 25 feet.