

Board of Zoning Adjustment

Staff Report

January 13, 2020



Case No:	19-MVARIANCE-0003
Project Name:	W. Main Street Variance
Location:	119 W. Main Street
Owner(s):	Louisville Metro
Applicant:	Cheryl Kizer – Nimlok Kentucky
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Modified Variance** to allow a sign to exceed the allowable area permitted by 18VARIANCE1013 by 12 sq. ft.

Location	Requirement	Request	Variance
Sign Area	325.67 sq. ft.	337.67 sq. ft.	12 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the central business district on the north side of Main Street in between N. 1st Street and N. 2nd Street. The applicant is proposing four new attached banner signs on the southern façade. The existing signage was approved by the Board of Zoning Adjustment on March 19, 2018 to allow signage to exceed 300 sq. ft. The signage was approved for 325.67 sq. ft., therefore, a modified variance is required to exceed this amount by 12 ft.

STAFF FINDING

Staff finds that the requested modified variance to exceed the maximum area is adequately justified and meets the standard of review. Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code from table 8.3.2 to allow a sign to exceed the allowable area.

TECHNICAL REVIEW

No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

RELATED CASES

18VARIANCE1013 – A variance to allow attached signage to exceed 300 sq. ft.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.2

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

STAFF: The requested variance to exceed the maximum area will not adversely affect the public health, safety, or welfare as the sign is attached to the building and will not have any changing image components or internal illumination.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance to exceed the maximum area will not alter the essential character of the general vicinity as the sign was approved by Historic Preservation & Landmarks Commission staff.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance to exceed the maximum area will not cause a hazard or nuisance to the public as the sign will not obstruct views for drivers or pedestrians.

- (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 as the subject property is in the central business district.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do apply to land in the general vicinity or the same zone because the subject property is similar in size and use to other surrounding properties.

2. The strict application of the provisions of the regulation would not 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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant could reduce the size of the signs to meet the requirements established in the Land Development Code.

3. 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.

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 as the applicant is requesting the variance and has not placed the signs on the building.

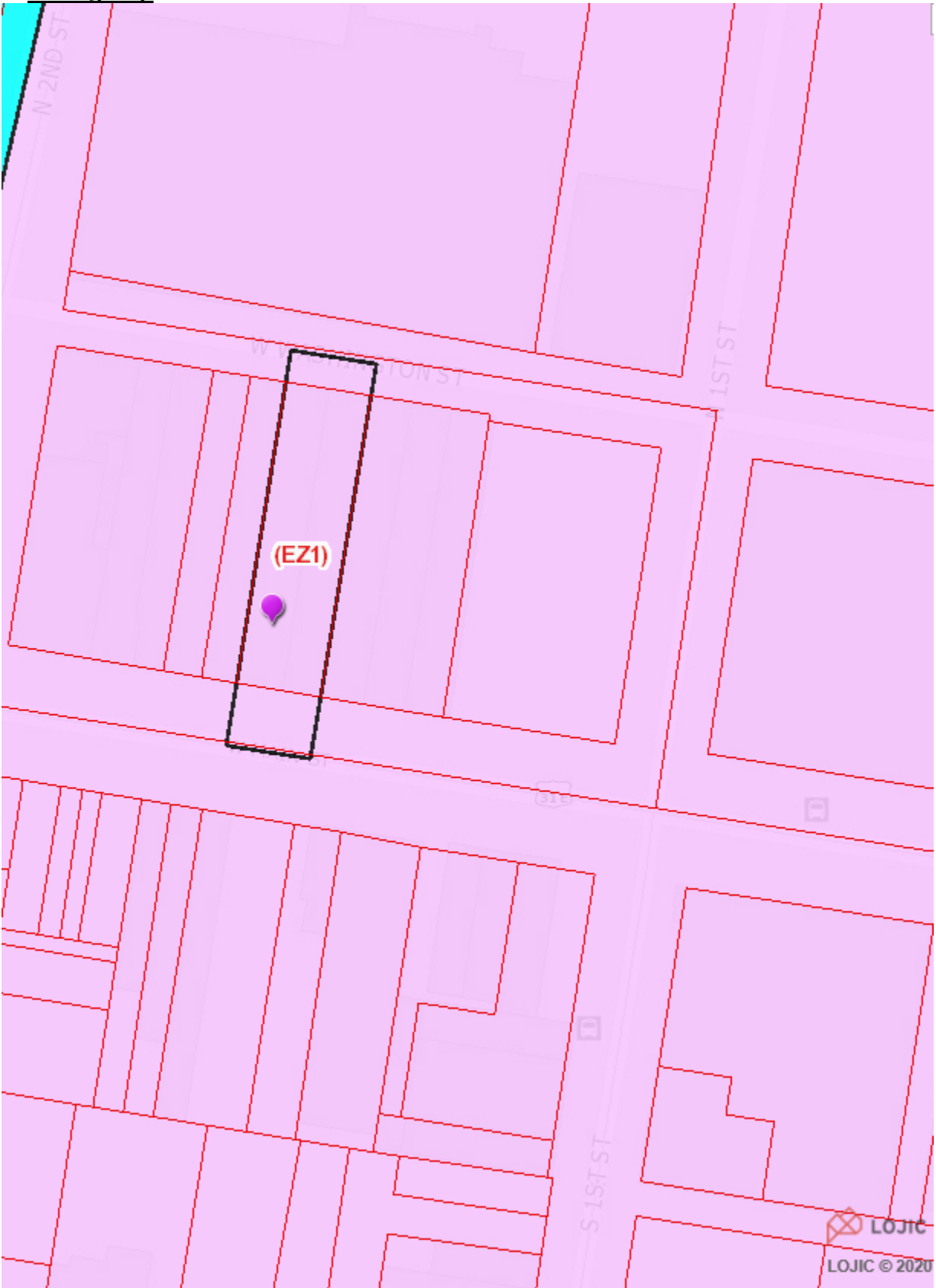
NOTIFICATION

Date	Purpose of Notice	Recipients
12/30/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
1/3/2020	Hearing before BOZA	Notice posted on property

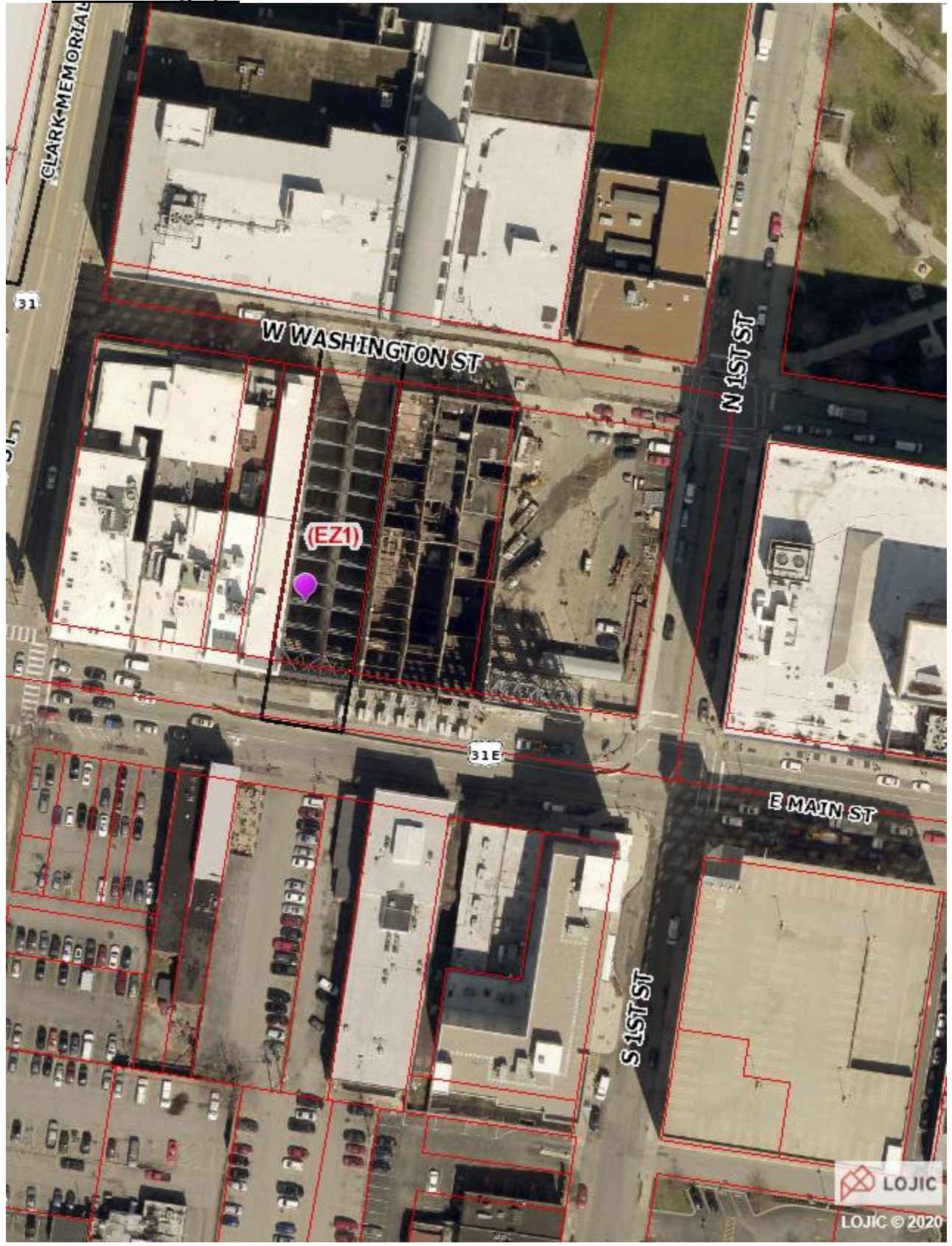
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Sign Location
4. Site Photos

1. **Zoning Map**



2. Aerial Photograph



3. Sign Location

BROWN-FORMAN | DESIGN #45420

REVISED CONCEPT

PRODUCT:
EXTERIOR BANNERS
OLD FORESTER DISTILLING CO

CONSULTANT: DC
DESIGNER: JH

PROOF DATE:
8.20.19

PANTONES:
549, 7527, 423, 165, 7562

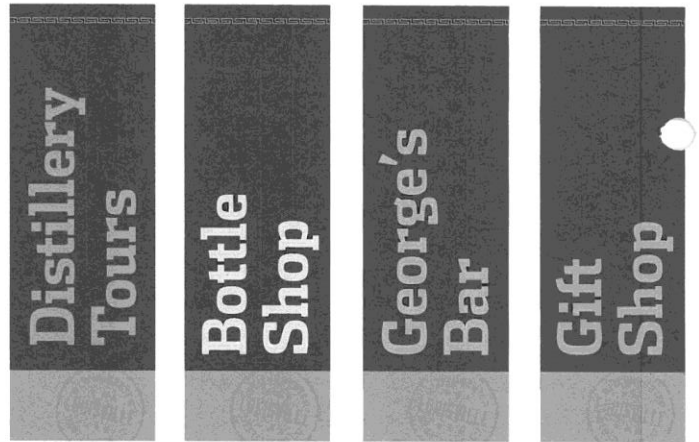
FONTS:
DISPATCH CONDENSED BOLD

12" W X 36" H SHOWN
DOUBLE-SIDED BANNER
3" POLE POCKETS TOP & BOTTOM
HANGING HARDWARE

QTY 4 - 1 EACH



* APPROXIMATE PLACEMENT SHOWN



HANGING HARDWARE
EXAMPLE

RECEIVED
DEC. 09 2019
PLANNING &
DESIGN SERVICES

- 19 - M VARIANCE - 0000

nimlok.
kentucky

EXHIBITS • ENVIRONMENTS • GRAPHICS • SIGNS • VEHICLE GRAPHICS • LOGISTICS
2505 TECHNOLOGY DRIVE • LOUISVILLE, KY 40299 • 502.499.7566 • WWW.NIMLOK-KENTUCKY.COM

4. Site Photos



Façade of the proposed sign location.