

**Board of Zoning Adjustment**  
**Staff Report**  
 January 23, 2023



<b>Case No:</b>	22-VARIANCE-0154
<b>Project Name:</b>	Sign Variance
<b>Location:</b>	3939 Shelbyville Road
<b>Owner:</b>	Burdorf Properties LLC
<b>Applicant:</b>	Signarama Northeast
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Andrew Owen
<b>Case Manager:</b>	Beth Jones, AICP, Planner II

**REQUEST**

**VARIANCES** from City of St. Matthews Development Code to allow three attached business signs to extend to a height of more than 25ft above ground (Article 11.D.2.c.)

LOCATION	REQUIREMENT	REQUEST	VARIANCE
Front, rear and side facades (3 signs total)	25 ft	42.5 ft	17.5 ft

**CASE SUMMARY/BACKGROUND**

The subject property is zoned C-2 Commercial. It is located on the north side of Shelbyville Road, between Breckenridge Lane and St. Matthews Avenue, in the City of St. Matthews. The site is developed with a three-story commercial building currently under renovation. It houses restaurants at street level and offices above and is adjoined on all sides with properties in similar commercial use.

The signs will consist of three-dimensional channel letters and a logo, internally lit. The south (front) and north (rear) signs will be 20ft x 2ft (40sf); the east (side) sign will be 10ft x 1 ft (20sf). Each will be placed along the top edge of each façade, with the height at the highest point to be 42ft 6in.

Article 11.D.2.c. of the St Matthews Development Code states that no attached sign shall extend to a height greater twenty-five (25) feet above ground.

**STAFF FINDINGS**

Staff finds that the requested variance is adequately justified and meets the standard of review. The St. Matthews Development Code already makes an exception to this regulation, specifically for hospitals and C-3 zoned properties. The proposed placement of the subject signs is reasonable considering the design of the existing structure, which is out of character for the area and justifies the non-standard sign placement. In addition, the immediate vicinity is fully developed for commercial uses; the nearest residence is located approximately 550ft from the site.

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 from the City of St. Matthews Development Code to allow attached business signs to extend to a height of more than 25ft above ground (Article 11.D.2.c.).

**TECHNICAL REVIEW**

No technical review is required.

**INTERESTED PARTY COMMENTS**

No interested party comments have been received by Staff.

**RELATED CASES**

There are no related cases.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM ST MATTHEWS DEVELOPMENT CODE (Article 11.D.2.c.)**

- (a) 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 arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone in that the existing structure on which the signs are to be placed is significantly different from other commercial buildings in the vicinity.

- (b) 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: The requested variance would create an unnecessary hardship on the applicant in that the proposal is in character with the structure and the commercial uses in the vicinity and will not cause a nuisance for any residential uses.

- (c) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

STAFF: The special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations in that the structure itself is existing and the applicant has not yet installed the signs.

- (d) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

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 in that the proposed position of the signs will not negatively impact pedestrians or motorists. It will not alter the essential character of the general vicinity in that they are appropriately placed for the design of the existing structure.

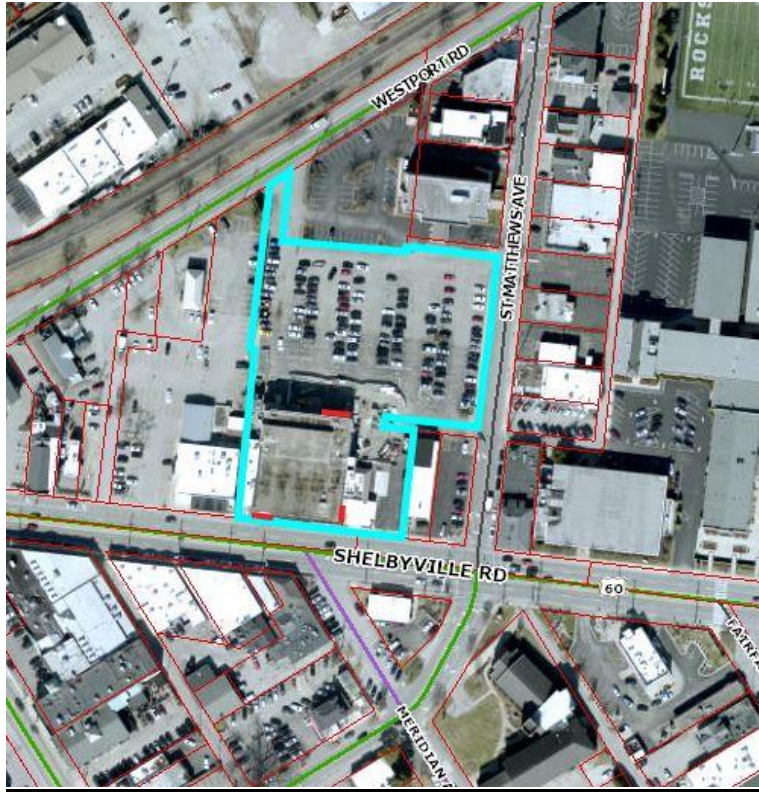
**NOTIFICATION**

<b>DATE</b>	<b>PURPOSE OF NOTICE</b>	<b>RECIPIENTS</b>
1/4/2023	Hearing before BOZA	1st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
1/11/23	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

1. Aerial View showing sign locations
2. Land Use
3. Adjoining to South
4. Proposed Sign (South)
5. Adjoining to North
6. Proposed Sign (North)
7. Adjoining to East
8. Proposed Sign (East)

1. Aerial View showing sign locations



2. Land Use





3. Adjoining to South



4. Proposed Sign (South)





5. Adjoining to North



6. Proposed Sign (North)





7. Adjoining to East



8. Proposed Sign (East)

