

**Board of Zoning Adjustment**  
**Staff Report**  
 June 8, 2020



<b>Case No.</b>	20-VARIANCE-0036
<b>Project Name</b>	Freestanding Monument Signage
<b>Location</b>	943 S. 1st Street
<b>Owner/Applicant</b>	Kentucky Colonels
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	4 – Barbara Sexton Smith
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

**Variance** to permit freestanding signage to exceed the maximum permitted overall height (LDC 2.7.E.7.b.)

	<b>Permitted</b>	<b>Proposed</b>	<b>Deviation</b>
<b>Variance 1: Overall Height</b>	4 ft	6 ft	2 ft

**CASE SUMMARY/BACKGROUND**

The applicant is requesting a variance from sign standards set for the Old Louisville/Limerick Traditional Neighborhood Zoning District (TNZD). The variance is required in order to accommodate existing development and landscaping on the site which would interfere with the visibility of the sign if installed at the permitted maximum height of 4 ft.

Development on the four-parcel site is not historic in style or content. The office structure is located roughly central to the site along its northern boundary, with vehicle parking and circulation wrapping around the east, west and south. Access to the site is from an entrance off the southwest corner from S. 1st Street and off the northeast corner from a rear alley. The proposed freestanding sign is to be located along S. 1st Street near the southwest corner of the northern parcel, within the only open area on the site. The additional height will give the sign visibility from the street while allowing the application to retain the existing mature vegetation and historic iron fencing on the site.

The proposed sign meets all remaining requirements, including that it will have an opaque background to mitigate both direct glare and indirect light trespass produced by the sign.

The site, along with properties to the north, south and west, is zoned TNZD with a Traditional Neighborhood form district; it is not located in an Historic Preservation District or an Overlay District. It is on the east side of S. 1st Street between Caldwell and E. Kentucky Streets. Across the rear alley are undeveloped parcels bordered by I-65 on the east. Institutional uses occupy the adjoining parcels to the west and south; the adjoining parcel to the north is a multi-residential use.

## **STAFF FINDING**

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 a waiver and a variance as established by the Land Development Code.

Staff finds the requested variances are adequately justified. Development in the vicinity of the site is in institutional use with the exception of several properties to the north in multi-family use and I-65 to the east. The variance is needed to make the sign visible from the street while maintaining the existing mature vegetation and historic iron fence.

## **TECHNICAL REVIEW**

No outstanding technical issues remain.

## **INTERESTED PARTY COMMENTS**

No comments have been received.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE** to permit freestanding signage to exceed the maximum permitted overall height (LDC 2.7.E.7.b.)

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the location of the sign will not interfere with pedestrian or vehicular traffic or with nearby land uses.

(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 area immediately adjacent to the site is developed for institutional and multi-family uses. In addition, development on the four-parcel site is not historic in style or content.

(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 location will not disrupt pedestrian or vehicular traffic or nearby land uses.

(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 zoning regulations since the uses adjacent to the sign location is already developed with multi-family and institutional uses and design of the proposed sign is not incompatible with these uses.

## **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 since development on the site is atypical for the area and requires signage to be placed in a way that is unusual for the TNZD.

2. The strict application of the provisions of the regulation would deprive the applicant of 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 reasonable use of the land but would create an unnecessary hardship on the applicant since the existing uses on adjoining properties will not be adversely affected by the proposal.

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 requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since development on the site is atypical for the area and requires signage to be placed in a way that is unusual for the TNZD.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
5/22/2020	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4 Sign Posting

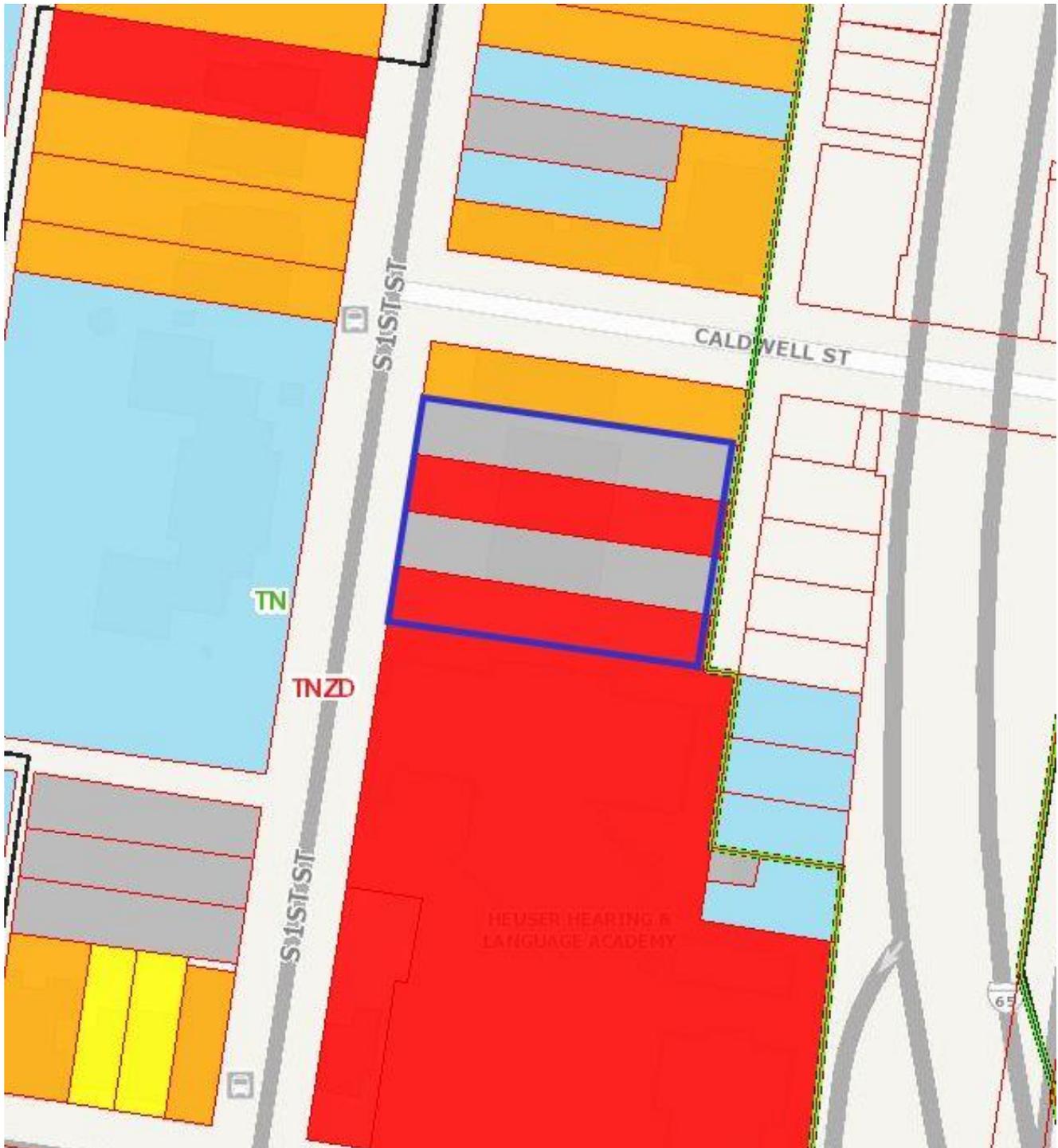
**ATTACHMENTS**

1. Land Use Map
2. Aerial View
3. Site Plan
4. Street View
5. Proposed Sign

1. Land Use Map

- Commercial
- Institutional

- Multi-Family Residential
- Single-Family Residential
- Vacant



2. Aerial View



3. Site Plan



4. Street View



5. Proposed Sign

