

Board of Zoning Adjustment Staff Report

August 1, 2016



Case No:	16VARIANCE1046
Request:	To allow the proposed attached signs to exceed the maximum height allowed by the Development Code in the City of St. Matthews.
Project Name:	297 North Hubbards Lane
Location:	297 North Hubbards Lane
Area:	4.78670 acres
Owner:	James Boland – Oakland LLC.
Applicant:	Debbie Brent – Louisville Sign Company
Representative:	Debbie Brent – Louisville Sign Company
Jurisdiction:	St. Matthews
Council District:	7 – Angela Leet
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from the Development Code (St. Matthews) article 11.D.2.c to allow the proposed attached signs to exceed the maximum height allowed in the City of St. Matthews on an OR3 zoned parcel.

Location	Requirement	Request	Variance
Max. Height	25 feet	28 feet 9 inches	3 feet 9 inches

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a height variance for two proposed signs located on the third floor of a proposed Office/Commercial structure that will house Wells Fargo Financial Advisors. The proposed attached signage (for the northeast and northwest corners) will be approximately 31.25 sf. in area. The façade of the building is approximately 2,629.9 sf. as shown from the applicant's elevations.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial	OR-3	Suburban Marketplace Corridor
Proposed	Commercial	OR-3	Suburban Marketplace Corridor
Surrounding Properties			
North	Residential Single Family	R-5/R-4	Neighborhood/Suburban Marketplace Corridor
South	Commercial	C-2	Suburban Marketplace Corridor
East	Public and Semi-Public	R-4	Suburban Marketplace Corridor
West	Commercial	OR-3	Suburban Marketplace Corridor

PREVIOUS CASES ON SITE

09-072-88: Approved Detailed District Development Plan with binding elements. No associated binding elements pertain to attached signage on the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Development Code (April 2001) as used by the City of St. Matthews

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

(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 since the proposed signs are being mounted at a height of 28' ft. 9" in. The building to the southwest has a First Capital bank of Kentucky Attached sign mounted at a similar height to what the applicant is requesting.

(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 building to the southwest has a First Capital Bank of Kentucky Attached sign mounted at a similar height to what the applicant is requesting.

(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 proposed height of the proposed signs are similar in size and character to what exist on an adjacent building to the southwest. The proposed signs are lite internally in a way that the light emitted is striking the building façade and creates a halo effect posing no impact upon adjacent properties.

(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 since the proposed height of the proposed signs are similar in size and character to what exist on an adjacent building to the southwest.

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 the development code as used by St. Matthews requires that properties located in an OR-3 zoning district are required to have an attached sign mounted no higher than 25' feet on the building façade.

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 since Wells Fargo occupies space on the third floor of the building and sign placement below the third floor would impede on other businesses choosing to advertise their brand or services. Furthermore, the development code as used by St. Matthews requires that the business locate signage on their façade space, in this case the third floor which is at a greater elevation than allowed.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the applicant is requesting a variance for the proposed signage height as required by the Development Code (2001) as used by the City of St. Matthews.

TECHNICAL REVIEW

- No technical review was conducted.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. 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 standard of review for granting a variance established in the Development Code (2003 for St. Matthews) from article 11.D.2.c to allow the proposed signage to exceed a maximum required height of 25' ft. in the OR-3 zoned parcel within the City of St. Matthews.

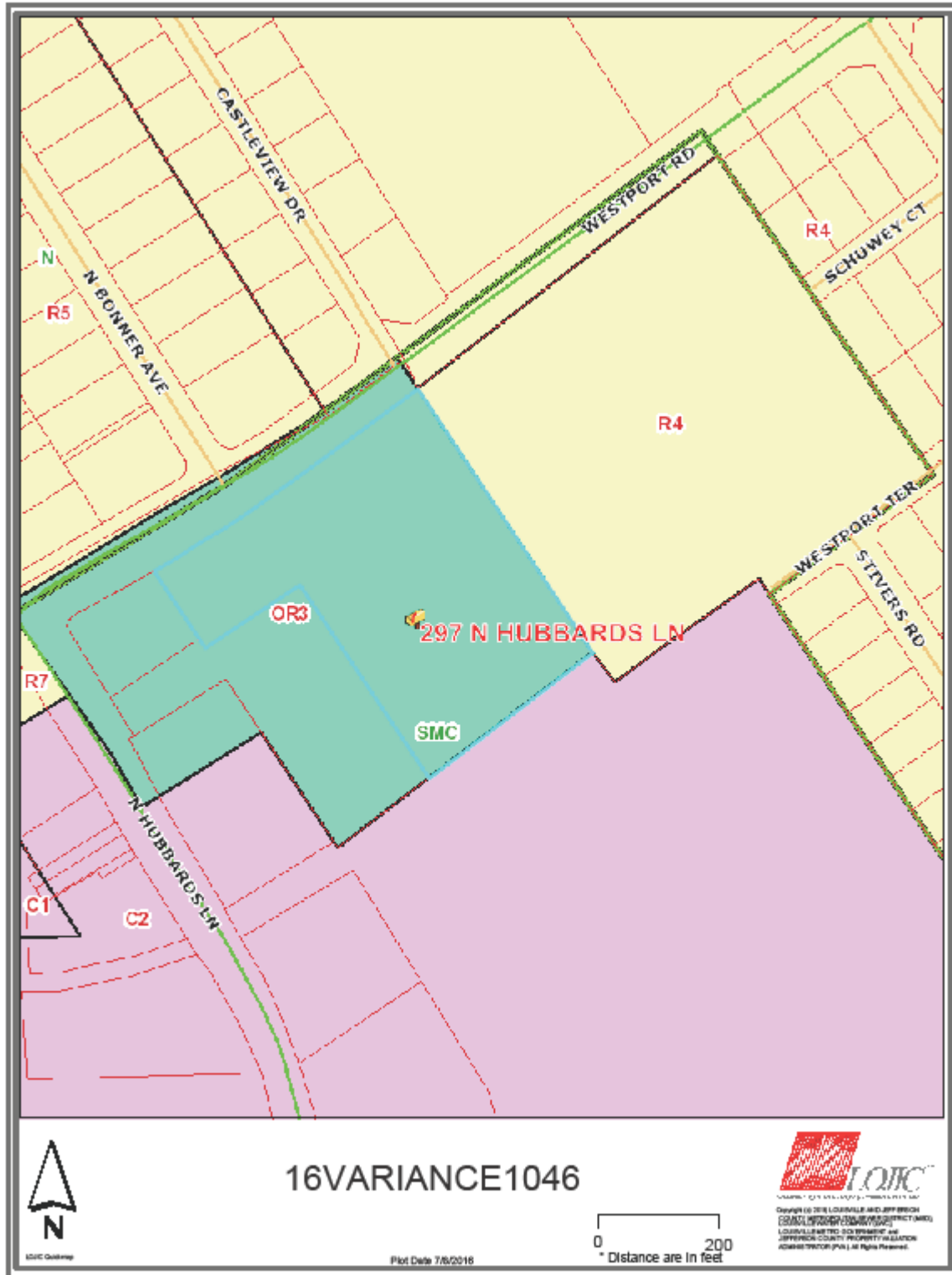
NOTIFICATION

Date	Purpose of Notice	Recipients
July 15, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 7 Notification of Development Proposals
July 15, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

