

Board of Zoning Adjustment

Staff Report

March 19, 2018



Case No:	18VARIANCE1013
Project Name:	Old Forester Distillery Signage
Location:	117 W Main Street
Owner(s):	Brown Forman Corporation
Applicant:	Kyle Hatfield – Nimlok Kentucky
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 8.3.2 to allow attached signage to exceed the allowable square footage
- **Waiver** from Land Development Code table 8.3.2 to allow more than 3 attached signs on one façade

Location	Requirement	Request	Variance
Attached Signage	300 sf	325.67 sf	25.67 sf
Attached Signage	3 signs	9 signs	6 signs (waiver)

CASE SUMMARY

The subject property is an individual landmark located on Whiskey Row, on the northern block face of W Main Street between N 2nd Street and N 1st Street. The property owner has redeveloped the property with the intention of using it as a distillery and guest experience center. Accordingly, the applicant proposes to place signage on the south façade of the building, which faces W Main Street.

Land Development Code table 8.3.2 Downtown states the allowable signage for a property in the Downtown form district. For this property, the allowable area for all signs on the Main Street façade is 300 sf. The applicant proposes a total of 9 signs on the façade with a combined area of 325.67 sf. The applicant therefore requests a variance for the area of signage that exceeds the allowance.

Table 8.3.2 also states that for single-tenant buildings, the maximum number of attached signs allowed is 3 per façade. Because the applicant proposes 9 signs in total, a waiver is requested from this limitation.

STAFF FINDING

Staff finds that the requested variance and waiver are adequately justified and meet 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 attached signage to exceed the allowable area, and for a waiver from table 8.3.2 to allow 9 signs on a façade.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

CASE BACKGROUND

The property was rezoned in 2015 under docket number 14ZONE1050, from C-3 Commercial to EZ-1 Enterprise Zone, to allow for a mix of industrial and commercial uses. The project overall received a Certificate of Appropriateness from Historic Landmarks and Preservation Districts Commission staff under case number 15COA1030. The signage was reviewed under case number SI1039908, and a Certificate of Appropriateness for the proposed signage was issued by Historic Landmarks and Preservation Districts Commission staff on November 29, 2017. Please see Attachment 6 for the conditions of approval.

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 will not adversely affect the public health, safety or welfare as the proposed signs will comply with the Land Development Code in all respects except for their size, with the result that the signage is unlikely to distract drivers or pedestrians and adversely affect public safety.

- (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 Whiskey Row is a unique block in Louisville Metro, featuring historic buildings and façades which are under redevelopment into a mix of residential, commercial, hotel, and light industrial uses. The signage has received a Certificate of Appropriateness under case number SI1039908.

- (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 are proposed to be muted colors with minimal lighting, which will not create a hazard to drivers or pedestrians. The largest sign is proposed to be painted onto the façade.

- (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 unique nature of Whiskey Row and of the Old Forester distillery development requires a unique type of signage. Additionally, the amount of the variance is not excessive compared with the amount of signage allowed by the Land Development Code.

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 development on the property is unlike any other nearby development.

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 as smaller signage could achieve similar results.

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 begun construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF TABLE 8.3.2

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the number of signs on the subject site will have no effect on adjacent properties.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Guideline 3: Compatibility policy 28: Signs, states that signs should be compatible with the form district pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts and other areas of special concern.

These guidelines are not violated because the proposed signs are attached to the structure and not freestanding, and the visual quality of the signs has been approved with a Certificate of

Appropriateness. The location and structure of the proposed signs should be conducive to motor vehicle safety.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the signs comprise a complete signage package and removing some of the signs would disrupt the overall design of the proposed signage.

- (d) Either:
 - (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
 - (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or may create an unnecessary hardship on the applicant by requiring the applicant to redesign the signage package to reduce the number of signs.

NOTIFICATION

Date	Purpose of Notice	Recipients
03/02/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
03/02/2018	Hearing before BOZA	Notice posted on property

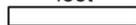
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos
6. Certificate of Appropriateness

1. Zoning Map



117 W Main Street
feet

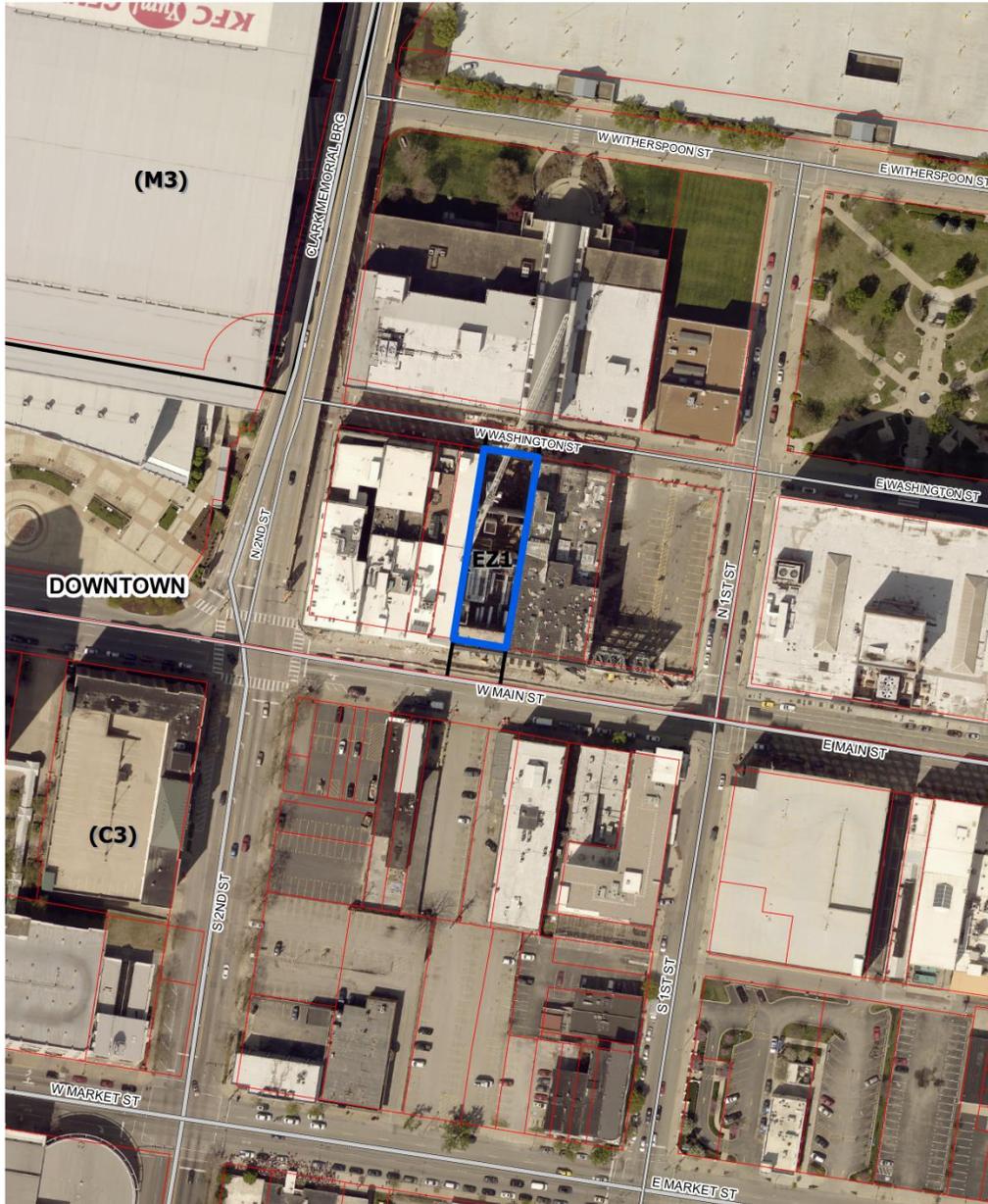


140
Map Created: 3/5/2018

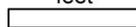


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2. Aerial Photograph



117 W Main Street
feet

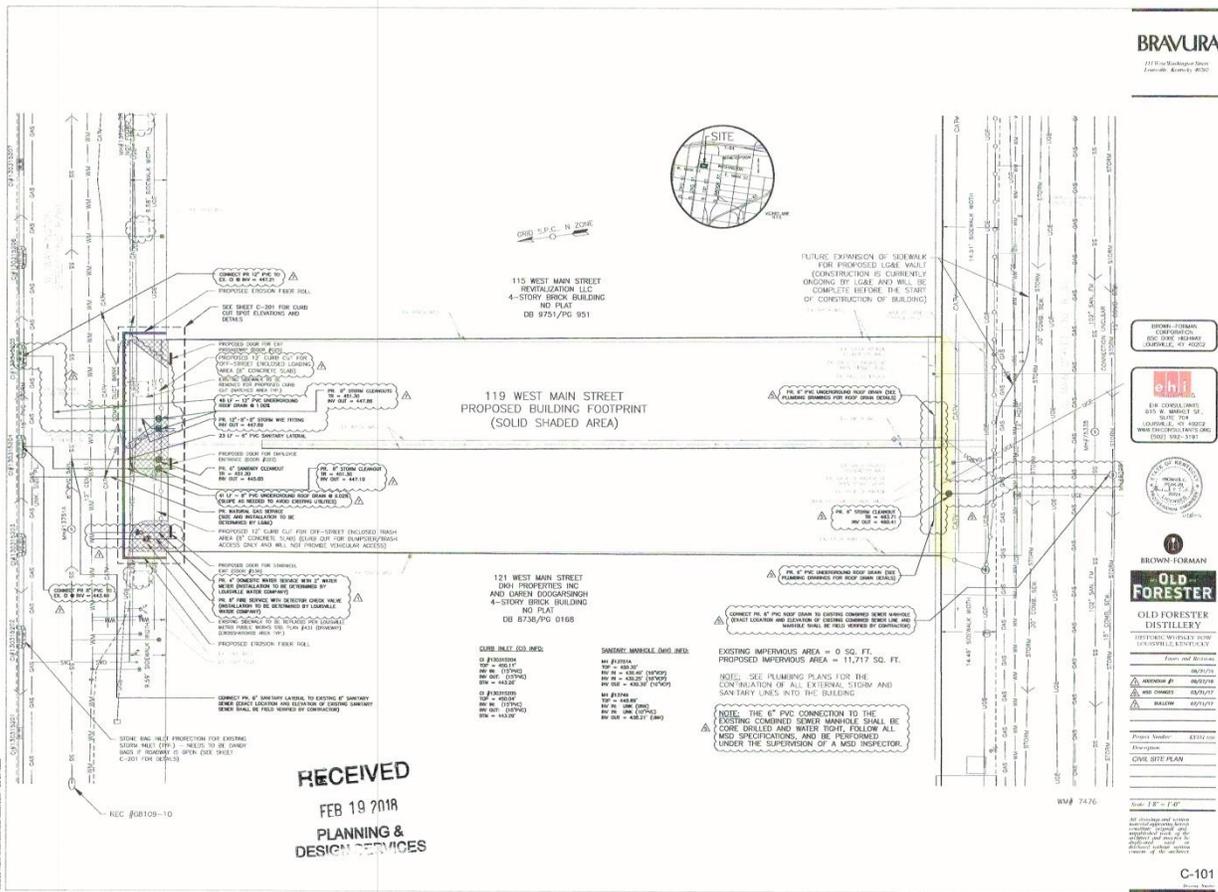


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Map Created: 3/5/2018



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3. **Site Plan**



4. Elevations

FRONT FAÇADE



Distressed paint
1870 type to fit
above the top row
window decorative
arch molding and
the building cornice.
Some clipping is
acceptable.

Distressed paint
Brown-Forman logo
to fit below the top
row window apron and
middle row decorative
arch molding. Some
clipping is acceptable.

Blade sign
(high level)

Fixed window graphics



Render not indicative of final graphics

RECEIVED
FEB 19 2018
PLANNING &
DESIGN SERVICES

Visually match design intent. Size and position to be confirmed by producer via shop drawings and/or on site measurements.

18 VARIANCE 1013

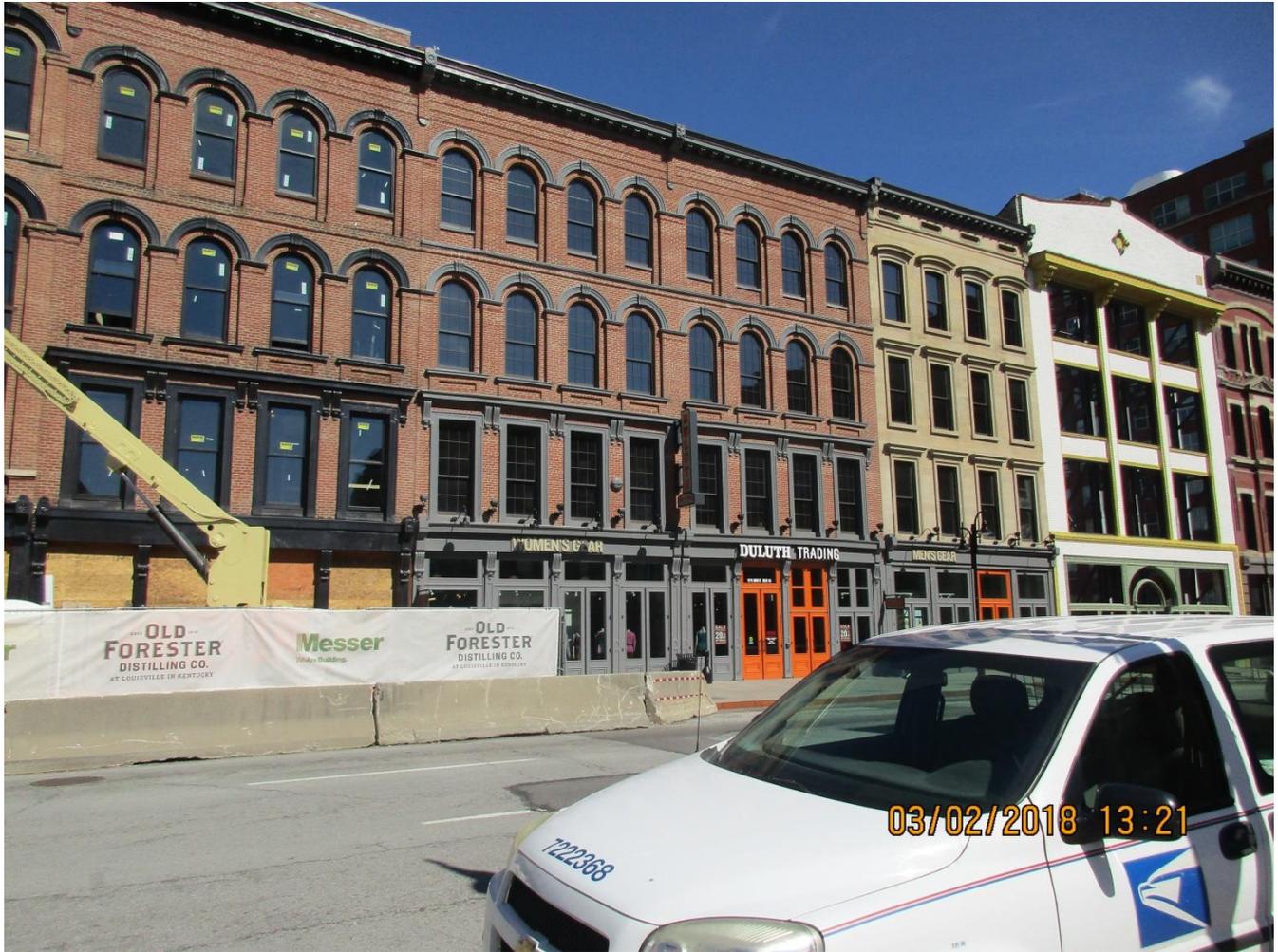
5. Site Photos



The front of the subject property.



The properties to the left of the subject property.



The properties to the right of the subject property.



The property across W Main Street.

6. Certificate of Appropriateness



**Historic Landmarks and Preservation
Districts Commission**

Certificate of Appropriateness

To: Joe Cherrie, Nimlok Kentucky
Thru: Joe Haberman, Planning Manager
From: Savannah Darr, Historic Preservation Specialist
Date: November 29, 2017

BRG

Case No: SI1039908
Classification: Staff Review

GENERAL INFORMATION

Property Address: 117 & 119 W. Main Street

Applicant: Joe Cherrie
Nimlok Kentucky
2505 Technology Drive
Louisville, KY 40299
502-499-7566
beth@nimlok-kentucky.com

FILE

Owner: Brown Forman Corporation
850 Dixie Highway
Louisville, KY 40210

Estimated Project Cost: TBD

Description of proposed exterior alteration:

The applicant requests approval to install three attached signs and six window signs on two four-story commercial facades on Main Street in Whiskey Row. The Main Street signs include

1. A painted wall sign that measures 3'-6" tall by 40'-0" wide and reads "BROWN-FORMAN." The sign will be painted on the building in white between the third and fourth story windows.
2. An attached wall sign that measures 1'-6" tall by 25'-6" wide and reads "ESTD 1870 OLD FORESTER DISTILLING CO. ESTD 1870." The sign will be attached to the building on the storefront cornice line.
3. A 0'-6" thick metal and white acrylic blade sign will be attached to the front elevation between the storefronts of 117 & 119 W. Main Street. The sign measures 7'-0" wide by 5'-5" tall and reads "OLD FORESTER

Case #: SI1039908-IL
Page 1 of 5

DISTILLING CO. AT LOUISVILLE IN KENTUCKY.” The white acrylic area behind the letters will be internally illuminated with an opaque background. A line of blue neon will wrap around both sides of the sign. The sign will be attached with a metal arm and project 7'-0" over the sidewalk with a 15'-0" pedestrian clearance.

4. Six window signs (3'-0" tall by 6'-0" wide) are proposed for the transom windows in the storefront. Four of the signs contain a small Old Forester logo with a seal in a repeating pattern and two of the signs contain a larger Old Forester logo that reads "OLD FORESTER DISTILLING CO."

The applicant requests approval to install three attached signs and one window sign on two four-story commercial facades on Washington Street in Whiskey Row. The Washington Street signs include

1. A painted wall sign that measures 5'-0" tall by 43'-9" wide and reads "OLD FORESTER." The sign will be painted on the building in white between the roof deck and third story windows.
2. Two painted signs that measure 2'-0" tall by 8'-0" wide and read "OLD FORESTER DISTILLING CO. AT LOUISVILLE IN KENTUCKY." One sign will be painted on each garage door.
3. One window sign (3'-0" tall by 6'-0" wide) is proposed for the transom window. The sign contains a small Old Forester logo with a seal in a repeating pattern.

Communications with Applicant, Completion of Application

The application was received on October 19, 2017. The application was classified as requiring Staff Review on October 23, 2017. Staff contacted the applicant on November 7, 2017 for more information on the size of the proposed signage for Land Development Code (LDC) regulations.

FINDINGS

Guidelines

The following design review guidelines, approved for the Individual Landmarks, are applicable to the proposed exterior alteration: **Sign**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is included in this report.

The following additional findings are incorporated in this report:

Site Context/ Background

The buildings are located mid-block on the north side of W. Main Street and are zoned C3. The buildings at 117 & 119 W. Main Street are a part of the Whiskey Row Individual Landmark Designation of 2010. The building at 117 W. Main Street was built circa 1875 in the Renaissance Revival Style. The building is a four-story, four bay, commercial structure with vertical cast piers on the ground floor. The upper floor fenestration is composed of classically detailed metal sills, surrounds, and consoles supporting projecting lintels on the second floor, and on

Case #: SI1039908-IL
Page 2 of 5

the third floor and fourth floors, arches with keystones springing from pilasters set between windows. The building is capped by a metal cornice with modillions.

The building at 119 W. Main Street was built between 1860 and 1865. The building is a four-story, four bay, commercial structure with vertical cast piers on the ground floor. The second floor windows are rectangular and rest on a stone band from which brick pilasters separated by metal panels at the third floor level rise two stories. The third floor windows feature metal arched lintels with keystones springing from the capitals of the pilasters. The fourth floor windows are also arched with identical pilasters and metal arched lintels. The building is topped with a metal bracketed cornice.

In 2015, staff approved a COA for the adaptive reuse of the building as the Old Forester Distillery and Visitor Experience. The windows on the Main Street façade were replaced with new wood windows. The Washington Street façade had been previously demolished, so it was rebuilt utilizing salvaged brick from the demolition with new wood windows patterned off salvaged frames.

Conclusions

The proposed signs generally meet the **Sign** design guidelines. The size and placement are appropriate for this building. Furthermore, the signs themselves are simple and easy to read. However, there are nine total proposed signs for the Main Street facades. Sign Design Guideline SG9 recommends only two signs per storefront but does not require. Thus, staff recommends reducing the number of signs in the transom windows. The elevation drawings also show “1870” painted on the Main Street façade between the fourth story windows and the cornice line. This has been considered art rather than a sign as it is not part of the logo or branding for Old Forester. It is appropriate for the building. Staff recommends that the painted signs not appear “weathered” like on the drawings. This could be interpreted as a ghost sign and create a false historicism. The signs should be of their time.

DECISION

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved with the following conditions:**

- 1. The painted signs should not appear “weathered” like on the drawings. The painted signs should be clean, crisp, and of their time in order to not create a false historicism.**
- 2. If the design or materials change, the applicant shall contact staff for review and approval.**
- 3. The applicant, owner, and/or their representative shall obtain the necessary approvals from other Louisville Metro Government agencies and departments.**

Case #: SI1039908-IL
Page 3 of 5

The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.


 Savannah Darr
 Historic Preservation Specialist

11/29/17
 Date

SIGN

Design Guideline Checklist

- + Meets Guidelines
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions as Noted
- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
SG1	Design signs to complement their surroundings. Signs should be integrated into the architectural design of the building and should not dominate the façade or interfere with adjacent buildings. Installation must comply with all other applicable city sign regulations.	+/-	The signs are appropriately positioned to draw attention to the store but not detract from the architecture. However, the painted signs on the drawings appear "weathered." This could be interpreted as a ghost sign and create a false historicism. The signs should be of their time.
SG2	Keep sign designs simple and easy to read. Use a limited number of lettering styles and colors, which reflect the character or the business and/or the building.	+	The proposed signs are easy to read and have a simple color palate.
SG3	Design storefront-level signs that are primarily oriented to pedestrians and scaled appropriately.	+	The signs are appropriately positioned to draw attention to the store at the first story cornice line.
SG4	Consider the following issues when installing a sign; its size, shape, and materials; where it will be positioned on the building; if and how it will be illuminated; and what typeface will be used.	+	The signs are appropriately positioned to draw attention to the store but not detract from the architecture.
SG5	Place attached wall signs over the unadorned frieze of a cornice or along the top of the storefront below the sill of the second-story windows. For residences, attach signs near doorways or on porches, where such features exist.	+/-	Attached wall sign on Main Street is placed below the first story cornice. There are also painted attached signs on both facades that are near the fourth story to catch further traffic.

Case #: SI1039908-IL
 Page 4 of 5