

# Board of Zoning Adjustment

## Staff Report

October 30, 2017



<b>Case No:</b>	17VARIANCE1061
<b>Project Name:</b>	PNC Bank ATM Sign
<b>Location:</b>	3028 S 4 <sup>th</sup> Street
<b>Owner(s):</b>	PNC Bank
<b>Applicant:</b>	Tracey Diehl – Expedite the Diehl
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Marianne Butler
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

- **Variances** from Land Development Code table 8.3.2 – Traditional Neighborhood to allow the area of attached signs to exceed 20% of the area of the façades on which they are installed.

Location	Requirement	Request	Variance
Attached Sign	20% (7.59 sf)	49.5% (18.78 sf)	29.5% (11.19 sf)
Attached Sign	20% (7.59 sf)	49.5% (18.78 sf)	29.5% (11.19 sf)

### CASE SUMMARY/BACKGROUND

The subject property is located at the north-west corner of the intersection of Central Avenue and S 4<sup>th</sup> Street. The area is characterized by commercial and institutional uses, including Churchill Downs across Central Avenue to the south-west of the subject property. PNC Bank has a branch to the immediate south of the site across Central Avenue. The subject property is a former parking lot where PNC Bank has constructed two drive-up ATMs.

The applicant proposes to install one sign each on the two ATM kiosks, reading “PNC BANK” with the company logo on each elevation. The signs are proposed to be 18.78 sf in area each, or 49.5% of the area of each façade. The applicant requests variances for the two kiosks to allow the attached signs to exceed the allowable maximum of 20% of the area of the façade.

### STAFF FINDING

Staff finds that the requested variances are 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 – Traditional Neighborhood to allow the area of attached signs to exceed 20% of the area of the façades on which they are installed.

## **TECHNICAL REVIEW**

- No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.2**

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

STAFF: The requested variances will not adversely affect the public health, safety or welfare as the kiosks are placed well inside the property lines of the subject site, creating no obstruction of sight lines at the corner.

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

STAFF: The requested variances will not alter the essential character of the general vicinity as the immediate neighborhood is commercial and institutional in character, with the proposed signs being relatively small, requiring variances only because of the small façades of the ATM kiosks.

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

STAFF: The requested variances will not cause a hazard or nuisance to the public as the signs will not obstruct sight lines or create a hazardous condition at the corner.

- (d) The requested variances will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as façades of the kiosks are very small, requiring variances for the relatively small signs being proposed.

## **ADDITIONAL CONSIDERATIONS:**

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

STAFF: The requested variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because property is occupied only by the ATMs and their associated kiosk structures, with no substantial buildings on which the signs could be otherwise placed.

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 signage required to identify the owner of the ATMs could be accomplished with freestanding signage along the Central Avenue frontage.

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 installed the signs on the ATM kiosks.

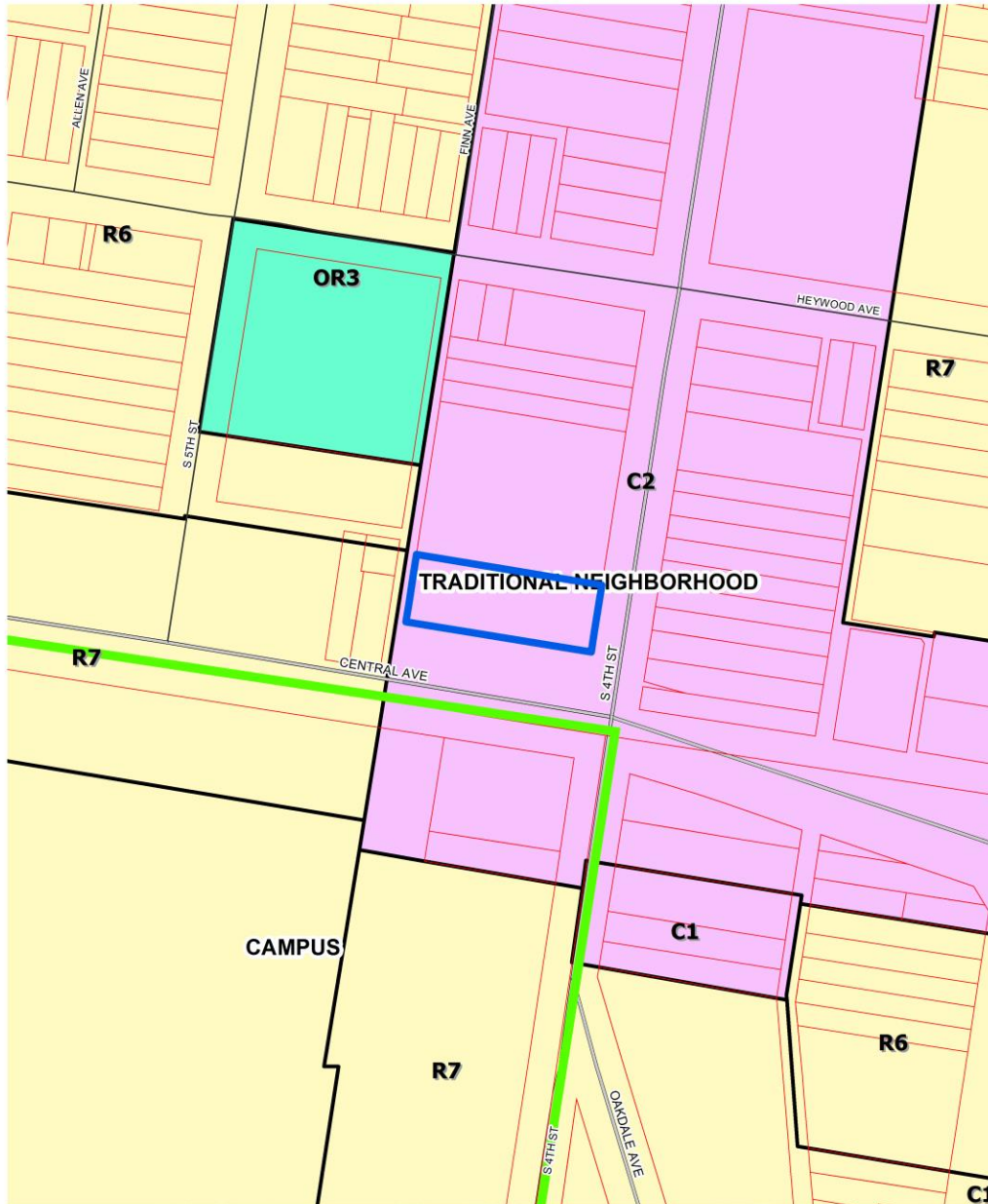
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10/11/2017	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9
10/13/2017	Hearing before BOZA	Notice posted on property

#### **ATTACHMENTS**

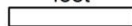
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Photos

1. Zoning Map



3028 S 4th Street

feet



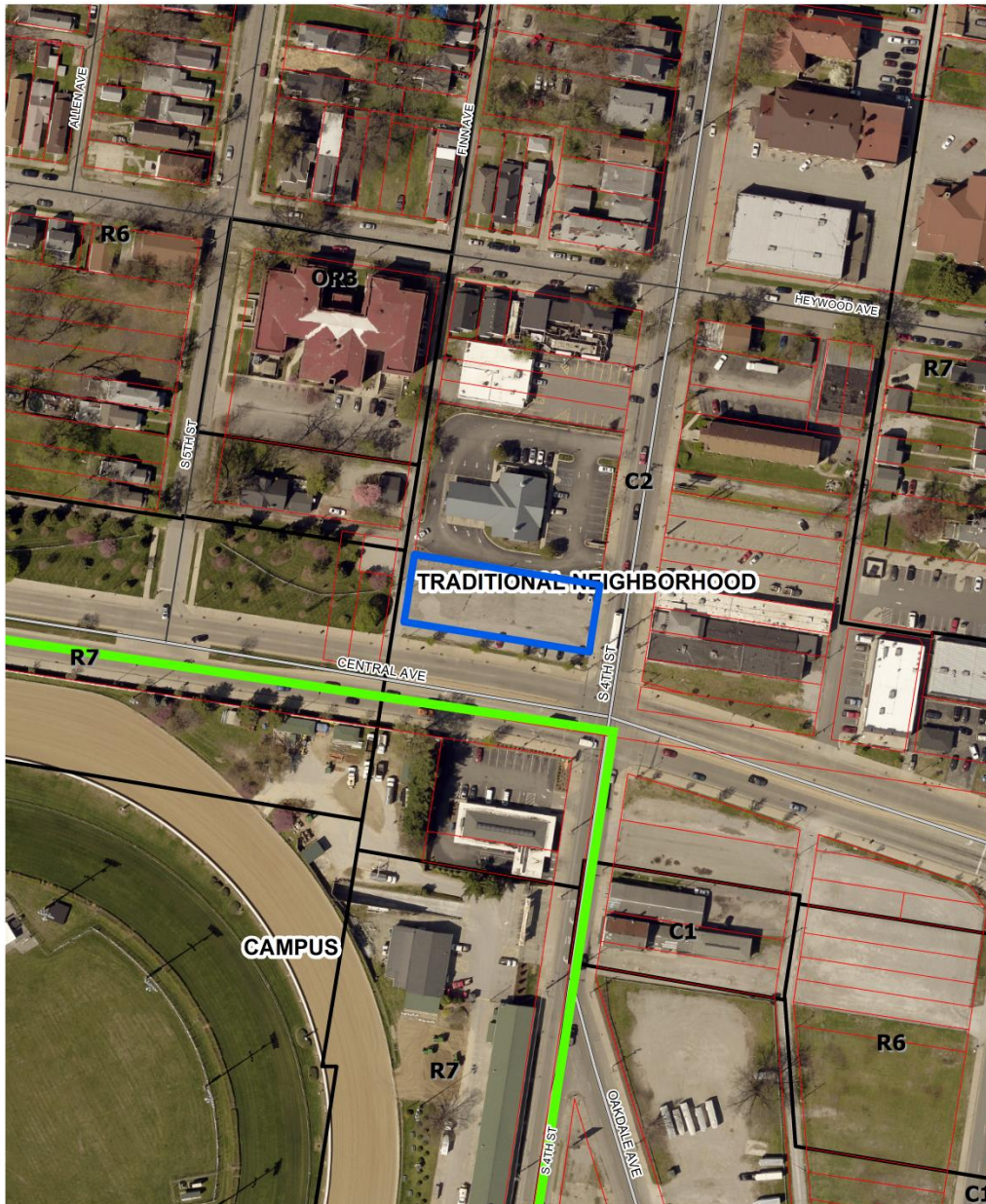
130

Map Created: 10/16/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

## 2. Aerial Photograph



3028 S 4th Street  
feet

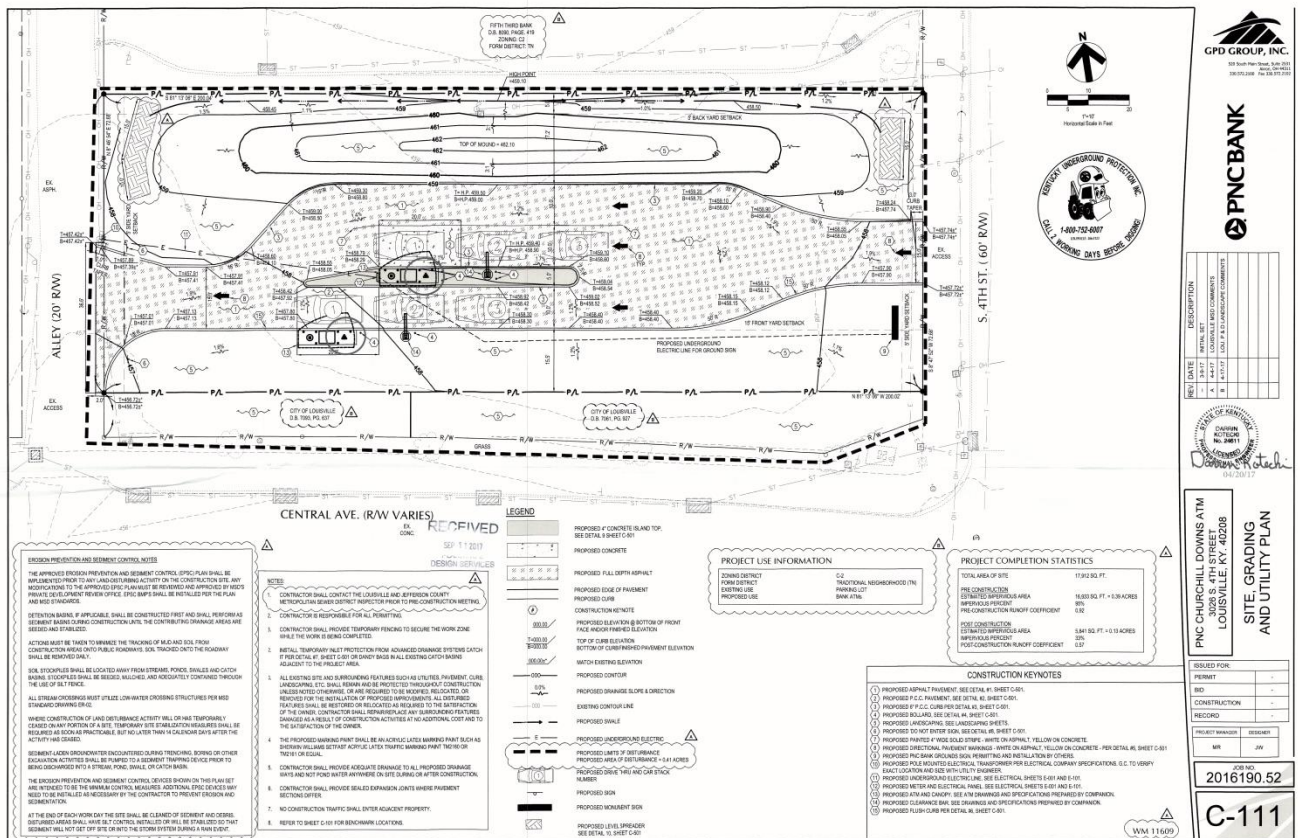
130

Map Created: 10/16/2017

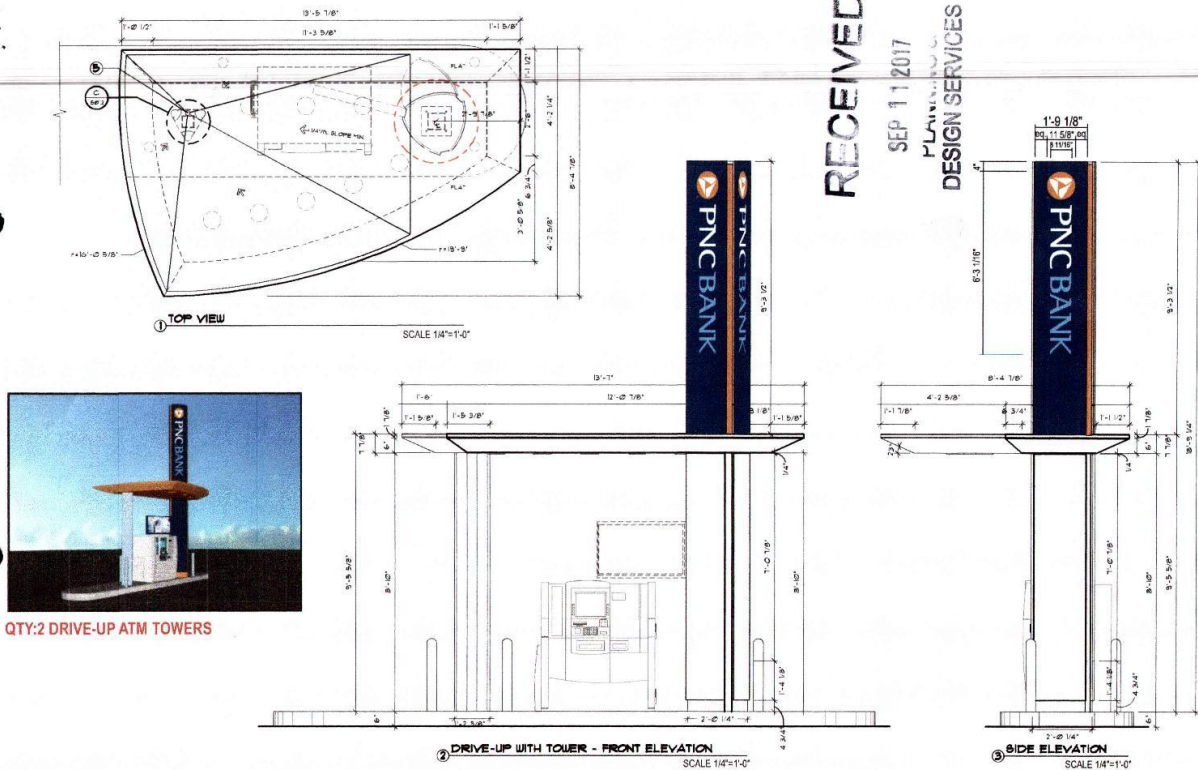


Copyright (c) 2017, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

## Published Date: October 25, 2017



#### 4. Elevation



SIGN RECOMMENDATIONS					Drawing prepared for:				
Location:					Project #:				
Central Avenue and 4th Street					3482				
Louisville, KY 40208					Loc #:				
407					File Path:				
Active\BANKS\PI\PNC Bank\Locations 3514\3514_0407_Louisville_KY_ATM.cdr									

Rev #	Reg#	Date	Req. By	Drawn By	Revision Description	Notes
Rev 1	000000	00/00/00	XXX	XXX		
Rev 2	000000	00/00/00	XXX	XXX		
Rev 3	000000	00/00/00	XXX	XXX		
Rev 4	000000	00/00/00	XXX	XXX		
Rev 5	000000	00/00/00	XXX	XXX		
Rev 6	000000	00/00/00	XXX	XXX		

Rev #	Reg#	Date	Req. By	Drawn By	Revision Description	Notes
Rev 7	000000	00/00/00	XXX	XXX		
Rev 8	000000	00/00/00	XXX	XXX		
Rev 9	000000	00/00/00	XXX	XXX		
Rev 10	000000	00/00/00	XXX	XXX		

17 VARIANCE 1061

5. Site Photos



The two ATM drive-up kiosks as seen from S 4<sup>th</sup> Street.



The kiosks as seen from the intersection of S 4<sup>th</sup> Street and Central Avenue.



The kiosks as seen from the intersection of S 4<sup>th</sup> Street and Central Avenue.