

Board of Zoning Adjustment
Staff Report
January 23, 2023



Case No:	23-VARIANCE-0110
Project Name:	Morris Pointe Sign Variance
Location:	3939 Shelbyville Road
Owner:	Burdorf Properties LLC
Applicant:	Elizabeth Pitchford, Ruggles Sign
Jurisdiction:	City of St. Matthews
Council District:	9 – Andrew Owen
Case Manager:	Heather Pollock, Planner I

REQUEST

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

CASE SUMMARY

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.

The applicant is proposing to install 3 attached back-lit channel letter signs. 2 of these signs, the 34sf. on the east façade and the 21 sf. on the west façade will be mounted greater than 25 ft above the ground. Each will be placed along the top edge of each façade, with the height at the highest point to be 43ft. The third sign on the north façade will be 16.75 ft. from the ground and is not subject to this variance.

Related Cases

22-VARIANCE-0154: Variance to allow signs to exceed the maximum height for attached signs of 25 ft. above the ground.

STAFF FINDINGS

Staff finds that the variance and waiver are adequately justified based on staff’s analysis contained in the standards of review.

TECHNICAL REVIEW

Comments were received from Jack Ruf, City of St. Matthews Sign Officer, and are attached to this agenda item.

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.

Height Requirements for attached signs in the City of St. Matthews Development Code in C2 Zoning

LOCATION	REQUIREMENT	REQUEST	VARIANCE
East Façade (sign A)	25 ft.	43 ft.	18 ft.
West Façade (sign B)	25 ft.	42.25 ft.	17.75 ft.

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

- (a) The variance will not adversely affect the public health, safety and welfare, will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations.

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, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the proposed signs will not have an impact on the safe movement of pedestrians or vehicles. The existing structure on which the signs are to be placed is taller than other commercial buildings in the vicinity and the sign placement compliments its design. The size and design of the signs is consistent with the surrounding commercial uses, additionally, the signs will not be visible to nearby residential uses.

- (b) 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 as the height of the existing structure is taller than other commercial structures in the area.

- (c) 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: Strict application of the regulations would create an unnecessary hardship on the applicant as the proposed sign is in character with the existing development on the site and with the surrounding commercial uses.

- (d) The circumstances are the result of actions taken by the applicant 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 regulations as work has not begun on the proposed signs for which the variance is being requested.

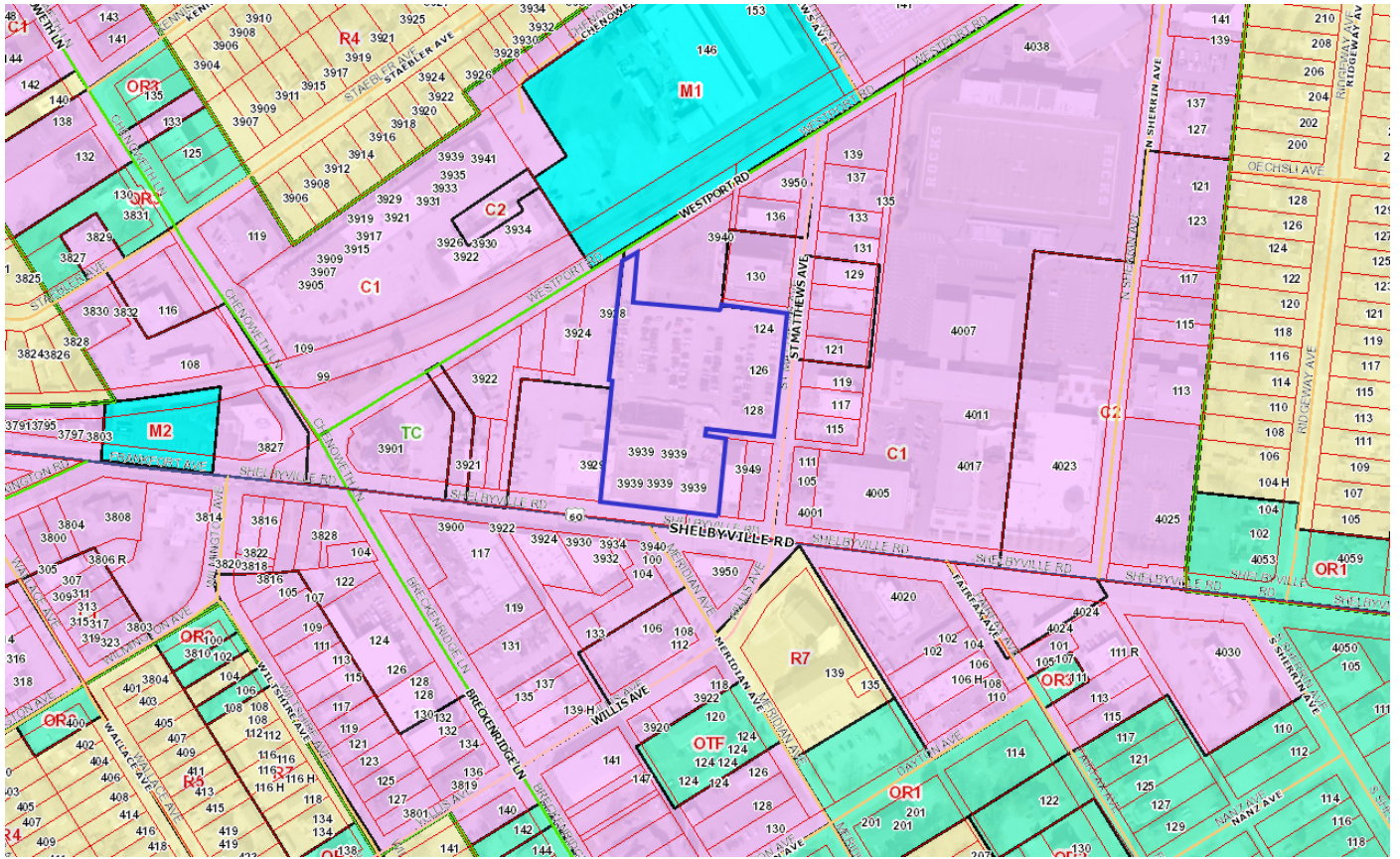
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
08/25/2023	Hearing before BOZA	1st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
08/28/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

