

# Board of Zoning Adjustment

## Staff Report

January 7, 2019



<b>Case No:</b>	18VARIANCE1109
<b>Project Name:</b>	Story Avenue Variance
<b>Location:</b>	1201 Story Avenue
<b>Owner(s):</b>	Andy Blieden, Jakeland LLC
<b>Applicant:</b>	David Scull – Rueff Signs
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Zach Schwager, Planner I

### REQUEST

- **Variance** from Land Development Code table 8.3.2 to allow attached signage to exceed 60 square feet in area per façade

Location	Requirement	Request	Variance
Western Façade	60 sq. ft.	395 sq. ft.	335 sq. ft.

### CASE SUMMARY/BACKGROUND

The subject property is located in the Butchertown neighborhood and preservation district, along Story Avenue between Buchanan Street and Cabel Street. The site is located in the Traditional Neighborhood form district, which allows up to 60 square feet per façade in signage. The applicant requests a variance to exceed this limit. The sign has already been placed on the western façade of Butchertown Market. There are currently four signs on this façade. According to section 8.3.3.A.1 of the Land Development Code, multiple use buildings may have one sign for each business.

Historic Landmarks and Preservation Commission staff approved the sign under case number SI1079479. The Certificate of Appropriateness was issued November 12, 2018. See Attachment #5 for the conditions of approval.

### STAFF FINDING

Staff finds that the requested variance is 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 to allow attached signage to exceed 60 square feet in the Traditional Neighborhood form district.

### 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 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 the Historic Landmarks and Preservation Commission staff has already approved the sign.

- (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 utilize muted colors with no lighting, which will not create a hazard to drivers or pedestrians. Also, Story Avenue is a one-way street heading west; the signage is on the western façade, so drivers will not see this portion of the building.

- (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 property is located in an industrial area. Additionally, the signs comply with Butchertown design guidelines with respect to signage.

## **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 property is in a commercial/industrial zoning district but a Traditional Neighborhood form district.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the Land Development Code allows each business to have signage in multi-tenant buildings, but without the variance would deprive a tenant of such signage.

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 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 after the sign was placed on the façade.

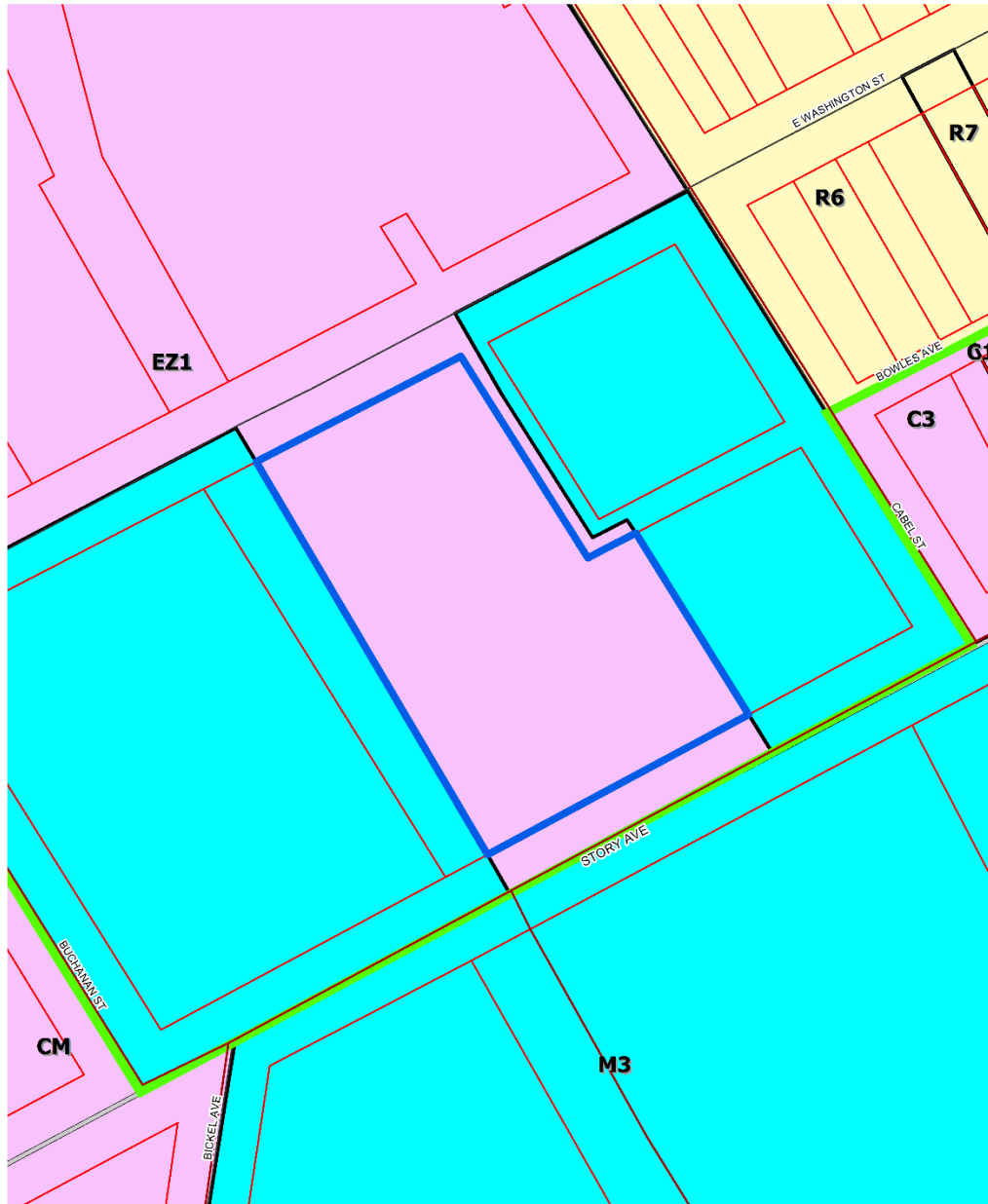
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
12/20/2018	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
12/21/2018	Hearing before BOZA	Notice posted on property

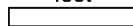
#### **ATTACHMENTS**

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

1. **Zoning Map**



1201 Story Avenue  
feet



90

Map Created: 12/11/2018



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
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LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



1201 Story Avenue  
feet

90

Map Created: 12/11/2018



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3. Elevations













4. **Site Photos**



Western façade and location of existing signage.





Western façade and location of existing signage.





Property to the north.



Property to the west.





Property to the south.





Notice of public hearing.

5. **Certificate of Appropriateness**



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**Historic Landmarks and Preservation Districts  
Commission**

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**Certificate of Appropriateness**

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To: Rueff Sign Company, Inc.  
Thru: Cynthia Elmore, Historic Preservation Officer  
From: Anthony Schneider, Historic Preservation Specialist  
Date: November 12, 2018

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A handwritten signature in blue ink, appearing to be "AS", is located to the right of the "Date:" line.

**Case No:** SI1079479  
**Classification:** Staff Review

**GENERAL INFORMATION**

**Property Address:** 1201 Story Avenue

**Applicant:** Rueff Sign Company, Inc.

**Owner:** Jakeland, LLC  
1201 Story Avenue, Ste. 100  
Louisville, KY 40206

**Estimated Project Cost:** \$TBD

**Description of proposed exterior alteration:**

The applicant is requesting an after-the-fact approval of an unlit, aluminum letter sign reading "Lemonade" in single letters and the lemon logo measuring 14'11" x 2'5". Additionally, below the letters there will be an aluminum panel sign reading "Public Relations" measuring 9" x 7'9".

**Communications with Applicant, Completion of Application**

The application was received on November 2, 2018 and was considered complete and requiring staff review on November 12, 2018. Staff contacted the applicant and informed them of their need for a variance from the Land Development Code for exceeding maximum allowable sign area on a façade.

**FINDINGS**

**Guidelines**

The following design review guidelines, approved for the Butchertown Preservation District, are applicable to the proposed exterior alterations: **Sign**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

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The following additional findings are incorporated in this report:

#### **Site Context/ Background**

The EZ-1 zoned property within a Traditional Neighborhood Form District is located mid-block on the southeast side of Story Avenue between Buchanan Street and Cabel Street. This is a multi-story, masonry, commercial structure that is set to the street and constructed in a late Victorian industrial style. The structure currently has a number of other attached and painted wall signs of a similar scale. The structure is built to the street and is adjacent to an active rail line.

#### **Conclusions**

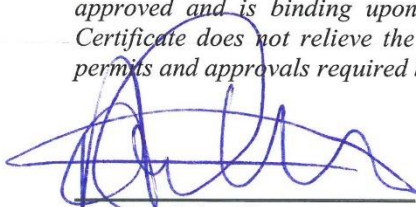
The project generally meets the Butchertown design guidelines for **Sign**. The proposed signage is unlit and constructed of coated aluminum. The sign will be mounted directly to the masonry in the mortar joints as to not damage historic brick. Additionally, the applicant will need to pursue an after-the-fact variance for exceeding the maximum allowable sign area on a façade in a Traditional Neighborhood Form District.

#### **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 proposed sign shall conform to all applicable Land Development Code regulations.**
2. **The sign shall be mounted in a way that does not harm the historic masonry details.**
3. **Applicant shall obtain all necessary Planning & Design approvals.**
4. **Applicant shall obtain all necessary permits.**
5. **If the design changes, the applicant shall contact staff for review and approval.**

*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.*



Anthony Schneider  
Historic Preservation Specialist

11/13/18  
Date

#### **Attached Documents / Information**

1. Staff Guideline Checklists

## **SIGN**

#### **Design Guideline Checklist**

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