

Board of Zoning Adjustment

Staff Report

February 17, 2020



Case No.	19-VARIANCE-0075 19-WAIVER-0104
Project Name	Apartment Building Signage
Location	2400 S. 4th Street
Owner	Aptitude 4th Street LLC
Applicant	Signarama Northeast Louisville
Jurisdiction	Louisville Metro
Council District	6 – David James
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Variance to permit attached signage to exceed maximum area permitted (LDC Table 8.3.1)

Waiver to permit the number of signs to exceed the maximum permitted (LDC Table 8.3.1)

	Permitted	Proposed	Deviation
Variance: Total Area of Signs	48 sq ft	204 sq ft	156 sq ft
Waiver: Number of Signs	1 per street	2 per street	1 sign

CASE SUMMARY/BACKGROUND

The applicant is requesting a variance and a waiver for the number and total area of signs to be mounted on the 20,710 sq ft north façade of the structure. The 10-floor structure consists of two floors of parking below eight floors of residences. It is located at the corner of S.4th Street and Industry Road.

The proposed signs consist of a 40 sq ft cabinet sign to be mounted at the top story of the façade at the street intersection and a 164 sq ft channel letter sign to be mounted along the top of a canopy over the main entrance to the structure. Both signs will be internally lit.

The site located is zoned C-2 and is bordered by Industry Road to the north and S. 4th Street to the east. Properties to the west and south are zoned R-6 within a Traditional Neighborhood form district and are in single-family residential use. Properties to the north and east are zoned EZ-1 within a Traditional Workplace; the adjoining site to the east is in multi-family residential use, while the property to the north is in commercial use.

STAFF FINDING

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 standards for granting a waiver and a variance as established by the Land Development Code.

Staff finds the requested variance and waiver are adequately justified. If the site were a non-residential use, sign area could equal up to 20% of the façade area (4,142 sq ft) and up to three signs would be permitted. Although LDC regulations for residential uses restrict signage to a maximum of 48 sq ft per façade, staff finds that the requested signage is in scale with the façade, both in size and number. In addition, the signs are to be located at the end of the structure furthest from the adjoining single-family residences and across from commercial uses.

TECHNICAL REVIEW

No outstanding technical issues remain.

INTERESTED PARTY COMMENTS

No comments have been received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A VARIANCE to permit attached signs to exceed the maximum permitted size by 156 sq ft (LDC Table 8.3.1):

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

STAFF: The requested variance will not adversely affect public health safety or welfare since the location of the signs will not interfere with pedestrian or vehicular traffic or with nearby land uses.

(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 area immediately adjacent to the signs is zoned and/or developed for commercial and multi-family uses.

(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 sign location will not disrupt pedestrian or vehicular traffic or nearby land uses.

(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 zoning regulations since the zoning and uses adjacent to the sign location is already developed with multi-family and commercial uses.

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 site is located on the border of a non-residential form district already developed with similar and more intense uses.

2. The strict application of the provisions of the regulation would deprive the applicant of 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 reasonable use of the land but would create an unnecessary hardship on the applicant since the existing uses of adjoining properties will not be adversely affected by the proposal.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER to permit the number of signs on a façade to exceed the maximum (LDC Table 8.3.1)

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

STAFF: The waiver will not adversely affect adjacent property owners in that the signs are to be placed at the furthest possible location from existing single-family residential uses and are most directly adjacent to properties in commercial and multi-family uses.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver does not violate guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

- (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 in that the proposed signage is not excessive to the need to identify the structure and the main entrance.

- (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 applicant has not incorporated design measures that compensate for non-compliance with requirements. Strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land but would create an unnecessary hardship as current LDC standards and requirements do not adequately address a residential structure of this size and since the signs will not negatively impact less intense uses nearby.

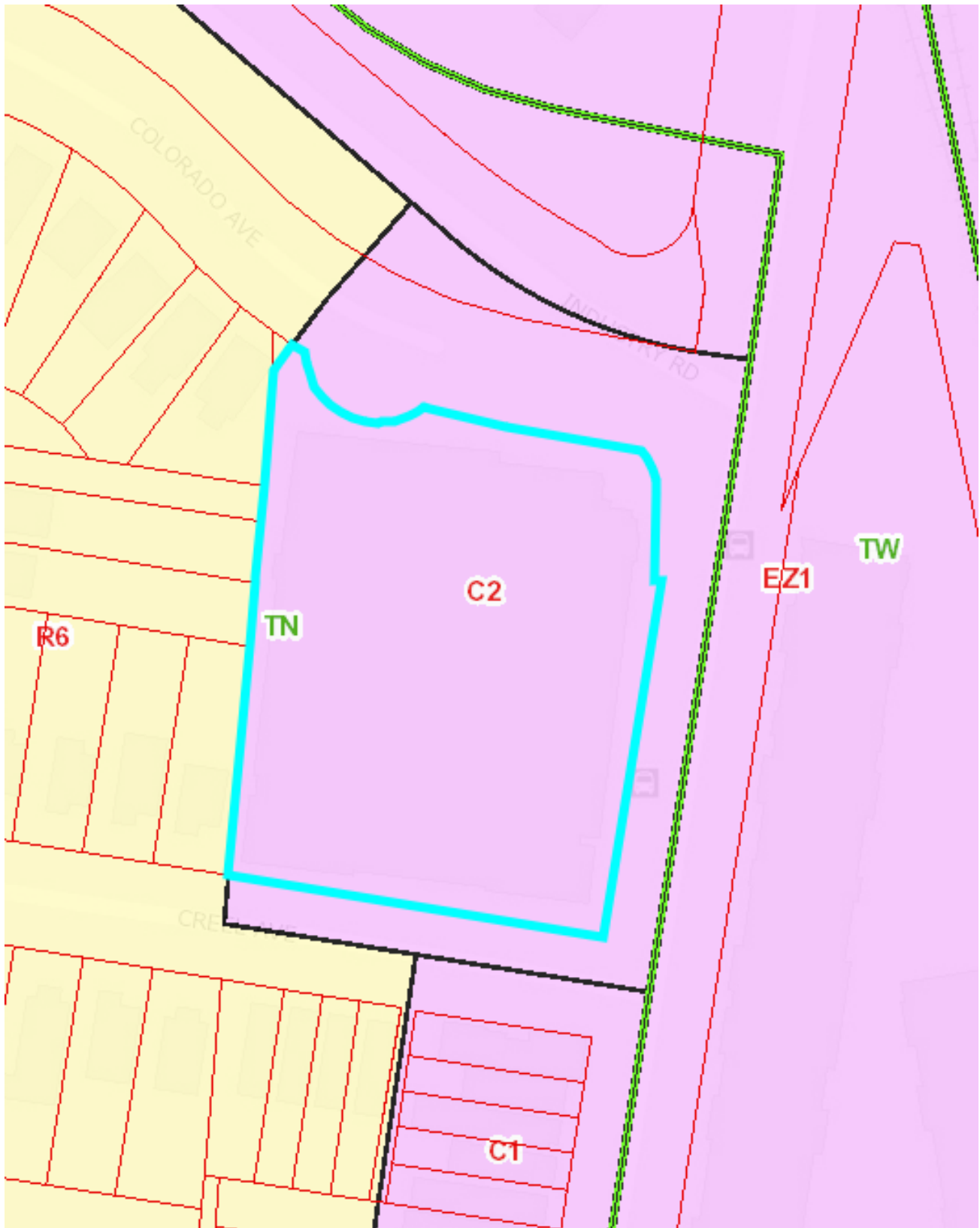
NOTIFICATION

Date	Purpose of Notice	Recipients
1/31/2020	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
		Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial View
3. Site Plan
4. Elevation
5. Attached Channel Letter Sign
6. Attached Cabinet Sign

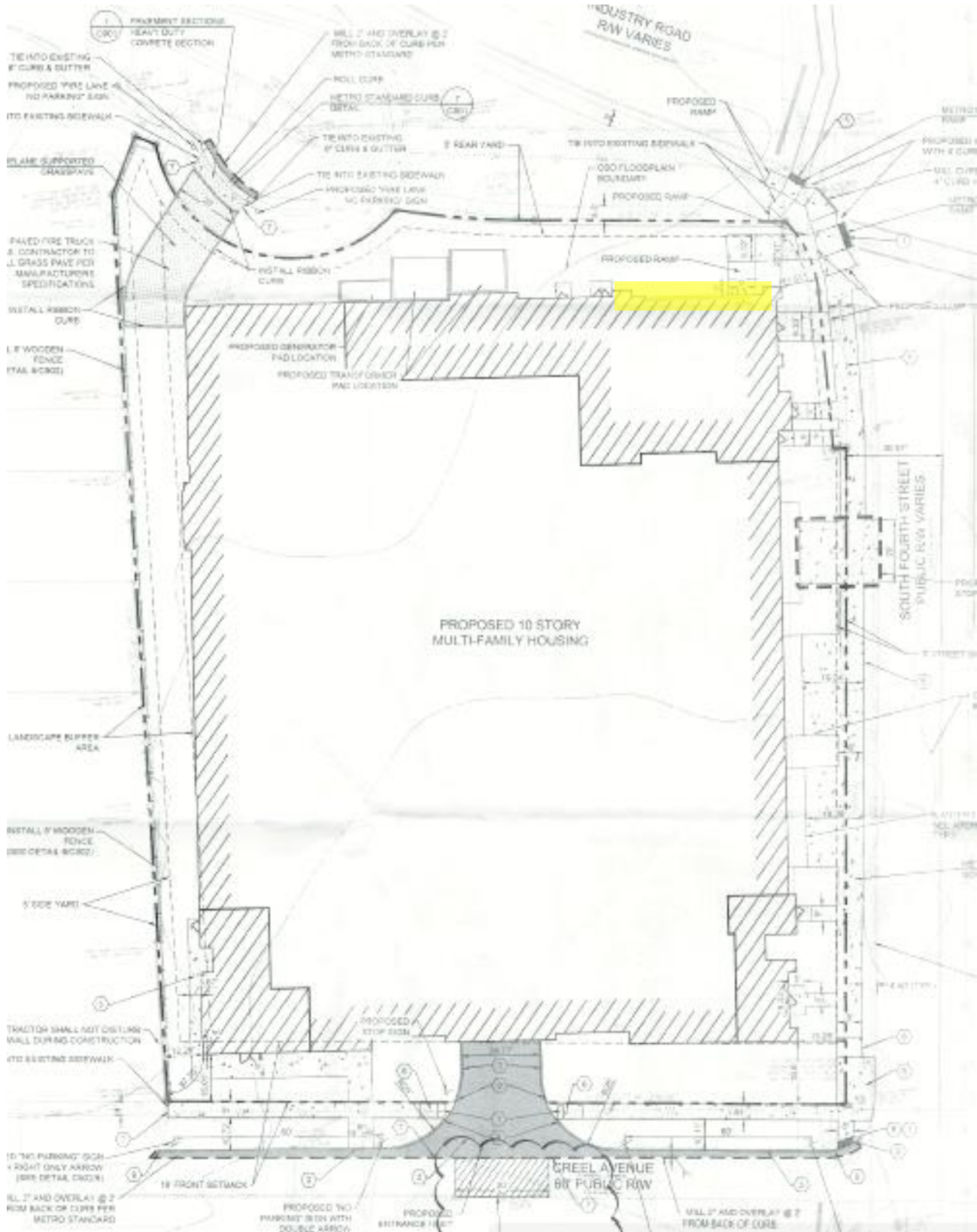
1. **Zoning Map**



2. Aerial View



3. Site Plan



4. Elevation



5. Attached Channel Letter Sign

THE MARSHALL

6. Attached Cabinet Sign

