

Board of Zoning Adjustment

Staff Report

October 4, 2021



Case No:	21-VARIANCE-0127
Project Name:	Sign Variance
Location:	112 S. Sherrin Avenue
Owner:	KCCM LLC
Applicant:	Derby City Sign
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Beth Jones, AICP, Planner II

REQUEST

VARIANCE from City of St. Matthews Development Code Section 5.4.C.2.a. to allow a sign to encroach into the required minimum front yard.

LOCATION	REQUIREMENT	REQUEST	VARIANCE
Front Yard	15 ft	10 ft	5 ft

CASE SUMMARY/BACKGROUND

The subject property is zoned OR-3 Office/Residential in a Town Center Form District. It is on the west side of S. Sherrin Avenue at the intersection with Nanz Avenue in the City of St. Matthews. The site has been developed with a 1-1/2 story single family residence now in use as a professional office. It is adjoined on all sides with similar properties in similar use.

The applicant proposes to install a conforming freestanding sign in the front yard of the site, along S. Sherrin. The sign is to be placed 10ft from the front property line, rather than 15ft as is required. The proposed placement is in line with similar signs on both adjacent properties to the north and south.

STAFF FINDINGS

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 City of St. Matthews Development Code Section 5.4.C.2.a. to allow a sign to encroach into the required minimum front yard.

TECHNICAL REVIEW

No technical review is required.

INTERESTED PARTY COMMENTS

No interested party comments have been received by Staff.

RELATED CASES

There are no related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.6.C.2.b

- (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 sign will not interfere with pedestrian or vehicular traffic or conflict with nearby land uses, which are exclusively commercial.

- (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 it is in character with existing signage on adjoining properties with similar uses and within the same zone and form district.

- (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 proposed sign meets all other requirements for the site and the proposed location is consistent with existing signs on adjoining properties.

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 as the proposed placement will be in line with similar signs on directly adjoining properties.

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 create an unnecessary hardship on the applicant since existing signs for similar uses on adjoining sites are already placed on adjoining properties.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the comparable signs on the adjoining properties are already in existence.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C Requirement to Follow Approved Plan, a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

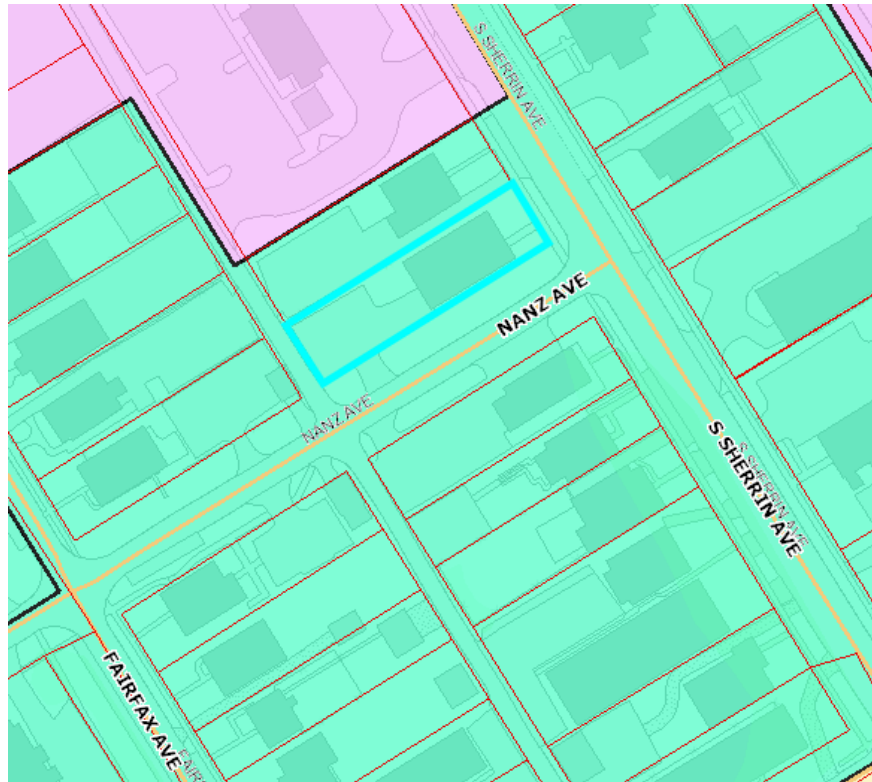
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
9/17/2021	Hearing before BOZA	1st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
9/20/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Sign
4. Site Photos

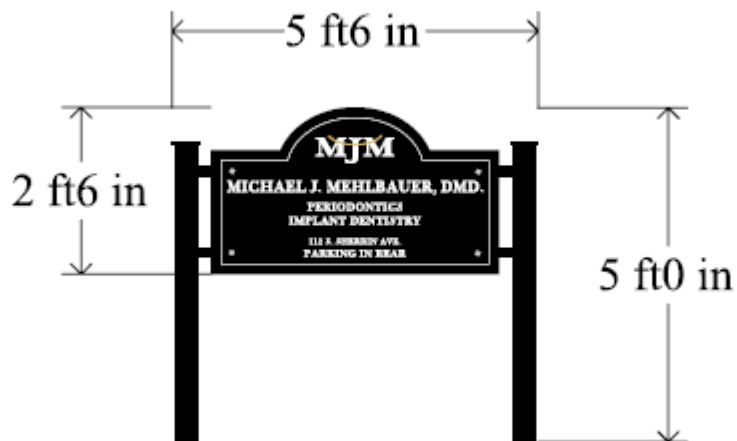
1. Zoning Map



2. Aerial Photograph



3. Proposed Sign



4. Site Photos



SUBJECT SITE



ADJOINING TO NORTH, WITH SIGN



ADJOINING TO SOUTH, WITH SIGN



ACROSS TO EAST