

# Board of Zoning Adjustment

## Staff Report

March 18, 2024



<b>Case No:</b>	24-VARIANCE-0019
<b>Project Name:</b>	Attached Hotel Signs
<b>Location:</b>	710 E. Jefferson Street
<b>Owner(s):</b>	Edge Hotel, LLC
<b>Applicant:</b>	Jennifer Markham, Edge Hotel, LLC
<b>Representative:</b>	Jo Bratcher, Commonwealth Signs
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Heather Pollock, Planner I

### REQUEST(S)

- **Variance** of Land Development Code (LDC), Section 2.8.4.B to allow attached signs to exceed the maximum height permitted in a Planned Development District.

### CASE SUMMARY

The property is in the PD zoning district (Liberty Green), and the Downtown Form District. This property is on the south side of E. Jefferson Street, between S. Clay Street and S Shelby Street. The applicant is proposing to attach 2 signs that will each be 70.3 square feet and a total of 8.33 feet in height. One sign will be attached to the north façade and the other to the east façade. Both signs comply with the dimensional requirements in chapter 8 of the Land Development Code (LDC) for the Downtown Form District. However, this property is in a Planned Development District and section 2.8.4.B states that in the event of a conflict between the provisions of this Chapter 2 Part 8 or the approved PD-Development Plan and the provisions of the LDC, the provisions of this Chapter 2 Part 8 or the approved PD- Development Plan shall prevail. The Edge at Liberty Green Planned District Development requires that attached signs shall be no larger than 3 feet in height by any length therefore, a sign variance is required.

### Related Cases

10175: Area-wide change in zoning from UN Urban Neighborhood to PDD Planned Development District and change in form district from TN Traditional Neighborhood to D Downtown.  
22-CAT3-0020: Category 3 development plan.

### STAFF FINDING

Staff finds that the variance is adequately justified for approval based on staff's analysis contained in the standard of review.

## **TECHNICAL REVIEW**

### **Requirements for attached signs for residential uses.**

<b>Attached Signs in Liberty Green PD</b>	<b>Permitted</b>	<b>Proposed</b>
Total Sign Height	Maximum 3 ft. in height by any length.	8.33 ft./ each

### **Design Guidelines for Signage in the Edge at Liberty Green Planned Development District**

#### Section 5.d. Signage Standards

- i. No permanent freestanding signs shall be permitted.
- ii. Signs attached to the buildings shall be integral to the storefronts, no larger than 3' in height by any length, and may be illuminated.
- iii. Pedestrian signs may be attached perpendicular to the façade extending no more than 4' from the face of the building and shall be no larger than 3' in height. Internally illuminated signage shall have an opaque background. Channel letter signage or front illuminated signage is preferred.
- iv. Storefront awnings may contain business signage and/or logos.
- v. Seasonal and/or temporary banners shall be permitted and shall be no larger than the business identification sign.
- vi. Permanent banners shall not project more than 18" over the property line at the street façade and shall be no more than 10' in height.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIGN VARIANCE**

- (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 sign will not impact the safe movement of pedestrians and vehicles. The proposed sign is attached at 54.5 ft above grade and not at the street level. The size is compatible with the multi-story development on the subject site.

- (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 does arise from special circumstances which do not generally apply to land in the general vicinity or in the same zone while the subject site is of a similar scale to adjacent properties the use is unique for this area. The proposed signs comply with the requirements in chapter 8 of the LDC however, the PD requirements are more restrictive.

- (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 compatible in size compared to development on the site and a majority of the sign meets the height requirement; only a portion of the logo fully extends to the requested sign height.

- (d) The circumstances are not 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 sign for which the variance is being requested.

#### **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance** of Land Development Code (LDC), to allow attached signs to exceed the maximum area permitted.

#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
03/01/2024	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents. Registered Neighborhood Groups in Council District 4
03/01/2024	Hearing before BOZA	Notice posted on property

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

## 1. Zoning Map





