

City Planning Commission Meeting
Tuesday, February 10, 2015

CPC Deadline: none
CC Deadline: 45 days from receipt from CPC
Council District: A – Guidry

PRELIMINARY STAFF REPORT

To: City Planning Commission
Design Review: 158/14

Prepared by: Brooke Perry
Date: 1/29/2015

Applicant: Evan F. Trestman

Request: This request is an appeal of the Lake Area Design Corridor (LADC) Overlay District regulations, **Article 9A, Section 9A.13.6.3(b) - Design Review Standards - Signage** of the *Comprehensive Zoning Ordinance* to permit a non-conforming detached pole sign with excessive area and insufficient setback from the adjacent public right-of-way.

Zoning: LB-1 Lake Area Neighborhood Business District /LADC Lake Area Design Corridor Overlay District.

Location: The petitioned property is located in the Second Municipal District, on Square 228 on Lot B, bounded by Harrison Avenue, Milne Boulevard, Bragg Street, and Colbert Street. The municipal address is 313 Harrison Avenue. (PD 5)

Proposal: The petitioned site is a rectangular-shaped lot with forty-one feet (41') of frontage on Harrison Avenue, a lot depth of one hundred seven feet (107'), and an area of approximately four thousand three hundred eighty-seven square feet (4,387 sq. ft.). The applicant hired a sign contractor to install a sign for his law office. The contractor proceeded to install the sign without obtaining a permit from the Department of Safety and Permits or obtaining approval from the City Planning Commission. The sign is considered a pole sign, which is not permitted in the Lake Area Design Corridor Overlay District. The sign measures forty-eight feet (48') in area, which is greater than the permitted twenty feet, six inches (20' - 6"). In addition, the sign is required to be set back from the public right-of-way a distance equal to the height of the sign. The sign measures nine feet, seven inches (9' - 7") in height, however it is only setback five feet, eight inches (5' - 8") from the public right-of-way. As such, a waiver of the Lake Area Design Corridor Overlay District regulations is required.

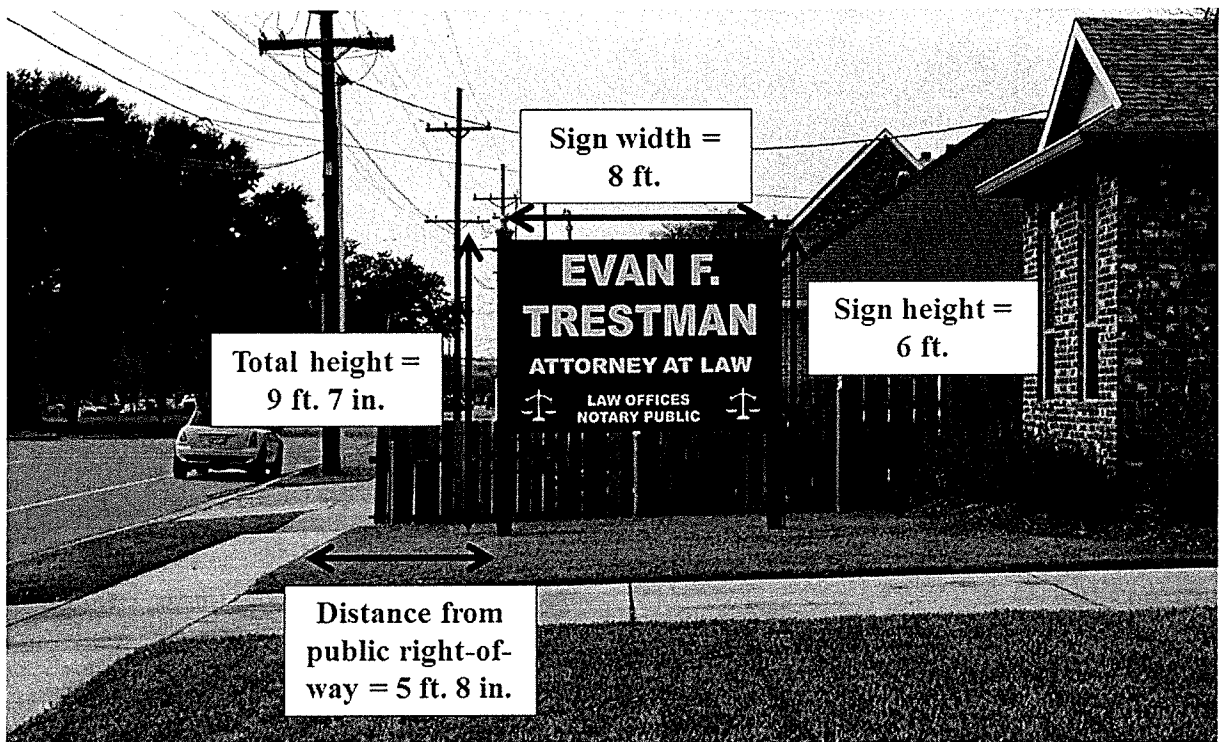
Why is City Planning Commission Action required?

Article 9A, Section 9A.13.8 - Appeal to City Council of the Comprehensive Zoning Ordinance requires that all variances of the Lake Area Design Corridor Overlay District regulations be reviewed for recommendation by the City Planning Commission and forwarded to the City Council for final action. The installed sign type is not permitted in the District, the sign area exceeds the maximum permitted, and the sign has an insufficient setback from the adjacent

public right-of-way. As such, a waiver of the Lake Area Design Corridor Overlay District regulations is required.

I. EVALUATION

The petitioned site was historically developed with a residence but was converted to a law office in 2013. The subject parcel has forty-one feet (41') of frontage on Harrison Avenue, a lot depth of one hundred seven feet (107'), and an area of approximately four thousand three hundred eighty-seven square feet (4,387 sq. ft.). The applicant hired a sign contractor to install a sign for his law office. The contractor proceeded to install the sign without obtaining a permit from the Department of Safety and Permits or obtaining approval from the City Planning Commission. The Department of Safety and Permits received a citizen complaint regarding the sign's excessive size. On August 21, 2013, the applicant was issued a violation for the sign from the Department of Safety and Permits.¹ The applicant attempted to apply for a sign permit but was instructed to apply with the City Planning Commission prior to submitting an application for his sign permit. The applicant applied to the City Planning Commission on December 5, 2014.



The applicant is requesting a variance to permit the existing noncompliant sign to remain. The sign type is not permitted within the LADC District, the sign area exceeds the maximum sign area permitted, and the sign does not meet the minimum required setback from the public right-of-way. According to **Article 9A, Section 9A.13.6.3(b) - Design Review Standards - Signage:**

¹ Violation #13-04869-ZONG.

3. Signage.

b. One (1) detached (monument) sign shall be permitted for businesses/uses located along corridors or sections of corridors with at least four (4) lanes. The sign shall be limited to one-half (½) square foot per linear foot of the lot width to a maximum of seventy (70) square feet in area. Maximum permitted height of the detached sign shall be twelve (12) feet. Any detached sign shall be set back from all adjacent public rights-of-way a distance at least equal to the height of the sign.

As mentioned, the petitioned site is located on Harrison Avenue. This portion of Harrison Avenue has four (4) lanes separated by a neutral ground; therefore the business is permitted to have at least one (1) detached monument sign. A monument sign is defined in the **Article 12, Section 12.1 - Sign Definitions** as: “*any sign, other than a freestanding pole sign, placed upon or supported by the ground independently of any other structure. The sign base of a monument sign must be a minimum of seventy-five percent (75%) of the width of the sign face situated upon the base.*” The existing sign is supported by two (2) poles and not a structure or base, therefore it does not meet the definition of a monument sign. Rather, the existing sign is considered a pole sign which is defined as “*a sign erected and maintained on one (1) or multiple freestanding masts or poles and not attached to any structure.*” The existing sign could be modified to resemble a monument sign.

- The applicant shall submit an updated signage plan to the City Planning Commission staff indicating the redesign of the sign into a monument sign.

The permitted sign area for detached signage in the Lake Area Design Corridor Overlay District is calculated based on lot width. The subject lot has a width of forty-one feet (41’), therefore a sign area of twenty square feet, six inches (20’ - 6”) would be the maximum permitted. The existing sign measures eight feet (8’) in width, six feet (6’) in height, for a total sign area of forty-eight square feet (48’). The existing sign is more than twice the permitted sign area.

The maximum height of detached signs in the Lake Area Design Corridor Overlay District is twelve feet (12’). The existing sign measures nine feet, seven inches (9’ - 7”) from the ground to the top of the sign, which is below the District’s maximum height requirement. The Lake Area Design Corridor Overlay District also requires that detached signs be setback from the public right-of-way a distance equal to the height of the sign. The existing sign is setback five feet, eight inches (5’ - 8”) from the public right-of-way. This distance is less than the height of the sign, so it does not comply with the setback requirement of the District.

The purpose of the Lake Area Design Corridor Overlay District is to provide for a superior environment, compatible development and architectural quality of design. The existing sign is a pole sign, which is not permitted in the District. In addition, the sign greatly exceeds the maximum permitted sign area and is out of scale given the size of the lot. The sign does not provide an adequate setback from the public right-of-way, which further exacerbates its presence on pedestrians or motorists travelling past the petitioned site. The staff believes the existing sign is not proportional to the development and scale of the area, and believes it is not in the spirit of the LADC. The granting of the waiver of these requirements would not be beneficial to the corridor. The staff believes the existing regulations are lenient enough for adequate signage to be installed on site.

II. SUMMARY

Design Review docket 158/14 is an appeal of the Lake Area Design Corridor (LADC) Overlay District regulations, **Article 9A, Section 9A.13.6.3(b) - Design Review Standards - Signage** of the *Comprehensive Zoning Ordinance*. The existing sign, which was installed without permits or approval from the City Planning Commission, is a detached pole sign with excessive area and insufficient setback from the adjacent public right-of-way. The staff believes that the existing sign is out of scale for the site and the surrounding area and is in conflict with the intent of the Lake Area Design Corridor Overlay District. The staff finds that there are no special conditions warranting an appeal of the LADC requirements and that current sign regulations are appropriate for the site and provide for an adequate and appropriate amount of signage. Therefore, the staff recommends denial of Design Review 158/14.

III. PRELIMINARY STAFF RECOMMENDATION²

The staff recommends **DENIAL** of Design Review 158/14.

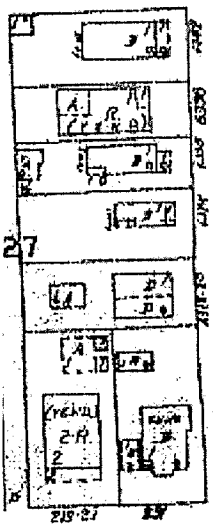
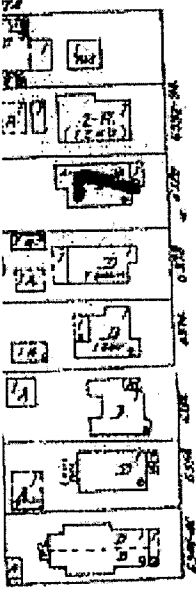
IV. REASONS FOR RECOMMENDATION

1. The intent of the Lake Area Design Corridor Overlay District regulations would be compromised by granting the variance.
2. Granting the request will constitute preferential treatment to this business and could encourage similar requests.
3. The existing sign regulations provide ample opportunity for the site to install signage that is adequately sized to be visible by patrons.

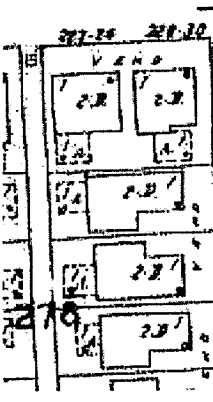
² Subject to modification by the City Planning Commission.

803

85'

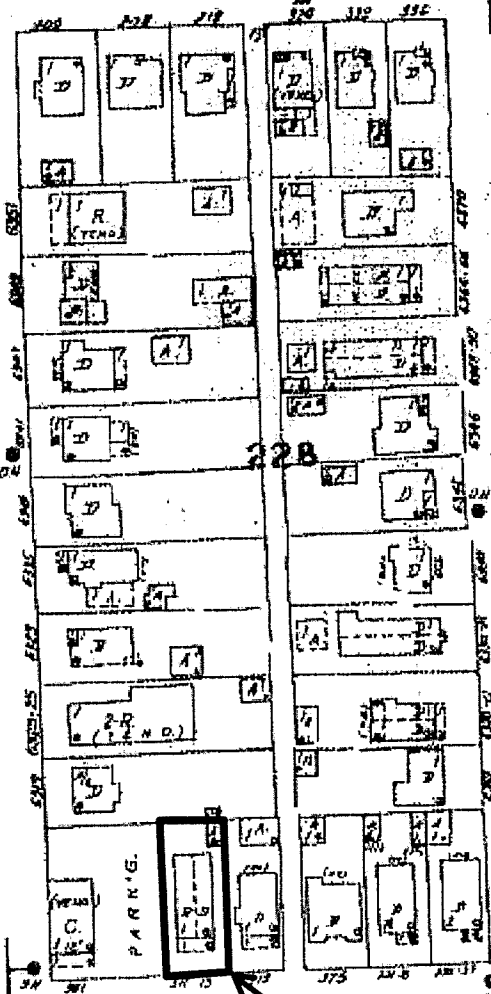


HARRISON

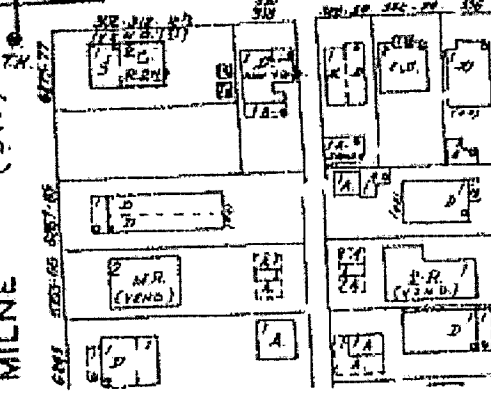


BLVD.

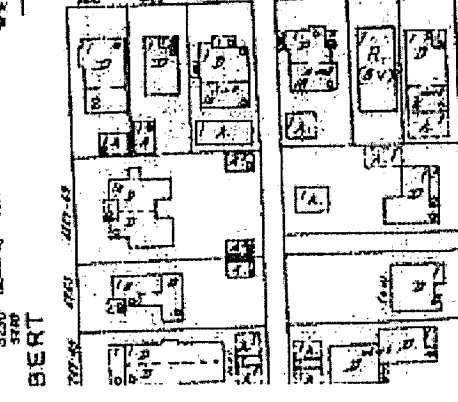
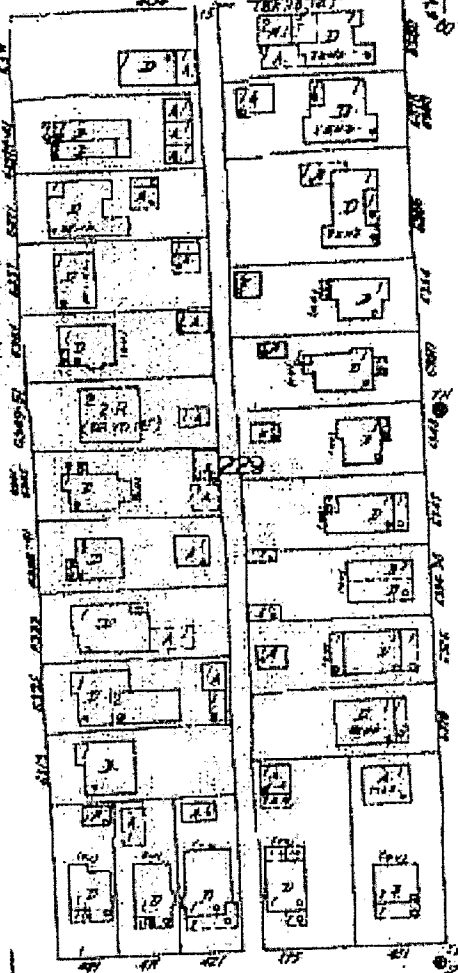
MILNE (ST.)



AY. Subject Property



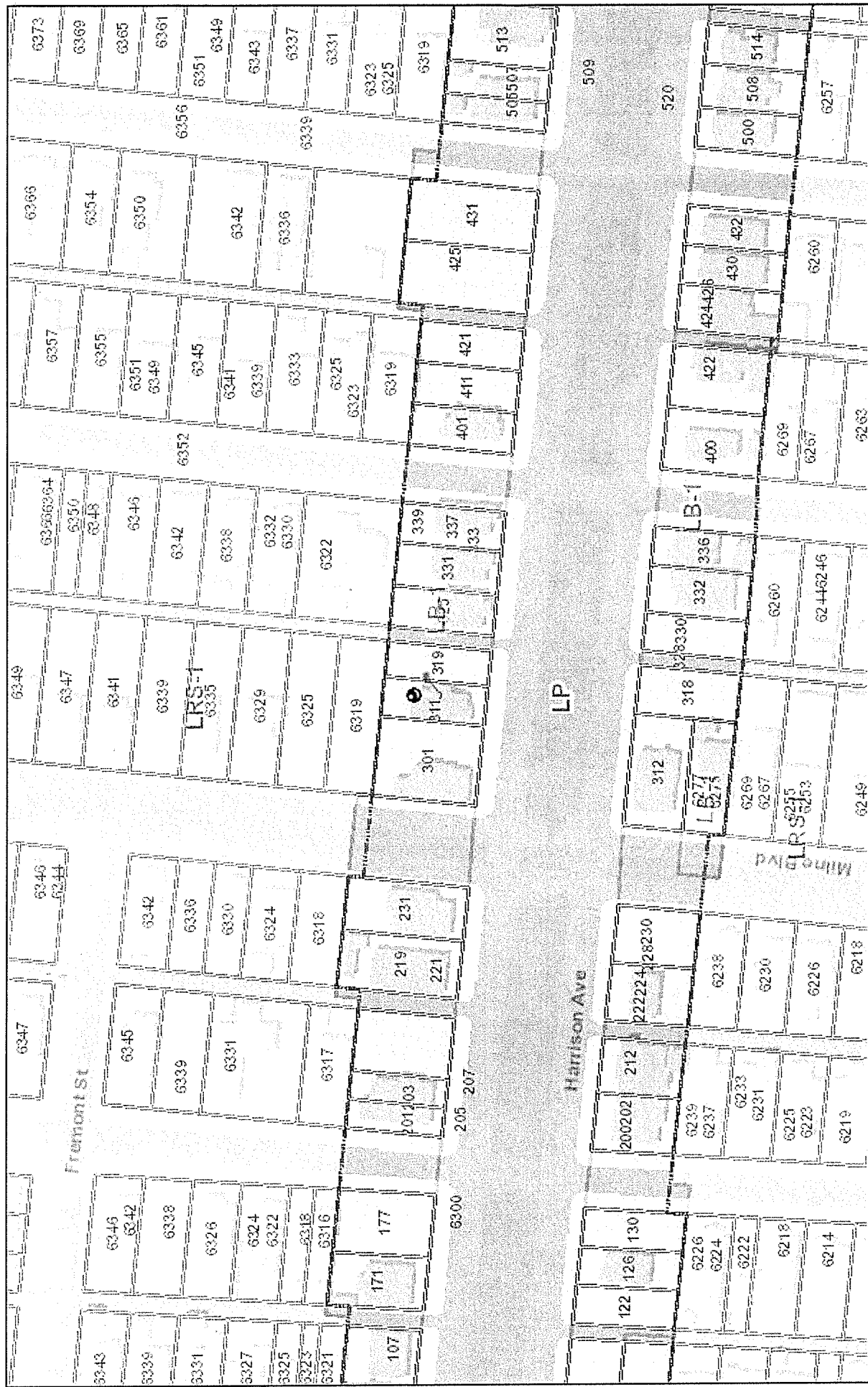
BRAGG



DUISVILLE

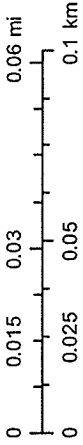
80

City of New Orleans Property Viewer

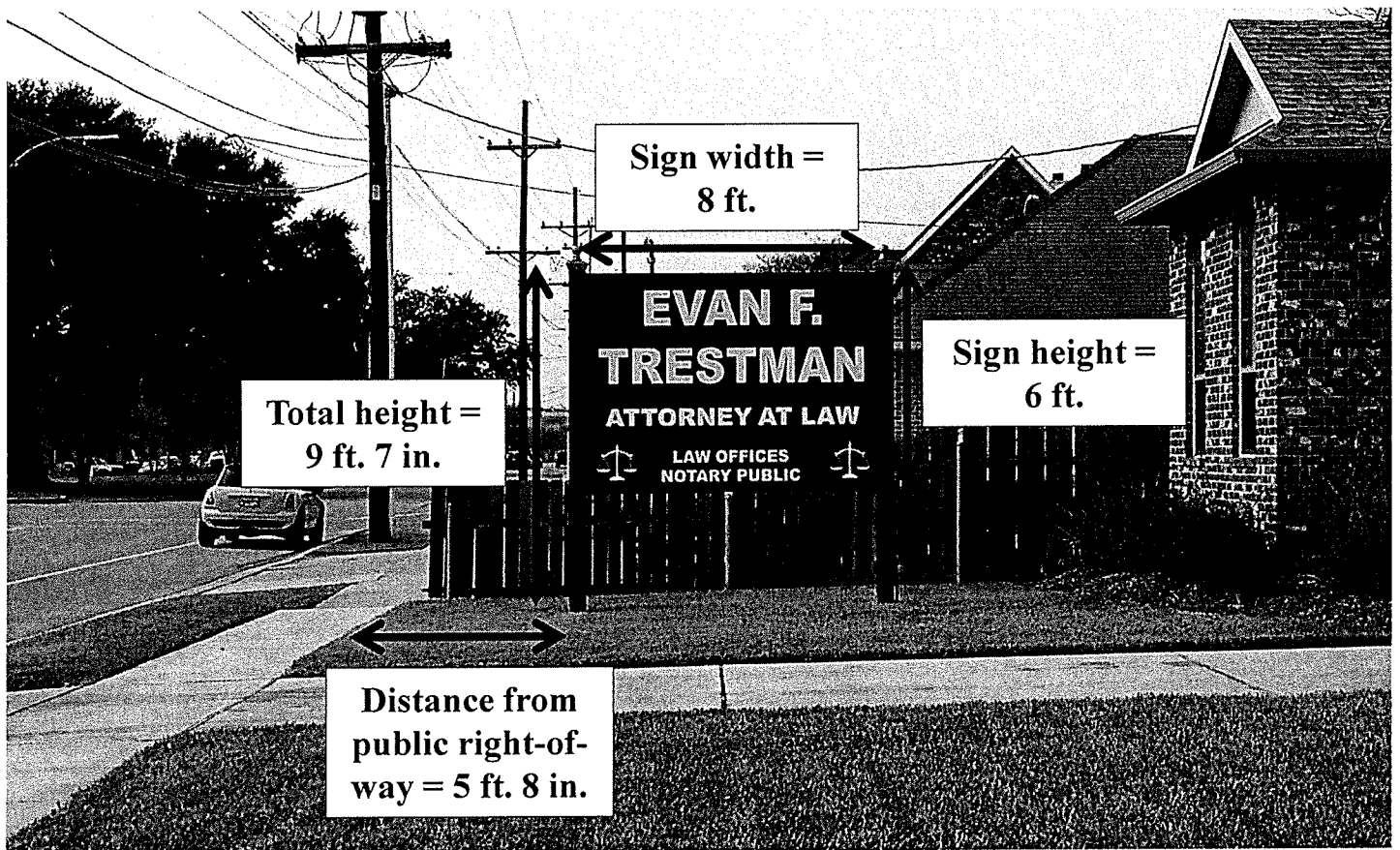


January 13, 2015

1:1,975



Override 1



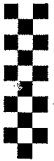
Sign width =
8 ft.

Total height =
9 ft. 7 in.

Sign height =
6 ft.

Distance from
public right-of-
way = 5 ft. 8 in.

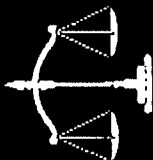
**EVAN F.
TRESTMAN**
ATTORNEY AT LAW
LAW OFFICES
NOTARY PUBLIC



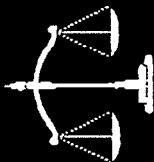
96"

72"

**EVAN F.
TRESTMAN
ATTORNEY AT LAW**



**LAW OFFICES
NOTARY PUBLIC**





THIS SIGN IS RIGHT NEXT DOOR
TO THE TRESTMAN SIGN, AND
IS 18 INCHES FROM THE SIDEWALK.
THIS SIGN IS 7 FEET, 7 1/2 INCHES
HIGH AND 12 FEET WIDE.
THE SIGN IS LARGER THAN THE
TRESTMAN SIGN, AND IS LOCATED
AT 301 HARRISON AVENUE.



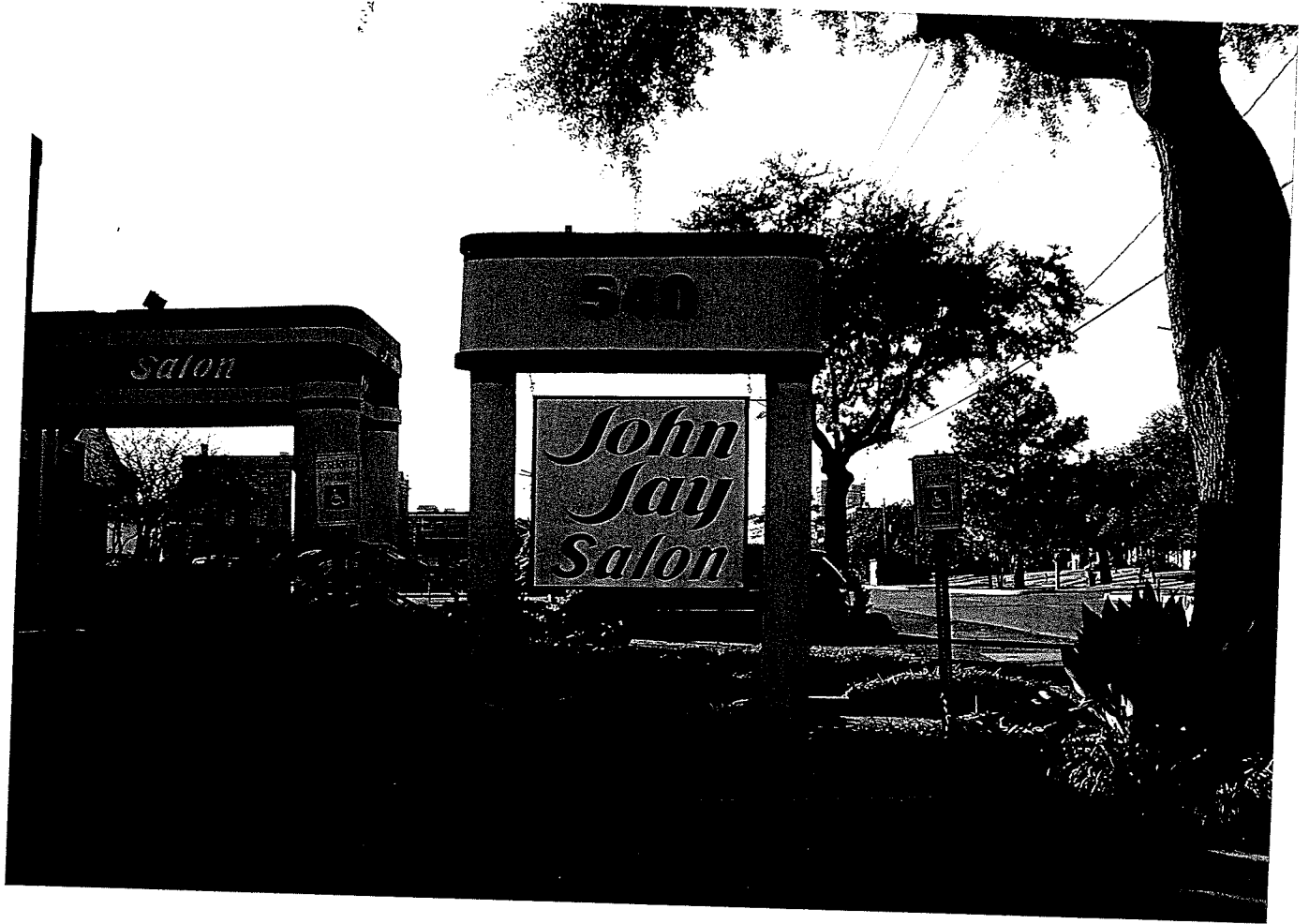
PROXIMITY OF BANK SIGN TO
TRESTMAN SIGN.



TRESTMAN SIGN AT 313 HARRISON AVENUE.
THIS SIGN IS 9 FEET HIGH, 6 FEET WIDE,
AND 5 FEET 8 INCHES FROM THE SIDEWALK.
THE TRESTMAN SIGN IS SMALLER IN SQUARE
FOOTAGE THAN THE BANK SIGN AND IS
FARTHER FROM THE SIDEWALK.
ADDITIONALLY, TRESTMAN'S TOTAL LOT
FOOTAGE AND BUILDING IS ^{ARE} GREATER/LARGER
THAN THAT OF THE BANK'S.



THE GARDNER REALTORS SIGN AT 132 ROBERT E. LEE BOULEVARD IS 9 FEET HIGH AND 9 1/2 FEET WIDE. THE GARDNER SIGN WAS MADE AND INSTALLED BY THE "GRAPHIC CENTRE". GARDNER REALTORS REFERRED THE "GRAPHIC CENTRE" TO EVAN TRESTMAN AND THE COMPANY ALSO MADE AND INSTALLED THE TRESTMAN SIGN. THE GARDNER REALTORS SIGN IS LARGER THAN THE TRESTMAN SIGN.



THE JOHN JAY SALON SIGN AT 540 ROBERT E. LEE
BOULEVARD IS 11 FEET HIGH AND 8 FEET WIDE.
THE JOHN JAY SALON SIGN IS LARGER THAN
THE TRESTMAN SIGN.



THE 2 NETWORK FUNDING SIGNS (1 SIGN IS ON
6270 CANAL BOULEVARD AND THE 2ND SIGN
IS ON HARRISON AVENUE) AT THE CORNER
OF CANAL BOULEVARD AND HARRISON AVENUE
ARE 10 FEET HIGH.



SECOND NETWORK FUNDING SIGN ON/AND
FACING HARRISON AVENUE (10 FEET HIGH).