

Board of Zoning Adjustment

Staff Report

March 27, 2023



Case No: 23-VARIANCE-0035
Project Name: Landis Lakes Outlot
Location: 101 S English Station Rd
Owner(s): Ronald Tritschler
Applicant: Theodore Bernstein
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
Case Manager: John Michael Lawler, Planner I

REQUEST(S)

- Variance from LDC Section 5.1.12 to allow the proposed structure to exceed the 105 foot front yard infill setback by 70 feet for a requested setback of 175 feet.

Location	Requirement	Request	Variance
Front Yard Infill	105 ft	175 ft	70 ft

CASE SUMMARY/BACKGROUND

The applicant is proposing a 4400 square foot development that will feature a drive-thru coffee shop with additional retail space. The current lot is primarily covered with parking, with an access point to S English Station Rd to the West which serves several other lots in the development. The grassy area, centrally located on the site, will be the only part of the site that is changed. All parking and drive aisles already present on the site will remain as-is, with access for the drive-thru coming off the drive lane to the South. Additional parking will be provided behind the proposed structure to the East. The variance that is being requested will allow the proposed structure to exceed the maximum front yard setback, as established by infill regulations. The existing structures to either side of this development are set back 100 to 105 feet from the right-of-way. The applicant is requesting their building be set back 175 feet from the right-of-way, a variance of 70 feet. The site is part of the Landis Lakes Village rezoning that was approved under Docket # 9-20-01. The original approval showed structures on this portion of the site set back 160 feet from the right-of-way. This request is part of a revised detailed district development plan that is currently under review as Docket # 22-DDP-0144, which will be heard before the Development Review Committee during their meeting on March 29, 2023.

STAFF FINDING

Staff finds that the proposal meets the requirements of the Land Development Code. The variance will not: adversely affect the public health, safety, or welfare; alter the essential character of the general vicinity; or cause a hazard or nuisance to the public. The variance is the result of previous development and is locating in the open space that is left on the lot without removing previous site improvements that serve the entire development.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 since the building will be incorporated into an existing development. The lot was left vacant with parking facilities already in-place for the future development of the site.

- (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 proposal is part of an existing suburban retail development. The lot was shown on the original approval with structures setback 60 feet more than the surrounding buildings. There are also varying setbacks among structures along S English Station Rd and Shelbyville Rd to the North.

- (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 building will be directly integrated into an existing retail development on an existing open lot without removing existing site improvements. Structures were planned from the beginning to be varied in their setbacks.

- (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 site is being developed as intended and previously approved by the Planning Commission. The vacant land that is being built on was previously approved for development that would have structures that did not conform with the infill regulations once the structures to either side were built.

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 because the site is part of a prior development approval where the approved structures and facilities dictated the placement of the buildings now.

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 applicant is developing the land as it was originally approved by the Planning Commission. Existing site improvements dictate the placement of the structure on the site.

Disruption of these constraints would cause a hardship on the applicant and surrounding uses due to the interconnected nature of the development. It would also necessitate a costly and wasteful reconfiguration of parking facilities and access point to S English Station Rd.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought. The lot is still vacant.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

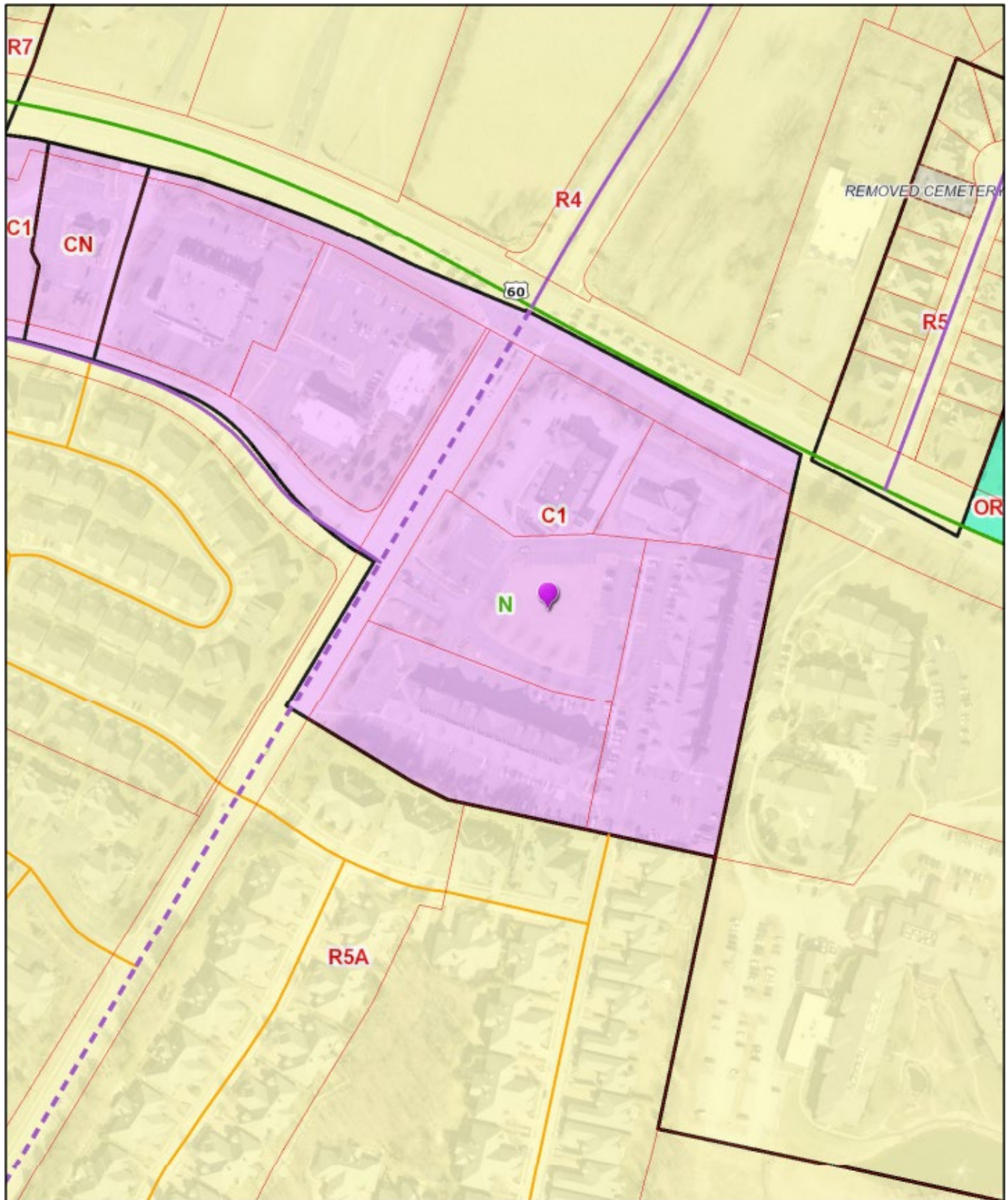
NOTIFICATION

Date	Purpose of Notice	Recipients
3/10/2023	Hearing before BOZA	1 st tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

