

Development Review Committee

Staff Report

January 18, 2023



Case No:	22-WAIVER-0238
Project Name:	Accessory Structure
Location:	9401 Blue Lick Rd
Owner(s):	Doug Engle
Applicant:	Doug Engle
Jurisdiction:	Louisville
Council District:	24 – Madonna Flood
Case Manager:	John Michael Lawler, Planner I

REQUEST(S)

- Waiver from LDC Section 5.4.2.C.1 to allow the footprint of a proposed accessory structure to exceed the footprint of the primary structure.

CASE SUMMARY/BACKGROUND

The applicant is proposing the construction of a 6,600 sq. ft accessory structure on 2.47 acres to use as secure storage for their farm equipment and personal vehicles. Access to the site is provided by a private driveway from Blue Lick Rd. There also appears to be access from the abutting parcel to the north, from Blue Lick Rd, which the owner of the subject site also owns. The site is framed by Gene Snyder Freeway (I-265) to the south. A quarry is present to the east and northeast of the subject site. The parcel to the north is a business (J&R Distributors, Inc.) that is owned and operated by the applicant. A multi-family building is located directly across Blue Lick Rd to the west. The site is heavily screened on all sides by large trees. The waiver would allow the footprint of the proposed accessory structure to exceed the footprint of the primary structure on the subject site – a house that has a footprint of approximately 1,046 sq. ft.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. The site is heavily screened from other residential uses, and the lot size allows for increased setbacks to still be observed.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Councilwoman Madonna Flood raised concerns about the stated use of the proposed structure and the access point that is present on the northwest part of the property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed structure will be heavily screened from all sides. It will also exceed the minimum additional setbacks laid out in the code for accessory structures with footprints that are less than 1.5x larger than the footprint of the principal structure.

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

STAFF: Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The proposed structure is in compliance with Plan 2040 because of the existing buffering from the trees and the enhanced setbacks that will be observed.

- 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 because the building is the minimum size for storing the equipment needed to maintain the subject property and the owner’s farm that is nearby.

- 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 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 due to their need to secure their farm equipment and vehicles. The subject site is large enough to accommodate the building, and buffering on all sides ensures that adjoining property owners will not be affected by the proposed structure.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**

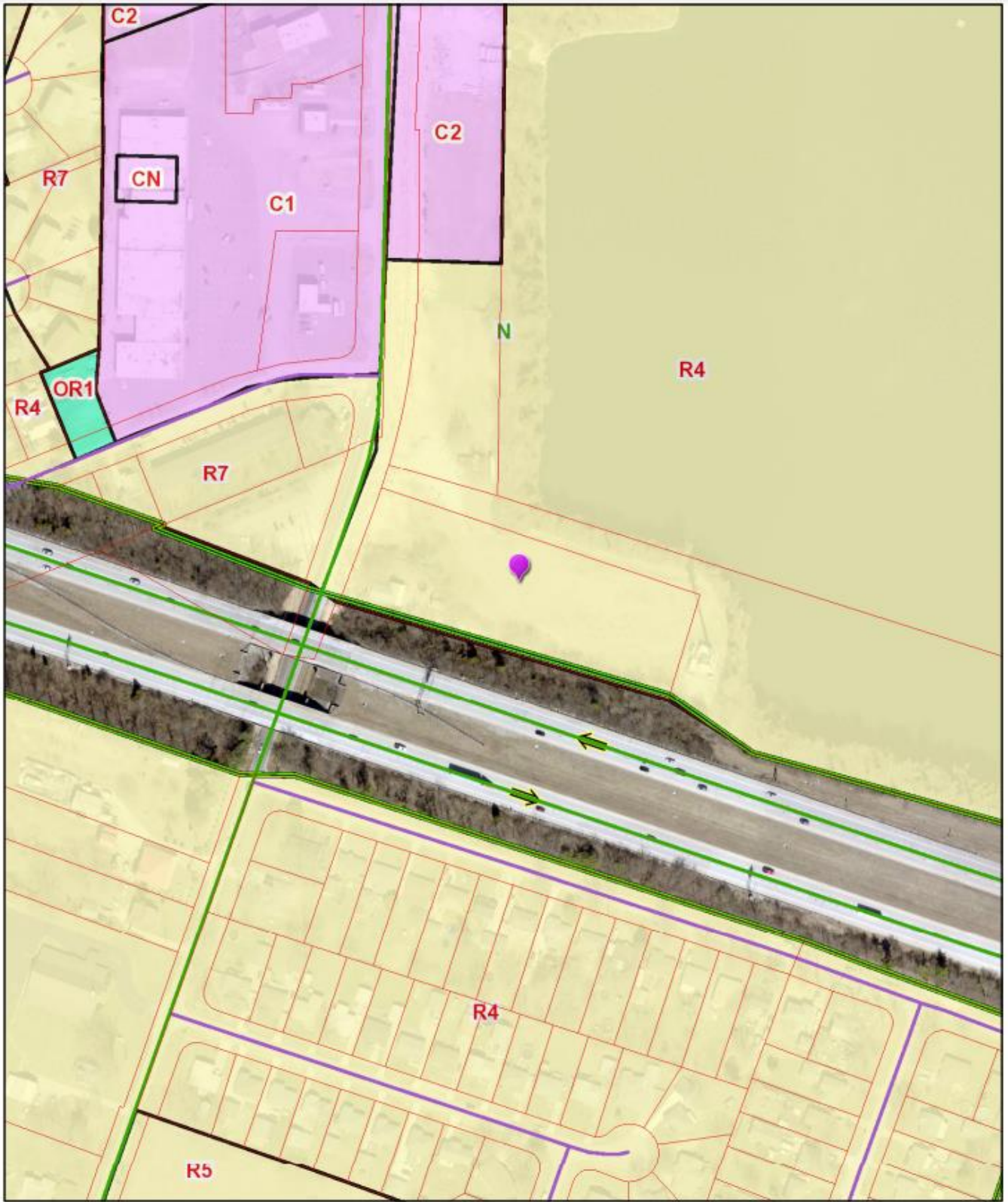
NOTIFICATION

Date	Purpose of Notice	Recipients
1/5/2023	Hearing before DRC on January 18, 2023	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 24

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

