

Board of Zoning Adjustment

Staff Report

December 19, 2022



Case No:	22-VARIANCE-0141 & 22-VARIANCE-0162
Project Name:	Zoom Group
Location:	4545 Taylorsville Road
Owner(s):	Zoom Group Inc
Applicant:	Zoom Group Inc
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

- Variance from Chapter 5.3.5.C.3.a (22-VARIANCE-0141) to reduce the street-side setback from 25' to 3.3' at its closest point to allow a building addition.
- Variance from Chapter 5.5.2.C.2.a (22-VARIANCE-0162) to allow parking in the front and street-side setback as shown on the plan.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 345 square foot addition to the existing building and add 6 parking spaces on 0.31 acres in the C-1 zoning district and Campus Form District. The site is proposed to be used as an adult daycare, and the addition is necessary to construct an elevator to make the second floor more accessible. A change in zoning from R-4 to C-1 was approved in 1989 under case number 9-120-89 with variances and waivers for an existing antique shop.

STAFF FINDING

Staff finds that the variances are adequately justified and meet the standards of review.

TECHNICAL REVIEW

The Revised Detailed District Development Plan (22-DDP-0117) will be heard at the January 4, 2023 Development Review Committee Meeting.

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments for this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from section 5.3.1.C.1.a of the Land Development Code to allow an addition to encroach into the required street-side yard setback.

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition is located on the side of the existing building adjacent to a public school; there will be approximately 3.3 feet between the new addition and the property line. Additionally, Power House Lane aka Blowing Tree Lane is a dead end, unimproved right of way.

- (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 because the addition façade materials will match the materials used on the existing building.

- (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 because the proposed addition is located on the side of the existing building, adjacent to a public school, and is between the existing building and Power House Lane aka Blowing Tree Lane, an unimproved right of way.

- (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 because the existing building on the site is already encroaching into the street-side yard setback for an unimproved right of way and is proposed to be located on the side of the building.

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 does not arise from any special circumstances. The applicant is expanding into the required street side yard setback for an unimproved right of way with the proposed addition.

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 because the proposed addition would not be able to be built and the addition is necessary to increase accessibility for the individuals the applicant serves.

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. The applicant is not responsible for the location of the existing building, but they would like to expand into the street side yard with an addition.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from section 5.5.2.C.2 of the Land Development Code to allow parking in the required front setback.

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because no new VUA is proposed. The same parking lot that has been used for the antique store will be used for this proposal.

- (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 because no new VUA is being proposed only the layout of parking spaces.

- (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 because landscaping will be provided in front of the parking located in the setback.

- (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 because the VUA is not increasing, and only the parking layout is changing.

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 does not arise from special circumstances. The applicant provides services to disabled individuals, so parking closer to the building is reserved for ADA spaces and drop off and loading of clients. In order for there to be sufficient parking for employees some parking will need to be located in the setback. The variance is necessary due to the size and shape of the lot.

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 because this would limit parking on the site.

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. The applicant is not

responsible for the location of the existing parking lot, but they would like to change the layout of some parking spaces on the site.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variances**

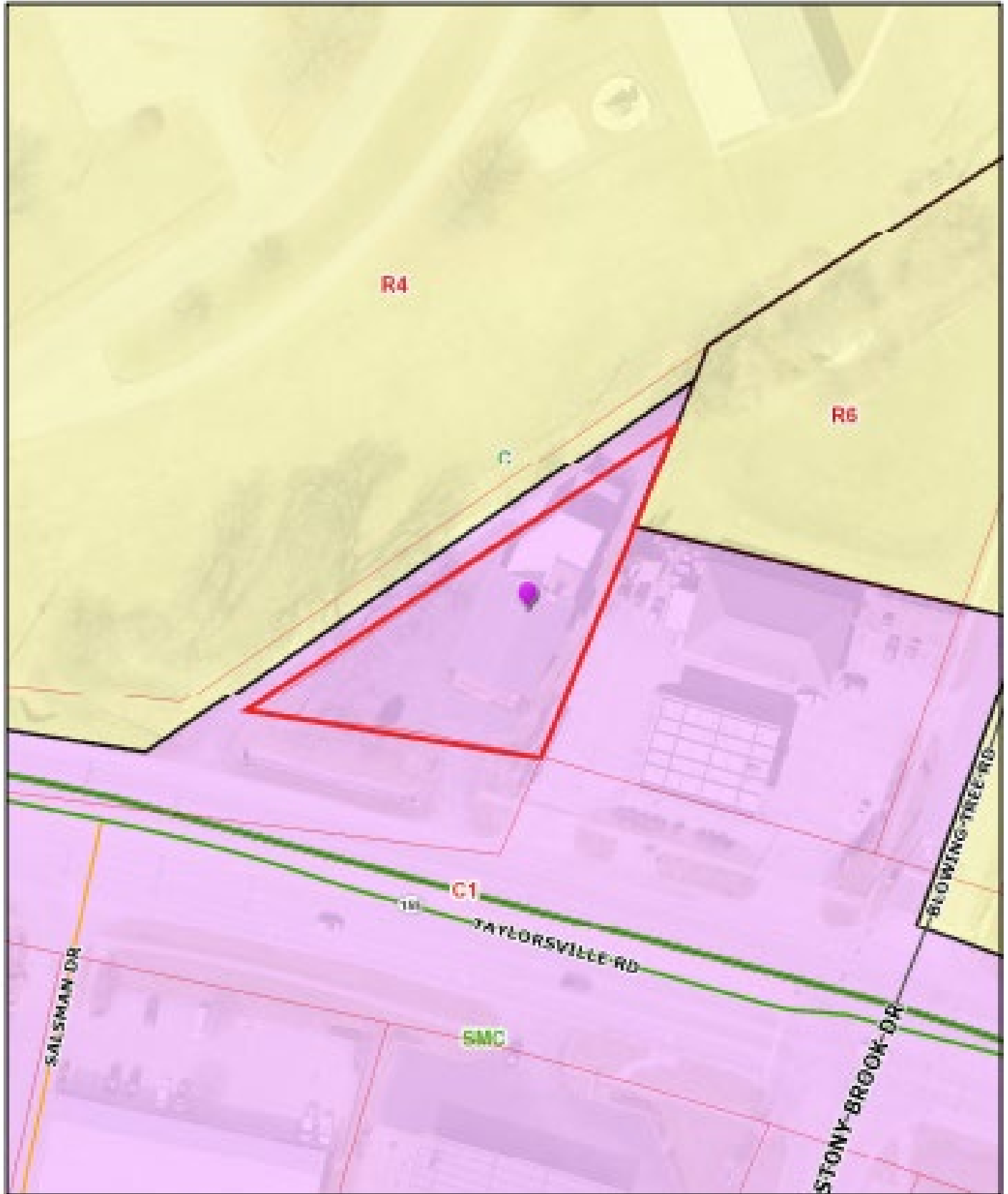
NOTIFICATION

Date	Purpose of Notice	Recipients
12/5/2022	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 11
12/6/2022	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

