

**Louisville Metro Board of Zoning Adjustment
Staff Report**
August 17, 2015



Case No:	15VARIANCE1049
Request:	Maximum Front Setback Variance
Project Name:	Outlot 5B – Tyler Retail Center
Location:	12607 Taylorsville Road
Owner:	NEDCO LLC
Applicant:	NEDCO LLC
Representative:	Heritage Engineering LLC
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUESTS

- Variance #1: Variance requested from Section 5.2.4.C.3.a to increase the maximum front building setback of 15 feet to approximately 80 feet along the Taylorsville Road property line.

Location	Requirement	Requested	Variance
Southern Property Line (along Taylorsville Road)	15 feet	80 feet	65 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1
Existing Form District: Town Center
Proposed Use: Retail

The applicant is proposing to develop a 6,600 square foot retail building on Outlot 5B of the Tyler Retail Center. The proposed structure would be set back from the Taylorsville Road right-of-way approximately 80 feet. The property is zoned C-1 and is located within the Town Center Form District, which requires a maximum front setback of 15 feet (Section 5.2.4.C.3.a).

The form district was Neighborhood when the original development plan for the center was approved; however, it was changed to Town Center in 2010. The buildings on Outlots 5A, 5C and 2A were developed prior to the form district change and are all set back further than 15 feet. Outlot 2B, which is located at the corner of Taylorsville Road and Stone Lakes Drive, was developed after the form district change and was granted variances in Docket Number B-18235-12.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-1	Town Center
Proposed	Retail	C-1	Town Center
<i>Surrounding Properties</i>			
North	Commercial	C-1	Town Center
South	Private School	PD	Town Center
East	Commercial	C-1	Town Center
West	Commercial	C-1	Town Center

PREVIOUS/ADDITIONAL CASES ON SITE

9-12-04: This parcel is located in the Tyler Retail Center, which was the subject of a zoning map amendment from R-4 to C-1 and approved by the Planning Commission on July 7, 2004 along with accompanying subdivision plan, parking waiver and landscape waiver.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE:
Variance requested from Section 5.2.4.C.3.a to increase the maximum front
building setback of 15 feet to approximately 80 feet along the Taylorsville
Road property line**

(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 because the proposed setback is in keeping with the established development pattern in the area.

(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 proposed setback is in keeping with the established development pattern in the area.

(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 setback is in keeping with the established development pattern in the area.

(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 proposed setback is in keeping with the original development and original form district, which was changed between plan approval and development of this parcel.

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: This is a proposed development for a building located between two existing buildings. Also, the form district was changed after the approval of the original development plan.

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 by causing an unneeded break from the established development pattern along Taylorsville Road.

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 applicant is proposing to develop the site and has not yet started construction.

TECHNICAL REVIEW

- The applicant will be going to the Development Review Committee for approval of the Revised Detailed District Development Plan which includes four waivers. Three of the waivers are directly related to the development of this lot:
 1. A waiver is requested from Section 5.5.1.A.3 of the Land Development Code to allow parking in front of the structure.
 2. A waiver is requested from Section 5.12.1.B.1.e.iv of the Land Development Code to waive the requirement that 40% of building area be located on a second or above floor.
 3. A waiver is requested from Section 5.9.2.A.1.b.i of the Land Development Code to not provide a direct sidewalk connection to the Public Sidewalk.
- With the exception of the proposed variances and waiver, the plan meets all other requirements.

STAFF CONCLUSIONS

The standards of review have been met for the requested variance on the site. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustments must determine if the proposal meets the standards for approving the variance.

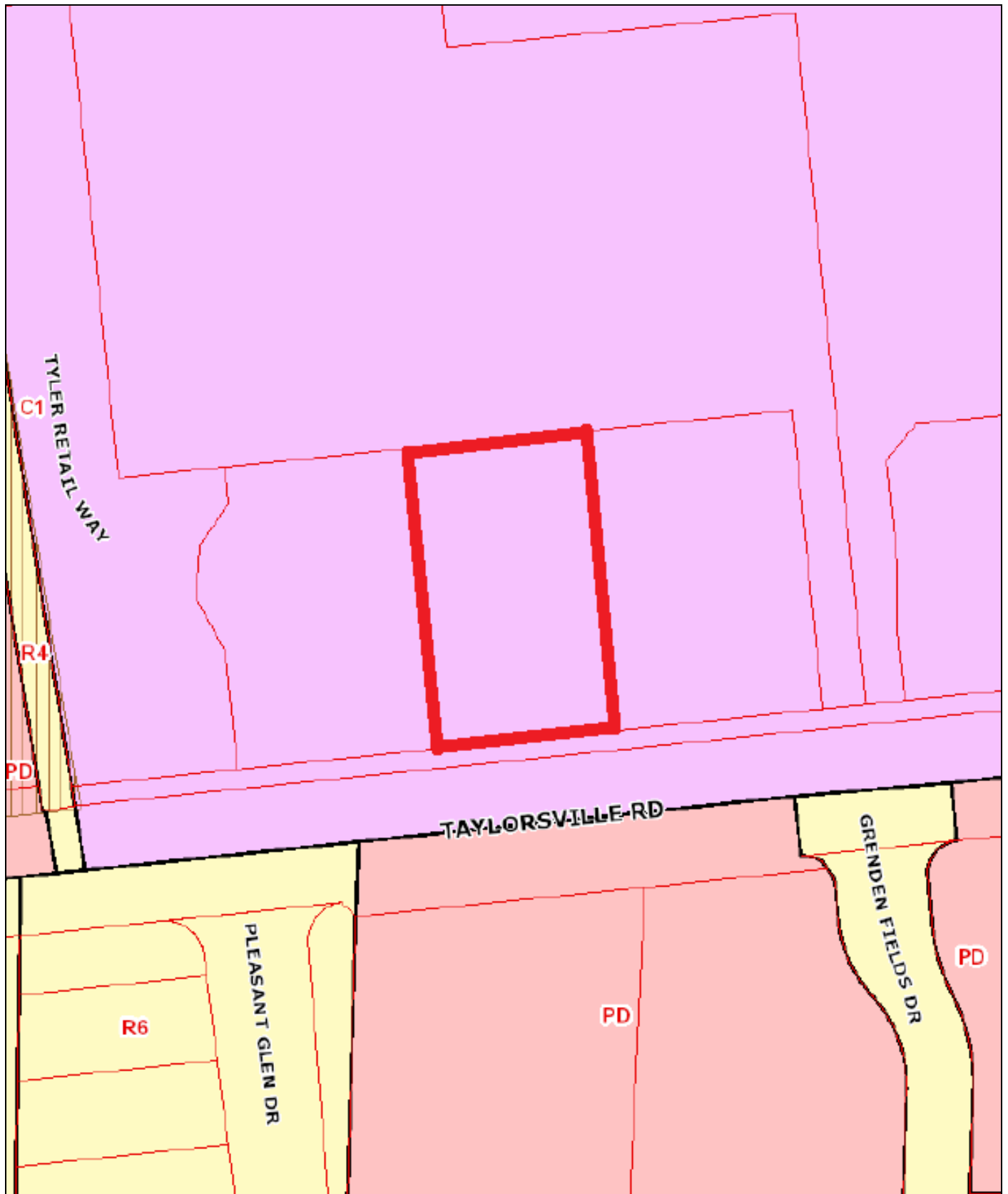
NOTIFICATION

Date	Purpose of Notice	Recipients
7/30/2015	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

