

**17DEVPLAN1088**

**110 Weisser Ave**



**Louisville Metro Board of Zoning Adjustment**

**Public Hearing**

**Jay Lockett, Planner I**

**September 8, 2017**

# Requests

- **Variance**: from Land Development Code section 5.1.12.A.2.a to allow a structure to encroach into the required infill front yard setback
- **Waiver**: from Land Development Code section 10.2.4 to allow a structure to encroach into the property perimeter on the south and west sides of the site
- **Category 3 Development Plan**: 15 unit Multifamily development in C-1 zoning district.

Location	Requirement	Request	Variance
Front Yard Setback	25 ft.	5 ft.	20 ft.

# Case Summary / Background

- The applicant is proposing a 15 unit multifamily development on .432 acres in C-1 zoning within the Traditional Marketplace Corridor form district.
- In order to accommodate parking and other requirements of the form district, the applicant is requesting a variance from the infill setback standards of Land Development Code section 5.1.12 and a waiver from section 10.2.4 to encroach into required property perimeter buffers to the south and west.

# Case Summary / Background

- The renovations fall under the infill standards in Land Development Code section 5.1.12. Infill standards require front yard setbacks to fall within the setbacks of the two nearest lots containing principal structures.
- The front yard setback (along Weisser Ave) per infill requirements is 25 feet. The applicant requests a variance from this setback.
- The required property perimeter buffers per 10.2.4 are 15 feet. The applicant wishes to reduce them to 10 feet while still providing all required screening and plantings.

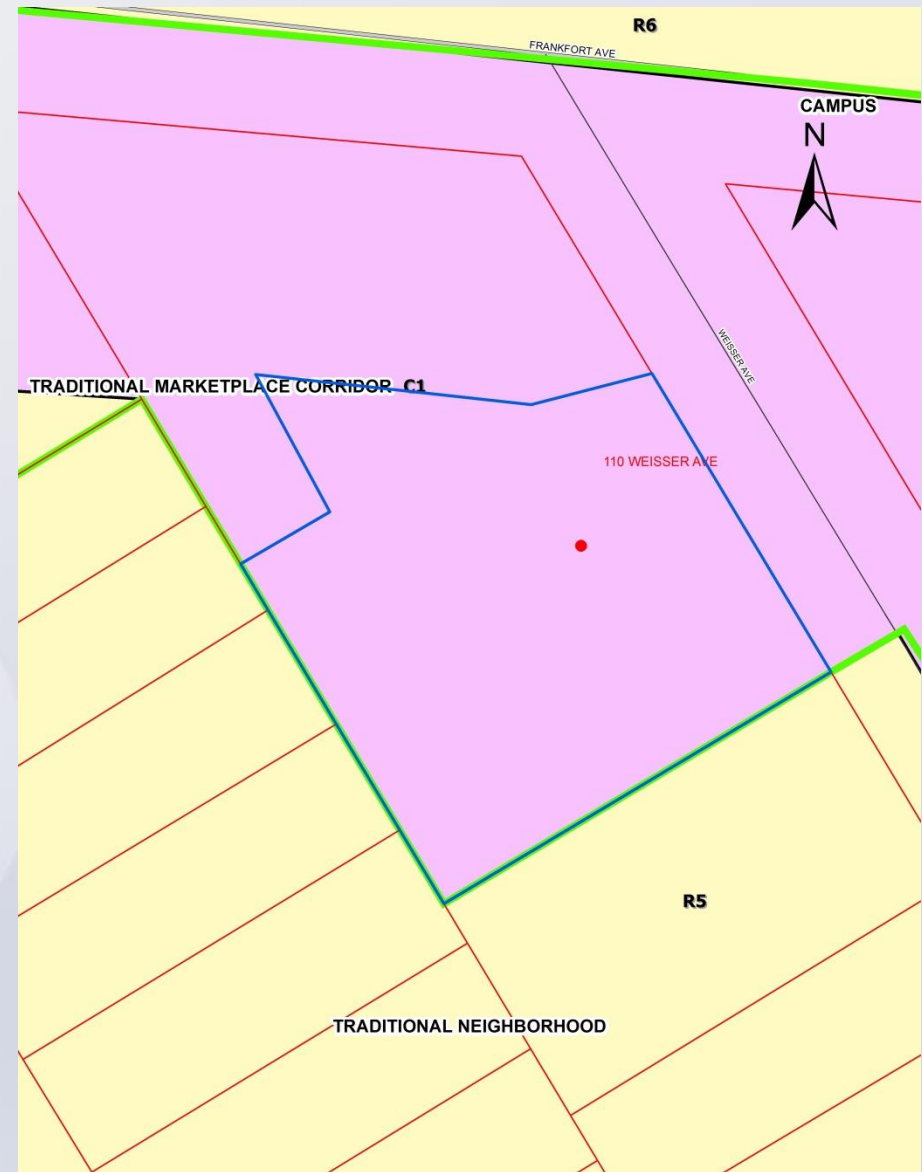
# Zoning/Form Districts

## Subject Property:

- Existing: C-1/TMC
- Proposed: C-1/TMC

## Adjacent Properties:

- North: C-1/TMC
- South: R-5/TN
- East: C-1/TMC
- West: R-5/TN





# Aerial Photo/Land Use

## Subject Property:

- Existing: Vacant
- Proposed: Multi Family Residential

## Adjacent Properties:

- North: Gas Station
- South: Single Family Residential
- East: Auto Repair
- West: Single Family Residential



# Site Photos-Subject Property



The front of the subject property looking west from Weisser Ave



# Site Photos-Subject Property



The residence to the south of the site



# Site Photos-Subject Property



Gas station to the north along Frankfort Ave



# Site Photos-Subject Property



Auto repair facility to the west across  
Weisser Ave from the site



# Site Photos-Subject Property



View of front yard of adjacent property to the south

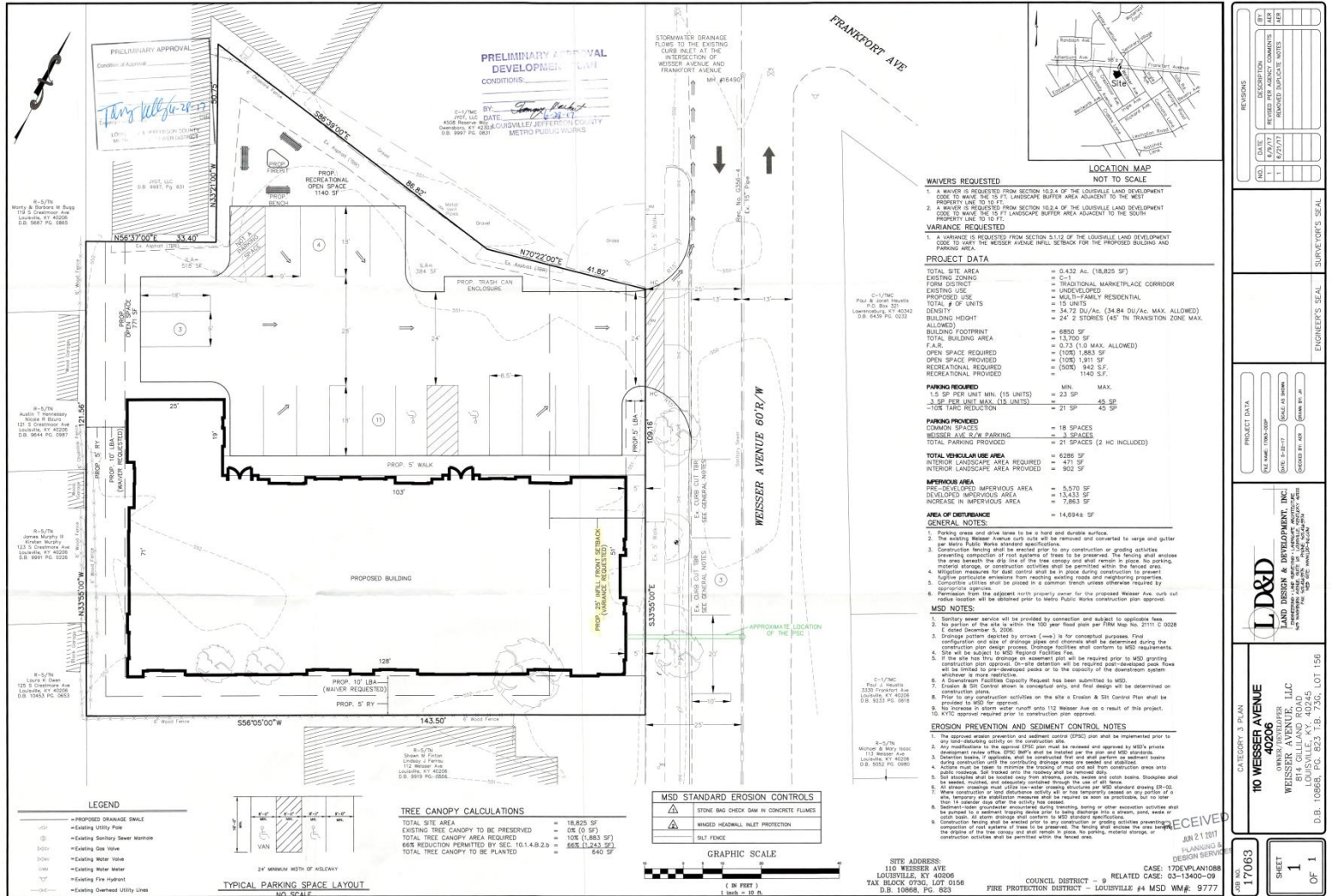


# Site Photos-Subject Property



Current site conditions looking north.

# Applicant's Site Plan



17DEVPLAN1088

REV.	DATE	DESCRIPTION
1	1/27/21	ISSUED FOR PERMITS
2	1/27/21	REVISIONS
3	1/27/21	REVISIONS
4	1/27/21	REVISIONS
5	1/27/21	REVISIONS
6	1/27/21	REVISIONS
7	1/27/21	REVISIONS
8	1/27/21	REVISIONS
9	1/27/21	REVISIONS
10	1/27/21	REVISIONS

PERSON	DATE	REVISIONS
ARCHITECT	1/27/21	ISSUED FOR PERMITS
ENGINEER	1/27/21	ISSUED FOR PERMITS
PLANNER	1/27/21	ISSUED FOR PERMITS
CONTRACTOR	1/27/21	ISSUED FOR PERMITS
INSPECTOR	1/27/21	ISSUED FOR PERMITS

PROJECT DATA	DATE	REVISIONS
PROJECT NO.	17DEVPLAN1088	ISSUED FOR PERMITS
DATE	1/27/21	ISSUED FOR PERMITS
OWNER	110 WEISSER AVENUE	ISSUED FOR PERMITS
DESIGNER	L&D	ISSUED FOR PERMITS
ENGINEER	TERRY KELLGREN	ISSUED FOR PERMITS

**L&D**  
 LAND DESIGN & DEVELOPMENT, INC.  
 110 WEISSER AVENUE, SUITE 100  
 LOUISVILLE, KY 40206  
 TEL: 502.636.1100  
 FAX: 502.636.1101  
 WWW.LANDDESIGNANDDEVELOPMENT.COM

**110 WEISSER AVENUE 40206**  
 OWNER/DEVELOPER  
 WEISSER AVENUE, LLC  
 110 WEISSER AVENUE  
 LOUISVILLE, KY 40206  
 D.B. 10888, PG. 823-T.B. 736, LOT 156

PROJECT NO.	17063
SHEET	1
DATE	01

RECEIVED  
 JUN 21 2021  
 PLANNING & DESIGN SERVICES

**WAIVERS REQUESTED**

- A WAIVER IS REQUESTED FROM SECTION 10.3.4 OF THE LOUISVILLE LAND DEVELOPMENT CODE TO WAIVE THE 10' PLANTING BUFFER AREA ADJACENT TO THE WEST PROPERTY LINE TO 10'.
- A WAIVER IS REQUESTED FROM SECTION 10.3.4 OF THE LOUISVILLE LAND DEVELOPMENT CODE TO WAIVE THE 10' PLANTING BUFFER AREA ADJACENT TO THE SOUTH PROPERTY LINE TO 10'.

**VARIANCE REQUESTED**

- A VARIANCE IS REQUESTED FROM SECTION 5.1.2 OF THE LOUISVILLE LAND DEVELOPMENT CODE TO WAIVE THE WEISSER AVENUE INFILL SETBACK FOR THE PROPOSED BUILDING AND PARKING AREA.

**PROJECT DATA**

TOTAL SITE AREA	= 0.432 Ac. (18,825 SF)
EXISTING ZONING	= C-1
PROPOSED USE	= ADDITIONAL MARKETPLACE CORRIDOR
PROPOSED USE	= UNDEVELOPED RESIDENTIAL
TOTAL # OF UNITS	= 15 UNITS
DENSITY	= 34.72 UNITS/AC. (54.56 DFL/AC. MAX. ALLOWED)
BUILDING HEIGHT (ALLOWED)	= 24' 2 STOREYS (45' IN TRANSITION ZONE MAX.)
TOTAL FOOTPRINT	= 6850 SF
F.A.R. BUILDING AREA	= 15,700 SF
F.A.R. BUILDING AREA	= 0.73 (1.0 MAX. ALLOWED)
OPEN SPACE PROVIDED	= (100) 1,883 SF
RECREATIONAL REQUIRED	= (100) 1,883 SF
RECREATIONAL PROVIDED	= (500) 942 SF
	= 1140 S.F.

**PARKING REQUIRED**

MIN.	MAX.
1.5 SP PER UNIT (15 UNITS)	45 SP
-10% TARC REDUCTION	21 SP

**PARKING PROVIDED**

COMMON SPACES	= 18 SPACES
WHEELWAVE P/R PARKING	= 3 SPACES
TOTAL PARKING PROVIDED	= 21 SPACES (2 INC. INCLUDED)

**TOTAL VEHICULAR USE AREA**

INTERIOR LANDSCAPE AREA REQUIRED	= 6286 SF
INTERIOR LANDSCAPE AREA PROVIDED	= 802 SF

**IMPERVIOUS AREA**

PER-IMPERVIOUS IMPERVIOUS AREA	= 4,370 SF
DEVELOPED IMPERVIOUS AREA	= 13,433 SF
TOTAL IMPERVIOUS AREA	= 17,803 SF

**AREA OF DISTURBANCE GENERAL NOTES:**

- Parking areas and drive lanes to be hard and durable surface.
- The existing Weisser Avenue curb cut will be removed and converted to verge and gutter per Public Health Services standards.
- Construction fencing shall be installed prior to any construction or grading activities preventing encroachment of soil against trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place for posting, cleanup, storage, and removal. The location and extent of the fencing shall be noted on the site plan. Fencing shall be installed prior to any construction or grading activities.
- Soil erosion control measures shall be installed during construction to prevent fugitive particulate emissions from existing roads and neighboring properties.
- Construction activities shall be placed in a common trench unless otherwise required by regulatory agencies.
- Construction shall be placed in a common trench unless otherwise required by regulatory agencies.
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**MSD NOTES:**

- Sedimentation services will be provided by construction and subject to application fees.
- No portion of this site is within the 100 year flood plain per FEMA Map No. 22111-C-0028 (E dated December 3, 2006).
- Construction activities depicted by arrows (====) is for conceptual purposes. Final construction plan shall be submitted for review and approval by the Metro Planning Commission. Final construction plan shall be submitted for review and approval by the Metro Planning Commission.
- The site has no existing or proposed stormwater management facilities that meet MSD requirements.
- If the site has no drainage or retention plan will be required prior to MSD granting construction plan approval. On-site retention will be required post-developed site fees will be limited to pre-developed ponds or to the capacity of the construction system.
- Retention in stormwater detention basins shall be provided for the site.
- Construction and site preparation activities shall be completed within 120 calendar days of MSD approval required prior to construction plan approval.
- KYDC approval required prior to construction plan approval.

**EROSION PREVENTION AND SEDIMENT CONTROL NOTES:**

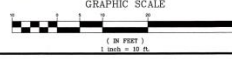
- The construction (C) and post-construction (PC) plan shall be submitted prior to any construction or grading activities on the construction site.
- Any modifications to the approved EPC plan must be reviewed and approved by MSD prior to construction.
- Construction activities shall be completed within 120 calendar days of MSD approval.
- Retention basins, detention basins, and stormwater management facilities shall be installed prior to construction.
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**SITE ADDRESS:**  
 110 WEISSER AVENUE  
 LOUISVILLE, KY 40206  
 TAX BLOCK 0703, LOT 6156  
 D.B. 10888, PG. 823

**CASE: 17DEVPLAN1088**  
 RELATED CASE: 03-13400-09  
 FIRE PROTECTION DISTRICT - LOUISVILLE #4 MSD MFP: 9777

**MSD STANDARD EROSION CONTROLS**

STONE BLOCK CHECK DAM IN CONCRETE FORMS
MINIED HEADWALL INLET PROTECTION
SILT FENCE



**TREE CANOPY CALCULATIONS**

TOTAL SITE AREA	= 18,825 SF
EXISTING TREE CANOPY TO BE PRESERVED	= (26.0) 4,570 SF
TOTAL TREE CANOPY AREA REQUIRED	= 10% (1,883 SF)
REB REDUCTION PERMITTED BY SEC. 10.4.8.2.3	= 85% (1,245 SF)
TOTAL TREE CANOPY TO BE PLANTED	= 640 SF



**LEGEND**

---	PROPOSED DRAINAGE SWALE
---	Existing Utility File
---	Existing Sanitary Sewer Mainline
---	Existing Gas Valve
---	Existing Water Valve
---	Existing Water Meter
---	Existing Fire Hydrant
---	Existing Overhead Utility Lines



# Conclusions

- Must determine if the proposal meets the standard of review for granting a variance as established in the Land Development Code (May 2017) from section 5.12.A.2.a to allow a structure to encroach into the required infill front setback.
- Must determine if the proposal meets the standard of review for granting a waiver as established in the Land Development Code (May 2017) from section 10.2.4 to encroach into the required property perimeter buffer.



# Required Actions

- **Variance:** from Land Development Code section 5.1.12.A.2.a to allow a structure to encroach into the required infill front yard. Approve/Deny
- **Waiver:** from Land Development Code section 10.2.4 to allow a structure to encroach into the required property perimeter landscape buffer area. Approve/Deny
- **Category 3 Development Plan:** Approve/Deny

Location	Requirement	Request	Variance
Front Yard Setback	25 ft.	5 ft.	20 ft.