



26-VARIANCE-0093/ 26-WAIVER-0091

Board of Zoning Adjustment
Staff Report
August 17, 2026

Camp Ground Road Storage & Sidewalk

Location: 4118 Camp Ground Road
Applicant: Innovative Scale LLC
Representative: Cyrus G. Dutton IV
Jurisdiction: Louisville Metro
Council District: 1 – Tammy Hawkins
Case Manager: Abby Bills, Planner I

REQUESTS & RECOMMENDED ACTIONS

1. **26-VARIANCE-0093:** Variance from Land Development Code Section 5.3.4.D.3.a to allow a proposed structure to encroach into the required Street Side Yard Setback of 25 feet. (Proposed Street Side Yard Setback of 20 feet, for a Variance of 5 feet)
 - Staff finds the justification for the request is adequate and recommends the Board of Zoning Adjustment **APPROVE** the Variance.
2. **WAIVER #1 (26-WAIVER-0091):** Waiver of Land Development Code Section 5.8.1.B to waive the requirement to construct a sidewalk in the abutting right-of-way serving the development site along Camp Ground Road.
 - Staff finds the justification for the request is not adequate and recommends the Board of Zoning Adjustment **DENY** the Waiver.
3. **WAIVER #2 (26-WAIVER-0091):** Waiver of Land Development Code Section 5.8.1.B to waive the requirement to construct a sidewalk in the abutting right-of-way serving the development site along Ralph Avenue.
 - Staff finds the justification for the request is adequate and recommends the Board of Zoning Adjustment **APPROVE** the Waiver.

CASE SUMMARY

The subject site is currently zoned EZ-1 Enterprise Zone within the Suburban Workplace Form District on 0.97 acres, located at the intersection of Camp Ground Road and Ralph Avenue. The parcel is currently developed as a commercial business. The applicant is proposing to construct a 4,320 square

foot storage building on the parcel that will encroach 5 feet into the required street side yard setback, therefore a Variance is being requested.

Additionally, sidewalks are required along the frontage of both Camp Ground Road and Ralph Avenue in accordance with Section 5.8.1 of the Land Development Code (LDC).

TECHNICAL REVIEW

- Section 6.2.6.C of the Land Development Code lists the methods of compliance when a sidewalk is required by Chapter 5. These methods of compliance are:
 1. Construct sidewalks in accordance with the applicable sections of the LDC; or
 2. Be allowed a reduced sidewalk requirement where less than 50% of street frontage is being developed; or
 3. Be allowed to construct a sidewalk at an alternative location within Metro Council District 1; or
 4. If one of the above methods of compliance cannot be met, the applicant may be allowed to pay a fee in lieu of sidewalk construction.
- In accordance with LDC 6.2.6.C.4, Transportation Planning and the Office of Planning have jointly determined that the applicant may pay a fee-in-lieu of construction of the sidewalk along Ralph Avenue totaling \$16,250.
- In accordance with LDC 6.2.6.C, Transportation Planning and the Office of Planning have jointly determined that the applicant will not be offered a fee-in-lieu of construction along Camp Ground Road.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 26-VARIANCE-0093

1. *The requested variance will not adversely affect public health, safety, or welfare, and will not cause a hazard or nuisance to the public.*

STAFF FINDING: The requested variance will not adversely affect public health, safety, or welfare, because the request to encroach into the required setback does not impede the safe movement of vehicles or pedestrians along any right-of-way. Additionally, the structure will be required to comply with all applicable building code regulations.

2. *The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.*

STAFF FINDING: The requested variance will not alter the essential character of the general vicinity as the proposed structure will match the setbacks of other nearby structures in the general vicinity, specifically along Ralph Avenue.

3. *The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.*

STAFF FINDING: The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone, as the subject property is uniquely shaped compared to the surrounding area. While most parcels in the nearby area are rectangular, the subject parcel is concave on the northeast side, which restricts the amount of constructable area behind the existing structure when compared to the neighboring lots.

4. *The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.*

STAFF FINDING: The strict application of the provision of the regulation would create an unnecessary hardship on the applicant. There is an existing fence and treed area in the rear of the property that reduces the amount of viable space to construct the proposed structure. Moving the structure 5 feet north and out of the 25 foot street side yard setback would require taking down the existing fence and removing existing trees, creating an unnecessary hardship on the applicant.

5. *The circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.*

STAFF FINDING: The circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not yet constructed the proposed building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 (Camp Ground Road Sidewalk)

- (a) *The waiver will not adversely affect adjacent property owners; and*

STAFF FINDING: The requested Waiver will adversely affect adjoining property owners along Camp Ground Road, as the granting of the Waiver will restrict pedestrian movement in the applicable right-of-way. Sidewalks are built incrementally as required by the LDC and occur with new development along the corridor. There are other existing sidewalks close to the subject site that would benefit from future pedestrian connection. Granting of the Waiver will interrupt the incremental sidewalk construction along the corridor and adversely affect pedestrian connectivity of the adjacent areas in the future.

- (b) *Granting of the Waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of this Land Development Code; and*

STAFF FINDING: Granting of the Waiver will not result in a development consistent with the Comprehensive Plan or the overall intent of the Land Development Code. Mobility Goal 1, Policy 1.4

of Plan 2040 calls for new development to provide for the movement of pedestrians where appropriate, by including sidewalks along the streets of all developments. Granting of the Waiver would not be consistent with this guideline as Camp Ground Road is an appropriate corridor to provide this pedestrian movement. Camp Ground Road has already begun the process of incremental sidewalk construction with the development of sidewalks to the east of the subject property, and granting of the Waiver would postpone or prevent this existing sidewalk network from being connected.

The Louisville Loop is proposed to be constructed across from the subject property on Camp Ground Road, which increases the need for safe pedestrian access in the general area.

- (c) The applicant cannot reasonably comply with one of the listed methods of compliance (section 6.2.6.C); and*

STAFF FINDING: The applicant has not provided adequate justification as to why they cannot reasonably comply with one or more of the listed methods of compliance. There are no apparent drainage facilities or other utilities along the frontage of Camp Ground Road that would prevent the construction of a sidewalk. While there is a slight change in elevation on the north side of the property, Transportation Planning advised that the slope is not excessive and would not create an unreasonable hardship on the applicant.

- (d) Strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and*

STAFF FINDING: Strict application of the provision of the regulation would not create an unnecessary hardship on the applicant as there are no site constraints that would inhibit construction of the sidewalk. Construction of the sidewalk along Ralph Avenue would additionally pose an unnecessary hardship on the applicant as construction of the sidewalk on Ralph Avenue would be done in addition to construction of the sidewalk on Camp Ground Road.

- (e) There are site constraints that make sidewalk construction impracticable or sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.*

STAFF FINDING: There are no site constraints on or adjacent to the subject property or within the right-of-way of Camp Ground Road that would make sidewalk construction impractical. Transportation Planning has confirmed that the sidewalk may be constructed. There is additionally a likelihood for sidewalks to be constructed in the future along Camp Ground Road as there are multiple vacant and single-family residential lots that could be purchased and developed industrially, as the larger area is zoned to allow nearly all intensities of commercial and industrial use.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 (Ralph Avenue Sidewalk)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: The requested Waiver will not adversely impact adjacent property owners along Ralph Avenue, as there are no existing sidewalks along Ralph Avenue close to the subject site and much of the surrounding area is built out with existing commercial or industrial uses. Granting of the Waiver will not result in any change from the existing conditions.

(b) Granting of the Waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of this Land Development Code; and

STAFF FINDING: Granting of the Waiver will result in a development consistent with the Comprehensive Plan and the overall intent of the Land Development Code. Mobility Goal 1, Policy 1.4 of Plan 2040 calls for new development to provide for the movement of pedestrians where appropriate, by including sidewalks along the streets of all developments. Granting of the Waiver and alleviating the sidewalk requirement along Ralph Avenue would be consistent with the applicable goals as the applicant would still be required to provide pedestrian connectivity in the form of a sidewalk along Camp Ground Road to the north. This would provide pedestrian movement in an appropriate area as there are already existing sidewalks along Camp Ground Road and there are plans for the Louisville Loop to be constructed along Camp Ground Road as well.

While payment of the fee-in-lieu offered for the Ralph Avenue frontage would contribute to the sidewalk fund and allow Louisville Metro more opportunity to construct sidewalks in nearby areas, granting of the Waiver instead of the fee-in-lieu would still be consistent with the Comprehensive Plan due to the sidewalk requirements of the Land Development Code on the other frontage of the subject site.

(c) The applicant cannot reasonably comply with one of the listed methods of compliance (section 6.2.6.C); and

STAFF FINDING: The applicant has provided adequate justification as to why they cannot reasonably comply with one or more of the listed methods of compliance. The applicant cites a drainage ditch that runs along the right-of-way along Ralph Avenue, which prevents reasonable construction of the sidewalk, as elevation and runoff issues may affect the feasibility of construction. The offered fee-in-lieu of \$16,250 would additionally not be a reasonable method of compliance as the proposed structure is a prefabricated pole barn, and based on average costs of construction for structures of the proposed size and type (approximately \$10,000-\$20,000), the requested fee is not proportional to the cost of construction.

(d) Strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

STAFF FINDING: Strict application of the provision of the regulation would create an unnecessary hardship on the applicant. Construction of the sidewalk along Ralph Avenue would not be justifiable due to existing site constraints, and the applicant has not been offered a reasonable alternative, as the offered fee-in-lieu would not be proportional to the average cost of construction of the structure.

(e) There are site constraints that make sidewalk construction impracticable, or sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.

STAFF FINDING: There are site constraints that make sidewalk construction impractical, as there is an existing drainage ditch running along the entirety of the property's frontage along Ralph Avenue. The drainage ditch would require additional grading and could create potential issues with runoff in the area. There are additionally no existing sidewalks along Ralph Avenue, and there is not a likelihood for sidewalks to be constructed in the future as the general vicinity has largely been developed with existing commercial and industrial uses.

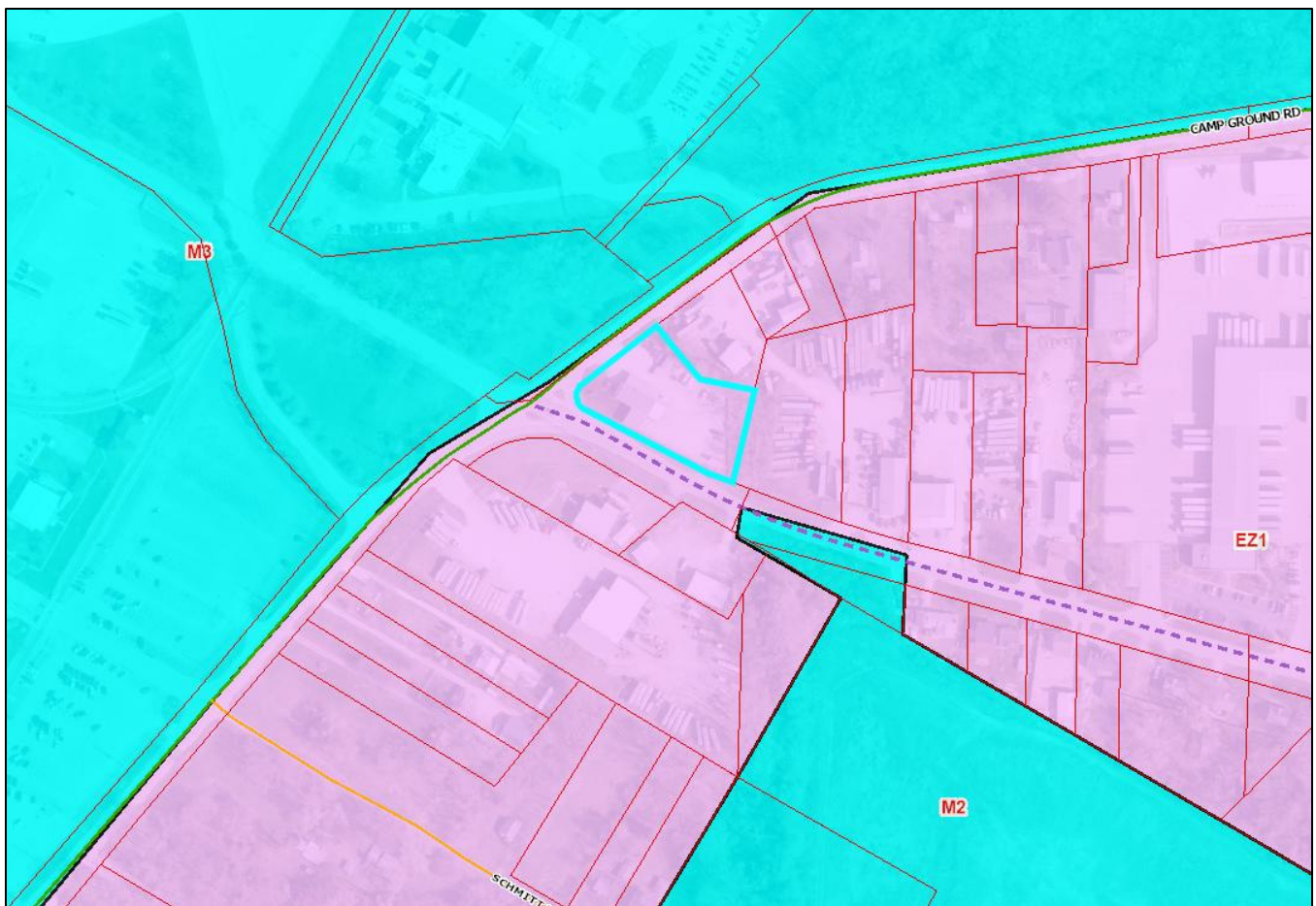
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
7/30/2026	Board of Zoning Adjustment Public Hearing	1st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 1
7/31/2026	Board of Zoning Adjustment Public Hearing	Sign Posting on Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

