

Board of Zoning Adjustment

Staff Report

January 22, 2019



Case No:	18VARIANCE1105
Project Name:	Indoor Soccer Facility
Location:	3606 1/2 Klondike Lane
Owner(s):	Alvarado Raul Magallanes
Applicant:	Charles Podgursky
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Molly Clark, Associate Planner
Presented By:	Lacey Gabbard, Planner I, AICP

REQUEST

- **Variance** from Land Development Code Chapter 5.3.2.C.2.A, to permit the building to be setback more than 80' from all roadways

Location	Requirement	Request	Variance
Front Yard	80 ft.	196.7 ft.	116.7 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Klondike neighborhood within a shopping center that fronts Klondike Lane. This case is related to a category 2B case under case number 18DEVPLAN1179, where the applicant proposes to remove the current building and build an indoor soccer facility connected with the existing shopping center. The existing shopping center is set back about 196 feet from the front property line, exceeding required 80 foot front yard setback. The applicant requests a variance to allow the proposed indoor soccer facility to exceed the required 80 ft setback in order to fit with the rest of the shopping center. There is also an existing dentist office and nonprofit located in the building partially in front of the proposed indoor soccer facility.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code table 5.2.2 to allow a structure to exceed the required front yard setback.

TECHNICAL REVIEW

- No technical review was undertaken

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 since the building will be buffered where it is adjacent to residential.

- (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 as the current shopping center is setback over 80 ft from the road way. There is also a building located partially in front of the subject property that would be obstructed if the proposed development were to be placed 80 ft from the roadway.

- (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 as all building codes must be followed in any new construction on the proposed lot as well as the building will be buffered where it is adjacent to residential.

- (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 the current lot configuration makes the 80 ft setback difficult as well as would not follow the character of the existing shopping center.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the existing shopping center is set back further than 80 ft. Also, the current dentist office and nonprofit located partially in front of the subject property would obstruct parking and the existing entrance for this building.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because there is currently an existing lot with its current configuration that makes it difficult for a proposed development to follow setback standards.

3. 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.

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 as the applicant is requesting the variance and has not begun construction.

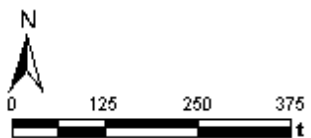
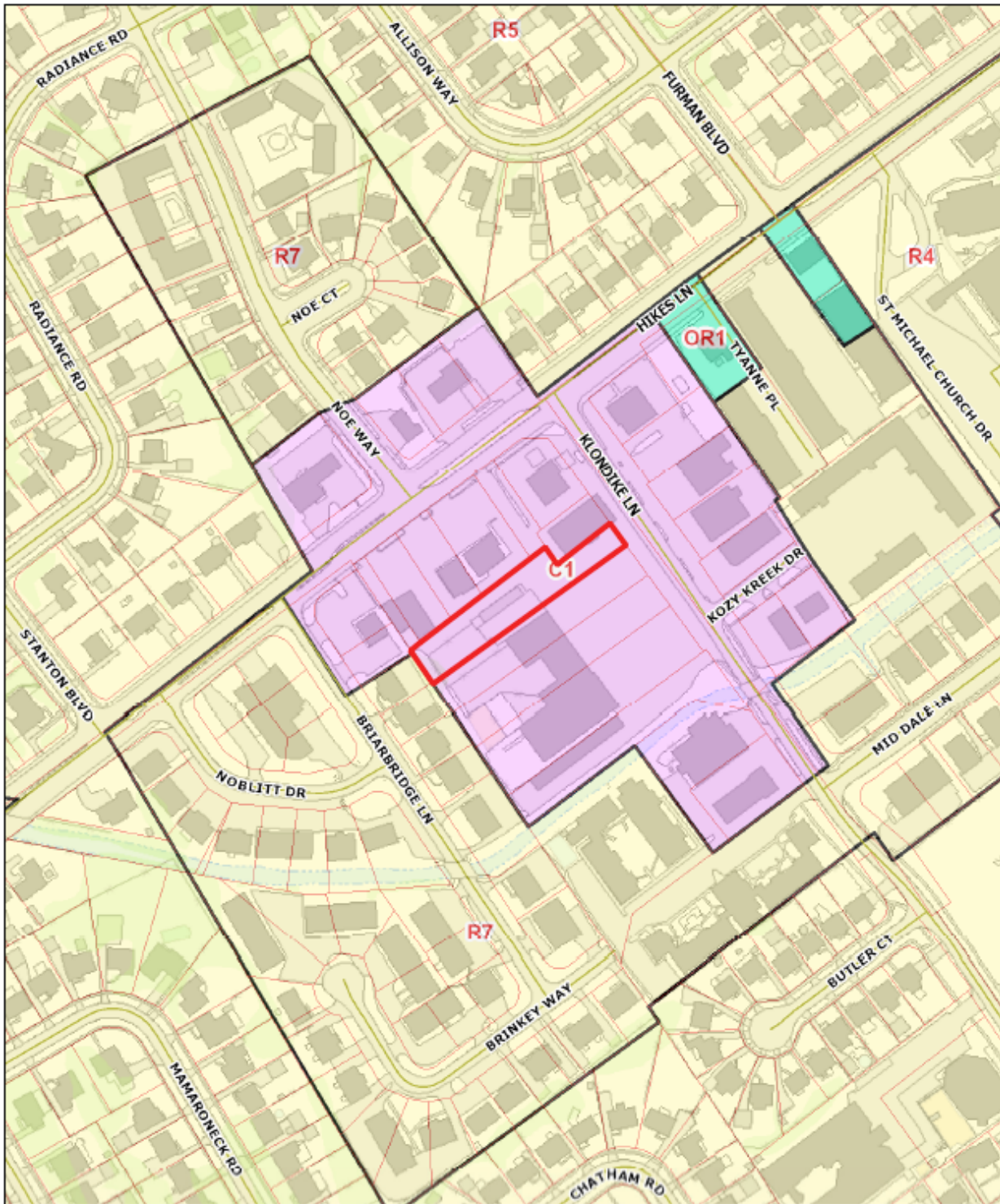
NOTIFICATION

Date	Purpose of Notice	Recipients
1/7/2019	Hearing before BOZA	1 st tier adjoining property owners
1/3/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map



18VARIANCE1105

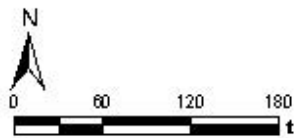
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2. Aerial Photograph



18VARIANCE1105

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3. Site Plan

4. Site Photos



The front of the subject property.



The property to the right of the subject property.



To the left of the subject property.



The properties across Klondike Lane.



The properties across Klondike Lane and building partially in front of the subject property as well as the location of the requested variance.



Public hearing sign posting for 18VARIANCE1105.