

Board of Zoning Adjustment

Staff Report

November 21, 2022



Case No:	21-VARIANCE-0181
Project Name:	Proposed Grocery Store
Location:	10201 Brownsboro Road
Owner/Applicant:	The Deerfield Co
Representative:	Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Molly Clark, Planner II

REQUESTS:

Variance from Land Development Code section 5.3.2 to allow a building to exceed the 150-foot front yard maximum setback:

Location	Requirement	Request	Variance
Front Yard Maximum Setback	150 Ft.	410 Ft.	260 Ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned C1 Commercial and is in the Neighborhood Form District. It is on the northeast corner of Brownsboro Road and Ballardsville Road just south of Interstate 71. The site is currently vacant. The applicant proposes to build a 64,301 s.f. grocery store, with a liquor store, retail and restaurant on 8.81 acres. The applicant is also proposing a 1.59 acre outlot in addition to a 8.56 residual lot. The applicant will need to come back with a revised detailed district development plan in order to develop the proposed outlot and residual lot.

STAFF FINDINGS

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 Land Development Code section 5.3.2.

TECHNICAL REVIEW

No outstanding technical review comments.

INTERESTED PARTY COMMENTS

None Received.

RELATED CASES

This case is related to 21-DDP-0121 which is a revised detailed district development plan with detailed and general plan binding elements in addition to 2 waivers. This has been docketed for November 16th 2022 Development Review Committee. This is also related to a rezoning under case number 09-57-93 and a revised detailed district development plan under 15817

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.4.3.A.1.b.i

- (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 building will still have adequate vehicular and pedestrian access throughout the site. The applicant is also providing all the required landscape buffers between the proposed commercial development and existing residential development.

- (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 applicant is still providing all the required plantings along all road frontages that will create screening as well as being setback further away from the road provides adequate vehicular and pedestrian connectivity.

- (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 building must be constructed to comply with all building codes, and it will not adversely impact the safe movement of vehicles or pedestrians

- (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 as the applicant needs to set the building back far enough to provide area for the proposed outlot and provide adequate vehicular and pedestrian connection within the site.

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 which do generally apply to land in the general vicinity or the same zone because the lot is not unusual in shape and there are no topographical issues that apply to this site that do not apply to other sites in the area.

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 as the building is being proposed in the same area as the previously approved detailed district development plans.

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

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5.B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

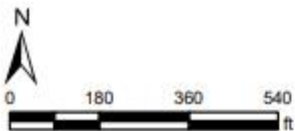
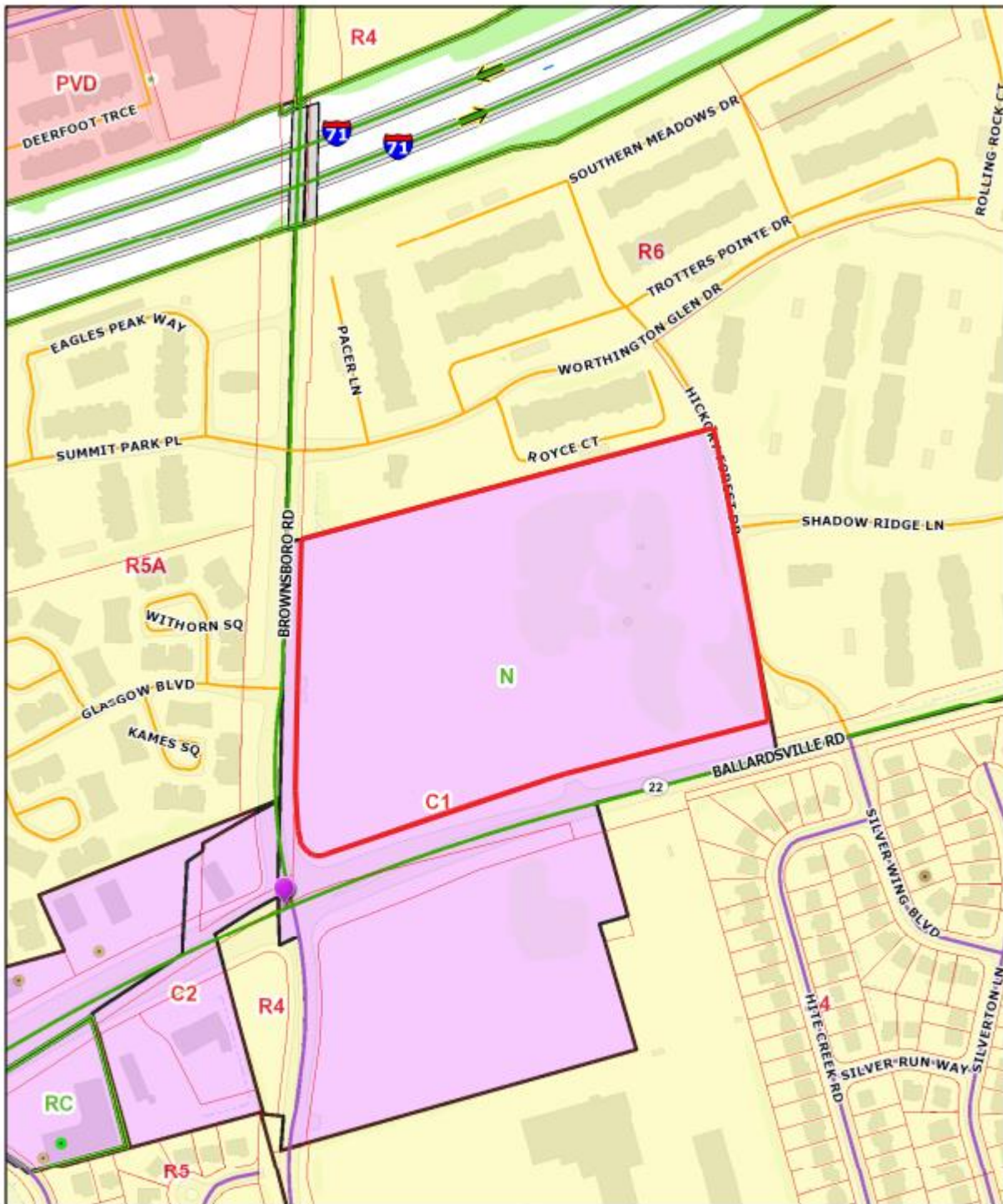
NOTIFICATION

Date	Purpose of Notice	Recipients
10/27/22/	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 17
10/24/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Condition of Approval
6. Site Photos

1. Zoning Map



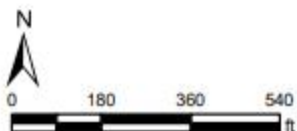
Wednesday, November 9, 2022 | 11:16:14 AM



LOJIC © 2022

This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



Wednesday, November 9, 2022 | 11:11:45 AM



LOJIC © 2022

This map is not a legal document and should only be used for general reference and identification

3. Site Plan



4. Elevations



5. Conditions of Approval

ON CONDITION: The Revised Detailed District Development Plan, General Plan Binding Elements, Detailed Plan Binding Elements and Waivers are approved at the Development Review Committee (DRC).

6. Site Photos

Front of subject property.



Rear of subject property.



Across the Street

