

Board of Zoning Adjustment
Staff Report
 March 18, 2019



Case No:	19VARIANCE1000
Project Name:	Marret Avenue Variance
Location:	520 Marret Avenue
Owner:	Duke MF, Inc.
Applicant:	Kelli Jones – Sabak, Wilson, & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.2.5.C.4.b to allow a structure to exceed the maximum height.

Location	Requirement	Request	Variance
Height	45 ft.	65 ft.	20 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Shelby Park neighborhood and contains multiple structures for an asphalt sealant processor and distributor. The applicant is proposing to add a 65 ft. silo and base on the rear/southeastern portion of the property. The proposed silo will be replacing one of the same general size and location. This proposed accessory structure will exceed the maximum height by 20 ft.

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 from section 5.2.5.C.4.b to allow a structure to exceed the maximum height.

INTERESTED PARTY COMMENTS

Staff received an email on February 26, 2019, requesting the details on the proposed structure.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.2.5.C.4.b

- (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 as the structure will be constructed to comply with all building codes, including fire codes.

- (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 proposed silo will be replacing an older one that was about the same size.

- (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 the proposed structure will be in the same location as the previous silo.

- (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 location of the proposed silo is generally the same size and in the same location as the previous one.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone as the surrounding industrial properties do not have exceedingly tall structures.

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 preventing the applicant from constructing a silo where one had previously existed.

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.

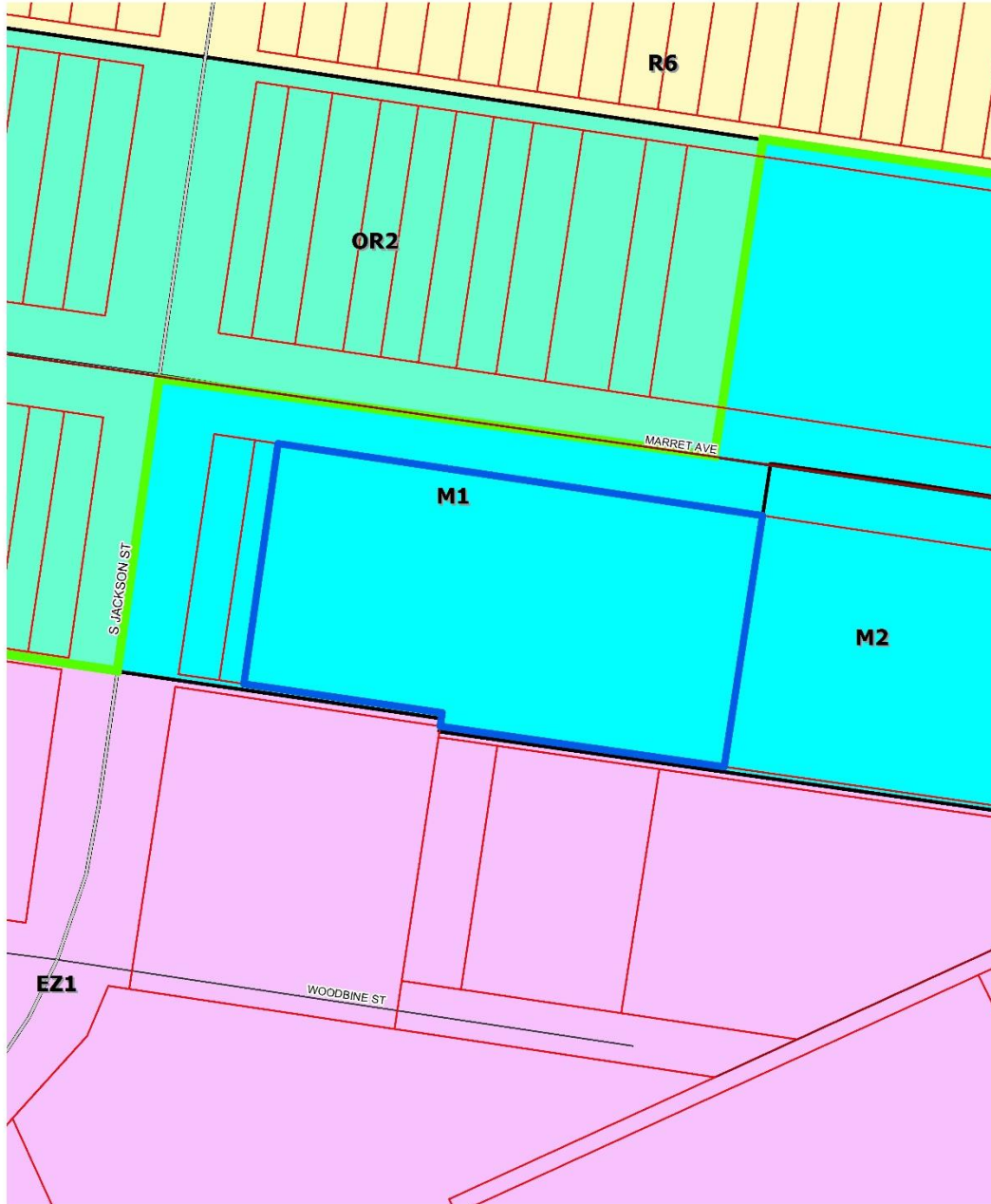
NOTIFICATION

Date	Purpose of Notice	Recipients
02/20/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
03/01/2019	Hearing before BOZA	Notice posted on property

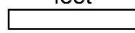
ATTACHMENTS

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

1. Zoning Map



520 Marret Avenue
feet



75

Map Created: 2/7/2019

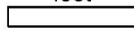


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2. Aerial Photograph



520 Marret Avenue
feet



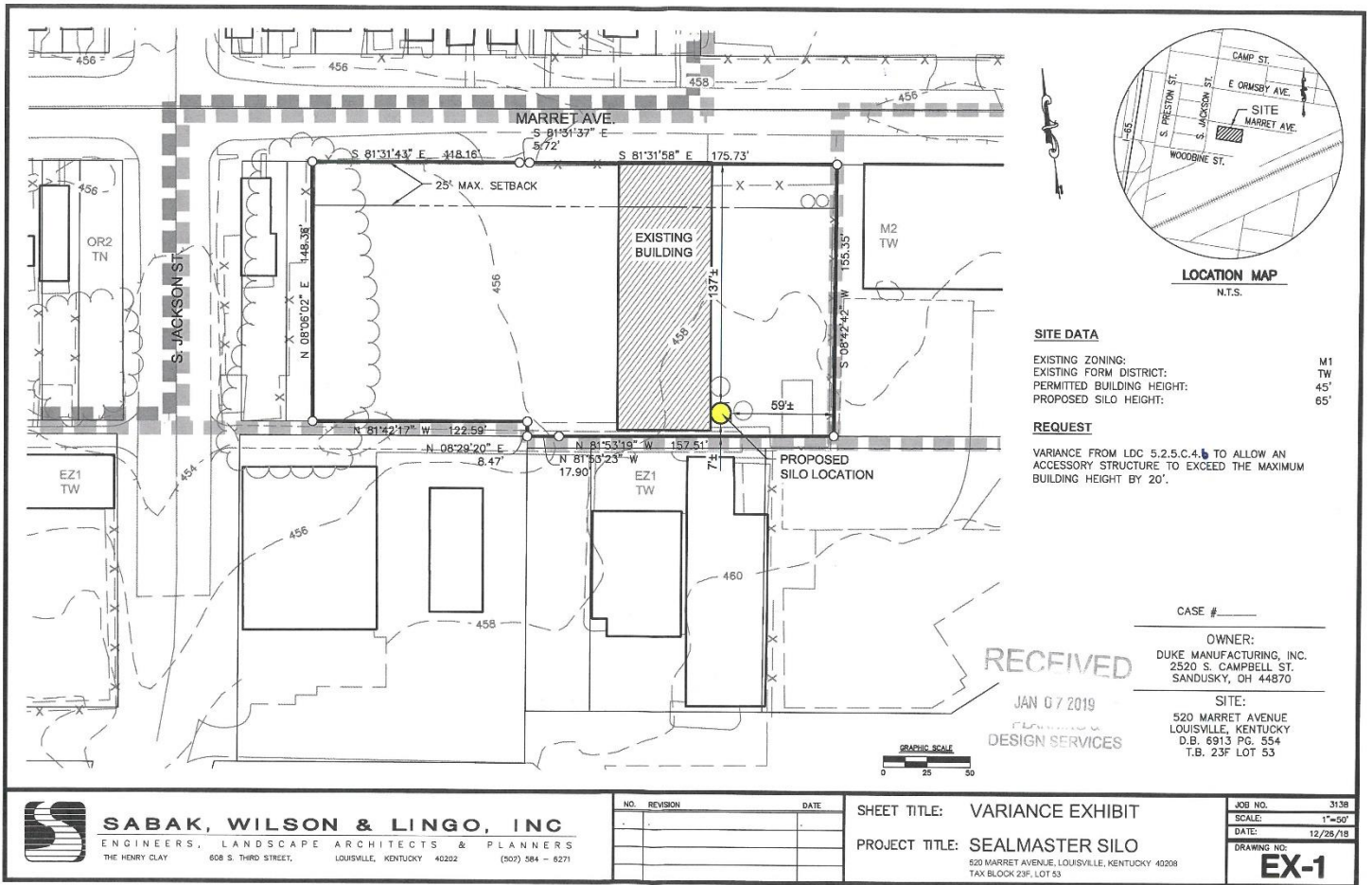
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Map Created: 2/7/2019



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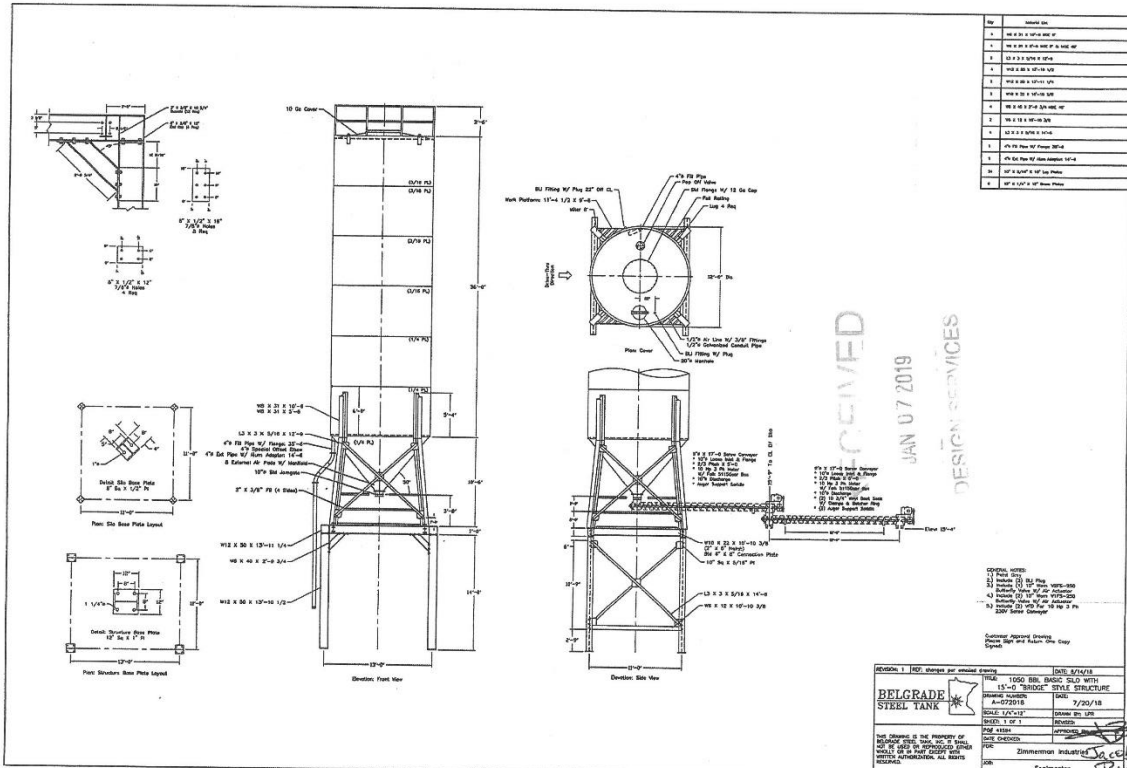
3. Site Plan



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4. Elevations



TAVAR/ANCLD/SP

5. Site Photos



Front of the subject property.



Properties across Marret Avenue.



Location of proposed silo.



Silo and base.



Silo site looking south.



Property to the left.



Properties to the right.