

Board of Zoning Adjustment

Staff Report

April 29, 2019



Case No:	19VARIANCE1020
Project Name:	Anchorage Landmark II
Location:	2604 Chamberlain Ln
Owner(s):	Ghasem Properties
Applicant:	Ghasem Prpoerties
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variances**
 1. **Variance** of Land Development Code section 5.3.4.D.3.a to allow a proposed commercial building to encroach up to 5 feet into the required 25 foot street side setback along Old La Grange Rd as shown on the development plan.
 2. **Variance** of Land Development Code section 5.3.4.D.3.a to allow a proposed commercial building to encroach up to 18.6 feet into the required 25 foot street side setback along the private access easement as shown on the development plan.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 13,345 SF retail commercial structure in the Suburban Workplace form district. The variance requests are associated with a Revised District Development Plan being reviewed under docket 19DEVPLAN1021.

STAFF FINDING

The requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

The Revised District Development Plan will be considered by the Development Review Committee at the May 8 meeting of that committee.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 1

- (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 and welfare as adequate setbacks will still exist on the site and all required fire safety measures will be incorporated into the structure as required by building code.

- (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 there is a mix of industrial and commercial uses with a variety of setbacks.

- (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 there will still be adequate sight-lines for drivers around the proposed structure.

- (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.

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.

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 regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

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 the result of actions of the applicant taken subsequent to the adoption of the regulation, as the site is currently vacant.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 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 and welfare as adequate setbacks will still exist on the site and all required fire safety measures will be incorporated into the structure as required by building code.

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STAFF: The requested variance will not alter the essential character of the general vicinity, as there is a mix of industrial and commercial uses with a variety of setbacks.

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REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variances**

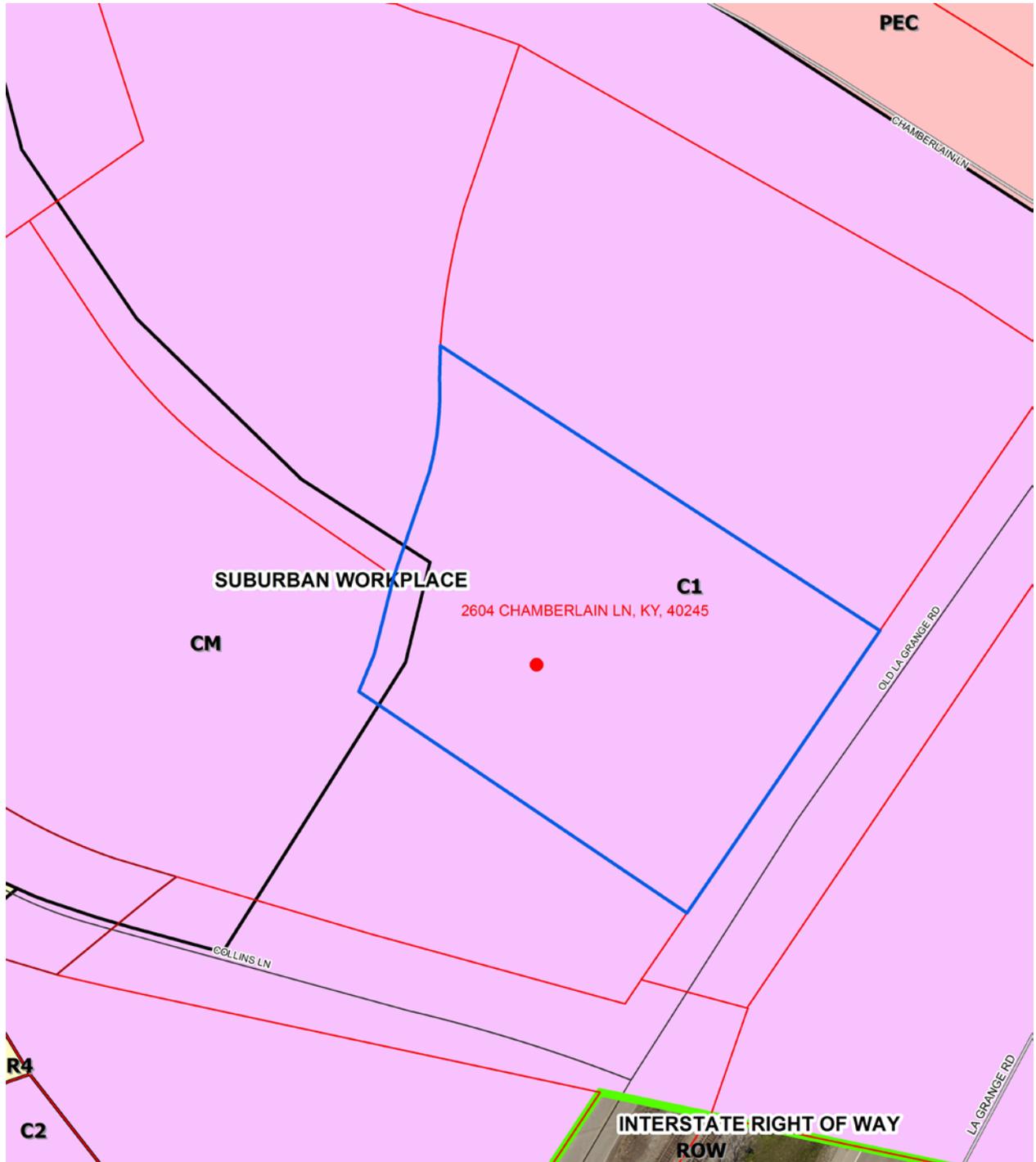
NOTIFICATION

Date	Purpose of Notice	Recipients
4-9-19	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 17

ATTACHMENTS

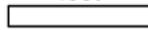
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



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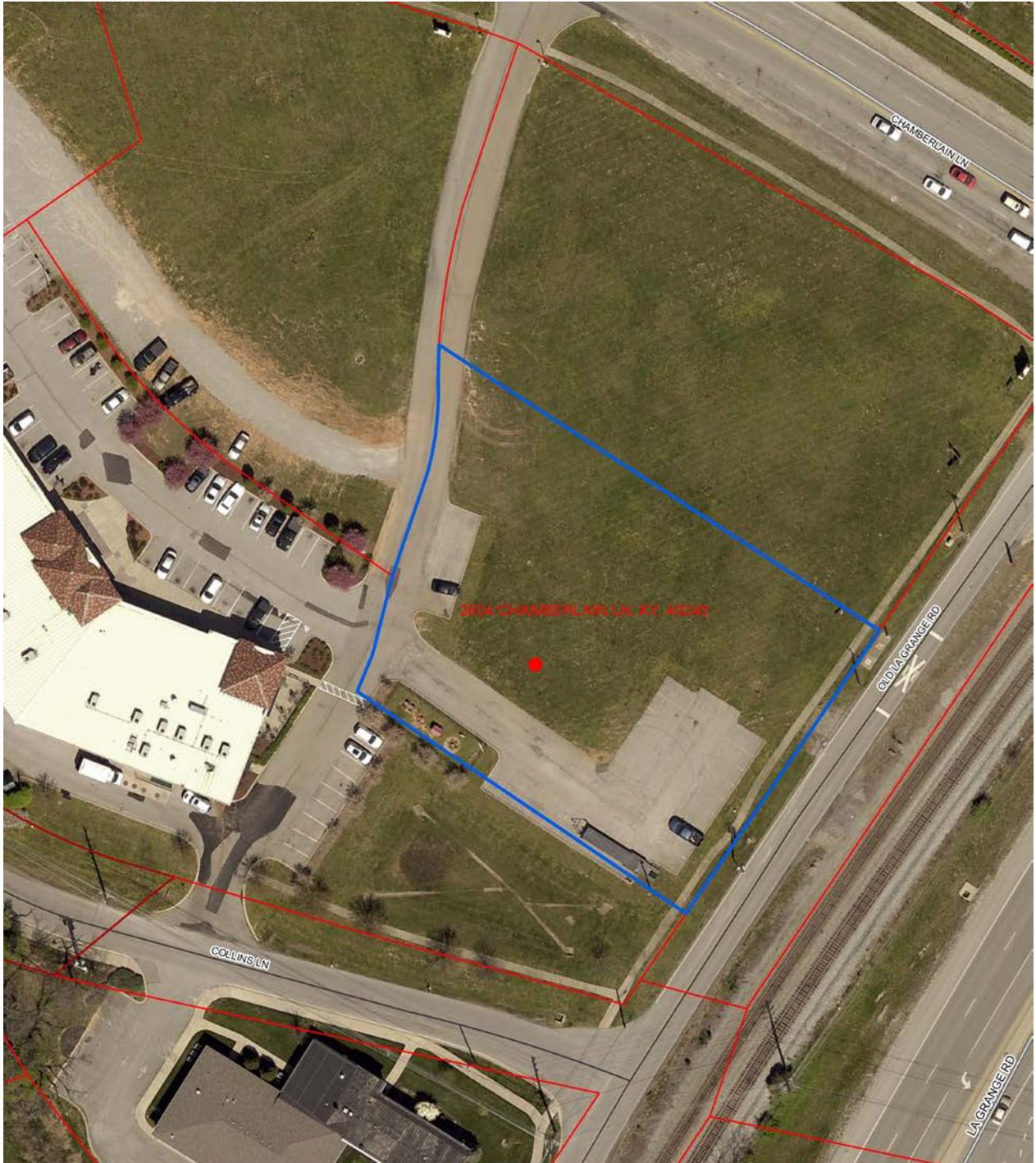
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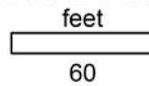
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2. Aerial Photograph



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