

# Board of Zoning Adjustment

## Staff Report

October 28, 2019



<b>Case No:</b>	19-VARIANCE-0024
<b>Project Name:</b>	Former K-Mart Plaza
<b>Location:</b>	3911 Taylorsville Rd
<b>Owner(s):</b>	Triple M Investments
<b>Applicant:</b>	Triple M Investments
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Variance:**
  1. Variance from Chapter 5.3.3.C.2.b (19-Variance-0024) to allow a proposed loading dock and other building additions to encroach into the 50 foot rear yard and side yards as shown on the development plan.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to redevelop an existing former K-Mart department store building as a mixed retail/office. The main structure is to remain, with several minor additions and changes around the site. The applicant proposes a new loading dock and covered parking area, as well as new utility structures and a dumpster enclosure which would encroach into the 50 foot rear and side yards that are required adjacent to residential properties. The site is located is zoned C-1 and C-2 within the Regional Center form district. The current development is being reviewed as a Category 2B development plan under docket 19-CAT2-0015.

### STAFF FINDING

The request is adequately justified and meets the standard of review. The proposed encroachments are a minimal change to existing conditions on the subject site and adequate screening will be provided adjacent to the residential properties.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties associated with this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare since all building code requirements will be met on the subject site.

- (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 since the site is already constructed with parking and vehicle maneuvering that encroaches into the setbacks adjacent to residential.

- (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 since adequate screening will be provided along the residential properties adjacent to the subject site.

- (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 zoning regulations since the encroachments are minimized and will allow for the re-use of the existing vacant commercial property on 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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the existing development already encroaches into the setbacks.

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 deprive the applicant of reasonable use of the land since the structure already exists, and the additions are necessary to serve the proposed uses.

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 zoning regulation from which relief is sought.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance**

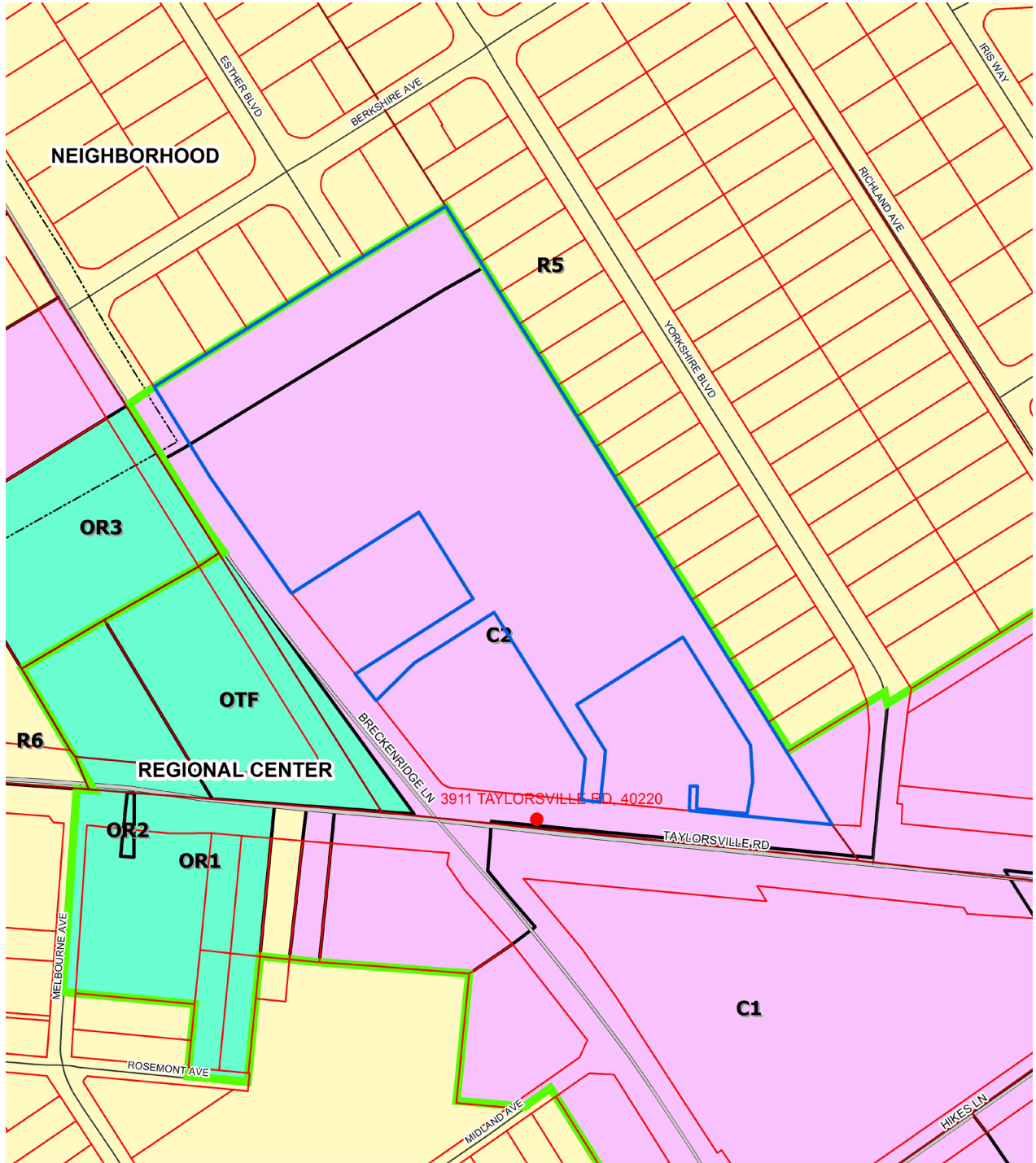
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10-7-19	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 26

**ATTACHMENTS**

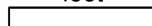
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



**19-VARIANCE-0024**

feet



200

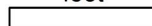
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2. Aerial Photograph



19-VARIANCE-0024

feet



200

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