

**Board of Zoning Adjustment
Staff Report**
June 15, 2015



Case No:	15VARIANCE1031
Project Name:	Thorntons
Location:	8400 Dixie Highway
Owner(s):	Thorntons, Inc.
Applicant(s):	Thorntons, Inc.
Representative(s):	Joe Watson
Project Area/Size:	4,497 square feet
Existing Zoning District:	C-2, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variances from the Land Development Code to allow a proposed addition to encroach into the required yards.

Location	Requirement	Request	Variance
West Side Property Line	25'	15'	10'
Front Property Line	35'	22.2'	12.8'

CASE SUMMARY

The applicant is proposing to build an addition onto the existing Thorntons. The addition will be 4,497 square feet and be on the north side of the structure.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial	C-2	SMC
Proposed	Commercial	C-2	SMC
Surrounding Properties			
North	Commercial, Residential	C-2, R-4	N
South	Commercial	C-2	SMC
East	Commercial	C-2	N
West	Residential Single Family	R-4	N

SITE CONTEXT

The site is irregular in shape and located on the southwest corner of West Pages Lane and Dixie Highway. The site is located in a transition zone and abuts residential uses to the west. Commercial uses are located the north, south, and east.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (West Side Property Line)

(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 addition will be matching the current condition on 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 because the proposed addition will be compatible with the existing structure and match the existing building alignment.

(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 existing structure has been in place for approximately 20 years.

(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 because the structure in its existing configuration is approximately 15 feet from the side property line.

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 site is located on a corner and transition zone.

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 because the addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (Front Property Line)

(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 addition will be matching the current condition on 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 because the proposed addition will be compatible with the existing structure and match the existing building alignment.

(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 existing structure has been in place for approximately 20 years.

(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 because landscaping will be added near the addition.

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 site is located on a corner and transition zone.

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 because the addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

TECHNICAL REVIEW

Staff has discussed the façade facing West Pages Lane with the engineer and they may have an alternative façade that will not be blank. The revised elevation has not been submitted or reviewed by staff. Landscape planting requirements will be met.

STAFF CONCLUSIONS

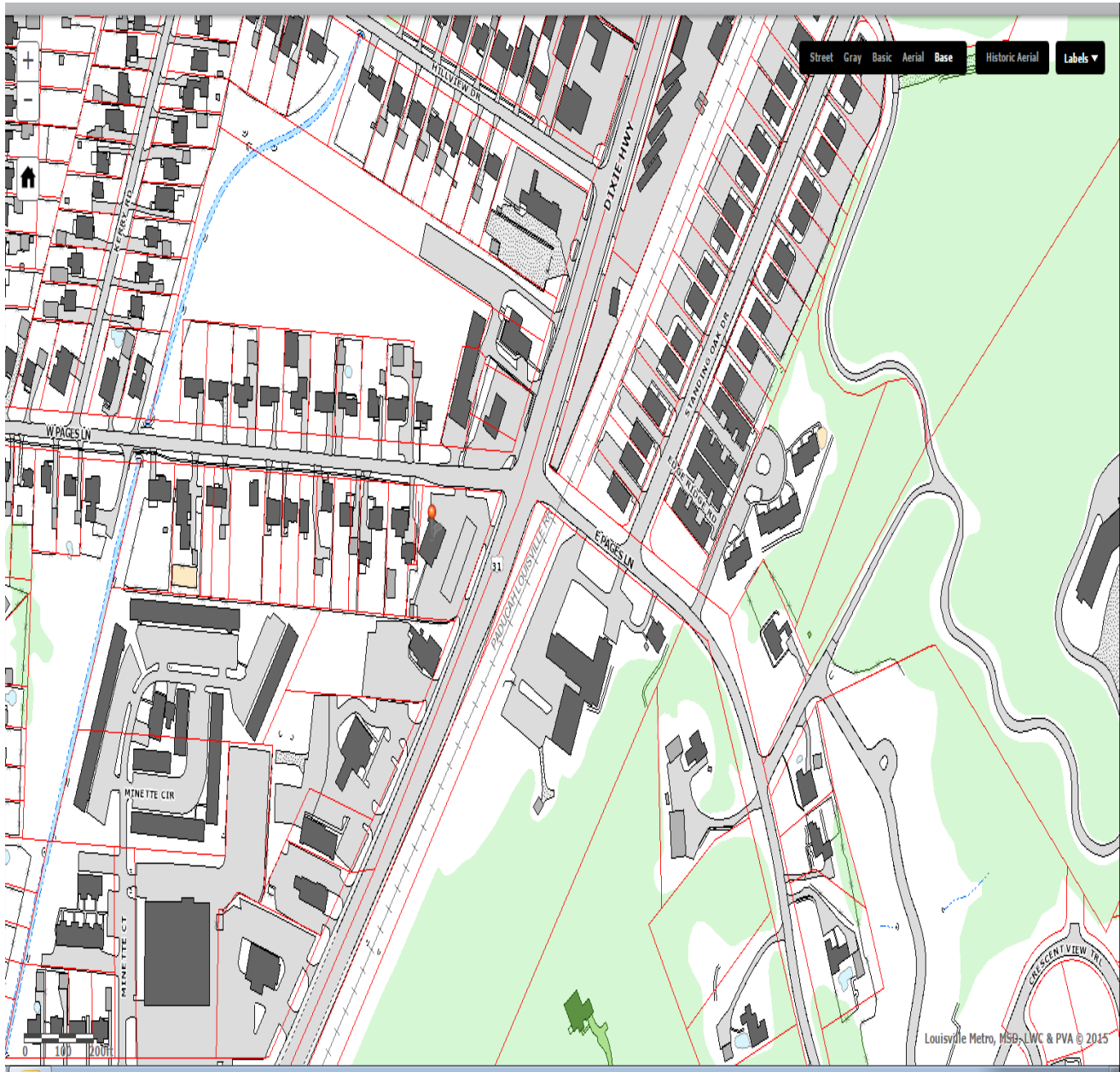
The new addition will be compatible with the existing structure and surrounding area which has a mix of residential and commercial uses. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
05/28/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
05/29/2015	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The existing Thorntons bldg. is closer to the property line than the proposed addition. It has not had any adverse impact over the past 20 or so years.

2. Explain how the variance will not alter the essential character of the general vicinity.

After the addition to the store, it will continue to be a Thorntons convenience store/ gas station. Thus the character of the vicinity will not change.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The existing store conditions have not caused any hazards or nuisances over the past years of operations, so none would be expected due to the minor expansion.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The existing building is closer to the property line than the proposed addition. Thus the addition isn't an unreasonable circumvention of the zoning regs.

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Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The lot layout does not allow Thorntons to expand the store for better service unless the variance to build closer to the property line is granted. .

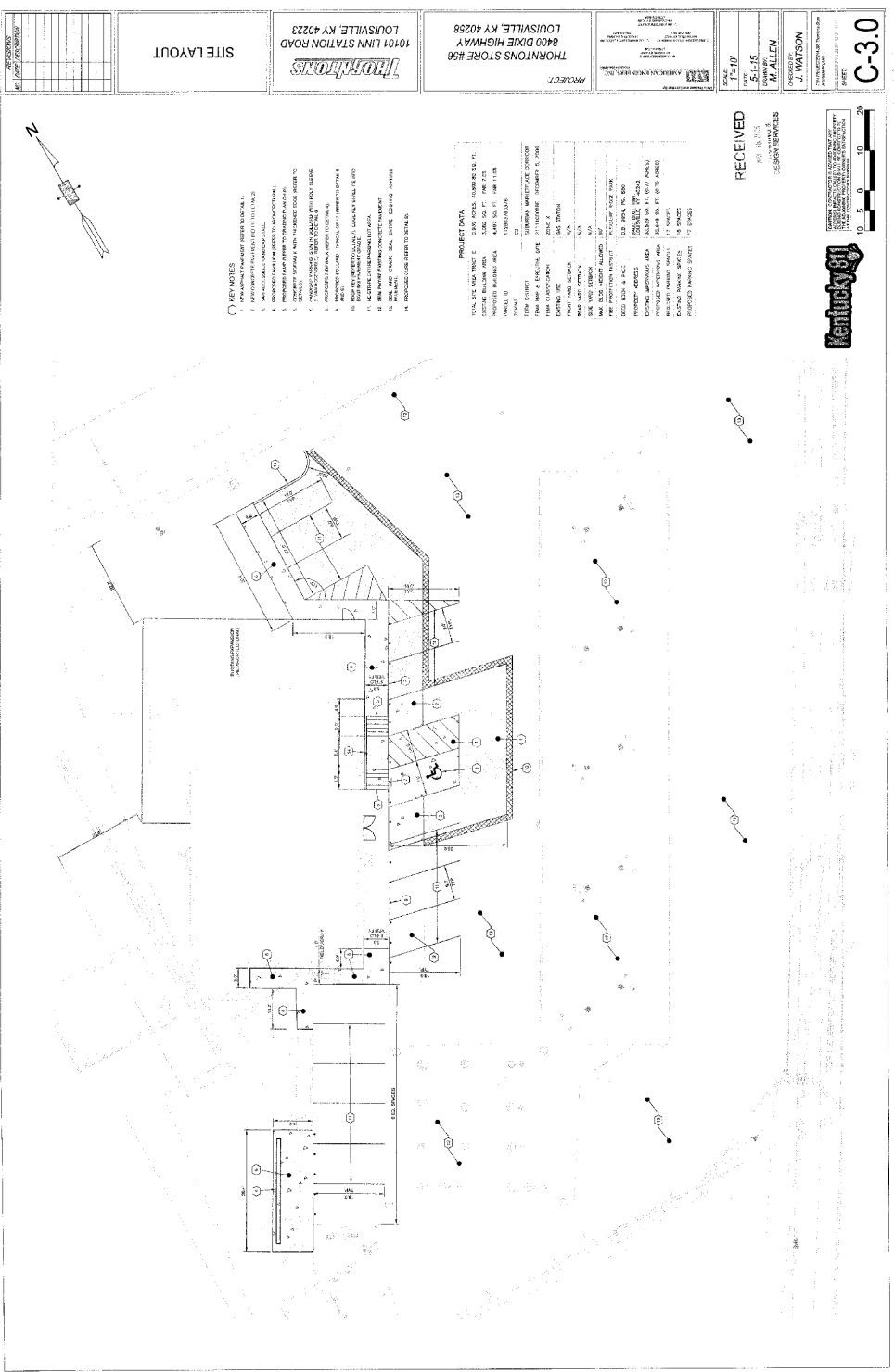
2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Strict application of the regs provisions would not allow Thorntons to expand, which would deprive the public of more and better service that the proposed addition will provide.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No, the existing bldg and the existing conditions have been in place for about the last 20 years.

15VARIANCE1031



SITE LAYOUT

THORNTONS
 THORNTONS STORE #68
 10101 LINN STATION ROAD
 LOUISVILLE, KY 40223

PROJECT
 THORNTONS STORE #68
 2400 DIXIE HIGHWAY
 LOUISVILLE, KY 40223

ARCHITECT
 AMERICAN OVERSEAS, INC.
 1000 WEST MAIN STREET
 SUITE 100
 LOUISVILLE, KY 40202
 (502) 261-1111

SCALE
 1/8" = 1'-0"
 1/4" = 3'-0"
 1/2" = 6'-0"
 1" = 12'-0"

PROPOSER
 J. WATSON
 1000 WEST MAIN STREET
 SUITE 100
 LOUISVILLE, KY 40202
 (502) 261-1111

C-3.0
 SHEET

- KEY NOTES**
1. REFER TO ALL NOTES ON ALL SHEETS.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL FINISHES ARE TO BE AS SHOWN ON THE DRAWING.
 4. ALL MATERIALS ARE TO BE AS SHOWN ON THE DRAWING.
 5. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.
 6. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC) AND ALL APPLICABLE LOCAL ORDINANCES.
 7. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC) AND ALL APPLICABLE LOCAL ORDINANCES.
 8. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AND ALL APPLICABLE LOCAL ORDINANCES.
 9. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND ALL APPLICABLE LOCAL ORDINANCES.
 10. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SMOKE AND ALARM CODE (ISAC) AND ALL APPLICABLE LOCAL ORDINANCES.
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 20. ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CONSTRUCTION CODE (ICC) AND ALL APPLICABLE LOCAL ORDINANCES.

PROJECT DATA

TOTAL SITE AREA: 1.5 ACRES
 TOTAL BUILDING AREA: 10,000 SQ. FT.
 TOTAL PARKING SPACES: 100
 TOTAL LOT AREA: 1.5 ACRES
 TOTAL LOT AREA: 1.5 ACRES

OWNER
 J. WATSON
 1000 WEST MAIN STREET
 SUITE 100
 LOUISVILLE, KY 40202
 (502) 261-1111

DESIGNER
 AMERICAN OVERSEAS, INC.
 1000 WEST MAIN STREET
 SUITE 100
 LOUISVILLE, KY 40202
 (502) 261-1111

DATE
 08/15/2015

PROJECT ADDRESS
 2400 DIXIE HIGHWAY
 LOUISVILLE, KY 40223

PROJECT NUMBER
 15-000001

PROJECT PHASE
 1. PRELIMINARY
 2. PERMITS
 3. CONSTRUCTION

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 08/15/2015
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SCALE
 1/8" = 1'-0"
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 1/2" = 6'-0"
 1" = 12'-0"

