

# Development Review Committee

## Staff Report

October 4, 2023



<b>Case No:</b>	23-WAIVER-0125
<b>Project Name:</b>	Vanaire Building Expansion
<b>Location:</b>	10090 Bunsen Way
<b>Owner(s):</b>	Guillermo Vanegas, LLC
<b>Applicant:</b>	Guillermo Vanegas, LLC
<b>Jurisdiction:</b>	City of Jeffersontown
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Ethan Lett, Planner I

### REQUEST(S)

- Waiver from Land Development Code Section 10.2.4 to allow existing pavement to encroach into the Landscape Buffer Area

### CASE SUMMARY/BACKGROUND

The applicant is proposing a 17,600 sq. ft. addition to an existing warehouse and alterations to its parking lot. The existing ingress/egress drive lane and a portion of the front parking area partially encroach into the required landscape buffer areas. The City of Jeffersontown is requiring the applicant to obtain a waiver for these existing encroachments.

### STAFF FINDING

Staff finds that the requested waiver is adequately justified for approval based on the analysis contained in the standard of review.

### TECHNICAL REVIEW

Land Development Code (2006) Jeffersontown

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the noncompliant pavement has been in place for at least 15 years, and a wooded buffer along the adjacent property provides substantial screening from any potential impacts.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing

development and with the desired pattern of development within the Form District. The surrounding area is an established employment center characterized by uses and site design of similar layout and intensity.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the nonconformance is preexisting and no additional encroachments are being proposed.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the encroachment is an existing condition, and the applicant has proposed to provide additional interior landscape area beyond the minimum required to compensate for noncompliance with the requirements to be waived.

**REQUIRED ACTIONS:**

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **WAIVER**

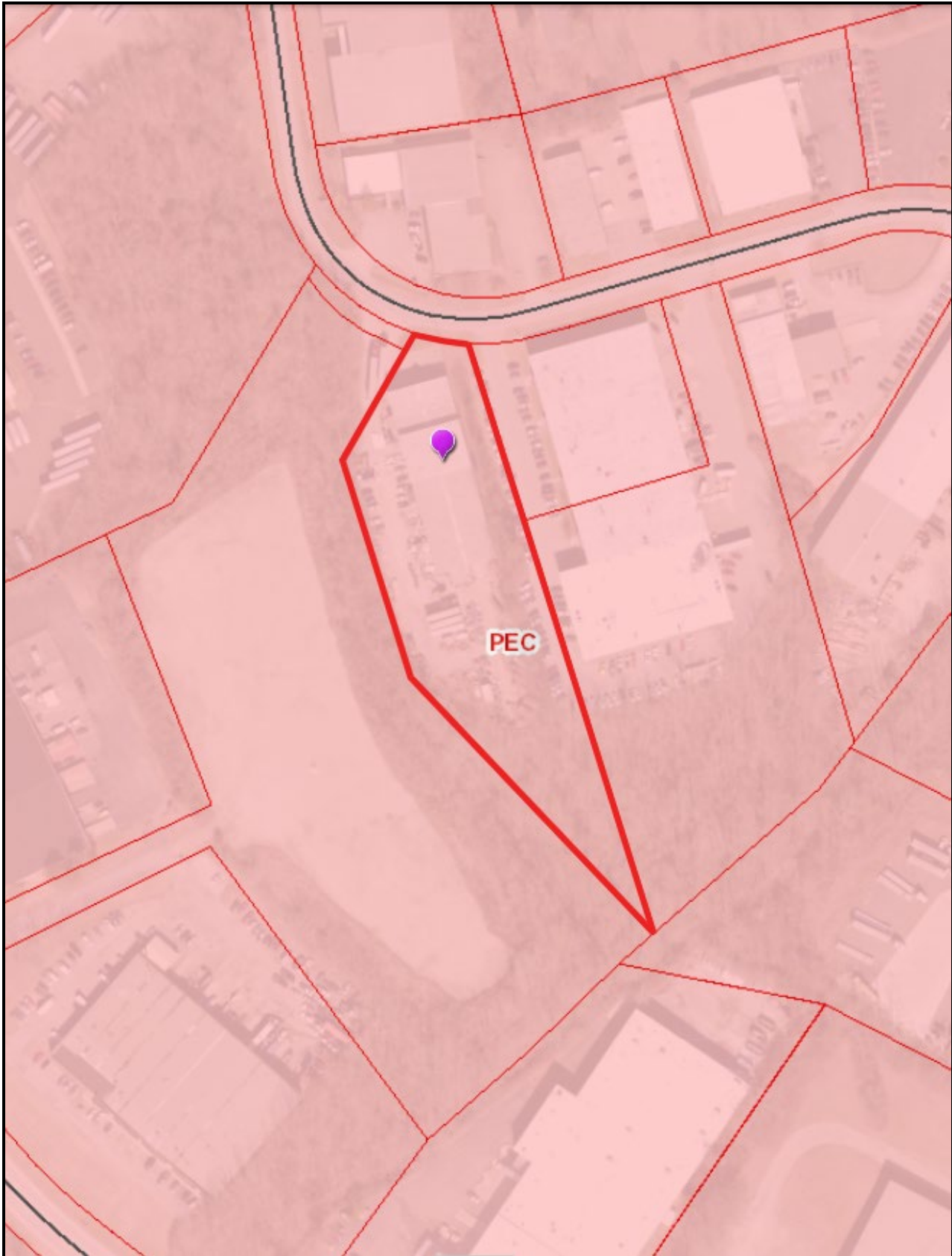
**NOTIFICATION**

Date	Purpose of Notice	Recipients
9/18/2023	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 11

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

