



B.D.

Variance Application

Aug 17, 2015

Louisville Metro Planning & Design Services

Case No.: 15VARIANCE1049

Intake Staff: SQH

Date: 7-27-15

Fee: 625.50

CD 20-Stuart Benson

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 5.2.4.C.3.a of the Land Development Code, to allow The proposed building to exceed the maximum 15' setback.

Primary Project Address: 12607 Taylorsville Road

Additional Address(es): _____

Primary Parcel ID: Tax Block 3700, Lot 15

Additional Parcel ID(s): _____

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Proposed Use: Commercial

Existing Use: Commercial

Existing Zoning District: C-1

Existing Form District: TCFD

Deed Book(s) / Page Numbers²: 8817/229

The subject property contains +/- 14.79 acres. Number of Adjoining Property Owners: 11

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 15DEVPLAN1099

Docket/Case #: 9-12-04WPW

Docket/Case #: 10-7-04

Docket/Case #: _____

15VAR1049

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: David Nicklies

Name: Jim Calvery

Company: NEDCO, LLC.

Company: Nicklies Development

Address: 6060 Dutchmans Lane, Suite 110

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City: Louisville State: KY Zip: 40205

City: Louisville State: KY Zip: 40205

Primary Phone: 502 515-1919


Primary Phone: 502 515-1919

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: jcalvery@nicklies.com

Owner Signature (required): 

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: _____

Name: John Campbell

Company: _____

Company: Heritage Engineering, LLC.

Address: _____

Address: 642 South 4th Street, Suite 100

City: _____ State: _____ Zip: _____

City: Louisville State: KY Zip: 40202

Primary Phone: _____

Primary Phone: 502 562-1412

Alternate Phone: _____


Alternate Phone: _____

Email: _____

Email: jcampbell@heritageeng.com


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Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I,  SCOTT HANWICK in my capacity as authorized agent, hereby representative/authorized agent/other

certify that NEDCO, LLC. is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  Date: 7-27-15

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Variance Justification:

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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.

See attached letter

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

See attached letter

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

See attached letter

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

See attached letter

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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).

See attached letter

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.

See attached letter

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

See attached letter

HERITAGE ENGINEERING, LLC

July 27, 2015

Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

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Re: Variance Request – Letter of Explanation

Dear Staff:

On behalf of Nicklies Development we are submitting the attached variance request for a proposed general retail building that will accompany a Kroger Marketplace Grocery expansion at the Tyler Retail Center located at 12607 Taylorsville Road.

Site improvements include a partial demolition of 12,000 sf of an existing 32,800 sf general retail building and an expansion of the existing Kroger Grocery into a larger Kroger Marketplace Grocery with an expanded Fuel Center. Demolition of the existing general retail building is necessary to provide an expansion area for the existing grocery. Replacement of the eliminated general retail space onto Lot 5B is subject to approval of a variance from Chapter 5, Part 2, Section 5.2.4.C.3.a of the Land Development Code. The requested variances will allow a proposed 6,600 sf building for general retail to be located greater than the maximum setback as permitted by code.

Justifications for the requested variances are:

- The requested variance will not adversely affect the public health, safety or welfare because granting of the variance will allow for reconstruction of a general retail building onto a vacant outlot that was previously designed in a manner that promotes a Town Center feel while providing an enhanced landscaped setback along Taylorsville Road.
- The variance requested will not alter the essential character of the general vicinity as the proposed building setback will be compatible with nearby businesses while implementing the high standards of design associated with the Tyler Retail Center and Kroger grocery chain.
- Granting of the variance will not cause a hazard or a nuisance to the public as the proposed general retail building and Kroger Marketplace grocery will enhance the existing Tyler Retail Center while providing additional shopping and goods to grocery and retail customers within the community.
- The development as proposed with the requested variance will not allow for an unreasonable circumvention of the zoning regulations as it will allow for the outlot property to be developed as originally envisioned while allowing for enhancements to the existing Kroger Grocery.

642 S. 4TH STREET, SUITE 100
LOUISVILLE, KENTUCKY 40202
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204
JEFFERSONVILLE, INDIANA 47130
PHONE: 812-280-8201 FAX: 812-280-8281

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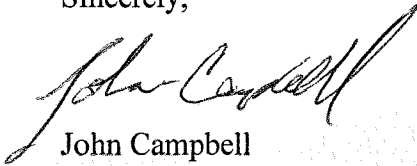
HERITAGE ENGINEERING, LLC

In addition to the justification as defined, please also take into consideration:

- The subject property is impacted by special circumstances such as the area's original Neighborhood Form District being redefined to a Town Center Form District after the original development plan and general layout with traffic flow was approved and mostly constructed for the existing Tyler Retail Center.
- Strict application of the provisions would limit the ability to provide a cohesive design of the outlots along Taylorsville Road resulting in limited ability to relocate a portion for the existing general retail to allow for the Kroger Marketplace Grocery expansion.
- The proposed redevelopment of the property and need for the variance is not a result of actions taken by the applicant as the existing property was designed to Land Development Code requirements and is simply a result of a change in Form District.

Thank you for your consideration; please advise us immediately if any additional information is needed.

Sincerely,



John Campbell

Encl. Application
Development Plan

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Land Development Report

June 12, 2015 8:58 AM

About LDC

Location

Parcel ID: 370000150000
Parcel LRSN: 1039876
Address: 12607 TAYLORSVILLE RD

Zoning

Zoning: C1
Form District: TOWN CENTER
Plan Certain #: 09-012-04
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: TYLER RETAIL CENTER
Plat Book - Page: 50-052
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
National Register District: NONE
Urban Renewal: NO
Enterprise Zone: NO
System Development District: A
Historic Site: NO

Environmental Constraints

Flood Prone Area
FEMA Floodplain Review Zone: NO
FEMA Floodway Review Zone: NO
Floodplain Ordinance Review Zone: NO
Conveyance Zone Review Zone: NO
FEMA FIRM Panel: 21111C0065E

Protected Waterways

Potential Wetland (Hydric Soil): NO
 Streams (Approximate): NO
 Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
 Unstable Soil: NO

Geology

Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: NO
 Sewer Recapture Fee Area: YES
 Drainage Credit Program: MS4 (outside of incentive area)

Services

Municipality: LOUISVILLE
 Council District: 20
 Fire Protection District: JEFFERSONTOWN
 Urban Service District: NO

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