

Board of Zoning Adjustment Staff Report

May 4, 2015



Case No:	15Variance1014
Project Name:	Springdale Automotive - Eastwood
Location:	16119 Eastwood Cut Off Road
Owner(s):	Kurt & Karen Shelton
Applicant:	Paul Lichtefeld, Litchefeld Inc.
Representative:	Mark Madison, Milestone Design Group Inc.
Project Area/Size:	0.466 acres
Jurisdiction:	Louisville Metro
Council District:	19- Julie Denton
Case Manager:	Sherie' Long, Landscape Architect

(Continued from April 6, 2015 Hearing)

REQUEST

Variance: Setback

Variance from the Land Development Code, Section 5.2.6.E and Table 5.2.2, to allow a proposed building to exceed the maximum setback of 25 feet from Shelbyville Road

Location	Requirement	Request	Variance
Front yard setback (north)	25 feet	148.09 feet	123.09 feet

Waiver #1: Parking Location

Waiver of the Land Development Code Section 5.5.1.A.3.a and 5.9.2.C.4. to allow parking in front of the building.

Waiver #2: Sidewalk along Shelbyville Road

Waiver of the Land Development Code Section 5.8.1.B, Section 6.2.6.B, and Table 6.2.2 to not provide the required 6 feet sidewalk along Shelbyville Road street frontage.

Waiver #3: Pedestrian Connection

Waiver of Land Development Code Section 5.5.1.A.3.d to not provide a pedestrian connection to the abutting developments or to the sidewalk along Eastwood Cut Off Road.

Waiver #4: Landscape Buffer Encroachment

Waiver of Land Development Code Section 10.2.4.B to allow a retaining wall in the 5 foot eastern LBA.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This case was continued from April 6, 2015 hearing at the request of the applicant to allow the applicant to work with the Eastwood Village Council.

The applicant is proposing to construct a new 4,896 square foot building for automotive services on a sloping half acre parcel located between Eastwood Cut Off Road and Shelbyville Road. This new building will be a partial 2 story structure built into the existing slope providing access to the building from both Shelbyville Road and Eastwood Cut Off Road. The new structure will contain an office, on the lower floor facing Shelbyville

Road; and two (2) service bays and (4) parking spaces for employees, on the upper floor accessed from Eastwood Cut Off Road. A variance is being requested to exceed the maximum setback of 25 feet from Shelbyville Road. Eight parking spaces will be provided in front of the building on the lower level adjacent to the office. The applicant is requesting a waiver to allow this parking in front of the building. In addition, an access drive will be provided from Eastwood Cut Off Road to the upper level service bays and employee parking, which will only be used by the employees and not customers. The existing house will remain as a residential rental unit in addition to the proposed new building for auto services. However, the existing garage and the side porch of the house will be removed to accommodate the access drive, a parking space (rental unit), and the new building construction.

The required parkway buffer planting, berm and a 3' masonry wall will be provided along the Shelbyville Road frontage. However, the applicant is requesting a waiver to not provide the required sidewalk along the Shelbyville Road frontage and to also not provide a pedestrian connect to either Shelbyville Road or Eastwood Cut Off Road from the proposed or existing building. Nevertheless, a portion of the property adjacent to Eastwood Cut Off Road will be dedicated to right of way and the required sidewalk will be provided along the Eastwood Cut Off Road frontage.

Along the east and west perimeters, the perimeter buffer tree plantings and the tree canopy requirements will be provided along with the required 6' screen.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned C-1 in the Village Center (VC) Form District. It is surrounded by single family residential, multi-family residential, commercial retail, commercial auto-services; light industrial and vacant properties zoned C-1, R-4, R-5, and M-2 in the Village Center (VC) and Village (V) Form Districts.

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family Residential	C-1	Village Center
Proposed	Commercial Auto Services & Single family Residential	C-1	Village Center
Surrounding Properties			
North	Commercial Auto Services, Multi-family, & Single family Residential	M-2, C-1 & R-4	Village Center & Village
South	Church & Single family Residential	R-5, R-4 & C-1	Village & Village Center
East	Single family Residential, Light Industrial & Vacant	C-1	Village Center
West	Single family Residential & Commercial retail	C-1	Village Center

PREVIOUS and CURRENT CASES ON SITE

- Case # **2-43-14** - Category 2B Development Plan – Pending
- Case **15WAIVER1004** – Sidewalk Waiver – Pending
- Eastwood Village Neighborhood Plan – Approved November 22, 2005

INTERESTED PARTY COMMENTS

Eastwood Village Council has provided written comments which have been incorporated in this staff report and also have requested the case be continued to a later date to allow the Kentucky Department of Transportation to review the location of the requested entrance.

District 19 Metro Councilwoman Julie Denton's assistant requested information about the proposal. Jerry Miller, State Representative 36th House District, called to request a continuance of the case to May 18th, 2015 so he could speak to the committee.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Eastwood Village Neighborhood Plan

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

Variance: Setback

Variance from the Land Development Code, Section 5.2.6.E and Table 5.2.2, to allow a proposed building to exceed the maximum setback of 25 feet from Shelbyville Road

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

STAFF: The variance will adversely affect the public health, safety or welfare because the location of the new building does not adhere to the recommendations of the Eastwood Village Neighborhood Plan and does not conform to the required Land Development Code setback for the Village Center Form District. Plus there is a safety concern about the proposed entrance from Shelbyville Road.

- (b) The requested variance will alter the essential character of the general vicinity.

STAFF: The requested variance will alter the essential character of the general vicinity for the Village Center because the location of the new building does not adhere to the recommendations of the Eastwood Village Neighborhood Plan or the required Land Development Code setback for the Village Center Form District which is also the Traditional Neighborhood Form District. The Eastwood Neighborhood Plan States "The scale and character of development in this portion of the village center should maintain the village atmosphere with pedestrian scale design incorporating benches and awnings on storefronts. Buildings are placed closer to the street, with on-street parking or parking in the rear of the building." The plan also states "This recommendation also recognizes that Shelbyville Road is Eastwood's front door and future improvements along the corridor should promote and protect the village character."

- (c) The requested variance will cause a hazard or nuisance to the public.

STAFF: The requested variance will cause a hazard or nuisance to the public because the proposed location of the new building is very close to both the existing adjacent residence facing Eastwood Cut off Road and the existing house fronting Eastwood Cut Off Road, which is proposed to remain as a rental property. The impact of proposed use, auto services, will affect all properties within close proximity.

- (d) The requested variance will allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations because the request does not comply with either the recommendations of the Eastwood Neighborhood Plan or the Village Center Form District.

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 because the lot is very narrow, ranging from 49 to 76 feet; and has a difference of 28 feet of elevation from the Shelbyville Road to Eastwood Cut Off Road. The narrowness and steepness of the lot limits the location of the building. The applicant has utilized the difference in elevation to allow the building to be accessed from both streets as recommended in the neighborhood plan. However, the building could be narrowed or configured to fit the lot and meet the setback requirements.

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 because the building design would be required 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 circumstances are the result of actions of the applicant. The shape of the lot and steepness of the lot are both existing conditions. The neighborhood plan and the development code both require proposed buildings to be located close to the street/road.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #1: Parking Location

Waiver of the Land Development Code Section 5.5.1.A.3.a and 5.9.2.C.4. to allow parking in front of the building.

- (a) The waiver will adversely affect adjacent property owners; and

STAFF: The waiver will adversely affect adjacent property owners since the adjacent business does not have parking in front of their building and the Eastwood Neighborhood Plan promotes parking at the rear of new buildings. The Eastwood Neighborhood Plan states "Buildings should be places close to the street, with on-street parking or parking in the rear of the building". The intent of the neighborhood plan is not to promote parking in front of new buildings but instead to promote the village character. The neighborhood Plan Implementations states "Do not permit parking between buildings and Shelbyville Road frontage." Even though there is parking in front of some of the existing businesses this pattern is not supported by the LDC or the Eastwood Neighborhood Plan.

- (b) The waiver will violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure compatibility of all new development and

redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is not compatible with the established pattern of development as outlined in the Eastwood Neighborhood Plan or the Village Center Form District. The Eastwood Neighborhood Plan states "Buildings should be places close to the street, with on-street parking or parking in the rear of the building". The intent of the neighborhood plan is not to promote parking in front of new buildings but instead to promote the village character. The "Plan Implementations" of the neighborhood plan states "Do not permit parking between buildings and Shelbyville Road frontage." Therefore, the waivers will violate specific guidelines, policies of Cornerstone 2020, and the Eastwood Neighborhood Plan.

- (c) The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since the LDC and the Eastwood Neighborhood Plan both require and promote parking in the rear of new buildings.

- (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 applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. With exception of the other waiver requests, only the minimum requirements are being met. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the regulations and neighborhood plan requirements can be met.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #2: Sidewalk along Shelbyville Road

Waiver of the Land Development Code Section 5.8.1.B, Section 6.2.6.B, and Table 6.2.2 to not provide the required 6 feet sidewalk along Shelbyville Road street frontage.

- (a) The waiver will adversely affect adjacent property owners; and

STAFF: The waiver will adversely affect adjacent property owners since there are other sidewalks in the area and the Eastwood Neighborhood Plan promotes pedestrian connectivity with sidewalks along both Shelbyville Road and Eastwood Cut Off Road.

- (b) The waiver will violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver request does violate the comprehensive plan guidelines and the Eastwood Neighborhood Plan. The Neighborhood plan states “The center (of the Village) should be easily accessible by pedestrian with the automobile as a secondary focus.” In addition “the concept of a “walkable” community was applied to the area (village center)”. The cross section of Shelbyville Road included as a recommendation of the neighborhood plan proposes sidewalks along both sides of the street along with tree planting to enhance the village character. Therefore, the waivers will violate specific guidelines and policies of Cornerstone 2020; and violates the recommendations of the Eastwood Neighborhood Plan.

- (c) The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since there are no physical restraints preventing compliance with the regulations to be waived.

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 applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #3: Pedestrian Connection

Waiver of Land Development Code Section 5.5.1.A.3.d to not provide a pedestrian connection to the abutting developments or to the sidewalk along Eastwood Cut Off Road.

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

STAFF: The waiver will adversely affect adjacent property owners. The applicant should provide pedestrian connects to both Shelbyville Road and Eastwood Cut Off Road because the Neighborhood Plan promotes “sidewalks for all development within the Village center to promote walking as a viable alternative”.

- (b) The waiver will violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. The Eastwood Neighborhood Plan promotes “walking as a viable alternative” and “the concept of a “walkable” community”. The waiver request does violate the Cornerstone 2020 guidelines and the Eastwood Neighborhood Plan.

- (c) The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since there are no physical restraints preventing compliance with the regulations to be waived.

- (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 applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #4: Landscape Buffer Encroachment

Waiver of Land Development Code Section 10.2.4.B to allow a retaining wall in the 5 foot eastern LBA.

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

STAFF: The waiver will not adversely affect adjacent property owners since the site is lower than the adjacent property, the northern adjacent property is vacant and heavily wooded, and the structures on the other adjacent properties are located over 100 feet from the common boundary, proposed parking lot and retaining wall. Plus the proposed encroachment of the retaining wall is necessary to allow the construct of the parking lot on this sloping lot.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design

standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The encroachment of the retaining wall will not impede the installation of the required plantings for buffering and tree canopy. Plus the encroachment of the retaining wall is necessary to construct the parking lot on this sloping lot. Therefore, the encroachment of the retaining wall does not violate the comprehensive plan.

- 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 since the encroachment of the retaining wall is required to allow the construction of the parking lot. Plus the required tree and shrub plantings can be provided as required within the perimeter buffer.

- (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 applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. 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 since the retaining wall is necessary to construct the parking lot on this sloping site.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review do not support the request to grant the variance to allow the building to exceed the 25 foot setback; and also do not support the request to grant the waivers to allow the parking in front of the building; to eliminate the sidewalk along Shelbyville Road; and to eliminate the pedestrian connections. The standards of review do support the waiver to allow a retaining wall to encroach into the 5' LBA.

Therefore, the Board of Zoning Adjustment must determine, based on the testimony and evidence provided at the public hearing, if the proposal meets the standard for the variance established in the Land Development Code; and the waivers do not violated the comprehensive plan and also meet the standards established in the Land Development Code

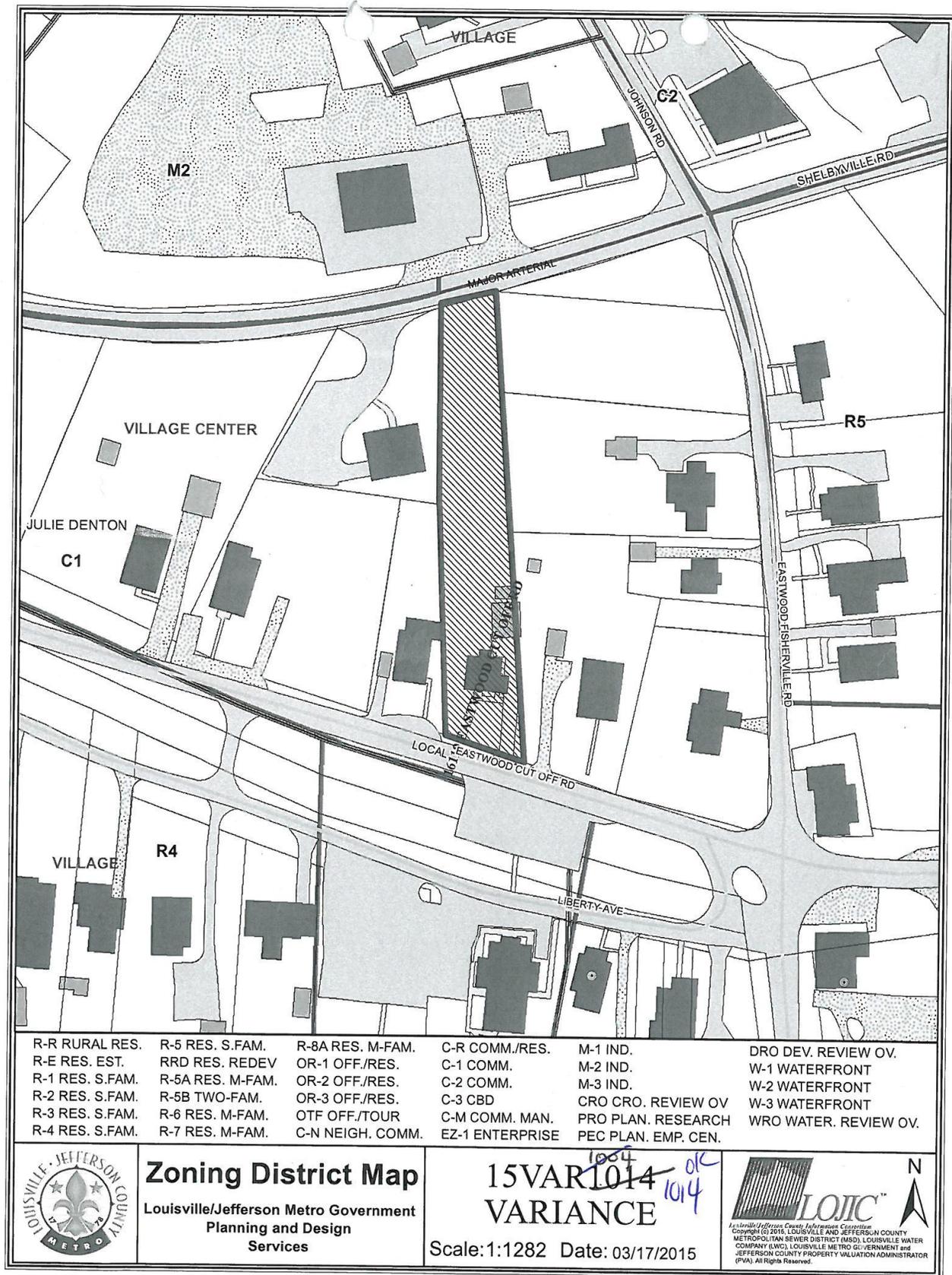
NOTIFICATION

Date	Purpose of Notice	Recipients
03/19/2015	BOZA Hearing	Neighborhood notification recipients
03/20/2015	Sign Posting	Subject property
03/20/2015	BOZA Hearing	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Building Elevations – New (Revised) and Previous
5. Applicant's Justification
6. Site Photographs
7. Eastwood Village Council Written Comments (based on Staff Report from April 6 hearing)
8. Eastwood Village Council Request for Continuous

Attachment 1 - Zoning Maps



Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

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VARIANCE

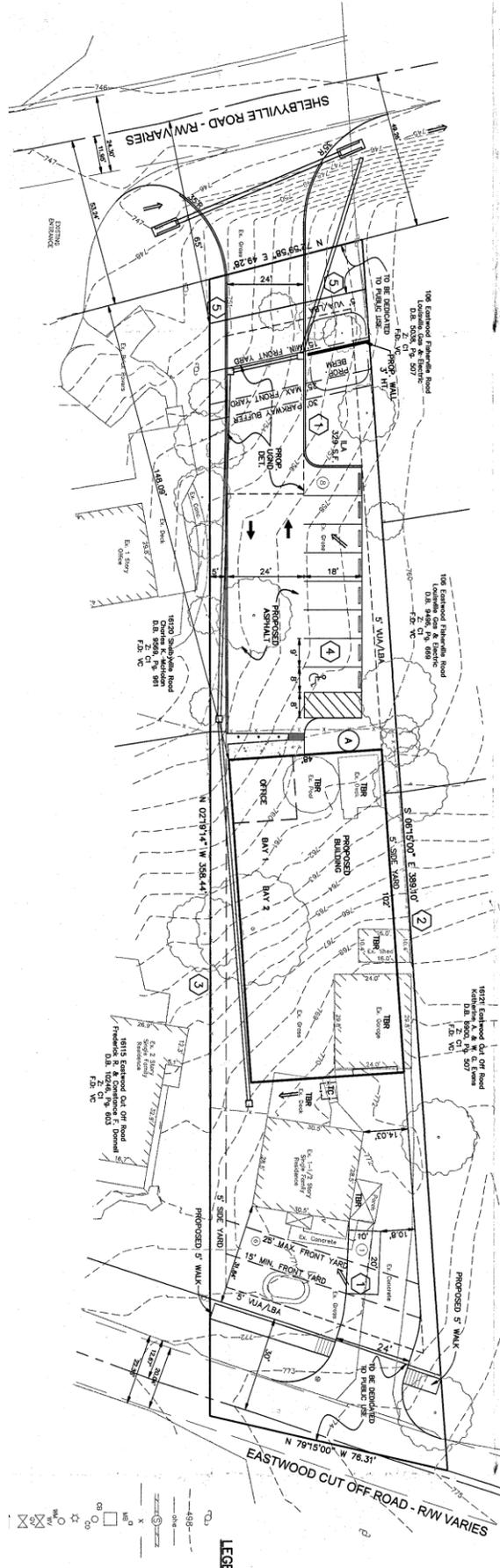
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Attachment 2 - Aerial Photo



Attachment 3 - Site Plan



Attachment 4 – New (Revised) Building Elevations



**SHELBYVILLE ROAD
EXTERIOR ELEVATION**

SCALE

1/8" = 1'-0"

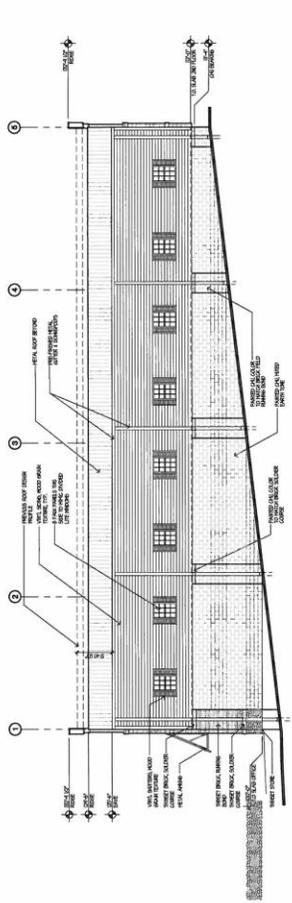
SPRINGDALE AUTOMOTIVE

DATE:

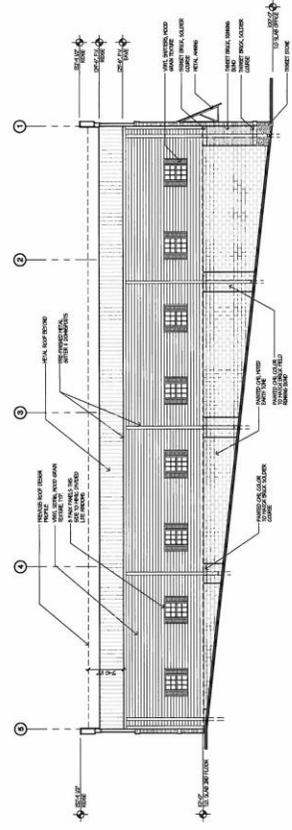
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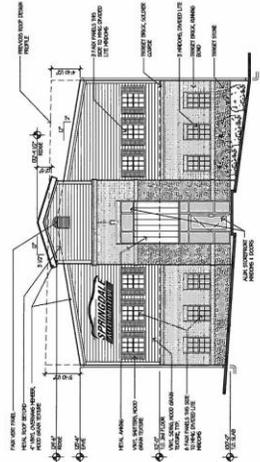
**LICHTFELD
INCORPORATED**
DESIGN, BUILD
CONTRACTORS
908 S. EIGHTH STRE
SUITE 102
LOUISVILLE, KY 4020
(502) 589-4777
(502) 589-4792; FAX
sales@lichtfeldinc.com



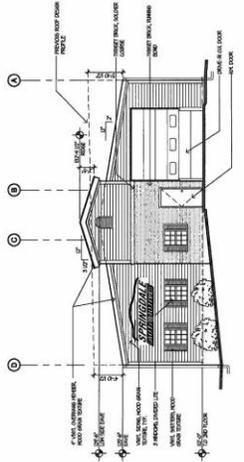
SIDE EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



SIDE EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



SHELBYVILLE ROAD EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



EASTWOOD CUT OFF EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



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SPRINGDALE AUTOMOTIVE
DATE: 04-20-10

RECEIVED

MAR 11 2015

PLANNING &
DESIGN SERVICES

Variance Justification Attachment

- This development has been designed with the focus towards Shelbyville Road and in so doing have minimized the impact on nearby properties. The subject site along with adjoining properties are zoned C-1. As demonstrated on the Development Plan which is attached to this application, granting this variance will not adversely affect the public’s health, safety and welfare.
- The existing residence will remain. This will maintain the building line along the Eastwood Cutoff Road, and not alter the general character of the area. The only customer access to the site will be from Shelbyville Road.
- The specific conditions related to this request which is unique to the applicants land and not others in the same zoning district are the unusual shape (very narrow) of the lot and the steep topography. The proposed building has been designed to make it as narrow as possible in an effort to make it fit on the lot. Further the existing residence will remain. The lot is too narrow to be able to build any closer to Shelbyville Road and maintain the proposed use. Also parking will have to be in front of the building because the lot is too narrow to accommodate the building and a drive around to the rear for parking. Granting this variance will not cause a hazard or nuisance to the public health.
- Denial of this variance request would deprive the applicant the opportunity to build this building for his business. As stated above the applicant has designed the building to be as narrow as he can and still be able to accommodate the required operational internal vehicular movements.
- The unique circumstances are not the result of the actions by the applicant but as described above. The only actions by the applicant are the applications for waivers and the variance being requested. Granting the requested variance is not a circumvention of the LDC requirements.

15VAR1014
15VAR1004

~~15VAR1004~~

SIDEWALK WAIVER JUSTIFICATION:

The applicant is proposing to construct an automotive repair facility facing Shelbyville Road and preserving the existing house for a rental income.

This requested waiver is to remove the requirement to construct a sidewalk along Shelbyville Road and from Shelbyville Road to the front of the business.

The lot is very narrow and by the time you construct the vehicular entry drive there is very little ground left to build a sidewalk. Further, the grades are such that the construction of the sidewalk would require constructing retaining walls and the walk would lead into the side of a hill or embankment.

Constructing this very small portion of walk is an unnecessary cost to the applicant, and would be creating an unsafe condition for the public by leading a pedestrian to an area that would have nowhere to go.

Since there are no cross streets or intersections and no walks leading to this site there is no way for a pedestrian to get to the required walk. This being the case the requirement for a walk from the public right of way to the building is not reasonable.

Granting this waiver will not create a condition that is unsafe or detrimental to the public's health safety or welfare.

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PLANNING &
DESIGN SERVICES

15WAIVER1014

RECEIVED

MAR 11 2015

PLANNING &
DESIGN SERVICES

LDC Waiver(s) Justification Attachment

- This development has been designed with the focus towards Shelbyville Road and in so doing have minimized the impact on nearby properties. The subject site along with adjoining properties are zoned C-1.
- The applicant is requesting a waiver to park in front of the proposed building.
- Based on the shape and terrain of the site and the effort made in various designs for the building the parking needs to be in front of the building. The lot is too narrow to accommodate a drive lane leading to the rear of the proposed building.
- The applicant is also requesting a waivers to omit the requirement for a 6' screening fence along the properties owned by LG&E and the along the sides of the proposed building.
- Based on the existing topography and grades the difference in elevation from our site to the adjacent sites a screening fence will do very little to buffer. Granting the requested waivers will not adversely affect adjacent property owners, violate the comprehensive plan.
- The applicant has made extensive efforts to design the building in a manner to accommodate the regulations. Unfortunately, given the required internal vehicular movements the building has been designed as narrow as the applicant feels that he can build and still successfully operate his business.
- The applicant is also the property owner and would like to operate his business at this location. Denial of these requests will deprive the applicant the opportunity to operate here and be a hardship since he would own property that he could not use for the planned purpose.
- The applicant is also requesting a waiver to not provide the pedestrian connection to the public way. Since the applicant is requesting a waiver to not provide walks along Shelbyville Road a walk to the public way is unnecessary. Further, the rear of the building faces the rear of the residence (which fronts on the Eastwood Cut-off Road) that is proposed to remain. This rear access is only to allow employees to bring customer cars into the upper level of the building. There is no customer or public access to this side of the building.

SWATNER

Attachment 6- Site Photos



Existing house to remain as a rental property



Adjacent single family residential property to the west



Existing church south across Eastwood Cut Off Road



**Looking west toward the existing single family residential property across Eastwood Cut Off Road
(south of the site)**



Location of the proposed sidewalk along Eastwood Cut Off Road



Rear of the existing house to remain/ Location of the proposed new structure



Existing commercial retail business to the west of the subject property



Commercial auto service across Shelbyville Road (north of the site)



Looking north toward Shelbyville Road toward the commercial auto service business across the street



Looking west along Shelbyville Road



Looking east along Shelbyville Road (Sidewalk waiver location)



Looking south into the site



Looking toward the eastern perimeter of the subject site (location of LBA perimeter waiver)



Looking south into the site from the Shelbyville Road street frontage



Looking south into the site from across Shelbyville Road



Looking south from across Shelbyville Road into the subject site/ Location of the entrance and sidewalk waiver.



Looking southeast from across Shelbyville Road toward the vacant adjacent property to the east of the subject site.



Existing adjacent commercial retail to the west of the site



Looking east along Shelbyville Road toward the intersection of Johnson Road (North) and Eastwood Fisherville Road (south) and Shelbyville Road

EASTWOOD VILLAGE COUNCIL (EVC) EXECUTIVE BOARD'S COMMENTS
REGARDING THE REQUEST FOR VARIANCE/WAIVERS
FOR SPRINGDALE AUTOMOTIVE – EASTWOOD
Case No: 15Variance 1014
APRIL 6, 2015

SUMMARY:

EVC **does not believe** granting the requested variance/waivers **is in the best interest of new commercial development in Eastwood Village** for the following reasons:

Variance: Setback

- a) setback to enable entry point "cut" off Shelbyville Road is **unsafe** and may add to the already high accident rate; cut is too close to Johnson Road;
- b) no guarantee the existing single family residence (16119 Eastwood Cut-Off Road) will remain at the rear of the proposed new building, **if removed after granting variance it will alter the essential character of the general vicinity;**
- c) the proposed building will be within 25 feet of the existing residence at 16115 Eastwood Cut-Off Road and will cause a **noise nuisance and a hazard** with the vehicles to be serviced entering and exiting the 2-service bays proposed within new building from Eastwood Cut-Off Road;
- d) locating the 48 feet wide by 102 feet long by **30 feet high** proposed new building approximately 148 feet from front yard setback will position it **behind and above the existing Eastwood Stove Shoppe** whose roof apex is approximately **only 23 feet high**.
 1. Lot shape and topography do not support **this size building;**
 2. Provisions of the regulation existed and were known **prior to the (new owner) applicant's purchase** of this property;
 3. Circumstances are the result of actions of the applicant. Other business owners (Zora's) **were required to redesign their building and position it** on property to comply with the setback requirement.

Waiver #1: Parking Location

- a) the adjacent property (Eastwood Stove Shoppe) has parking **beside the building** and not in front; the property across the street (Kentuckiana Auto Sales) is **not the established pattern to be promoted for new commercial development**. The Eastwood Neighborhood Plan references "visual blemishes"

that existed prior to the creation of the Plan. The purpose of the Plan is to not continue this pattern;

- b) the Cornerstone 2020 references cited by Staff are intended to ensure compatibility of all new development with the scale and site design of nearby **existing development that complies with the Cornerstone 2020**; using non-compliant existing development to justify continued non-compliance of new development will **circumvent the intent of Cornerstone 2020** and the **Eastwood Neighborhood Plan; Zora's and Eastwood Stove Shoppe are examples of new developments that comply.**
- c) new developments (Zora's and Eastwood Stove Shoppe) **were not granted parking waivers** and that is the established pattern to be used for new development; using non-compliant old parking pattern of Kentuckiana Auto Sales circumvents the intent of Eastwood Village Plan and Cornerstone 2020;
- d) the proposed 3 foot masonry wall and a berm **will not buffer the view of the parking location** from Eastbound traffic on Shelbyville Road; the provisions of the regulation **were known prior to applicant's purchase of this lot** with the 28 foot difference in elevation from the north end to the south end of the site.

Waiver #2: Sidewalk along Shelbyville Road

- a) **There are other sidewalks in the area** (reference Zora's) and there are plans to build sidewalks in Eastwood Village to accommodate the draw of visitors/shoppers to Eastwood as result of draw of The Parklands (Beckley Creek Park); use of the old charging station at corner of Eastwood Cut-Off Road and Fisherville Road to re-charge batteries on transit buses that are expected to commute to Eastwood Village by 2020 is anticipated;
- b) There are other sidewalks in the **new** commercial development area (Zora's); a sidewalk waiver for Zora's **was not granted**; the approved plan for the Shoppes at Gardiner Park **was not granted** a sidewalk waiver.
- c) **New** commercial developments **were not granted sidewalk waivers along Shelbyville Road** (Zora's and Shoppes at Gardiner Park).

Waiver #3: Pedestrian Connection

- a) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection;
- b) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection;
- c) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection;

- d) **Waiver, as suggested by staff, can be granted with provision** to reverse waiver when there becomes a need for pedestrian connection.

Waiver #4: Landscape Buffer Screen (eastern perimeter)

- a) **Waiver, as suggested by staff, can be granted.**
- b) Guideline 3, policy 24 **reference to parking should be clarified to identify** if/where **parking for the tenant** renting the existing residence on the property will be located, and where **parking for the employees'** cars and **customers'** cars will be located at the Eastwood Cut-Off Road end of the property; storm water runoff volumes and velocities associated with the impervious surfaces of the proposed building and parking area **will be increased** and emptied into the **exposed gutter along Shelbyville Road;**
- c) EVC agrees with staff comments and would like to add that compliance with **any setback requirements** on this eastern perimeter of the property needs to be confirmed;
- d) EVC agrees with staff comments.

Waiver #5: Landscape Buffer Screen (western perimeter)

- a) The **waiver should not be granted** because the existing business adjacent (Eastwood Stove Shoppe) has a wrap-around deck that will be within 20 feet of the edge of the proposed parking lot, also the eastbound Shelbyville traffic should be shielded from the parking lot – it is not clear if overnight parking is anticipated and if so, where the parking area lighting will be; storing of tire inventory outside the front of the proposed building is also a concern and would need to be shielded from view;
- b) EVC **disagrees with staff** that the screening required along proposed parking lot to be accessed off of Shelbyville Road **could possibly be eliminated** since it is located adjacent to an existing business. As stated in a) above, the deck of the existing business will be within 20 feet of the edge of the proposed parking lot; **setback requirements** on this western perimeter of the property need to be confirmed;
- c) EVC **agrees with staff** comments;
- d) EVC **agrees with staff** comments.

Waiver #6: Landscape Buffer Encroachment

- a) EVC **agrees with staff** comments;
- b) EVC **agrees with staff** comments **except that runoff volume and velocity is a concern;**

- c) EVC **agrees with staff** comments;
- d) EVC **agrees with staff** comments but needs to add that **the sloping lot and the development challenges it presents were known prior to the applicant's purchase of this narrow parcel** and therefore these pre-existing conditions **should not now be allowed to be the justification** that the strict application of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF CONCLUSIONS

EVC **disagrees with staff conclusion** and requests the Board of Zoning Adjustment does not approve the applicant's request for variance and waivers.

ADDITIONAL EVC QUESTIONS/CONCERNS:

- 1) Where do the employees park?
- 2) Where do the tenants park?
- 3) Proximity of the proposed Shelbyville "cut" to Johnson Road intersection may add to the already high number of accidents occurring along this stretch of Shelbyville Road (per the FD station personnel).
- 4) The exterior of the proposed building needs clarification regarding the building material to be used (per Eastwood Neighborhood Plan).
- 5) If existing residence at rear of property is removed, what will replace it?
- 6) Closeness to the residence at 16115 Eastwood Cut-Off Road.
- 7) If building were closer to Shelbyville Road, could the building accommodate a drive-thru feature to park cars in the rear of building?
- 8) Is this 2-bay size building (approx. 5,000 sq ft) too large for lot?
- 9) Placement of tire stacks (see photo)?
- 10) Placement of tire namebrand signs (see photo)?
- 11) Backlit signs?
- 12) Overnight car parking and parking lot lighting.
- 13) Sewage?

NEXT EVC STEPS:

- 1) EVC is scheduled to meet with the applicant on April 14, 2015 at the EVC monthly meeting to discuss their submitted plan.

- 2) EVC is contacting transportation to review their decision of allowing the "cut" in Shelbyville Road.
- 3) EVC is contacting the owners of the property along Eastwood Cut-Off Road to ensure they are knowledgeable of the proposed variance/waivers; initial contact has been made and neither are aware of this variance/waivers request to BOZA.





REQUIRED ROUTE TO GET FROM
FRONT TO REAR



ZORA'S



FOOTPRINT



FOOTPRINT











Attachment 8: Eastwood Village Council Request for Continuous

Long, Sherie

From: Deb DeLor <debdelor@gmail.com>
Sent: Monday, April 27, 2015 6:39 PM
To: Long, Sherie
Cc: Ken & Linda Herb; dave meier
Subject: Re: 15Variance1014 Eastwood/Springdale Automotive variances and waivers

Sherie',

As the chair of the Eastwood Village Council, we are requesting a delay in the next BOZA hearing for the "15Variance1014" related to variance and waivers for the newest Eastwood/Springdale Automotive plan. Last Tuesday, a new plan was introduced to the Eastwood Village Council that improved the building design to better conform with village form district design patterns in Eastwood. What has not been remedied in the new and existing plan is the Shelbyville Road cut that is to be used as the new front entrance to the property. The current entrance to the property from the Eastwood Cut Off has been changed to the back entrance of the property.

The Eastwood Village Council finds the Shelbyville Road cut indicated in both the current and newest Springdale Automotive plans, poses particular safety concerns for a section of Shelbyville Road that already has a history of many accidents, close calls and even a fatality. The delay is requested to provide the Eastwood Village Council time to review a traffic report KYTC has been requested to generate, for the stretch of road impacted by Springdale Automotive plans. Based on that report we would want to request a new preliminary review of the plans by KYTC before a BOZA hearing is scheduled.

The particular situation that is of such great concern to the Eastwood Village Council, relates to the traffic conditions on Shelbyville Road near the property, that are further exacerbated due to the change in the property's front entrance orientation, from the Eastwood Cut Off Road to Shelbyville Road requiring a new Shelbyville Road entrance and cut to the property. Those traffic issues and concerns are as follows:

1. Shelbyville Road decreases in speed from the east and from the west from 55 MPH to 45 MPH with speeding a consistent concern.
2. Shelbyville Road reduces from three lanes to two lanes for vehicles traveling west just before the Johnson Road/Shelbyville Road intersection.
3. When traveling east, Shelbyville Road reduces from four lanes to two lanes which includes a blind curve, just before the Johnson Road/Shelbyville Road intersection, which is less than 300 feet from the new proposed cut to the property.
4. There is increased traffic flow in both directions along this two lane section of Shelbyville Road due to: subdivisions east of Eastwood, travel to and from the new Simpsonville Outlet Mall, opening of a back entrance to Polo Fields accessed by turning onto Johnson Road from Shelbyville Road, the use of the Shelbyville Road stretch from the Gene Snyder to Simpsonville as an alternate route for I64 when there there is a bottleneck due to an I64 accident, construction or other traffic issues
5. Further traffic congestion on Shelbyville Road due to the Gardiner Park development with expected construction to begin this summer.
5. Frequent traffic back ups on the the blind curve and in front of the proposed Springdale property entrance when cars attempt to turn north on to Johnson Road from Shelbyville Road, blocking the proposed Springdale property entrance to their customers.
6. The proposed entrance for Springdale Automotive is less than 300 feet from the Johnson Road/Shelbyville Road entrance used by Polo Fields residents to access their back entrance.

7. The Johnson Road/Shelbyville Road intersection becomes blocked when eastbound traffic cannot turn north onto Johnson Road backing up traffic across the entrance to the proposed Springdale Automotive entrance, and west bound customers then cannot turn into the Springdale Automotive entrance due to the eastbound traffic back up causing backup across the intersection with westbound traffic and creating gridlock.

It is our recommendation that Shelbyville Road needs to be improved in order to handle the current and anticipated traffic flow and no new road cuts to properties should be granted from Shelbyville Road between Eastwood and the county line, as proposed by the Eastwood Neighborhood Plan.

Best regards,

Deb DeLor

Chair
Eastwood Village Council

w 502.741.2195 f 502.584.5543
debdelor@gmail.com

On Apr 20, 2015, at 10:02 AM, Long, Sherie <Sherie.Long@louisvilleky.gov> wrote:

Sounds good

*Sherie' Long, ASLA
Landscape Architect*

*Planning & Design Services
(502)574-6230 office
(502)574-3283 dir
(502)574-8129 fx
sherie.long@louisvilleky.gov*



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<http://www.louisvilleky.gov/PlanningDesign/>



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From: Deb DeLor [<mailto:debdelor@gmail.com>]
Sent: Monday, April 20, 2015 9:32 AM
To: Long, Sherie
Subject: Re: 15Variance1014 Eastwood/Springdale Automotive variances and waivers

Cc: Ken & Linda Herb

Subject: RE: 15Variance1014 Eastwood/Springdale Automotive variances and waivers

Sherie,

I know you were out of the office when we became engaged in the commercial development issues related to the Springdale property at 16119 Eastwood Cut Off Road in Eastwood.

As head of the Eastwood Village Council, our village development committee has been heavily involved recently, in several discussions with the property owner in relation to his plans to develop his property at 16119 Eastwood Cut Off Road for a auto service business. Our concerns about the variances and waivers he is requesting are many. First and foremost, we think the Shelbyville Road cut is dangerous and should not be allowed due to the number of accidents that have happened on that curve, as verified by our former chief of the Eastwood Fire Department, as well as the proximity the cut would have, to the Johnson Road intersection. Our neighborhood plan acknowledges that we have properties along that section of Shelbyville Road that are visual blemishes for the village and should therefore not be referenced as an example of how a commercial building can relate to Shelbyville Road for village center property. The property in discussion was purchased in the last two years with a clear understanding that a Shelbyville Road cut could be an issue. Our neighborhood plan in fact mentions that Shelbyville Road cuts to businesses should be discouraged.

We have an example of a property nearby the proposed new property development, that had to deal with similar terrain and did so with few if any variances or waivers. It is the property called Zora's on the northeast side of the corner of Johnson Road and Shelbyville Road. Not only is that building in compliance with the Neighborhood Plan, so is its relationship to the street, including the pedestrian ways and a sidewalk between the building and Shelbyville Road. We understand the property owner is re-designing the building. We would like to discuss with you what we have discovered is their proposed intent for traffic movement and some questions related to the rental property and where cars will be parked based on the design and comments made by the owner. When is a good time to have that discussion?

I have spoken with Mr. Carrico in State District Transportation office. He is pulling the traffic report now for that part of Shelbyville Road, to verify the number of accidents that have occurred there. Should we speak with anyone else in your department relative to the transportation issues related to increased traffic and traffic flow due to the proposed design and use of the property in question? Please contact me at the numbers listed below or of course email me for how best to discuss with you this proposed property development in Eastwood.

I hope you are doing well.

Best regards,

Deb DeLor
Executive Board Chair

Eastwood Village Council
P. O. Box 92, Eastwood, KY 40018-0092
debdelor@gmail.com 502.741.2195 w | 502.584.5500 f

Eastwood distinguishes itself as a community of the future by respecting its past.