

# Board of Zoning Adjustment Staff Report

Dec. 5, 2016



<b>Case No:</b>	16DEVPLAN1179
<b>Request:</b>	Construction of Electrical Contractor/Landscape Contractor Offices
<b>Project Name:</b>	Electric Blades LLC.
<b>Location:</b>	2810 South English Station Road
<b>Project Size:</b>	5.001 acres
<b>Owner:</b>	Bruce Stansbury – Electric Blades LLC.
<b>Applicant:</b>	Bruce Stansbury – Electric Blades LLC.
<b>Representative:</b>	Morris Talbott – Advanced Engineering and Surveying LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Ross Allen – Planner I

## REQUEST

- **Variance** from the Land Development Code, Section 5.3.1.C.5 to allow the building to exceed the maximum front setback by approximately 87 feet.

Location	Requirement	Request	Variance
South English Station Road	80 ft.	167 ft.	87 ft.

- **Sidewalk Waiver:** from LDC section 5.8.1.B to not provide a sidewalk along the 351 foot frontage of South English Station Road and a 116 foot section leading to the non-residential building from the public right of way.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 16,384 sf. building on a five acre lot adjacent to the western side of South English Station Road on a lot zoned M-2 in a Neighborhood Form District within the Floyds Fork Overlay District. The proposed building would be used as an Electric Contractor/Landscape Contractor Offices. The proposal further shows eight overhead doors facing South English Station Road (East) that would need to be screened from the Road using landscaping and eight more that would be found on the rear of the structure. The site is currently a vacant parcel defined as farmland. The rear of the property tails off towards an intermittent stream where a proposed detention basin is to be located.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Farmland	M-2	Neighborhood
<b>Proposed</b>	Office/Warehouse	M-2	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Farmland	M-2	Neighborhood
<b>South</b>	Industrial	M-2	Neighborhood
<b>East</b>	Industrial	M-2	Neighborhood
<b>West</b>	Farmland	RR	Neighborhood

## PREVIOUS CASES ON SITE

16MINORPLAT1053: Staff approved subdivision of a lot into two with a dedication of right of way along South English Station Road.

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE: from the Land Development Code, Section 5.3.1.C.5 to allow the building to exceed the maximum front setback by approximately 87 feet.**

- (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 since the setback is greater than the maximum setback allowing for the proposed structure to be less visible from along South English Station Road.

- (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 applicant's site lies within an M-2 zoning district, many of the existing businesses in the area are trucking related activities and there is a small residence north of the subject site that upon inspection did not seem operational.

- (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 as stated previously many of the surrounding properties are trucking related activities, the greater setback as requested would allow for less visibility from the road as a result of the required landscaping from the parking lot being directly adjacent to South English Station Rd.

- (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 since the general area seems to be industrial as specified in the land use for M-2, however, the property north of the subject site seems to be a small farm that upon the site visit was not operational. The setback would be greater than those found east of South English Station Rd.

## 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 does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since at least one of the structures directly across from the applicant's site (across South English Station Rd.) has a setback of approximately 175 feet.

Other businesses have setbacks within the minimum and maximum setbacks, varying in distance from the front property lines east along South English Station Rd.

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 the reasonable use of the land since the zoning district allows for the applicant's specified use and other businesses within the area are of similar or comparable land use types.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the applicant is requesting the setback variance and has not undertaken any construction to date on the subject site.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B  
to not provide a sidewalk along the 351 foot frontage of South English Station  
Road and a 116 foot section leading to the non-residential building from the  
public right of way.**

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

STAFF: The waiver will not adversely affect adjacent property owners since 1<sup>st</sup> tier adjoining properties and 2<sup>nd</sup> tier adjoining properties in the general vicinity do not have sidewalks along South English Station Rd. However, the general area does have many trucking companies utilizing the two lane road along an approximate 2377 linear feet stretch of road leading to Taylorsville Rd.

- (b) The waiver will not 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 would violate specific guidelines of Cornerstone 2020 as defined above. First, the applicant would not bear or share in the cost of the infrastructure should sidewalks be needed in the area. Second, since sidewalks are currently not available along this portion of South English Station Rd. does not mean that pedestrians, bicyclists, and transit users have any alternative option as a result of allowing the waiver should development occur at later dates.

- (c) The extent of the waiver of the regulation is 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 compliance with the regulations states that sidewalks are required for all new developments regardless of the form district. As a result the applicant would be the first in the area to construct sidewalks along their frontage and a connection to the primary building. Furthermore, South English Station Rd. is heavily traveled by heavy trucks going towards Taylorsville Rd.

- (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 not deprive the applicant of the reasonable use of the land since the applicant could pay a fee in lieu to compensate for the sidewalks. The lack of compliance cannot be attributed to topography issues on site. Last, sidewalks although not present currently may be potentially needed in future instances since the 21<sup>st</sup> Century Park is north of the applicant's site.

### TECHNICAL REVIEW

- No Technical review was undertaken for this review.

### STAFF CONCLUSIONS

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 standards for granting a LDC Sidewalk Waiver, and a variance from the Land Development Code.

- Variance from the Land Development Code, Section 5.3.1.C.5 to allow the building setback to exceed the maximum front setback by approximately 87 feet.
- Sidewalk Waiver from LDC section 5.8.1.B to not provide a sidewalk along the 351 foot frontage of South English Station Road and a 116 foot section leading to the non-residential building from the public right of way.

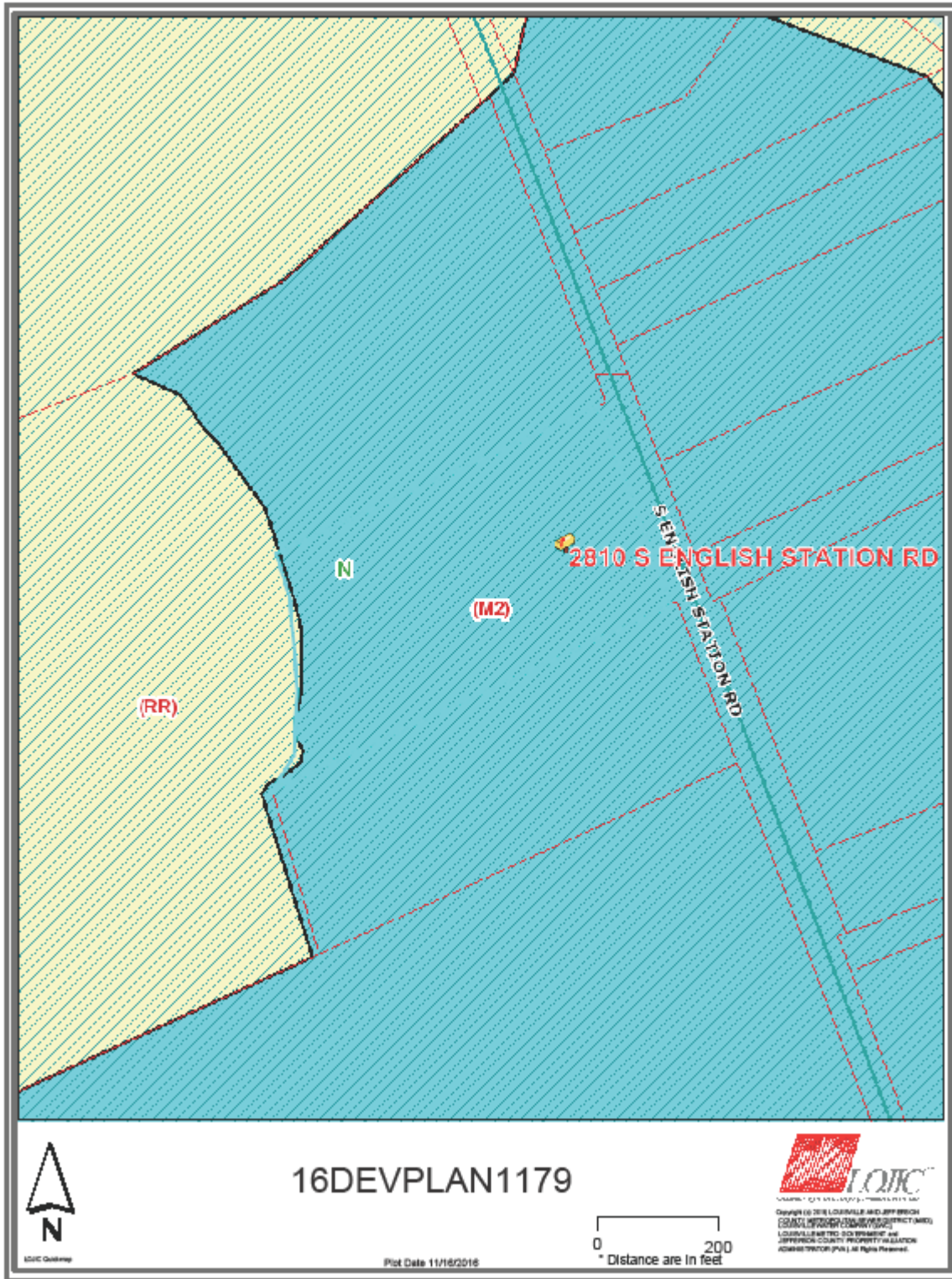
### NOTIFICATION

Date	Purpose of Notice	Recipients
November 18, 2016	Hearing before PC / BOZA	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 20 Notification of Development Proposals
November 18, 2016	Hearing before PC / BOZA	Sign Posting on property

### ATTACHMENTS

- Zoning Map
- Aerial Photograph

1. Zoning Map





2. Aerial Photograph

