

Development Review Committee
Staff Report
May 25, 2022



Case No:	22-WAIVER-0066
Project Name:	Ninth & O Baptist Church
Location:	4401 Breckenridge Lane
Owner(s):	Ninth & O Baptist Church
Applicant:	Alex Rosenberg – AL Engineering, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Zach Schwager, Planner I

REQUEST

Waiver to eliminate the required landscape buffer areas along the northern, eastern, and southern property lines.

CASE SUMMARY/BACKGROUND

The subject property is located on the east side of Breckenridge Lane in between Kromer Drive and Bardstown Road and is 18.2 acres. It is zoned R-4 Single Family Residential and is in the Neighborhood Form District. There is an existing private institutional structure and the applicant is proposing to construct a 1,500 sq. ft. open pavilion 150 ft. off the rear property line. The applicant is applying for the waiver to not provide the landscape buffer areas along the northern, eastern, and southern property lines as shown on the approved landscape plan from January 26, 2004.

STAFF FINDING / RECOMMENDATION

Staff finds that the requested waiver is adequately justified and meets the standard of review.

RELATED CASES

21-CUP-0165 – Conditional Use Permit for a private institutional use.
L-59-98 – Landscape plan.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4

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

STAFF: The waiver will not adversely affect adjacent property owners as there is currently significant tree canopy along the property lines.

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

STAFF: Community Form Goal 1, Policies 9 and 10 of Plan 2040 call to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements and the impacts caused when incompatible developments unavoidably occur adjacent to one another. Community Form Goal 1, Policy 12 states design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. The waiver request can be justified because the subject property has significant landscaping around the property perimeter.

- (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 as the property has significant landscaping along the property perimeter.

- (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 would deprive the applicant of the reasonable use of the land as the applicant is proposing a 1,500 sq. ft. pavilion 150 ft. away from the rear property line. There is also significant landscaping along the property perimeter.

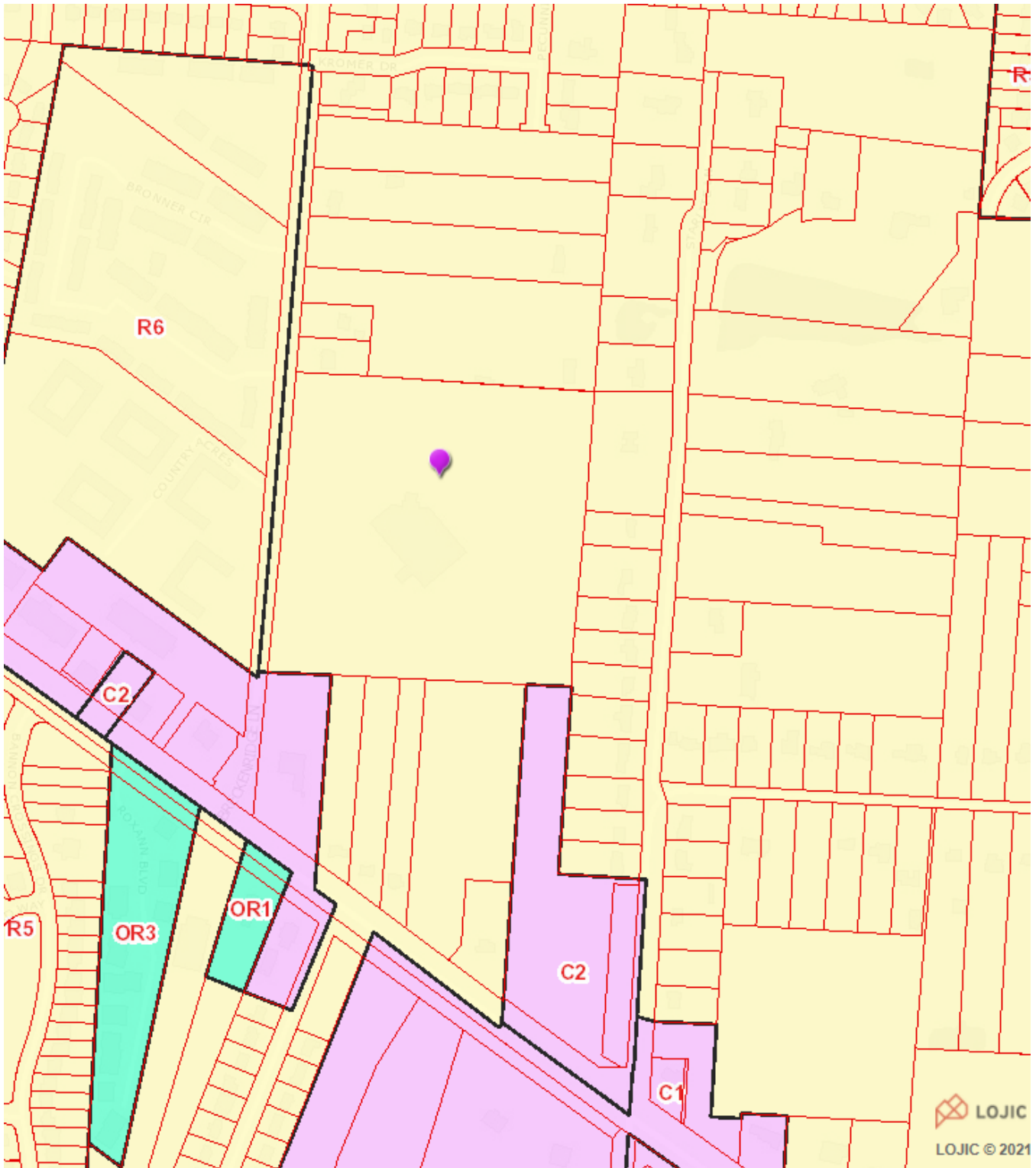
NOTIFICATION

Date	Purpose of Notice	Recipients
5/12/2022	Hearing before BOZA	1 st tier adjoining property owners and residents Registered Neighborhood Groups in Council District 2

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

