

Board of Zoning Adjustment
Staff Report
 June 3, 2019



Case No:	19VARIANCE1044
Project Name:	Preston Highway Variance
Location:	6101 Preston Highway
Owner(s):	Jhoolay Lal Properties, LLC
Representative:	Missy Legel – Civil Design, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.3.2.C.b to allow the vehicular maneuvering area to encroach into the rear yard setback.

Location	Requirement	Request	Variance
Rear yard	25 ft.	9 ft.	16 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Sherwood Forest subdivision on Preston Highway at the intersection with Prestwood Drive. The applicant proposes to construct a one-story retail building with a vehicular maneuvering area that a portion of will encroach into the required rear yard setback that abuts a residential use. At the closest point, the vehicular maneuvering area will be nine feet from the rear property line.

STAFF FINDING

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

Based upon the information in the staff report, and 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 variance established in the Land Development Code from section 5.3.2.C.b to allow the vehicular maneuvering area to encroach into the rear yard setback.

TECHNICAL REVIEW

- The plan is also a part of a Category 2B development plan review that has yet to receive approval from Planning & Design Services, Transportation Planning, and MSD. It has received approval from KYTC.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.3.2.C.b

- (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 as the closest point for the vehicular maneuvering area is 14 ft from Prestwood Drive. The applicant is also meeting Land Development Code requirements for landscape buffering and fencing along the rear property line.

- (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 as there are other vehicular maneuvering areas that encroach into setbacks adjacent to residential uses.

- (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 as the applicant is proposing to buffer the rear property line with landscaping and fencing.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the property has three existing points of ingress and egress, one on Preston Highway and two on Prestwood Drive; however, Transportation Planning and KYTC requested that one of these entrances be closed, preferably the one on Preston Highway. The applicant was therefore required to adjust the vehicular maneuvering on the rear of the property in order to meet these requirements.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is irregular in shape and size to neighboring lots.

2. 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.

STAFF: 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 because of the site constraints and requirements from other sections of the Land Development Code.

3. 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.

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 as the applicant is requesting the variance and has not begun construction.

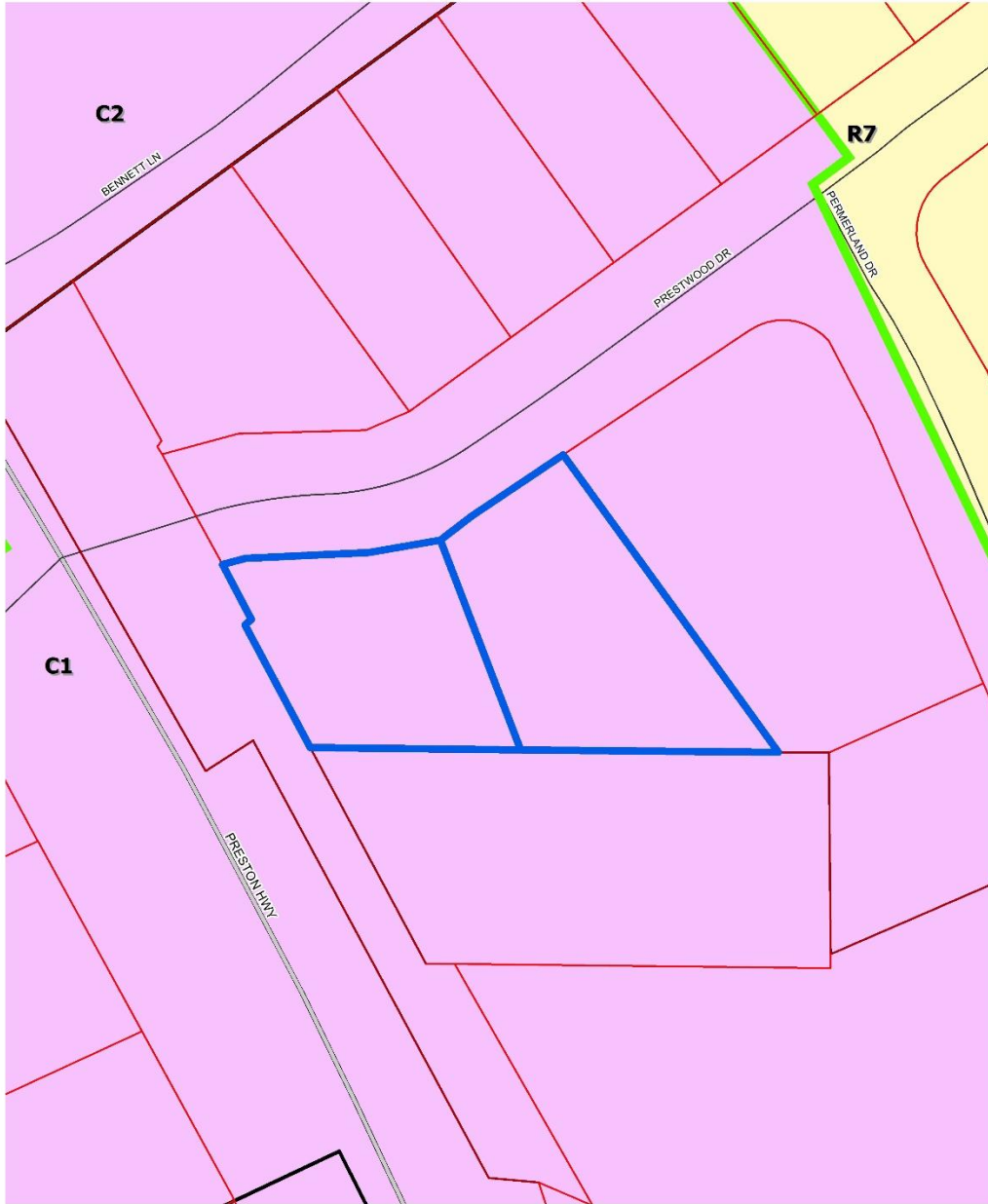
NOTIFICATION

Date	Purpose of Notice	Recipients
05/16/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2
05/23/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

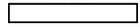
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

1. Zoning Map



6101 Preston Highway

feet



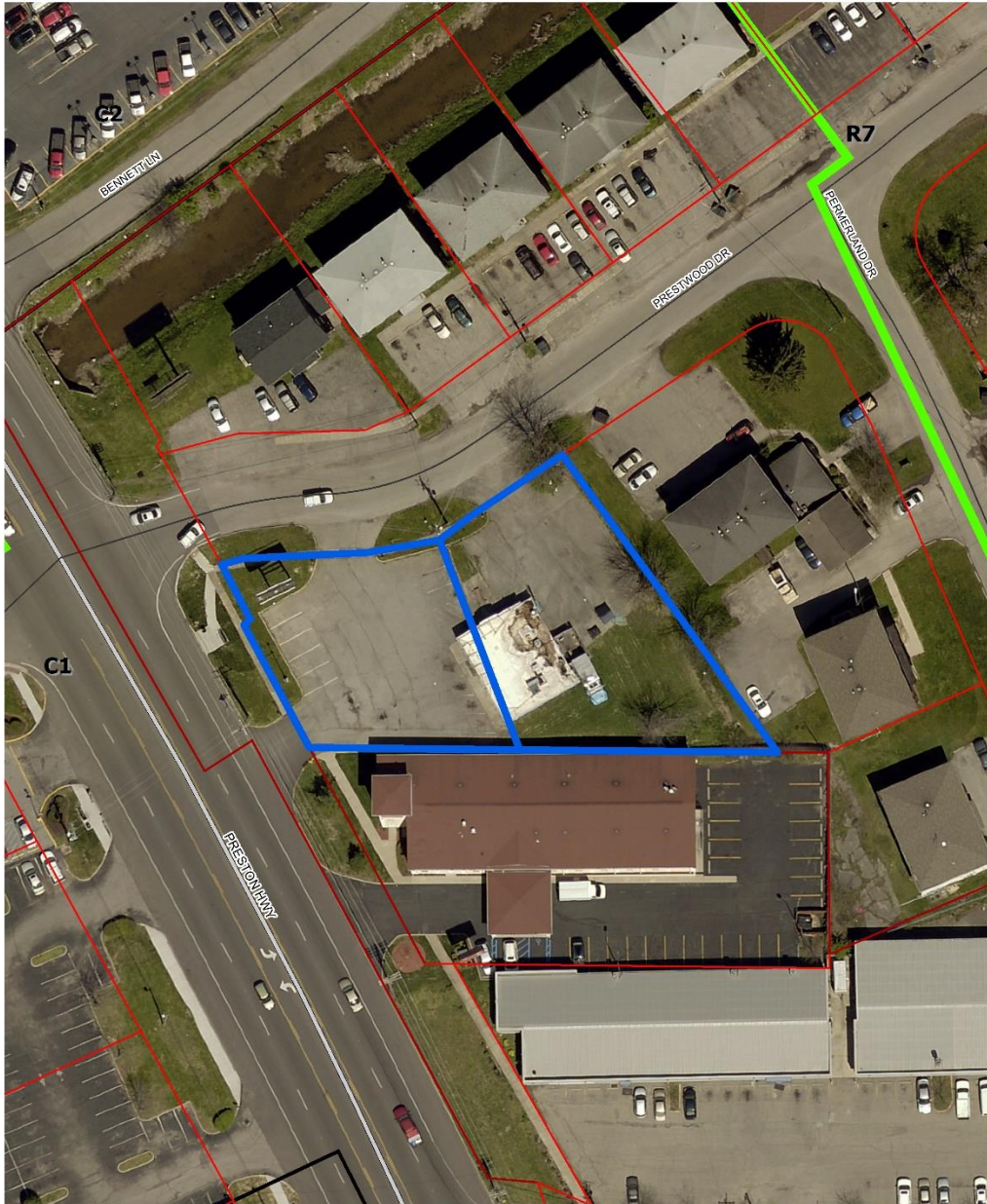
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Map Created: 5/23/2019

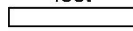


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2. Aerial Photograph



6101 Preston Highway
feet



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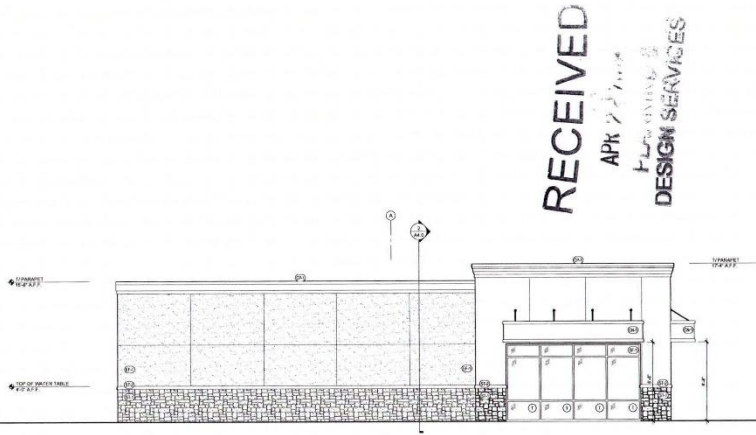
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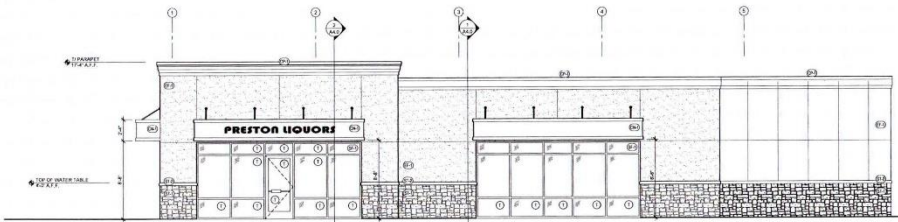
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4. Elevations

REVISIONS		
NO.	DESCRIPTION	DATE
01	ISSUED FOR PERMITS	05/29/19
02	FOR CONSTRUCTION	
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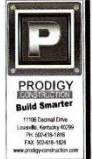


2 ELEVATION North
SCALE: 1/4" = 1'-0"



1 ELEVATION West
SCALE: 1/4" = 1'-0"

PCO DESIGN
P.L.L.C.



PRODIGY
DESIGN SERVICES
Build Smarter
11100 Fossil Drive
Louisville, Kentucky 40299
TEL: 502-456-1888
FAX: 502-456-1888
www.prodigydesignservices.com

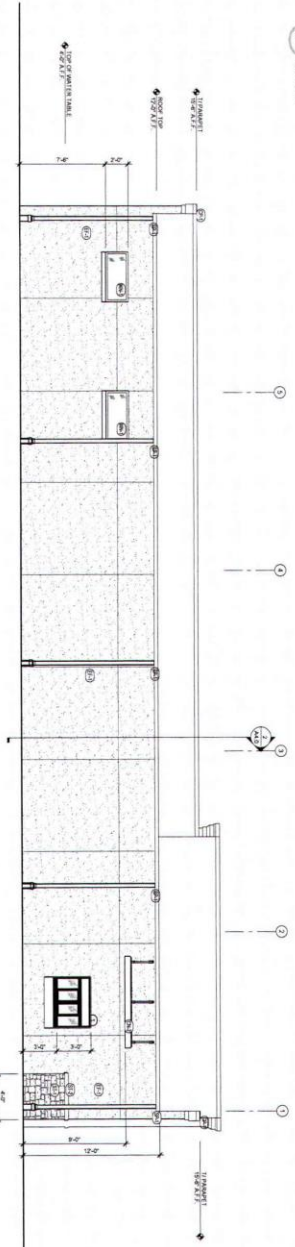
PRESTON LIQUORS
PRESTON HIGHWAY
LOUISVILLE, KENTUCKY 40219

PRELIMINARY, NOT FOR CONSTRUCTION

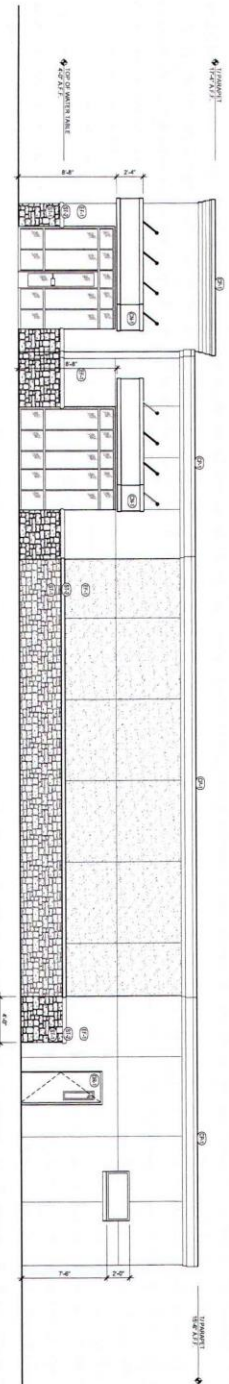
19variance1044

DATE	5/14/19
DRAWN	JEL / JEL
BY	JEL
ELEVATIONS	
A3.0	

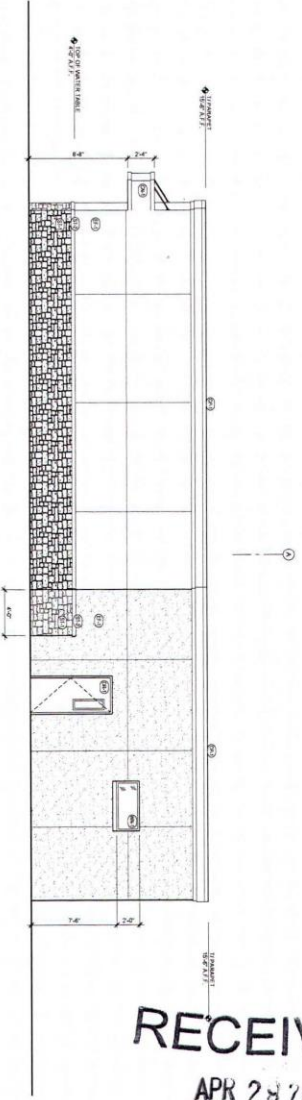
1 ELEVATION East
SCALE: 1/8" = 1'-0"



1 ELEVATION South looking at an angle along west side
SCALE: 1/8" = 1'-0"



1 ELEVATION South
SCALE: 1/8" = 1'-0"



PRELIMINARY, NOT FOR CONSTRUCTION

RECEIVED
APR 28 2019
PLANNING &
DESIGN SERVICES

A3.1

NO.	DATE	BY	DESCRIPTION
1	11-14-18	PLG	ISSUED FOR PERMITS
2	02-11-19	PLG	REVISED PER COMMENTS
3	03-11-19	PLG	REVISED PER COMMENTS

PRESTON LIQUORS
PRESTON HIGHWAY
LOUISVILLE, KENTUCKY 40219

PRODIGY
CONSTRUCTION
Build Smarter

11500 Boardwalk
Louisville, KY 40243
Phone: 502-454-4699
Fax: 502-454-4806
www.prodigyconstruction.com

19Variance1044

5. Site Photos



Looking east on the subject property.



Looking toward Prestwood Drive.



Properties across Prestwood Drive.



Portion of the proposed vehicular use area looking south.



Portion of the vehicular use area.



Vehicular use area.



Vehicular use area in relation to the residential property to the east.