

Board of Zoning Adjustment
Staff Report
September 23, 2019



Case No:	19VARIANCE1050
Project Name:	Meineke
Location:	4170 Bardstown Rd
Owner(s):	Bryan Brown, Bycar Investments LLC
Applicant:	Bryan Brown, Bycar Investments LLC
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST

1. **Variance** of Land Development Code Section 4.8 and table 4.8.1 to allow the proposed warehouse building to be located within the 100 foot protected waterway buffer

CASE SUMMARY/BACKGROUND

The subject site is located on the south side of Bardstown Road, on the east side of the Meadowbrook Drive intersection. The site is currently a Meineke with two structures. The applicant proposes to construct a 2,940 square foot parts storage warehouse near the south end of the site, with a fenced asphalt storage yard. The applicant is proposing to provide additional plantings to help screen the view of the proposed building per LDC section 5.5.5.A.1.

This case has an associated Revised Detailed District Development Plan, 19DEVPLAN1099, which was approved by the Development Review Committee on July 31, 2019. The Board of Zoning Adjustment does not act on this request.

Previous cases:

- 9-36-94: Change in zoning from C-1 Commercial to C-2 Commercial
- 19DEVPLAN1099: Revised District Development Plan and Binding Element Amendments

STAFF FINDINGS

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

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE SECTION 4.8 AND TABLE 4.8.1 TO ALLOW THE PROPOSED WAREHOUSE BUILDING TO BE LOCATED WITHIN THE 100 FOOT PROTECTED WATERWAY BUFFER

- (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 existing buildings on the subject site (an auto repair and offices) are completely built within the 100 foot buffer, and other buildings in the vicinity of the subject site appear to encroach into the buffer as well. The proposed warehouse building does not completely encroach into the 100 foot buffer.

- (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 two existing structures on the subject site are built within the 100 foot buffer, and other buildings in the vicinity of the subject site appear to encroach into the buffer as well.

- (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 the applicant proposes to address any potential impacts caused by the encroachment of the proposed warehouse building into the protected waterway buffer.

- (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 100 foot buffer covers a majority of the site, and when the location of existing buildings and the parking lot is considered, the buildable area of the site becomes limited.

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 existing buildings on the subject site are built completely within the 100 foot protected waterway buffer. Additionally, it appears that existing buildings on nearby parcels also encroach into the 100 foot buffer.

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 regulation would deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant since the 100 foot buffer covers a majority of the site, and when the location of existing buildings and the parking lot is considered, the buildable area of the site becomes limited.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, since the waterway is existing on site and the existing buildings on the subject site are built completely within the 100 foot protected waterway buffer.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

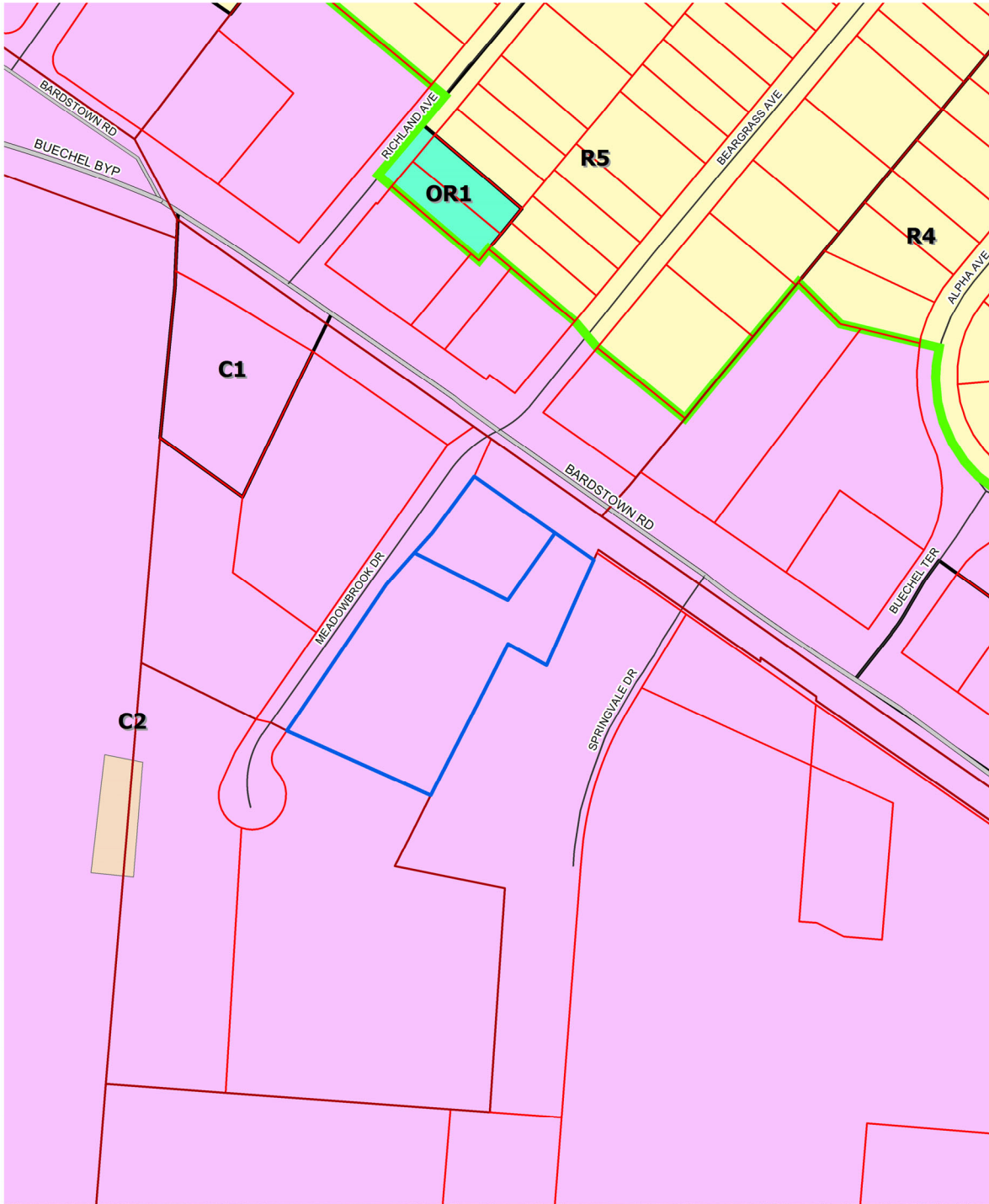
NOTIFICATION

Date	Purpose of Notice	Recipients
9-23-2019	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2

ATTACHMENTS

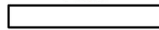
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



4170 BARDSTOWN ROAD

feet



190

Map Created: 7/22/2019



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2. Aerial Photograph



4170 BARDSTOWN ROAD

feet



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