

**Board of Zoning Adjustment**  
**Staff Report**  
May 21, 2018



<b>Case No:</b>	18VARIANCE1019
<b>Project Name:</b>	Hometown Brewery
<b>Location:</b>	4031 Preston Hwy
<b>Owner(s):</b>	Thomas Brown
<b>Applicant:</b>	Thomas Brown
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- Variance of Land Development Code section 5.3.2.C.2.a to allow a structure to encroach approximately 12 feet into the required street side setback along Preston Highway.
- Variance of Land Development Code section 5.3.2.C.2.b to allow a structure and parking area to encroach into the required 25' side yard setback where the development abuts a structure with a first floor residential use.

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to add a 2,458 SF addition onto an existing 19,588 mixed use development located at 4031 Preston Hwy. The proposed addition will follow the existing building lines. Setback standards for Suburban Marketplace Corridor form district require structures to be setback from the centerline of the abutting right-of-way half of the standard width of the road class. Preston Highway is a Major Arterial roadway, with a standard width of 130 feet. The existing structure and the proposed addition are setback approximately 53 feet from the centerline of Preston Hwy, an encroachment of approximately 12 feet into the required setback. The proposed addition and associated parking would also encroach 25 feet into the required 25 foot setback adjacent to a property with a first floor residential use near the abutting property along Short St.

**STAFF FINDING**

The variance request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

A Revised District Development Plan for the proposed addition was approved by the Development Review Committee on May 9, 2018.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE OF LDC SECTION 5.3.2.C.2.a TO ENCROACH INTO THE STREET SIDE YARD SETBACK ALONG PRESTON HWY**

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition continues the existing setback of the structure along Preston Hwy.

- (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 because the addition will continue the existing setback of the structure, and will match the materials and design of the existing structure.

- (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 provisions for safe vehicular and pedestrian circulation have been reviewed as part of the review of the associated development plan.

- (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 because the addition follows the existing setback line of the structure.

**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 any special circumstances.

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 on the applicant because the proposed addition would not be able to be built.

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.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE OF LDC SECTION 5.3.2.C.2.b TO ENCROACH INTO THE SIDE YARD ADJACENT TO A STRUCTURE WITH A FIRST FLOOR RESIDENTIAL USE**

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition continues the existing setback encroachment of the parking area.

- (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 because the addition will continue the existing setback of the structure, and will match the materials and design of the existing structure.

- (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 provisions for safe vehicular and pedestrian circulation have been reviewed as part of the review of the associated development plan.

- (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 because the addition follows the existing setback line of the structure.

**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 is required because of the odd shape of the existing lot and structure are laid out in a way that is different from other similar land uses in the general vicinity.

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 on the applicant because the proposed addition would not be able to be built.

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.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variances**

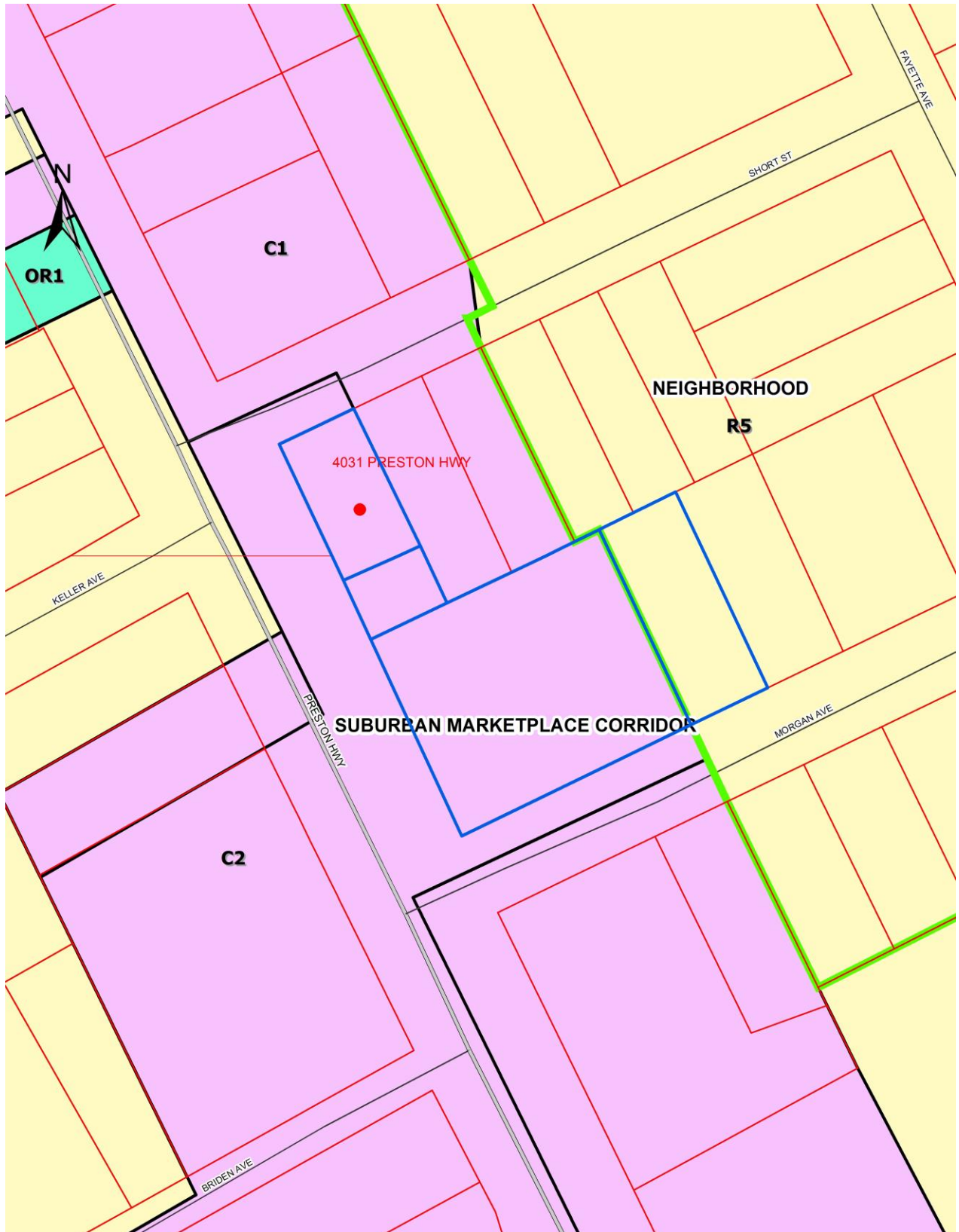
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4-26-18	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 10

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

