

Board of Zoning Adjustment

Staff Report

July 30, 2018



Case No:	17DevPlan1123
Project Name:	Building Expansion
Location:	4350 Taylor Blvd.
Owner:	Jay Barker Auto Repair Services Inc.
Applicant:	Jay Barker
Jurisdiction:	Louisville Metro
Zoning:	C-2
Form District:	Traditional Neighborhood
Council District:	15—Marianne Butler
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUESTS:

Variance from the Land Development Code section 5.5.1.A.2.e.5. to allow the expansion to exceed the setback of 5 feet from the corner.

Waiver #1 from the Land Development Code section 5.5.1.A.3.a. not to allow the 3 foot screening along a portion of Walter Avenue and Taylor Boulevard.

Waiver #2 from the Land Development Code section 5.5.1.A.3.a. to allow parking in front of the existing and proposed buildings.

Waiver #3 from the Land Development Code section 5.5.1.A.3.b. not to require connection to the alley.

CASE SUMMARY

The subject property is located north of Iroquois High School at the northwest corner of Taylor Boulevard and Walter Avenue. The property is zoned C-2 and is within a Traditional Neighborhood Form District. The structure is a former service station which was constructed in the early 1960s. The applicant has had an auto repair service at this location since 1977 and wants to expand the shop and hire more employees. The expansion will consist of 2 additional bays that will allow auto repair work to be done inside. A tire store is north of the site along Taylor Boulevard within a C-2 zoning district. South of the site and across Walter Avenue is a convenience store within a C-1 district. A parking lot is east of the site and across Taylor Boulevard that is used by a church. West of the site are single family residences along Walter Avenue. The requests are due to the form district, the location of the existing building and being on a corner.

STAFF FINDING

Staff finds that the requested variance and waivers are adequately justified and meet 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 the variance and waivers.

TECHNICAL REVIEW

The plan has received preliminary approval from Transportation Planning and MSD.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries concerning the proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.5.1.A.2.e.5. To allow the expansion to exceed the setback of 5 feet from the corner.

- (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, but allows the expansion to line up with the existing building and its floor plan.

- (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 most of the buildings along Taylor Boulevard are not located close to the property line.

- (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 building addition does not create any type of sight distance concerns.

- (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 existing auto repair shop has been at this location since the 1970s.

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 arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the property is located on the corner within a Traditional Neighborhood Form District.

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 may create an unnecessary hardship on the applicant, since he would not be able to expand the business.

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.

Waiver # 1.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 1 5.5.1.A.3.a, not to allow the 3 foot screening along a portion of Walter Avenue and Taylor Boulevard.

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

STAFF: The waiver will not adversely affect adjacent property owners since the waiver allows only the portion at the corner not to have the 3 foot screening requirement.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, since the majority of the property will be landscaped.

- (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, since only the corner portion will not have landscaping.

- (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 create an unnecessary hardship on the applicant, since the pavement is already existing.

Waiver #2

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.5.1.A.3.a. to allow parking in front of the existing and proposed buildings.

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

STAFF: The waiver will not adversely affect adjacent property owners since the majority of the businesses along Taylor Boulevard having parking in front the buildings.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, since the structure has been at this location since the 1960s and the proposal involves only an expansion.

- (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, since there is already parking in the front of the existing auto repair shop.

- (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 would deprive the applicant reasonable use of the land due to the existing location of the auto repair shop.

Waiver # 3

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.5.1.A.3.b. not to require connection to the alley.

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

STAFF: The waiver will not adversely affect adjacent property owners since it does not appear that a connection has ever existed to the alley.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, since the existing chain link fence and the proposed landscaping will provide a buffer from the commercial and residential uses.

- (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, since the fence is existing.

- (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 create an unnecessary hardship on the applicant, since the chain link that extends along the alley has existed for some time.

NOTIFICATION

Date	Purpose of Notice	Recipients
07/10/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
07/13/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

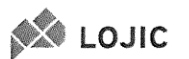
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos



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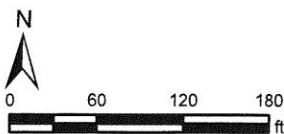
4350 Taylor Blvd.

Monday, July 23, 2018 | 3:17:56 PM



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4350 Taylor Blvd.

Tuesday, July 24, 2018 | 8:18:28 AM



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