

Board of Zoning Adjustment Staff Report

December 6th, 2021



Case No:	21-VARIANCE-0152
Project Name:	Shelbyville Variance
Location:	14004 Shelbyville Road
Owner:	Beckshell, LLC
Applicant:	Brian Shirley, Arnold Consulting Engineering
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Molly Clark, Planner I

REQUESTS

- **Variance** from Land Development Code Table 5.3.2 for non-residential setbacks to allow a structure to exceed the 80 ft maximum front yard setback.

Location	Requirement	Request	Variance
21-VARIANCE-0060	Front Yard 80 Ft maximum	97.17 Ft	17.17 Ft

CASE SUMMARY/BACKGROUND

The applicant is proposed to build a 10,000 SF hardware store on a lot zoned C-1 commercial in the Neighborhood Form District. This case is related to a revised detailed district development plan under case number 21-DDP-0103 that is scheduled to go to Development Review Committee on December 1st, 2021. The applicant is proposing to build the building within the existing parking lot/vehicular access within the site causing the building to exceed the 80 foot maximum front yard setback along N. Beckley Station Road.

STAFF FINDING

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 Land Development Code table 5.3.2 for non-residential setbacks to allow a structure to exceed the 80 ft maximum front yard setback.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval. There are no outstanding technical issues associated with this review.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

RELATED CASES

21-DDP-0103: A revised detailed district development plan with waivers for a proposed Ace Hardware store.

14ZONE1015: A rezoning from R-4 to C-1 for two proposed restaurants and a bank.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.2 FOR NON-RESIDENTIAL SETBACKS TO ALLOW A STRUCTURE TO EXCEED THE 80 FT MAXIMUM FRONT YARD SETBACK:

- (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 because the proposed building is being placed along the existing parking lot and will be consistent with adjacent commercial development.

- (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 proposed building is being placed along the already existing parking lot and vehicular access area within the commercial development.

- (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 proposed building is being placed along the already existing parking lot and will not disturb the existing interior landscape areas or existing mature plantings that screen the lot from N. Beckley Station Road where there are single family residences across the street.

- (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 proposed building is being placed along the existing parking lot and the parking layout and interior landscaped areas with mature plantings is consistent with the previously approved rezoning/detailed plan. If the variance is not granted, the applicant will have to dig up the existing parking area which would also affect the mature plantings along N. Beckley Station Road the screen the commercial development from single family homes across the street.

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 strict application of the provisions would cause the applicant to have to dig up the existing parking lot, interior landscape areas and mature plantings that already screen the lot from N. Beckley Station Road.

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 would cause the applicant to have to dig up the existing parking lot and interior landscape areas to meet the required front yard setback.

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 applicant has not begun construction for the proposed hardware store.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

REQUIRED ACTIONS

APPROVE or **DENY** the **VARIANCE** from Land Development Code Table 5.3.2 for non-residential setbacks to allow a structure to exceed the 80 ft maximum front yard setback.

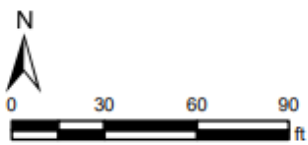
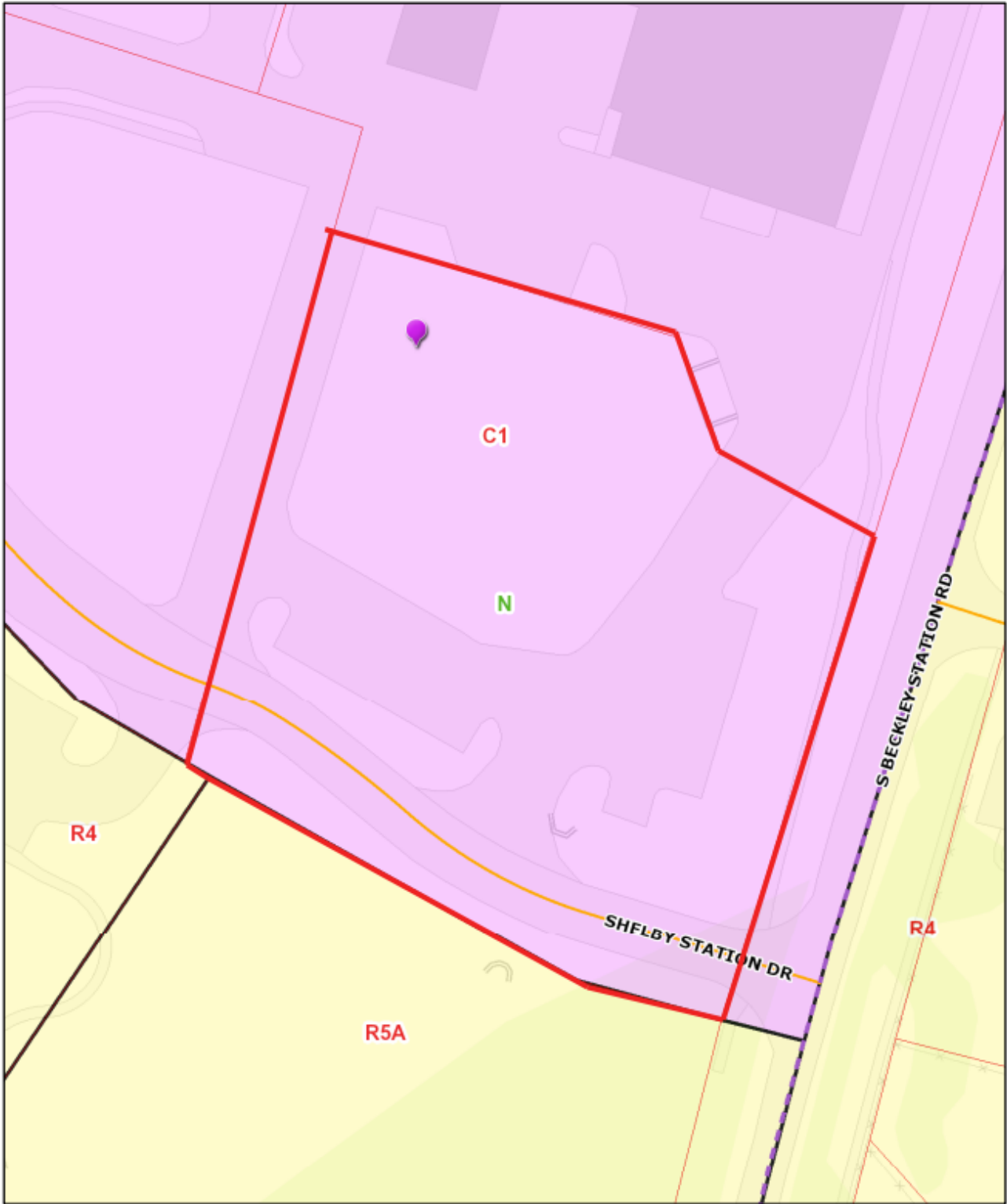
NOTIFICATION

Date	Purpose of Notice	Recipients
11/19/21	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District #20
11/18/21	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Renderings/Elevations
5. Site Photos
6. Conditions of Approval (if necessary)

1. **Zoning Map**



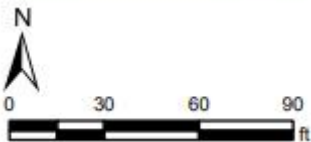
Monday, November 22, 2021 | 9:56:20 AM



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This map is not a legal document and should only be used for general reference and identification

2. **Aerial Photograph**



Monday, November 22, 2021 | 9:54:41 AM



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4. **Renderings**



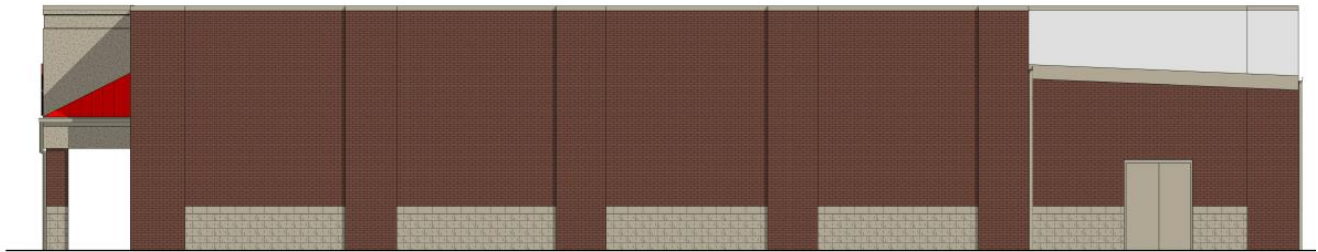
1 EXTERIOR BUILDING COLOR ELEVATION - FRONT
3/16" = 1'-0"



2 EXTERIOR BUILDING COLOR ELEVATION - REAR
3/16" = 1'-0"



3 EXTERIOR BUILDING COLOR ELEVATION - LEFT SIDE
3/16" = 1'-0"



4 EXTERIOR BUILDING COLOR ELEVATION - RIGHT SIDE
3/16" = 1'-0"

5. Site Photos







6. Condition(s) of Approval

APPROVED on CONDITION that the REVISED DETAILED DISTRICT DEVELOPMENT PLAN under case number 21-DDP-0103 is approved at the December 1st, 2021 Development Review Committee meeting.