

**Board of Zoning Adjustment**  
**Staff Report**  
 November 5, 2018



<b>Case No:</b>	18VARIANCE1093
<b>Project Name:</b>	Smyrna Parkway Variance
<b>Location:</b>	7905 & 7913 Smyrna Parkway and 7900 Oliver Huff Road
<b>Owner:</b>	The Believers Church Inc.
<b>Representative:</b>	Nick Pregliasco, Bardenwerper Talbott & Roberts
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23 – James Peden
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code table 5.3.1 to allow structures on lots to encroach into the required front yard setback along “Street A.”

Location	Requirement	Request	Variance
Front Yard	25 ft.	20 ft.	5 ft.

**CASE SUMMARY/BACKGROUND**

The subject properties are located in the Smyrna Parkway subdivision. The subdivision and rezoning were approved on July 5, 2018. The applicant requests a variance to permit the principal structures on six lots to encroach into the front yard setback.

**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 table 5.3.1.

**TECHNICAL REVIEW**

- No technical review was undertaken.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

- (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 lots for which the variance is requested will not affect sight lines for drivers.

- (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 the development is currently unbuilt and the essential character of the general vicinity will be defined in the future.

- (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 proposed reduced setbacks are not located at street corners.

- (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 as the lots in question are not as deep as the other lots in the subdivision.

### **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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the subject lots are not as deep as the other lots in the subdivision (albeit designed as such by the developer).

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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as it is possible to meet all required setbacks.

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. If the variance is not granted, it is presumed that the lots would continue to be developed; however, with buildings not consistent in scale with others in the subdivision.

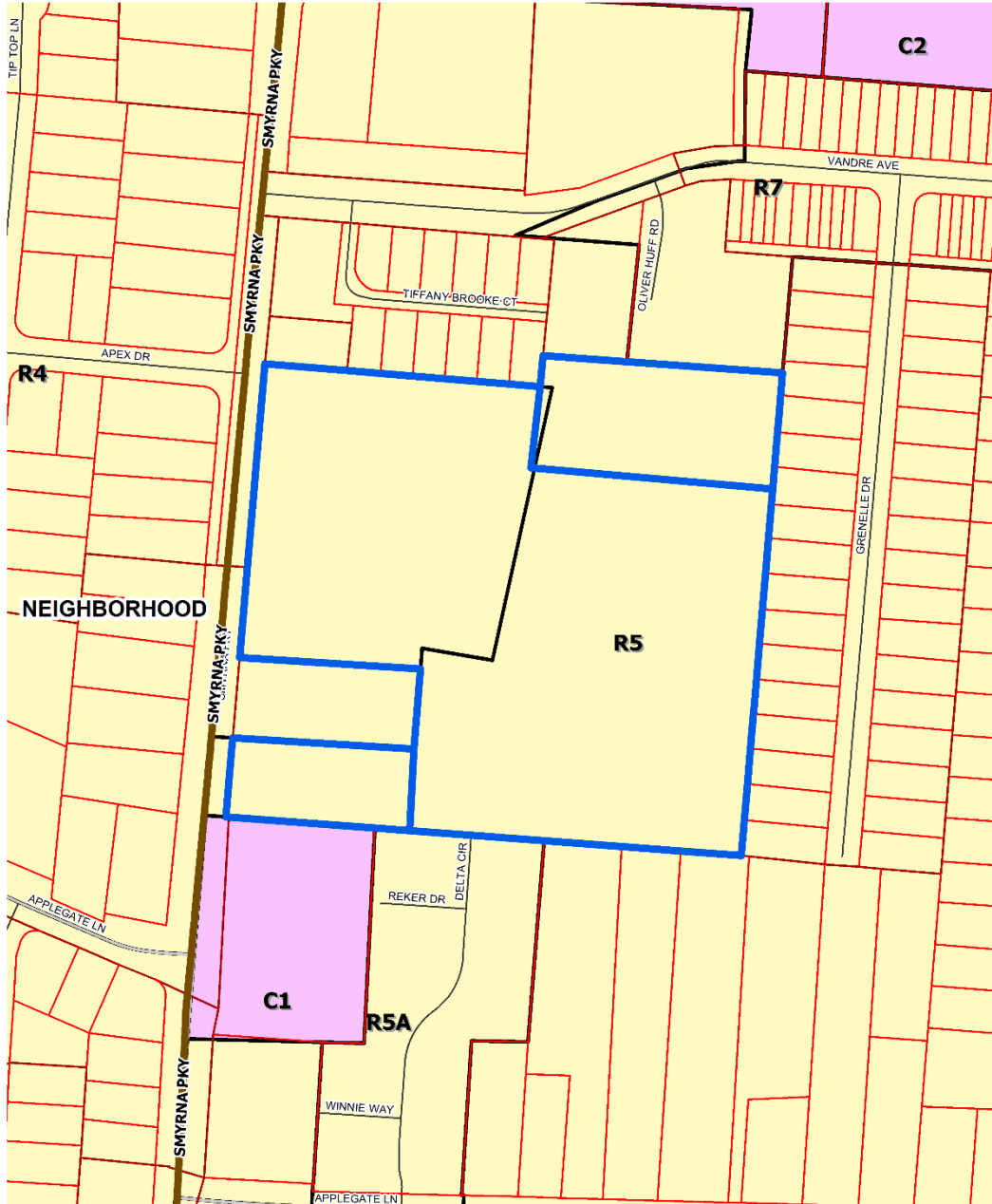
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>10/19/2018</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 23
<b>10/18/2018</b>	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

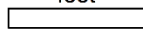
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map



Smyrna Parkway Variance

feet



230

Map Created: 10/26/2018



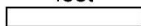
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2. Aerial Photograph



Smyrna Parkway Variance

feet



230

Map Created: 10/26/2018



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4. Site Photos



Front of the subject property.



Property to the left.





Property to the right.



Property across Smyrna Parkway.



The location of the requested variance.



BOZA public hearing notice sign.