

Board of Zoning Adjustment Staff Report

December 3, 2018



Case No:	18VARIANCE1103
Project Name:	Kameri Auto Sales
Location:	8500 National Turnpike
Owner(s):	Sami Kameri
Applicant:	Sami Kameri
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Joel Dock, AICP, Planner II

REQUEST

- **Variance** from Land Development Code, section 4.8 to allow proposed encroachments into the outer and middle protected waterway buffer zones as shown on the development plan

CASE SUMMARY

The applicant is proposing to expand an existing auto dealership and auto inventory area located at the intersection of National Turnpike and Outer Loop. The subject property and adjacent properties under the same ownership are mostly contained within the boundaries of the waterway buffer. The proposed expansion follows the existing limits of development currently established by the auto dealership.

Associated Cases

9-27-92: Change in zoning from M-2 to C-2 for Auto Sales

13565: Revised Detailed District Development Plan with variances (protected waterway) and waivers (Landscape and partial sidewalk)

18026: Revised Detailed District Development Plan

18695: Revised Detailed District Development Plan

18DEVPLAN1026: Revised Detailed District Development Plan docketed for DRC on 12/5/18.

STAFF FINDING

The variance appears to be adequately justified based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

The existing dealership has been the subject of prior code enforcement actions for the storage of non-operable/junked vehicles and automobile parking on non-durable surfaces. The most recent case was closed in 2015 and the site was found to be in compliance with applicable regulations and prior plan approvals.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The proposed development would not appear to present any adverse impacts.

- (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 existing limits of disturbance are being maintained.

- (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 C-2 zoning district does not permit industrial operations such as manufacturing and salvage yards that might result in pollutants into the waterway.

- (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 site is mostly contained within the waterway buffer.

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 arise from special circumstances as the site is mostly contained within the waterway 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 provisions of the regulation would create an unnecessary hardship on the applicant as the land would be restricted from development with the full application of the waterway buffer.

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 as no development has occurred.

ADDITIONAL CRITERIA PER LDC 4.8.4.B

- a. The variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area.

STAFF: The variance is necessary because the requirements of this section represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required Buffer Area as the buffer occupies nearly the entire development site

- c. Encroachment into the required Buffer Area shall be limited to the minimum necessary to accommodate the proposed use.

STAFF: the encroachment appears to be the minimum necessary to develop the site consistent with existing improvements.

- d. The Applicant shall commit, to the satisfaction of the County, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation, construction, and post-construction.

STAFF: The applicant has not demonstrated prior to the public hearing any mitigation measures; however, the proposed development under the current zoning district would not appear to present any adverse impacts.

- e. Approval of the variance will not result in a reduction in water quality.

STAFF: The Metropolitan Sewer District has approved the preliminary plan

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variance** from Land Development Code, section 4.8 to allow proposed encouragements into the outer and middle protected waterway buffer zones as shown on the development plan

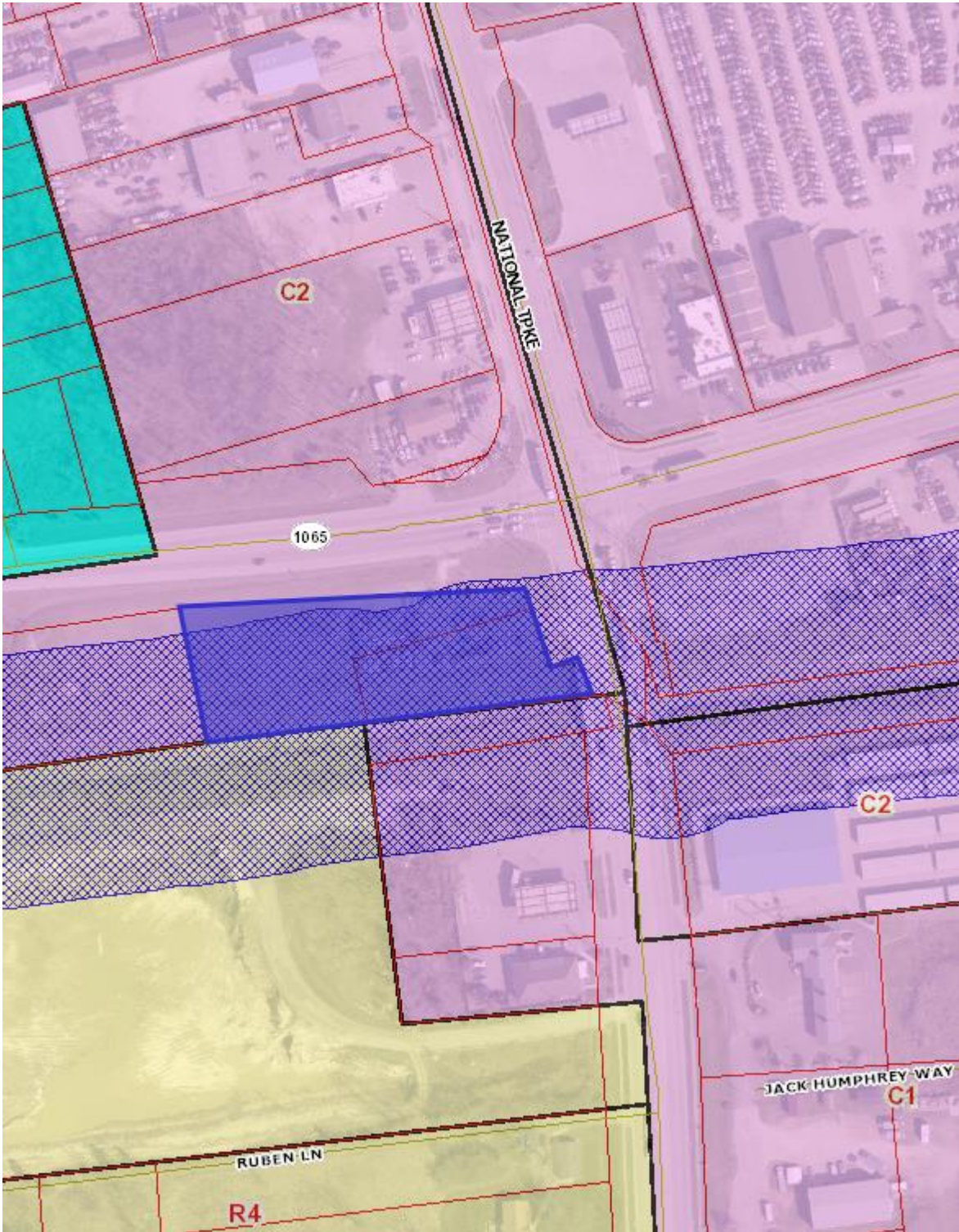
NOTIFICATION

Date	Purpose of Notice	Recipients
11/16/18	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 13

ATTACHMENTS

1. Zoning Map with Protected Waterway Buffer
2. Aerial Photograph with Protected Waterway Buffer

1. Zoning Map with Protected Waterway



2. Aerial Photograph with Protected Waterway

