

Board of Zoning Adjustment Staff Report

November 21, 2016



Case No:	16VARIANCE1088
Project Name:	1057 E. Washington Street
Location:	1057 E. Washington Street
Owner(s):	JABB, LLC.
Applicant(s):	JABB, LLC.
Representative(s):	Schroll Land Surveying, LLC
Project Area/Size:	1.32 acres
Existing Zoning District:	CM, Commercial Manufacturing
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Variance** from the Land Development Code (LDC), section 5.2.2 to reduce the minimum yard requirement from 10 feet to 5 feet.

CASE SUMMARY

In association with a minor subdivision plat and alley closure request, the applicant is requesting a reduction of 5 feet from the minimum side yard of 10 feet along the Northeast property line. The structure encroaching upon the side setback of the proposed property line is a metal roofed unenclosed truck loading dock. Opposite the Northeast property line is an asphalt parking area which will be separated from the primary use of Tract 1 on the minor subdivision plat. No additional structures exist on Tract 2. A cross-access easement will be recorded to utilize existing access to Buchanan Street for each tract.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Distribution Center	CM	TN
Proposed	Distribution Center	CM	TN
<i>Surrounding Properties</i>			
North	Vacant/Industrial	CM/EZ-1	TN
South	Industrial	M-2	TMC
East	Industrial	EZ-1	TN
West	Residential	R-6	TN

PREVIOUS CASES ON SITE

- 16STREETS1019: Closure of 10' alley. On the docket for LD&T on 12/18/16.
- 16MINORPLAT1134: Minor subdivision to create 2 tracts from 3 tracts. Staff approvable pending the outcome of variance and street closure requests.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on this proposal.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 proposed encroachment is located within an industrial site adjacent to a proposed industrial tract containing vehicle parking and vacant land. Office of Construction Review will ensure that all permits issued for any subsequent development on Tracts 1 or 2 meet all applicable building code standards.

- (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 subject site is located in an area of mixed industrial uses with nearby residential neighborhoods. The requested variance does not impact the residential character of the neighborhood to the West as the variance is to allow a side yard setback reduction adjacent to another industrial site.

- (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 all structures are existing and no development has been proposed at this time on Tract 2.

- (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 proposed setback allows for the parking lot to be separated from the structure on Tract 1.

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 variance arises from special circumstances that do not generally apply to the land in the general vicinity as the area Northeast of the proposed parking lot is vacant land which has the potential for light industrial development in the urban core of Louisville Metro. Tract 2 will maintain private off-street parking facilities to be shared with the existing development on Tract 1.

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 deprive the applicant of the reasonable use of the land as the existing development on Tract 1 is being subdivided from the parking lot on Tract 2 which will allow future development of Tract 2 to maintain a private off-street parking area.

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.

TECHNICAL REVIEW

Parking for non-residential uses within the Traditional Neighborhood form district is permitted within side yard setbacks, see LDC 5.5.1.A.3 for additional information. Where new development is proposed in the CM zoning District parking areas must meet all applicable buffers of Ch. 10 of the Land Development Code. No new development is being proposed at this time.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for granting variances established in the Land Development Code.

Actions

- **APPROVE** or **DENY** the variance from LDC, section 5.2.2 to allow a reduction of the minimum side yard from 10 feet to 5 feet.

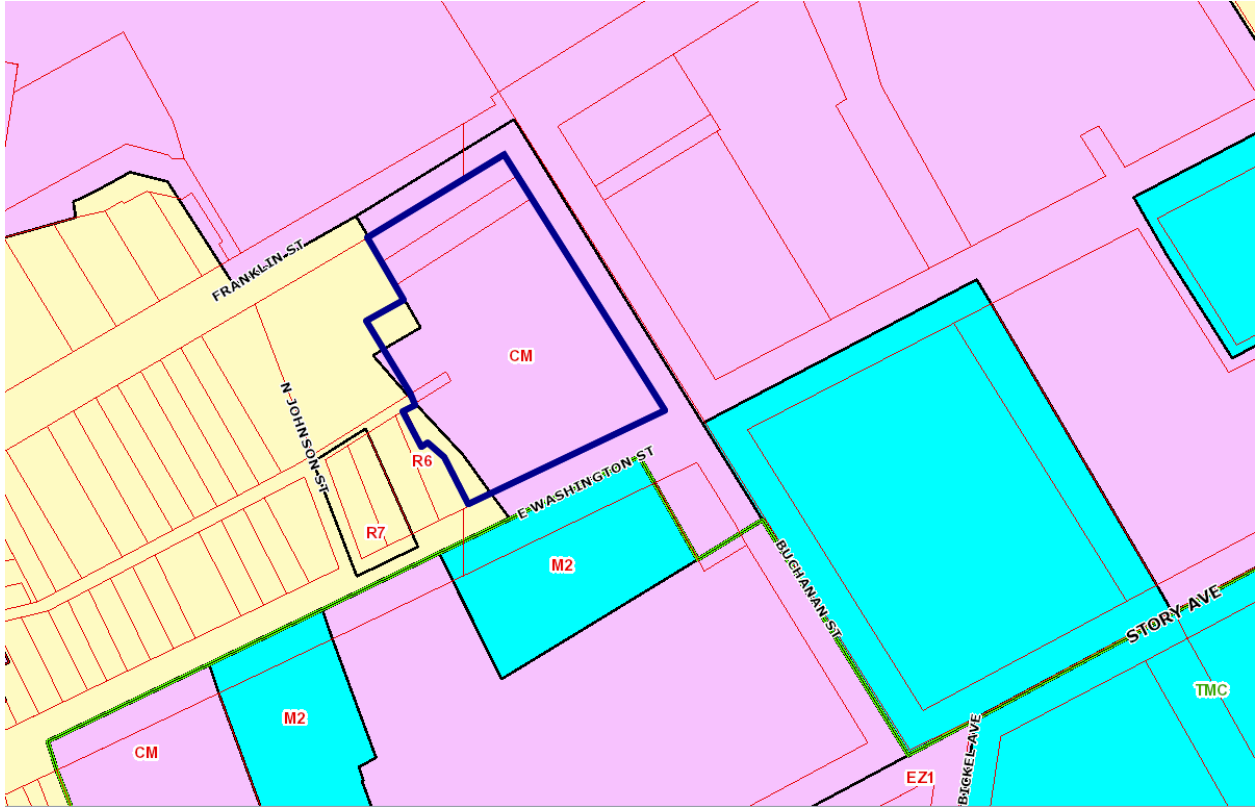
NOTIFICATION

Date	Purpose of Notice	Recipients
11/04/16	BOZA	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 4.

ATTACHMENTS

1. Zoning and Form District Map
2. Aerial Photograph

1. **Zoning and Form District Map**



2. **Aerial Photograph**

