

Board of Zoning Adjustment Staff Report

December 21st, 2015



Case No:	15DEVPLAN1176
Project Name:	White Clay
Location:	1509 Story Ave
Owner:	Lester M. Thompson / White Clay
Applicant:	Kiel Thomson Company
Representative:	Christina McDaniel
Existing Zoning District:	C-1
Existing Form District:	Traditional Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Laura Mattingly-Humphrey, Planner I

REQUEST

- Variance from Section 5.2.3.D.3 to exceed maximum front setback for office addition.

Variances

Location	Requirement	Request	Variance
Maximum Front Setback	15' from Line of ROW	153' 2"	138' 2"

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1
 Existing Form District: TMC, Traditional Marketplace Corridor
 Existing Use: Vacant
 Proposed Use: Office

The applicant proposes a rear 2,761 square foot addition to the existing 1,141 square foot building for additional office space in the historic Butcher town neighborhood. The variance is requested to allow the new 16' of frontage to exceed the 15 foot maximum front setback. This plan has already received a Certificate of Approval under case number 14COA1266 and 14COA1196.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-1	TMC
Proposed	Office	C-1	TMC
<i>Surrounding Properties</i>			
North	Residential	OR-3	TN
South	Office	C-1	TMC
East	Office	C-1	TMC
West	Office	C-1	TMC

PREVIOUS CASES ON SITE

14COA1114- Certificate of Appropriateness approved to replace siding with Hardy Board.
14COA1266 - Certificate of Appropriateness approved for rear addition for office space.
14COA1196 – Certificate of Appropriateness approved for restoration of existing structure.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The requested variances will not adversely affect the public health, safety or welfare as the proposed addition will not obstruct visibility of motor vehicles from the public right-of-way or the mobility or safety of pedestrians.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variances will not alter the essential character of the general vicinity as the addition is in the rear and allows the historic building and façade to remain and be restored to maintain its original historic character.

- (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 building addition is located to the rear of the site and maintains a permitted use. The site is currently vacant, deteriorating and subject to vandalism. This project is improving the site aesthetically and functionally.

- (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 proposal is a result of the existing conditions on the lot.

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 as the existing structure has a deep setback with parking in front that is unusual for historic neighborhoods.

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 or create an unnecessary hardship on the applicant as following the setback requirements would not allow the existing façade to remain and would not allow the applicant to use the existing conditions in the most efficient way.

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 since the building pattern of the site had been previously established prior to current regulation.

TECHNICAL REVIEW

- None

STAFF CONCLUSIONS

The standard of review has been met for the requested setback variance. 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 standards for granting a variance as established in the Land Development Code.

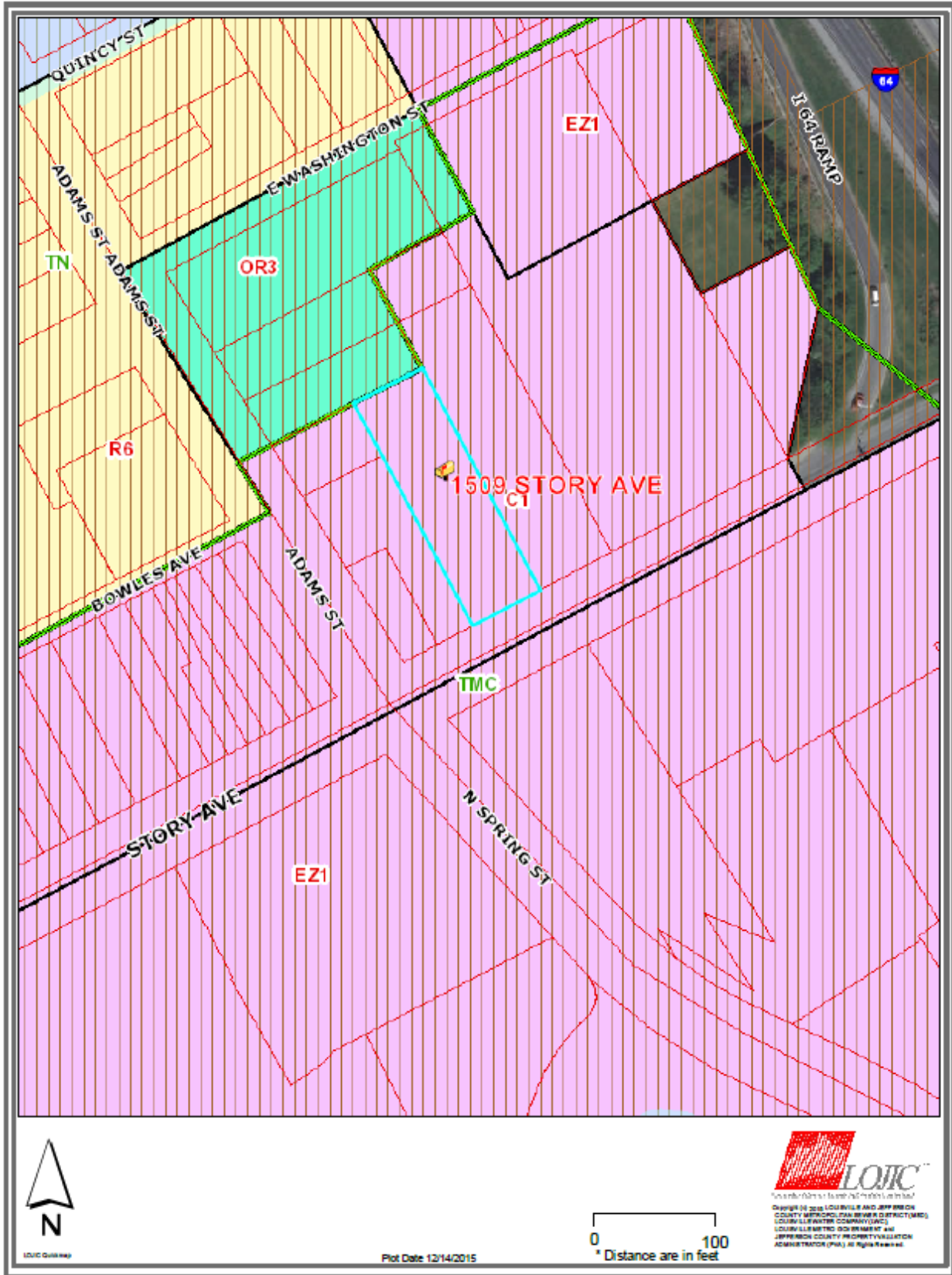
NOTIFICATION

Date	Purpose of Notice	Recipients
12/7/15	APO Notice	Adjoining property owners, applicant, case manager, and neighborhood groups
12/11/15	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

