

19-VARIANCE-0023

19-WAIVER-0029

**New Cut Road Variance and
Waivers**



**Louisville Metro Board of Zoning Adjustment
Public Hearing**

**Zach Schwager, Planner I
September 23, 2019**

Request

- **Variance:** from Land Development Code section 5.3.3.C.2.b to allow a parking area to encroach into the required side yard setback adjacent to a residential zoning district.

Location	Requirement	Request	Variance
Front Yard	50 ft.	5 ft.	45 ft.

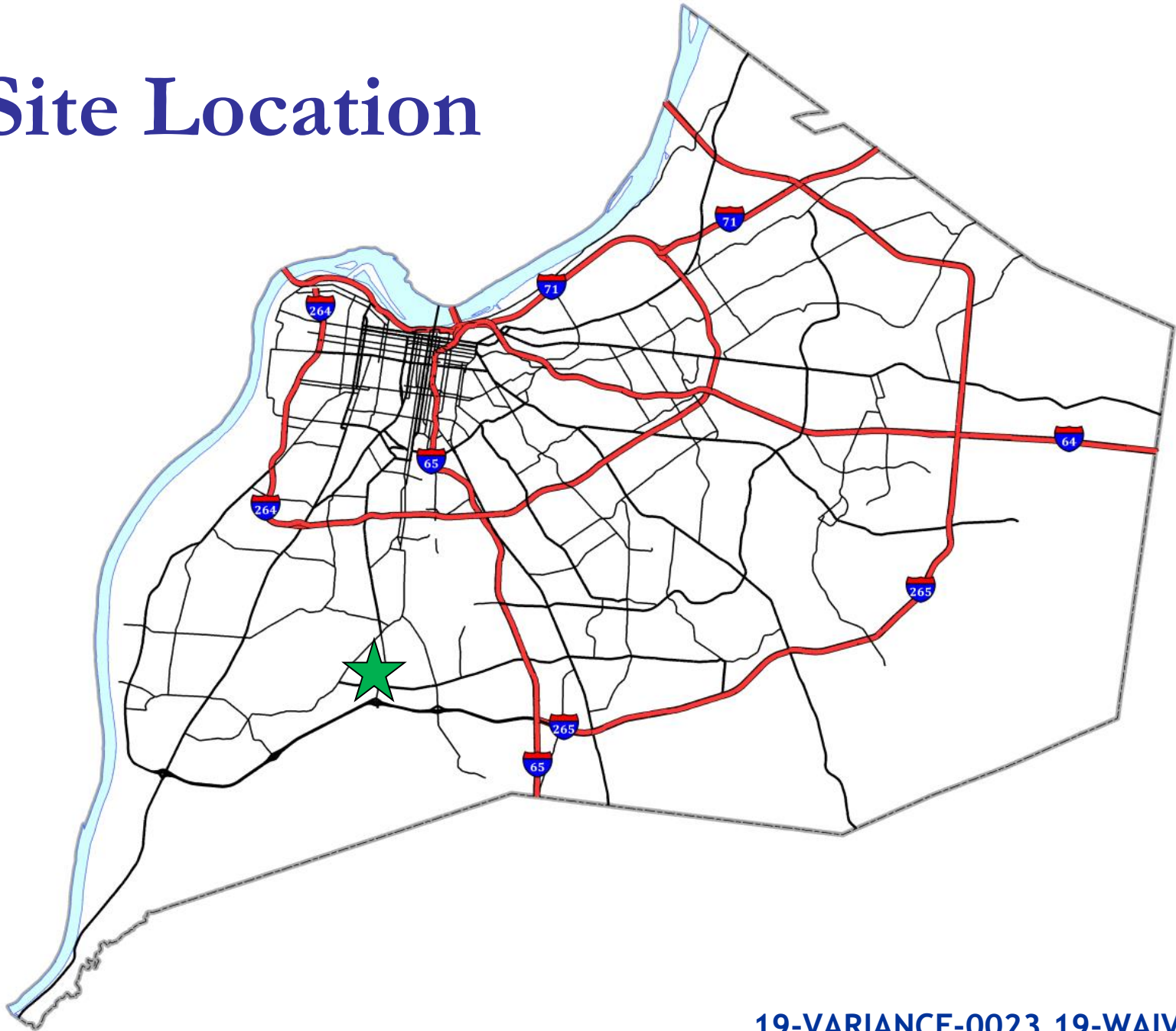
Request

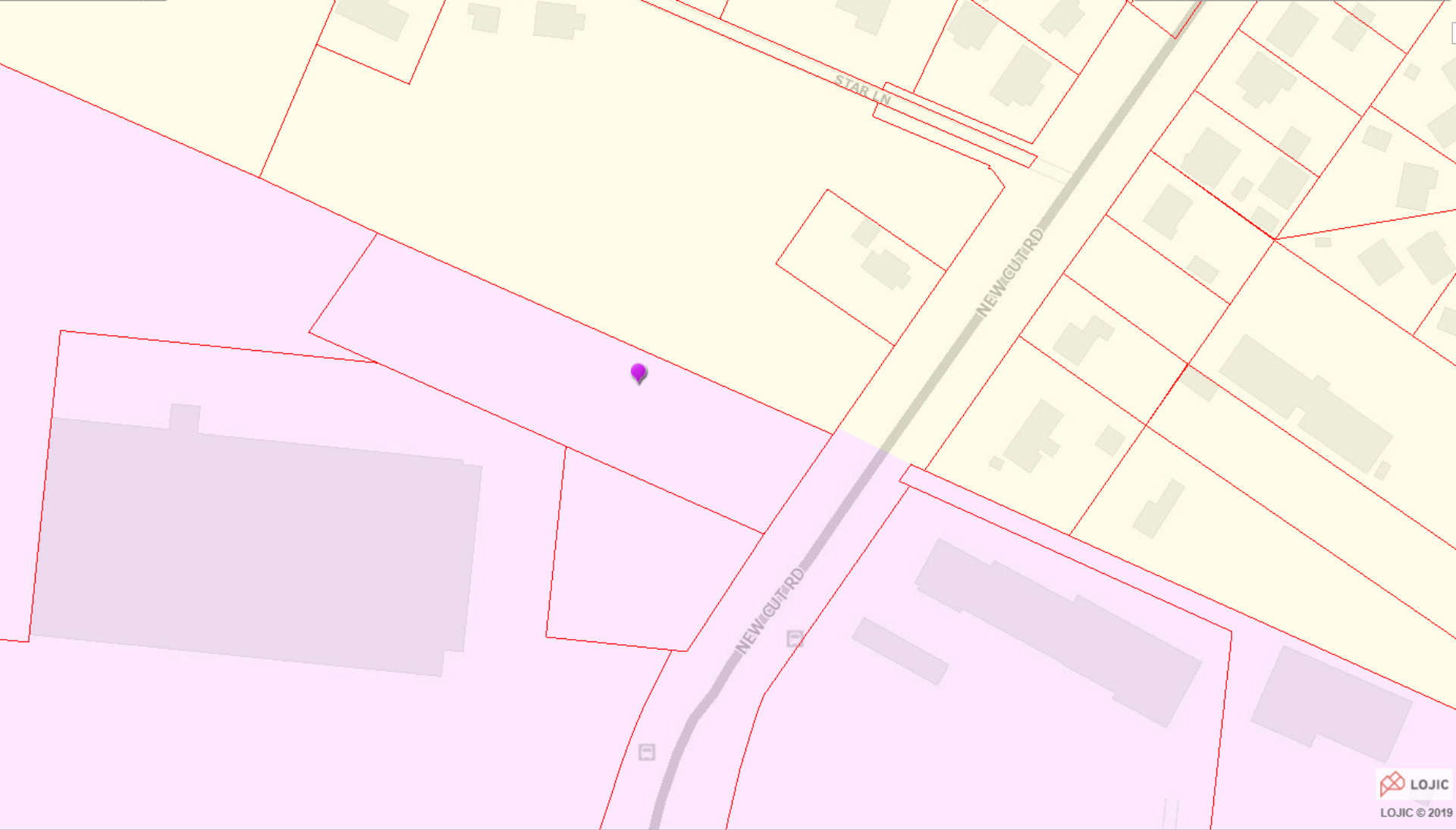
- **Waiver #1:** from Land Development Code section 10.2.4 to allow pavement and proposed detention basin to encroach into the required Landscape Buffer Area (LBA).
- **Waiver #2:** from Land Development Code section 10.2.12 to allow Interior Landscape Areas (ILA) to overlap the LBA.

Case Summary / Background

- The subject property is located on the west side of New Cut Road north of Outer Loop. It is zoned C-1 Commercial and is in the Regional Center Form District.
- The applicant proposes to construct a one-story restaurant where part of the parking will encroach into the northern side yard setback and LBA. Some of the ILA for the parking will also overlap the LBA along a portion of the northern property line.

Site Location







LOJIC
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Site Photos-Subject Property



Site Photos-Subject Property



Site Photos-Subject Property



Site Photos-Subject Property



Site Photos-Subject Property



Conclusion

- The requested variance and waivers appear to be adequately justified and meet the standards of review.
- Condition of Approval:
#1) The applicant shall provide a boundary survey to Planning and Design staff prior to the issuance of building permits in order to show the legal boundaries of the lot. If the survey shows a different location of the property line from the plan provided in this staff report, the applicant shall either revise the development plan or seek a modification of the variance.

Required Action

- **Variance:** from Land Development Code section 5.3.3.C.2.b to allow a parking area to encroach into the required side yard setback adjacent to a residential zoning district. Approve/Deny

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