

Board of Zoning Adjustment

Staff Report

October 17, 2022



| | |
|--------------------------|---|
| Case No: | 22-VARIANCE-0022 |
| Project Name: | Shepherd Springs |
| Location: | 8016 Shepherdsville Road |
| Owner(s): | Utica Investments LLC |
| Applicant: | Denton Floyd Real Estate Group |
| Jurisdiction: | Louisville Metro |
| Council District: | 24- Madonna Flood |
| Case Manager: | Julia Williams, AICP, Planning Supervisor |

REQUEST(S)

- Variance from 5.3.1.C to eliminate the 15' setback required adjacent to the 24' private access easement

CASE SUMMARY/BACKGROUND

The proposal is for 260 multi-family units on 18.09 acres (14.37 du/ac). 496 parking spaces are proposed for the units. The existing access easement is being expanded from 15' to 24' to accommodate two way traffic. Access will not be restricted.

The site was rezoned in 2016 (16zone1027).

The Detailed Development Plan 22-DDP-0001 was heard at the April 21, 2022 Planning Commission hearing.

STAFF FINDING

Staff finds that the proposal meets the standard of review for granting the variance.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

See attached citizen letters

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the private access easement acts as a driveway to both the adjacent property and is proposed as a driveline for the proposed development.

- (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 because the private access easement acts as a driveway to both the adjacent property and is proposed as a driveline for the proposed development.

- (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 because the private access easement acts as a driveway to both the adjacent property and is proposed as a driveline for the proposed development.

- (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 because the access easement exists to provide access to an adjacent property and that access will remain and be modified to provide 24' and allow two way traffic.

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 a special circumstances because the site has an existing access easement to an adjacent property. That access will remain and be expanded to a 24' access easement. It is unusual for a site to have an existing access easement and in order to utilize the site per the zoning it is necessary to both keep the access but allow the site to use the access further as a driveway/driveline.

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 because not allowing the encroachments into the setbacks off of the easement would eliminate the parking necessary for the site and buildings it serves.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is not responsible for the existing access easement location but would like to expand it to serve both the subject property and the adjacent property.

REQUIRED ACTIONS:

- **APPROVE or DENY the variance**

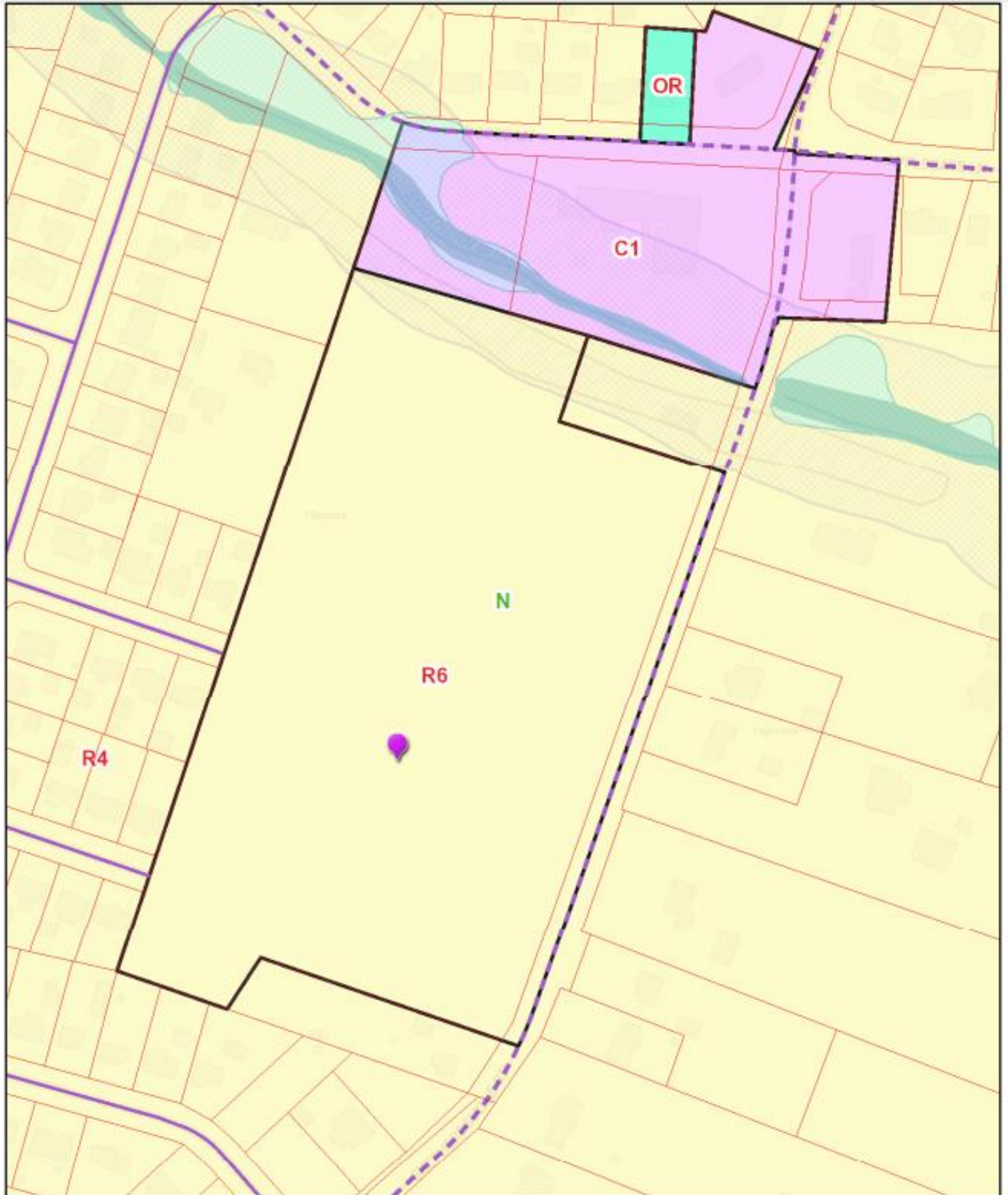
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|---------------------------------|--|
| 4/13/22 | Hearing before BOZA on 5/2/22 | 1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 23 and 24 |
| 9/30/22 | Hearing before BOZA on 10/17/22 | 1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 23 and 24 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

