

# Board of Zoning Adjustment

## Staff Report

December 4, 2017



<b>Case No:</b>	17VARIANCE1090
<b>Project Name:</b>	Eastpoint Office Park
<b>Location:</b>	13105 Eastpoint Park Blvd
<b>Owner(s):</b>	Terry Chenoweth
<b>Applicant:</b>	Terry Chenoweth
<b>Representative:</b>	Ed Bornstein
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Julie Denton
<b>Case Manager:</b>	Laura Mattingly, AICP, Planner II

### REQUEST

- **Variance** from the Land Development Code section 5.3.2.C.2.b to allow a building to be setback 15 feet from a private access easement.

Location	Requirement	Request	Variance
Side Yard (Adjacent to Private Access Easement)	25 ft.	15 ft.	10 ft.

### CASE SUMMARY/BACKGROUND

The subject property is located within the Eastpoint Office Park about .75 miles west of I-265 in northeastern Jefferson County. This site is comprised of two small lots within an existing office park which were created when the last development plan and minor plat were approved in 2016. The building that was constructed was unintentionally built ten feet closer to the private access easement than what was previously approved. The building was instead built 25' from the edge of pavement which is 10 feet from the edge of the easement. The applicant has also submitted a minor plat (17MINORPLAT1124) and Revised Detailed District Development Plan (17DEVPLAN1206) which are both pending approval of the requested variance.

#### Previous Cases:

9-5-89 – Change in zoning from R-4 Single Family Residential to PEC Planned Employment Center and Revised Detailed District Development Plan with variances and waiver approved by LD&T on November 29, 2001.

14DEVPLAN1156: Staff Approved Revised Detailed District Development Plan.

16DEVPLAN1067: Revised Detailed District Development Plan approved by DRC on June 1, 2016.

### STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and 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 10' variance established in the Land Development Code from section 5.3.2.B.2.b to allow a previously constructed building to be setback 15' from a private access easement.

### **TECHNICAL REVIEW**

- No technical review was undertaken.

### **INTERESTED PARTY COMMENTS**

No interested party comments were received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.3.2.B.2.b**

- (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 setback of the building does not affect the site triangle for drivers or pedestrians.

- (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 setback appears similar to other existing buildings within the office park.

- (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 does not encroach into any public utility easements and does not appear to cause any nuisance to users of the park.

- (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 there is still a 25' setback from the edge of pavement.

### **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 building was constructed based on the edge of pavement, which is 10' from the easement line.

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 compliance would require the demolition of a portion of the building.

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 as a setback of 25' from the edge of the easement was shown on the plan and these regulations were in place when the building was constructed.

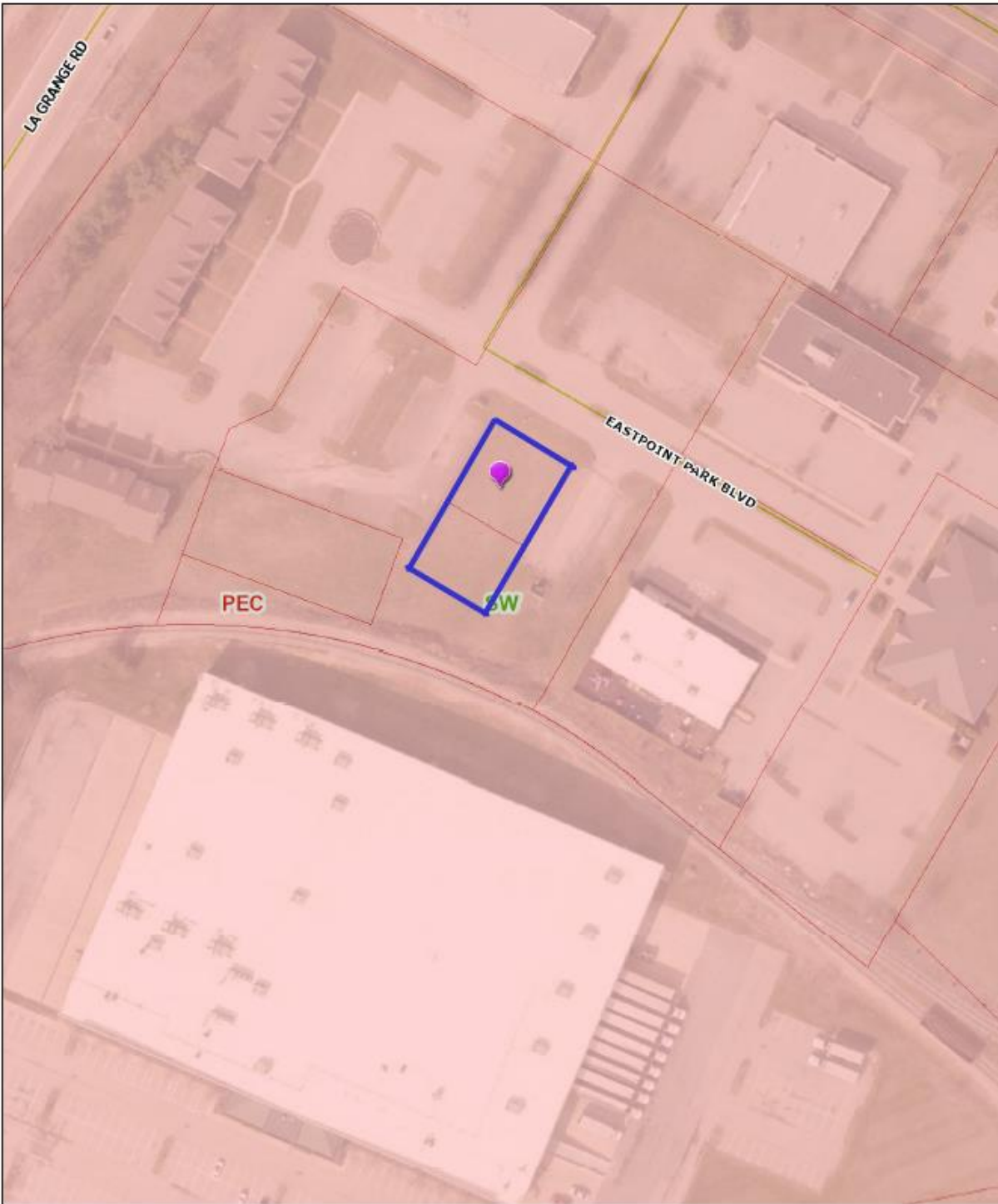
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
11/20/2017	Hearing before BOZA	First Tier Adjoining Property Owners and Registered Neighborhood Groups with Council District 19
11/28/2017	Hearing before BOZA	Sign Posting on Property

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Photos

1. **Zoning Map**



0 60 120 180  
ft

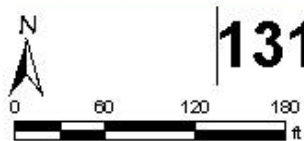
**13105 Eastpoint Park Blvd** 

Monday, November 27, 2017 | 1:53:37 PM

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2. Aerial Photograph



**13105 Eastpoint Park Blvd** 

Monday, November 27, 2017 | 1:55:29 PM

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