

Board of Zoning Adjustment

Staff Report

January 22, 2018



Case No.	17VARIANCE1107 / 17WAIVER1041
Project Name	Canopy and Accessory Building
Location	4139 Bardstown Road
Owner	Eli Thomas
Applicant	Eli Thomas
Jurisdiction	Louisville Metro
Council District	10 – Pat Mulvihill
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Variance 1: to permit a canopy addition to be located 10 ft from the north property line adjoining a residential parcel (LDC 5.3.2.C.2.b)

Variance 2: to permit an accessory structure to be located 10 ft from the north property line adjoining a residential parcel (LDC 5.3.2.C.2.b)

Location	Requirement	Request	Variance
Canopy, north property line	25 ft	10 ft	15 ft
Accessory building, north property line	25 ft	10 ft	15 ft

Waiver 1: to reduce the width of the required LBA along the north property line from 25 ft to 10 ft (LDC 10.2)

Waiver 2: to allow the accessory structure to be visible from Fairland Avenue (LDC 5.5.5.A.1.)

CASE SUMMARY

The applicant proposes to add a Canopy to cover a portion of the existing Vehicle Use Area (VUA) at the north property line of a drive-thru car wash and to place an Accessory Structure at the northeast corner of the site.

The 6.67 acre (29,185 sq ft) parcel is located at the northwest corner of Bardstown Road and Fairland Avenue with access from Bardstown Road. It is zoned C-2 within a Suburban Marketplace Corridor form district. It is adjoined by C-2 parcels to the south and east and C-M parcels to the west, all in commercial usage. The parcel to the north is zoned R-4 and is developed with a single-family residence.

The proposed canopy will cover 6,123 sq ft at the rear of the parcel. The Accessory Structure is 625 sq ft. Both the canopy and the Accessory Building will be placed over existing VUA.

An existing wood screening fence near the northern property boundary will remain. The applicant will install and maintain plantings on the R-4 side of the existing fence.

STAFF FINDING

The requested waivers and variances are required due to existing conditions on the site and appear to be justified.

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 waivers to reduce the width of the required LBA along the north property line from 25 ft to 10 ft (LDC 10.2) and to allow the accessory structure to be visible from Fairland Avenue (LDC 5.5.5.A.1.), and
- granting variances to permit a canopy addition to be located 10 ft from the north property line adjoining a residential parcel (LDC 5.3.2.C.2.b) and to permit an accessory structure to be located 10 ft from the north property line adjoining a residential parcel (LDC 5.3.2.C.2.b).

TECHNICAL REVIEW

All technical review comments have been resolved.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES 1 and 2 (LDC 5.3.2.C.2.b)

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

STAFF: The requested variances will not alter traffic flow on this site and will have no new adverse effects on health, safety or welfare of the public.

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

STAFF: The variances are required to accommodate existing site conditions and will not alter the character of the general vicinity.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The request will not cause a public hazard or nuisance through excessive noise, vibration or odor. Lighting will be subject to Construction Review standards which will mitigate potential impacts on neighboring residential properties.

- (d) The requested variances will not allow an unreasonable circumvention of zoning regulations.

STAFF: The requested variances are not unreasonable as they are based on existing conditions on the site.

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 existing conditions on this site do not necessarily apply to other land in the general vicinity.

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 canopy would not serve the required purpose if it cannot cover the general area of the existing VUA.

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 zoning regulation from which relief is being sought was in place before the applicant proposed this development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1 (LDC 10.2) AND WAIVER 2 (LDC 5.5.5.A.1.)

(a) The waivers will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the requests reflect existing conditions on the site.

(b) The waivers will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waivers will not violate Cornerstone 2020 guidelines as the proposed development is consistent with the permitted use of the property and will not increase negative impacts on adjacent residential uses.

(c) The extent of the waivers of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waivers is the minimum necessary to afford relief to the applicant as it is based on accommodation of existing conditions on the site.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would 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 meeting the requirements would necessitate removal of existing pavement that would interfere with turning radii on that portion of the site.

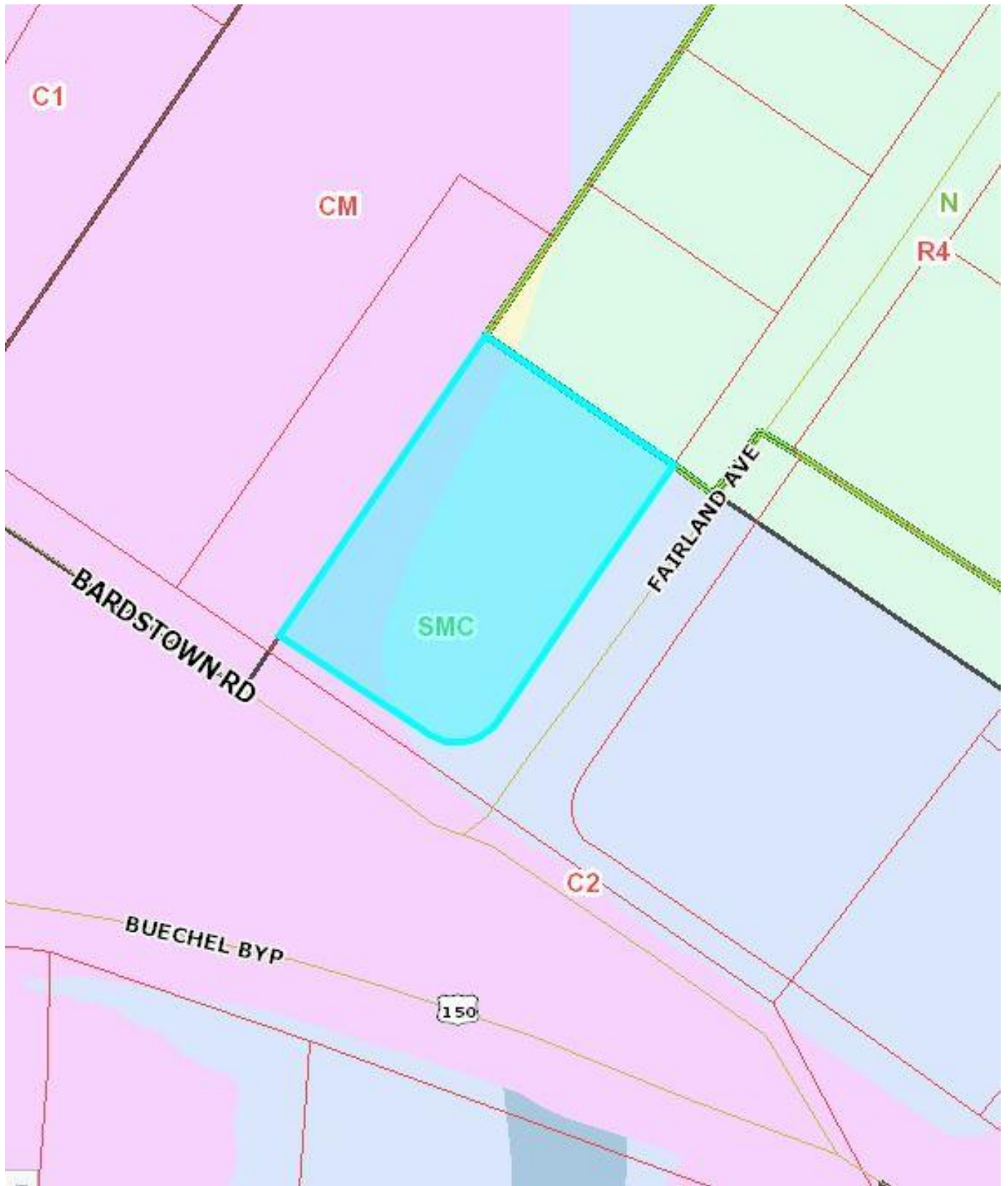
NOTIFICATION

Date	Purpose of Notice	Recipients
1/5/2018	Notice of Application Filed	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 1
1/5/2018	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 1 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

1. Zoning Map



2. Aerial Photograph

