

Board of Zoning Adjustment

Staff Report

July 30, 2018



Case No:	18DEVPLAN1105
Project Name:	Paragon Centre
Location:	6040 Dutchmans Lane
Owner(s):	Paragon Centre Holdings, LLC
Applicant:	Nicklies Development
Jurisdiction:	Louisville Metro
Council District:	26—Brent Ackerson
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Variance** from Land Development Code Section 5.3.3.c.2.a to exceed the 275-ft maximum front yard setback by up to 135-ft.
- **Waiver** of Land Development Code section of 5.8.1 to not provide the sidewalk for Dutchmans Lane.

CASE SUMMARY/BACKGROUND

Applicant is proposing a 4,723 sq. ft. addition to an existing 138,080 sq. ft. office building. The site is approximately 7.876 acres, located in the OR-3 zoning district in the Regional Center form district.

STAFF FINDING

The development plan is in order and both the waiver and variance request are adequately justified and meet the standards of review.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

No interested parties contacted staff concerning these requests.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 because it is a minor addition to an existing site, and a similar variance request has already been approved.

- (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 since the development already exists, and is similar to other office and commercial developments within the area.

- (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 since the building will be buffered where it is adjacent to residential.

- (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 since the proposal follows the existing development pattern of 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 request does not arise from any special circumstances.

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 reasonable use of land since the proposal continues the existing pattern of the site.

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 taken.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners because there are currently no sidewalks adjacent to the site, and no existing sidewalk networks on the South side of Dutchmans Lane.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver is consistent with previous waivers granted to the site, and the development pattern of the area.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

- (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 provision of the regulation would deprive the applicant of the reasonable use of the land because the proposed addition is relatively small and the requirement of providing sidewalks along the frontage would not be proportional to the scale of the proposal.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**
- **APPROVED** or **DENY** the **Waiver**

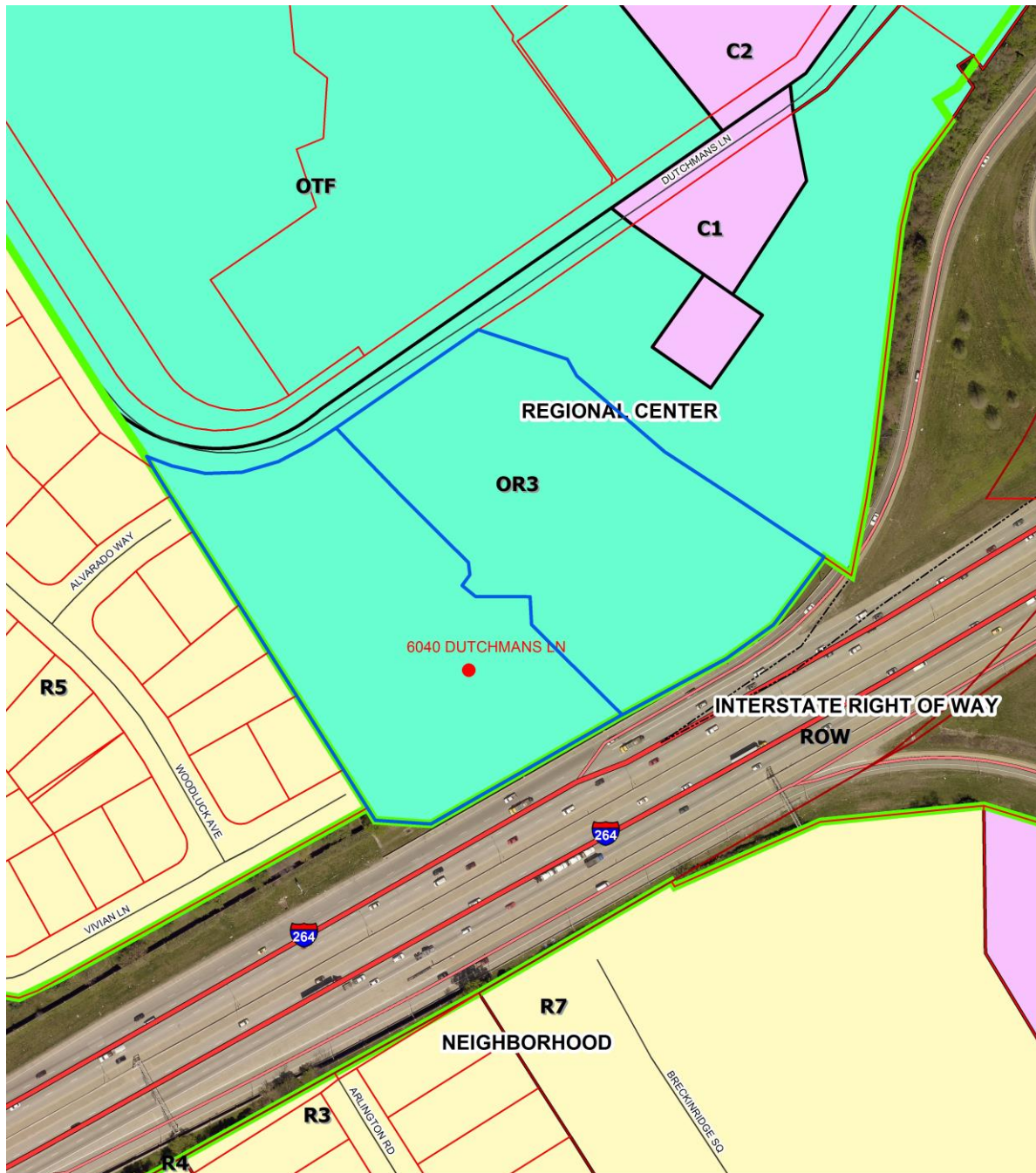
NOTIFICATION

Date	Purpose of Notice	Recipients
7/16/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 26

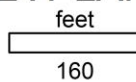
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**

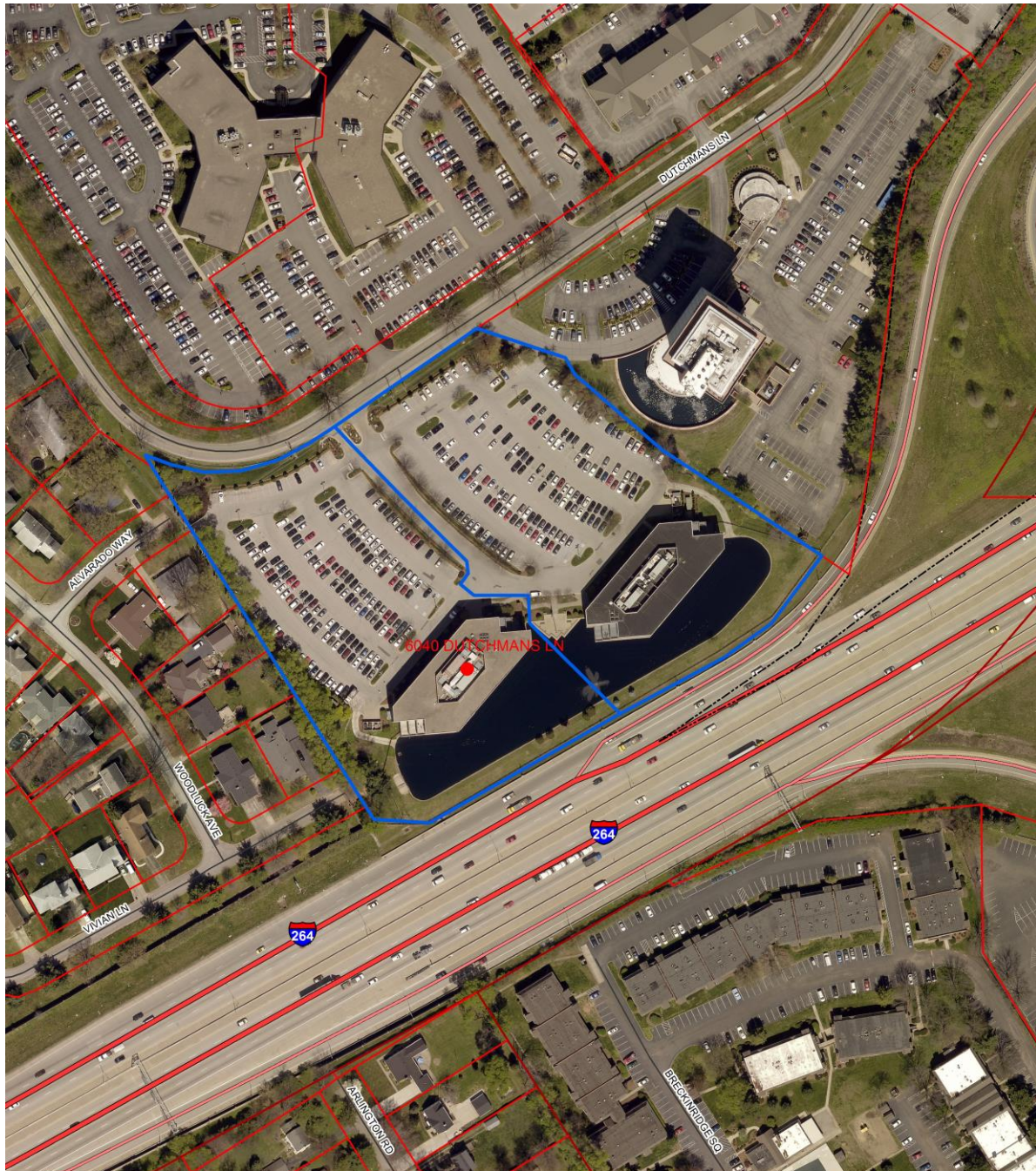


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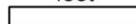
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2. Aerial Photograph



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feet



160



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