

Board of Zoning Adjustment

Staff Report

July 8, 2019



Case No:	19VARIANCE1038
Project Name:	Airport Industrial Center
Location:	114 Rochester Dr.
Owner(s):	Louisville & Jefferson County Redevelopment
Applicant:	John McLaren, Titan Research & Development
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Variance** of Land Development Code section 5.3.4.D.3.a to allow parking and vehicular maneuvering to be permitted in the setback with no required landscaping

CASE SUMMARY/BACKGROUND

The subject site is zoned EZ-1 Enterprise Zone in the Suburban Workplace form district, with an M-3 Industrial zoned portion of .6884 acres in the northwest quadrant of the site. The subject site is otherwise surrounded by EZ-1 properties and is part of the Airport Industrial Center. The applicant is proposing to demolish the existing buildings (with the exception of the building on the M-3 zoned portion) and construct a 120,000 square foot building in Phase I, and an 80,000 square foot building in Phase II.

Land Development Code section 5.3.4.D.3.a requires a twenty-five foot setback along all frontage on public streets and private access easements providing primary access in the Suburban Workplace form district. Off-street parking, maneuvering or parking areas, drive-ways, and sidewalks shall be permitted within the 25 foot setback as long as all landscaping requirements of Chapter 10 Part 2 are met. The applicant is requesting a variance from this section on the north and south property lines.

The development plan for this site, 18DEVPLAN1182, as well as an accompanying waiver request, was presented at the Development Review Committee on 6/5/19. The Board of Zoning Adjustment takes no action on these requests.

STAFF FINDINGS

The variance request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical review issues.

INTERESTED PARTY COMMENTS

Staff has received no comments.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE OF SECTION 5.3.4.D.3.a
TO ALLOW PARKING AND VEHICULAR MANEUVERING TO BE PERMITTED IN THE
SETBACK WITH NO REQUIRED LANDSCAPING**

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

STAFF: The variance will not adversely affect adjacent property owners since there are currently no landscaping or plantings in the LBAs on either the north or south property lines. There is existing parking on the south property line, and the north property line has a green grassy space but there do not appear to be any plantings.

- (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 subject site is located in the Airport Industrial Center, where there are several other instances of parking and vehicular maneuvering in setbacks, as well as lack of plantings in the LBAs.

- (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, according to Public Works staff, the proposed plan provides adequate space for maneuvering vehicles without backing into the drive lane.

- (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 nearby sites in the vicinity of the subject site do not appear to provide the minimum plantings. Additionally, the subject site is internal to the Airport Industrial Center as a whole, and nearby sites within the Center do not appear to be providing plantings. Additionally, the proposed plan provides Interior Landscape Areas in excess of the square footage required by code, which mitigates the request to not provide landscaping in the setbacks.

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 not arise from any special circumstances. The subject site is internal to the Airport Industrial Center as a whole, and nearby sites within the Center do not appear to be providing plantings.

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 the proposed site layout and buildings would not be able to be built.

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 location of the house, but they would like to expand into the side yard with a garage addition.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

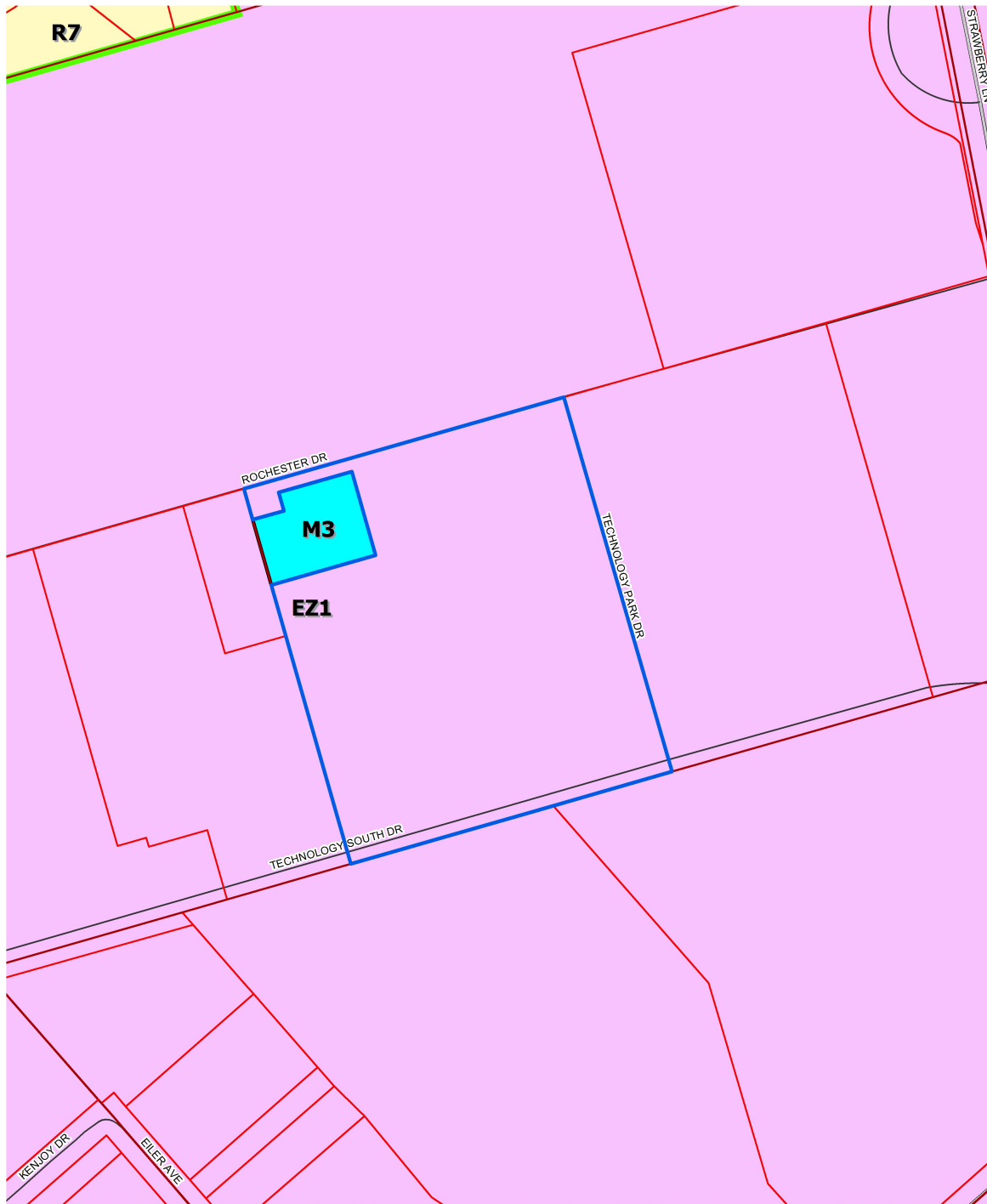
NOTIFICATION

Date	Purpose of Notice	Recipients
7-8-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



114 ROCHESTER DR

feet

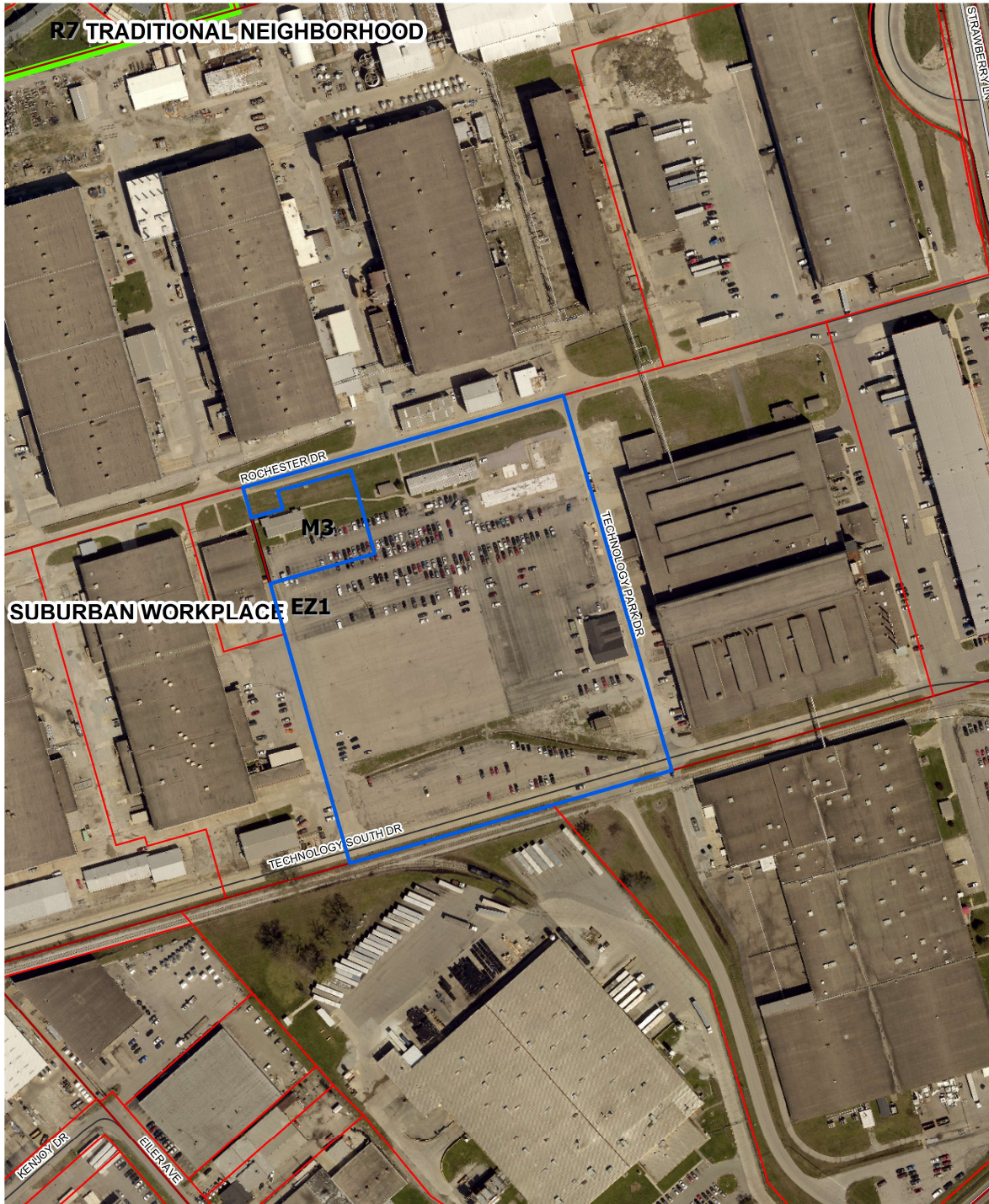
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Map Created: 5/9/2019

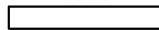


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2. Aerial Photograph



114 ROCHESTER DR
feet



240
Map Created: 5/9/2019



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