

Board of Zoning Adjustment

Staff Report

June 8, 2020



Case No:	20-VARIANCE-0039
Project Name:	A&S Truck Service
Location:	10605 Freeport Dr
Owner(s):	A&S Truck Service.
Applicant:	A&S Truck Service
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variance** from table 4.8.1 to allow vehicular parking and maneuvering to encroach up to 25 feet into the 100-foot streamside buffer for Black Pond Creek.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a heavy truck repair and storage facility on approximately 4.01 acres. The site is located within the Riverport Phase III development in the Pleasure Ridge Park area of Louisville Metro. The site is located within the EZ-1 zoning district and the Suburban Workplace form district. To the east of the site there is a residential subdivision on the far side of Black Pond Creek, a protected waterway.

STAFF FINDING

The proposed use is compatible with the development pattern of the area. The Land Development Code will require a significant increase to tree canopy coverage and screening requirements with this proposal, which will provide additional protection to the residential properties. The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

A Detailed District Development Plan and an associated waiver was approved by the Planning Commission on May 21, 2020.

The subject site was originally part of lot 217 on the record plat for Riverport Phase III recorded at Plat Book 43 Page 93 and rezoned under docket 9-58-96. The current lot lines were created via minor plat under docket 19-MPLAT-0044.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 4.8.1

- (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 additional landscaping will be installed to prevent runoff into the protected waterway.

- (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 other development in this area has similar encroachments into the streamside buffer.

- (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 new landscaping will be installed to screen the use and help reduce runoff into the protected waterway.

- (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 the development is similar to other development in the area, and the applicant has taken steps to minimize the encroachment into the buffer.

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: Riverport requires a greater front setback than is usually required in the Suburban Workplace form district, which limits the buildable area of the lot.

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 the site is constrained by exceptional front setback requirements.

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 of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

REQUIRED ACTIONS:

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

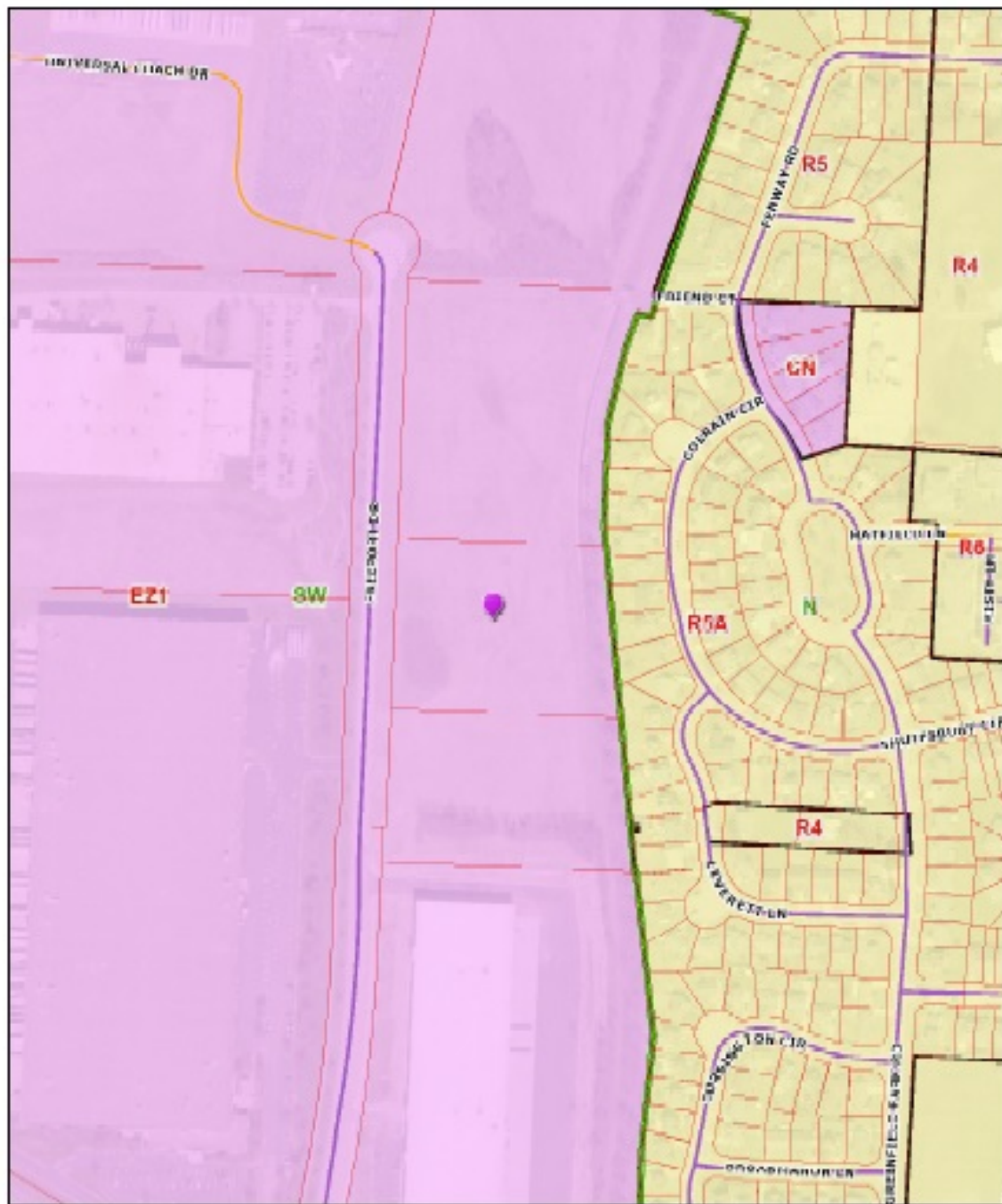
NOTIFICATION

Date	Purpose of Notice	Recipients
5-14-20	Hearing before BOZA	1 st tier adjoining property owners. Registered Neighborhood Groups in Council District 12

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



20-DDP-0013

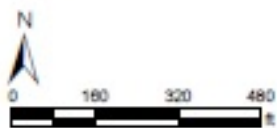
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2. Aerial Photograph



20-DDP-0013

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