

Board of Zoning Adjustment

Staff Report

June 15, 2020



Case No:	19-VARIANCE-0079 and 19-WAIVER-0085
Project Name:	VA Quality Motors
Location:	7709, 7713 and 7715 Beulah Church Rd
Owner(s):	Vildan Ahmic
Applicant:	Vildan Ahmic
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variance(s)**
 1. **Variance** of Land Development Code section 5.3.1.C.5 and table 5.3.2 to allow a building and vehicle use area to encroach into the 50-foot non-residential to residential setback by up to 40 feet.
- **Waiver(s)**
 1. **Waiver** of Land Development Code section 10.2.4 to allow a retaining wall and vehicle use area to encroach into the 25-foot property perimeter Landscape Buffer Area by up to 15 feet.

CASE SUMMARY/BACKGROUND

The applicant is proposing to convert a vacant bowling alley into an automobile sales facility. The site contains approximately 4.26 acres and is located within the Gateway subsection of the Highview Planned Development District and is in the Town Center form district. There are no proposed changes to the building footprint, but the applicant proposes to add new vehicle use area to accommodate overhead doors and repair bays on the south side of the structure. They also propose to install a retaining wall and fence in the area to stabilize the property edge and control drainage. Per the Highview PD, the site must apply setbacks of the Neighborhood form district standards where it abuts residential uses.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The proposal will allow for the redevelopment of a long vacant site, including the installation of updated landscaping and improved building design.

TECHNICAL REVIEW

The requests are associated with a Revised Detailed District Development Plan under docket 19-DDP-0076. That plan may be approved by staff per PD guidelines if the waiver and variance are approved.

The applicant has recorded crossover access agreements in place with the Teamsters Union property.

INTERESTED PARTY COMMENTS

The office of Councilman James Peden has contacted staff to request status updates and ask questions about the approval process throughout the review.

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 since the building already exists within the setback, and all site updates will meet applicable building codes.

- (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 structure was built long before the form district regulations mandated the current setback requirements.

- (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 adequate screening and planting will be provided on the subject site.

- (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 it will allow for the re-use of a vacant commercial structure.

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 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 the reasonable use of the land, as the structure already encroaches into the required setback.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

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

STAFF: The waiver will not adversely affect adjacent property owners since all required screening and plantings will be provided on the subject site.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: New development and redevelopment should be compatible with the scale and site design of nearby existing development and with the pattern of development within the form district. The development will be compatible with other development in the area and allow for the adaptive re-use of an existing commercial site within a Planned Development District.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since all other required buffers will be provided on the subject 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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the structure already exists and complying with the regulation would require significantly altering the building configuration.

REQUIRED ACTIONS:

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

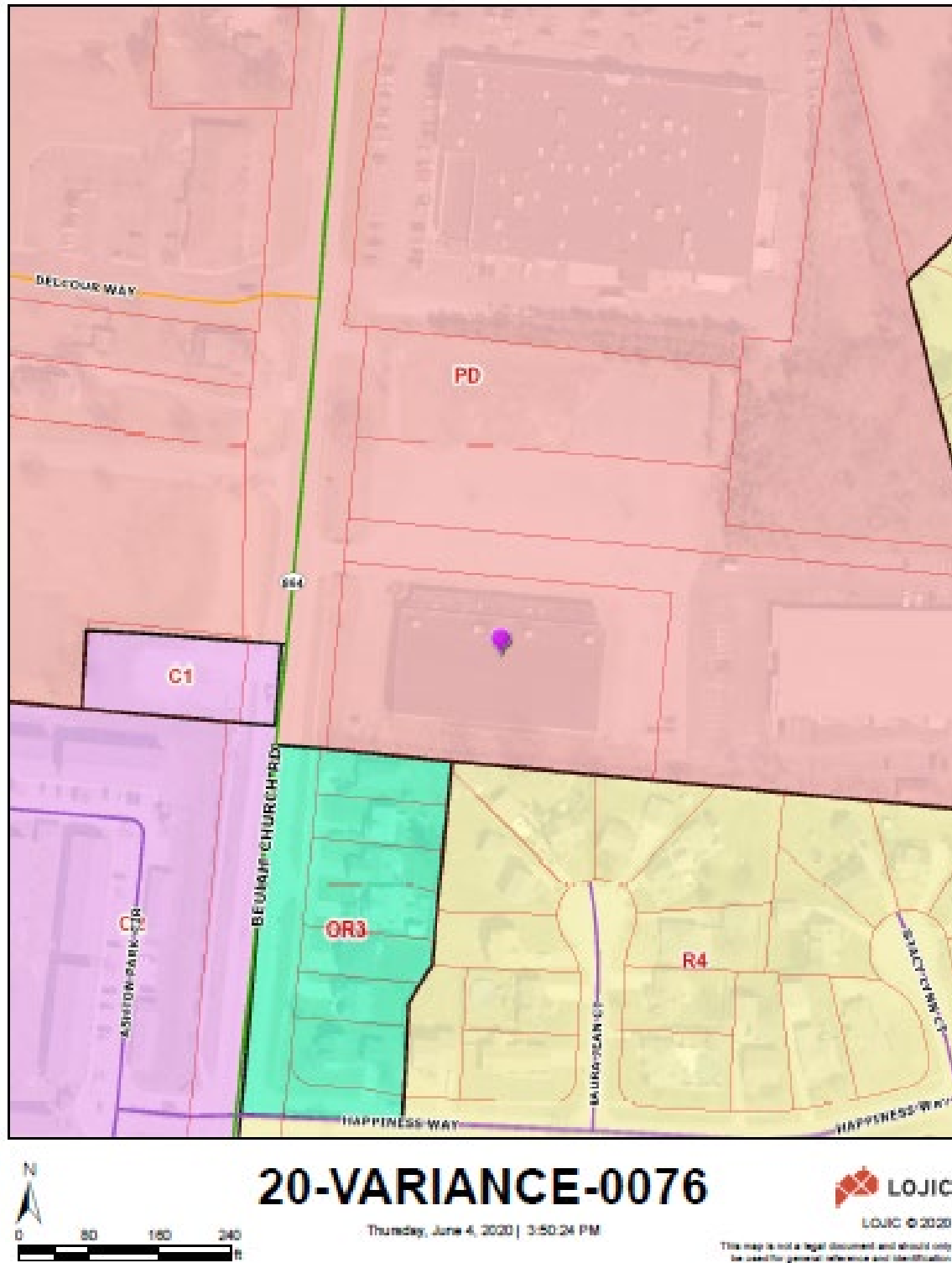
NOTIFICATION

Date	Purpose of Notice	Recipients
5-29-20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
6-3-20	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



20-VARIANCE-0076

Thursday, June 4, 2020 | 3:48:18 PM



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This map is not a legal document and should only be used for general reference and identification.