

Board of Zoning Adjustment

Staff Report

October 5, 2020



Case No:	20-VARIANCE-0102/20-WAIVER-0075
Project Name:	Amin Family Practice Associates
Location:	1501-1511 S 7 th St and 657 W Shipp Ave
Owner(s):	Amin Investments, LLC.
Applicant:	Amin Investments, LLC.
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jay Luckett, AICP, Planner I

REQUEST(S)

- **Variance**
 1. **Variance** of Land Development Code section 5.5.1.A.2 to exceed the maximum 5 foot corner lot setback by up to 65 feet from W Hill St as shown on the development plan.
- **Waivers**
 1. **Waiver** of Land Development Code section 5.5.1.A.3 and 5.9.2.C to allow a parking lot in front of a building in the Traditional Workplace form district.
 2. **Waiver** of Land Development Code section 5.5.1.A.3 to allow a mix of metal fencing and masonry to be used instead of a solid masonry wall around a parking area.
 3. **Waiver** of Land Development Code section 5.9.2.A.1.b to not provide direct pedestrian access through the parking lot from W Hill St to the front entrance.

CASE SUMMARY/BACKGROUND

The applicant is proposing to demolish an existing vacant structure at the corner of S 7th St and W Hill St to provide additional parking for a medical office. The building to be removed meets the Land Development Code setback standards for corner lots in traditional form districts. The resultant site conditions would be non-conforming to the Land Development Code setback requirements along W Hill St, so a variance has been requested even though the medical office structure is existing and not proposed to change. The applicant proposes to construct a metal fence with masonry components that will match the existing fence on the site along S 7th St and W Shipp Ave. The site is zoned EZ-1 and is in the Traditional Workplace form district near the Old Louisville neighborhood.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The additional parking will allow the medical office to meet the parking demands of its patients and employees. The proposed fencing will create a consistent site design. Pedestrians can still easily access the site from the public sidewalk and main entrance on S 7th St, and the parking areas will be accessed from an alley, consistent with traditional site design standards.

TECHNICAL REVIEW

The requests are associated with a Category 2-B development plan 20-CAT2-0020 currently under staff review. Transportation Planning and MSD have approved the preliminary plan.

INTERESTED PARTY COMMENTS

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

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 public health, safety, or welfare as the proposed reduction does not impede the safe movement of pedestrians or vehicles, as the development structure is existing and will continue to function in a safe manner.

- (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 the site will have a consistent design and development in the area has a variety of setbacks and uses.

- (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 the site will continue to function as it has in the past.

- (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 zoning regulations as the medical office structure is existing and the expanded parking will allow for its continued use.

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 not generally applicable to land in the 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 strict application of the provisions of the regulation would create an unreasonable hardship on the applicant, as they would not be able to provide enough parking to meet the needs of their medical practice.

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 site has not been developed and relief is being sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as many nearby sites have parking and drive areas in front of the building.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for continuation of a community serving commercial use in an existing commercial activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public.

- c. The extent of 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. The applicant will provide required landscaping and buffering around the site.

- d. Either: 1. 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 2. 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 it would prevent them from providing adequate parking to accommodate their staff and patients.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as fencing will be provided that is consistent with the existing site.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for continued use of an existing commercial site within an established activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public.

- c. The extent of 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. The applicant will still construct a fence that will set the visual property edge within required setbacks.

- d. Either: 1. 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 2. 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 it would require the construction of a section of wall that would not match the existing fencing on the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 3

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

STAFF: The will not adversely affect adjacent property owners, as the waiver only concerns access control to the subject site.

- b. The waiver will not violate the Comprehensive Plan; and.

STAFF: The waiver will not violate the comprehensive plan, as safe vehicular and pedestrian access to the site will still be provided. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public.

- c. The extent of 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. Adequate pedestrian access is provided via the main entrance on S 7th St.

- d. Either: 1. 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 2. 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 it would require a redundant pedestrian access parallel to public sidewalks that would potentially be less safe than proposed.

REQUIRED ACTIONS:

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

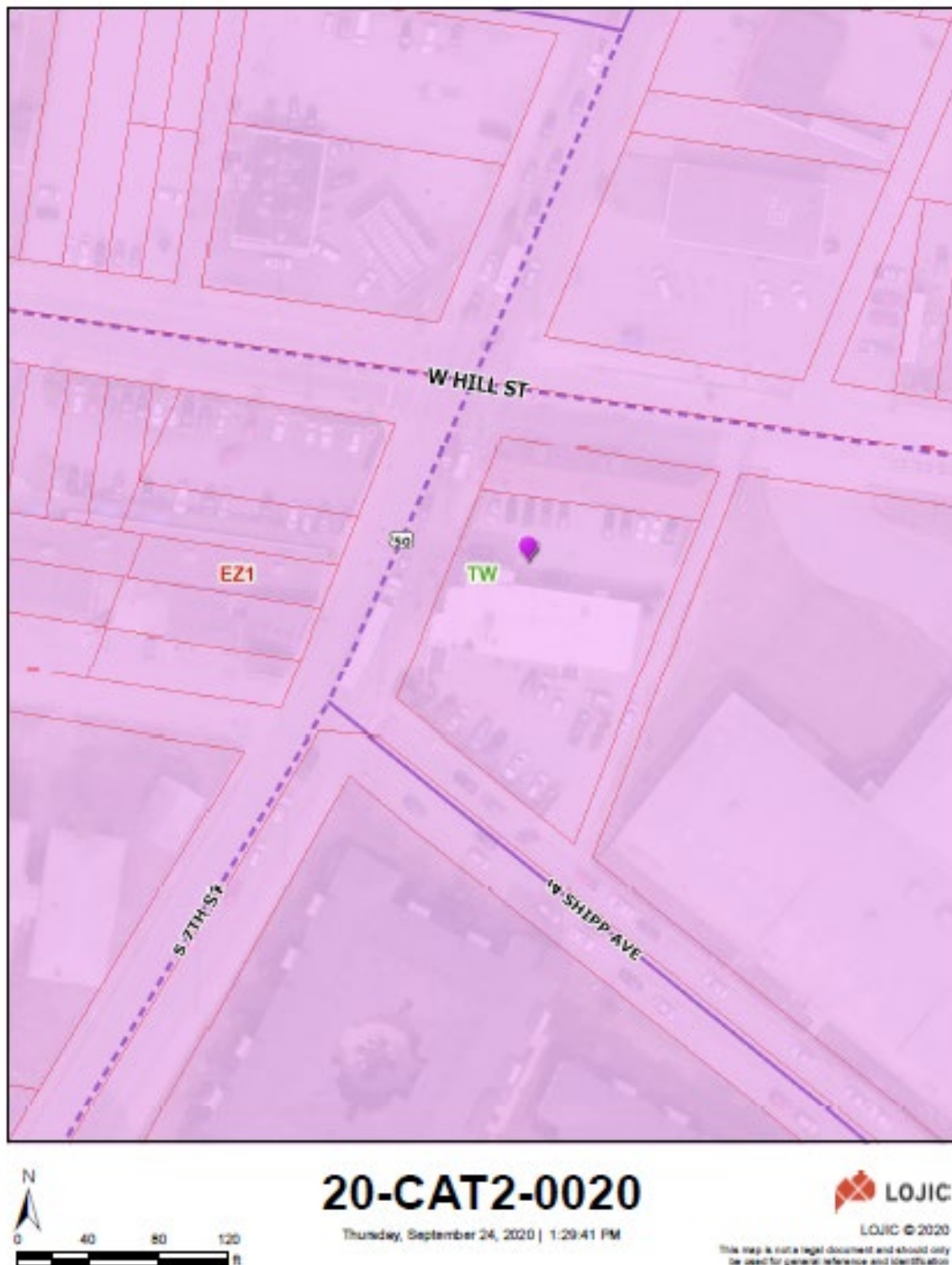
NOTIFICATION

Date	Purpose of Notice	Recipients
9-17-20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
9-21-20	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



20-CAT2-0020

Thursday, September 24, 2020 | 1:28:15 PM



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