

**Board of Zoning Adjustment**  
**Staff Report**  
October 26, 2020



<b>Case No:</b>	20-MVARIANCE-0003
<b>Project Name:</b>	Logistics Air Park
<b>Location:</b>	5540 Minor Lane
<b>Owner(s):</b>	Jim Calvery, LaGrange LLC
<b>Applicant:</b>	Jim Calvery, LaGrange LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Mark Fox
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

**REQUESTS:**

- **Variance** from Land Development Code section 4.8 to allow parking to encroach into the 100 foot waterway buffer by a maximum of 42 feet

**CASE SUMMARY/BACKGROUND**

The subject site is zoned PEC Planned Employment Center in the Suburban Workplace form district. It is comprised of six parcels located east of I-65, north of Outer Loop and west of Minor Lane. Currently, the subject site appears to be undeveloped.

There is an associated development plan, 20-DDP-0044, which expands the previous plan, 20-DDP-0019 by adding a parking area on the north parcel of the subject site, on Lot 1. This case was heard by the Development Review Committee on October 14, 2020. Staff recommended that the development plan be approved on the condition that the modified variance be approved.

The applicant is requesting a Modified Variance from Land Development Code section 4.8 to allow parking to encroach into the 100 foot waterway buffer by a maximum of 42 feet. The site has a previously approved variance, under 18ZONE1049, to allow Building B on the north end of the site to encroach into the 100 foot protected waterway buffer by a maximum of 38.57 feet.

Previous cases:

- 20-DDP-0019: Revised Detailed District Development Plan for Lot 1 and Detailed District Development Plan with Binding Elements for Lot 6
- 19DEVPLAN1120: Revised General and Detailed District Development Plan with waiver requests
- 18ZONE1049: Change in zoning from R-4, R-7 and C-2 to PEC Planned Employment Center and change in form district from Suburban Marketplace Corridor and Neighborhood to Suburban Workplace

**STAFF FINDINGS**

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

## **TECHNICAL REVIEW**

Public Works and MSD have provided preliminary plan approval.

## **INTERESTED PARTY COMMENTS**

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

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE SECTION 4.8 TO ALLOW PARKING TO ENCROACH INTO THE 100 FOOT WATERWAY BUFFER BY A MAXIMUM OF 42 FEET**

- (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 adjacent property to the north of the subject site is also part of the Logistics Airpark development, and there is already an existing approved variance for a building to encroach into the waterway buffer on the subject site. The waterway provides retention/detention and the encroachment does not impact this use.

- (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 area is characterized by large warehouse buildings and parking areas, and there is an existing approved variance for a building to encroach into the waterway buffer. The requested parking lot encroachment into the waterway buffer is comparable to the previously approved encroachment of the building.

- (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 subject site is surrounded by other Logistics Airpark properties, and there is an existing variance on the subject site for a building to encroach into the waterway buffer. The proposed pavement does not appear to pose a hazard or nuisance. The waterway provides retention/detention and the encroachment does not impact this use.

- (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 there is already an existing approved encroachment into the wetland buffer, and the proposed encroachment is similar. The waterway provides retention/detention and the encroachment does not impact this 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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone. The waterway provides retention/detention, and is not

a linear stream which could travel to nearby sites. Additionally, the requested encroachment does not impact this use.

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 regulation would deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant since majority of the site layout is approved under 20-DDP-0019, and without the variance the applicant would not be able to construct the parking addition proposed with 20-DDP-0044.

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, as no development has occurred, and the wetland area is located on the property to the north of the subject site.

**REQUIRED ACTIONS:**

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

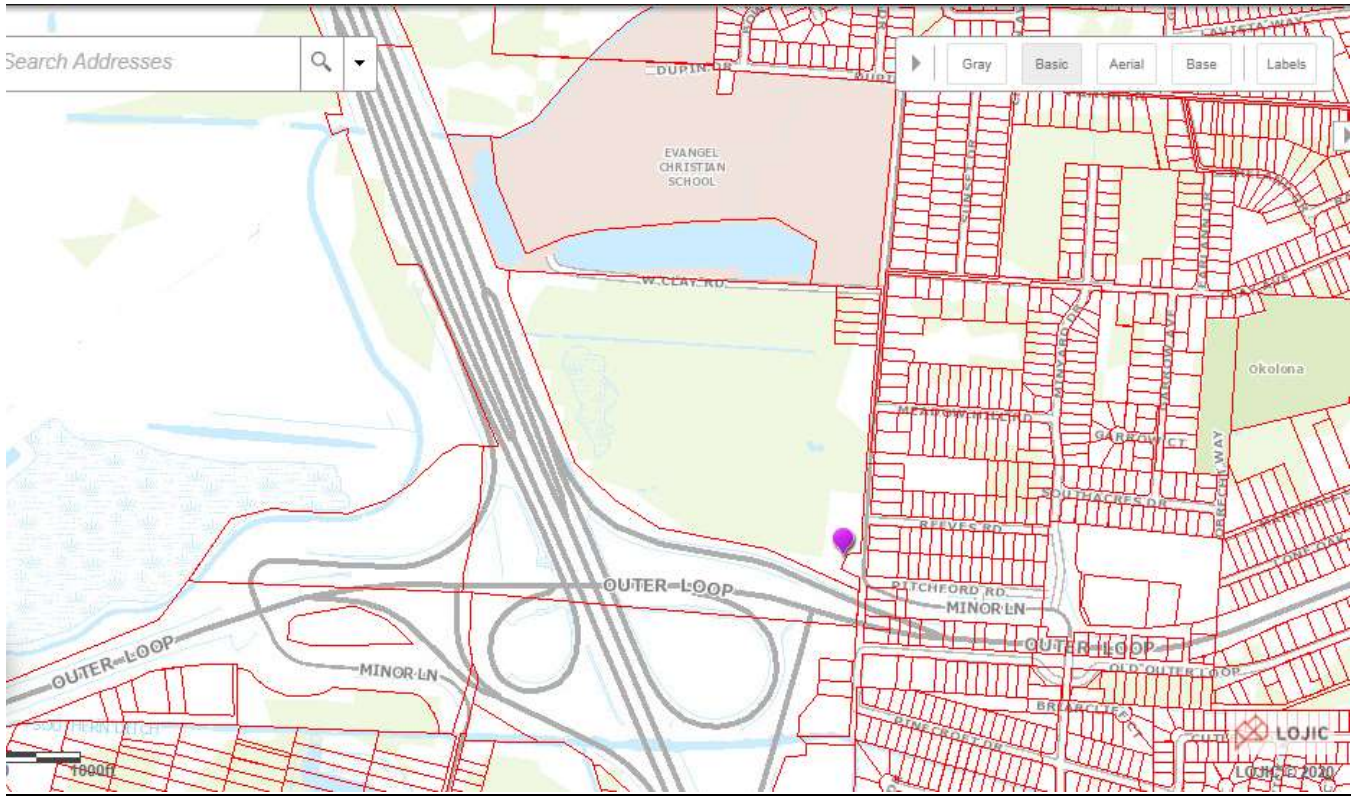
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10-26-20	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 13

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



## 2. Aerial Photograph

