

# Board of Zoning Adjustment

## Staff Report

December 7, 2020



<b>Case No:</b>	20-VARIANCE-0127
<b>Project Name:</b>	Matly Digital Solutions
<b>Location:</b>	3432 Preston Hwy
<b>Owner(s):</b>	George Matly, MD LTD Partnership
<b>Applicant:</b>	George Matly, MD LTD Partnership
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Nicole George
<b>Case Manager:</b>	Jay Luckett, AICP, Planner I

### **REQUESTS:**

1. **Variance** of Land Development Code section 5.3.2.C.2.b to allow the proposed building to encroach into the required 25-foot setback at the rear property line

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a 1,600 square foot accessory structure and reconfigure the adjacent asphalt parking area.

The subject site is zoned C-1 in the Suburban Marketplace Corridor form district on approximately 1.91 acres. The site is currently developed with a 10,000 square foot commercial printing business as approved under docket 9-50-88.

### **STAFF FINDINGS**

The request is adequately justified and meets the standard of review. The expansion is an accessory to an existing commercial facility. The adjacent residentially zoned property is a Jefferson County Public School maintenance and storage facility and is unlikely to be redeveloped for residential use in the future.

### **TECHNICAL REVIEW**

The Revised Detailed District Development Plan and an associated waiver were reviewed by the Development Review Committee under docket 20-DDP-0048 on December 2, 2020.

### **INTERESTED PARTY COMMENTS**

A representative of Jefferson County Public Schools has contacted staff and expressed concerns that the proposal will negatively impact security on their adjacent maintenance facility.

### **REQUIRED ACTIONS:**

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

## **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 variance does not impede the safe movement of pedestrians or vehicles. The structure will be built to all applicable health and safety 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 as it would serve an existing commercial use. The adjacent residentially zoned property is not residentially used and unlikely to be redeveloped for residential use.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance will not adversely affect adjacent property owners or the general public since the adjacent residentially zoned property is not used residentially and is unlikely to be redeveloped for residential use in the future.

- (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. The adjacent residentially zoned property is used as a commercial or light industrial use by Jefferson County Public Schools and is unlikely to be redeveloped for residential use. If the adjacent property was more properly zoned for its actual intensity of use, no buffer or setback would be required.

## **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 arise from special circumstances not generally applicable to land in the vicinity, as the the adjacent residentially zoned property is used as a commercial or light industrial use by Jefferson County Public Schools and is unlikely to be redeveloped for residential use. If the adjacent property was more properly zoned for its actual intensity of use, no setback would be required.

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 it would require large setback from a property that is not residentially used. The existing structure and parking on the site encroaches into the 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 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.

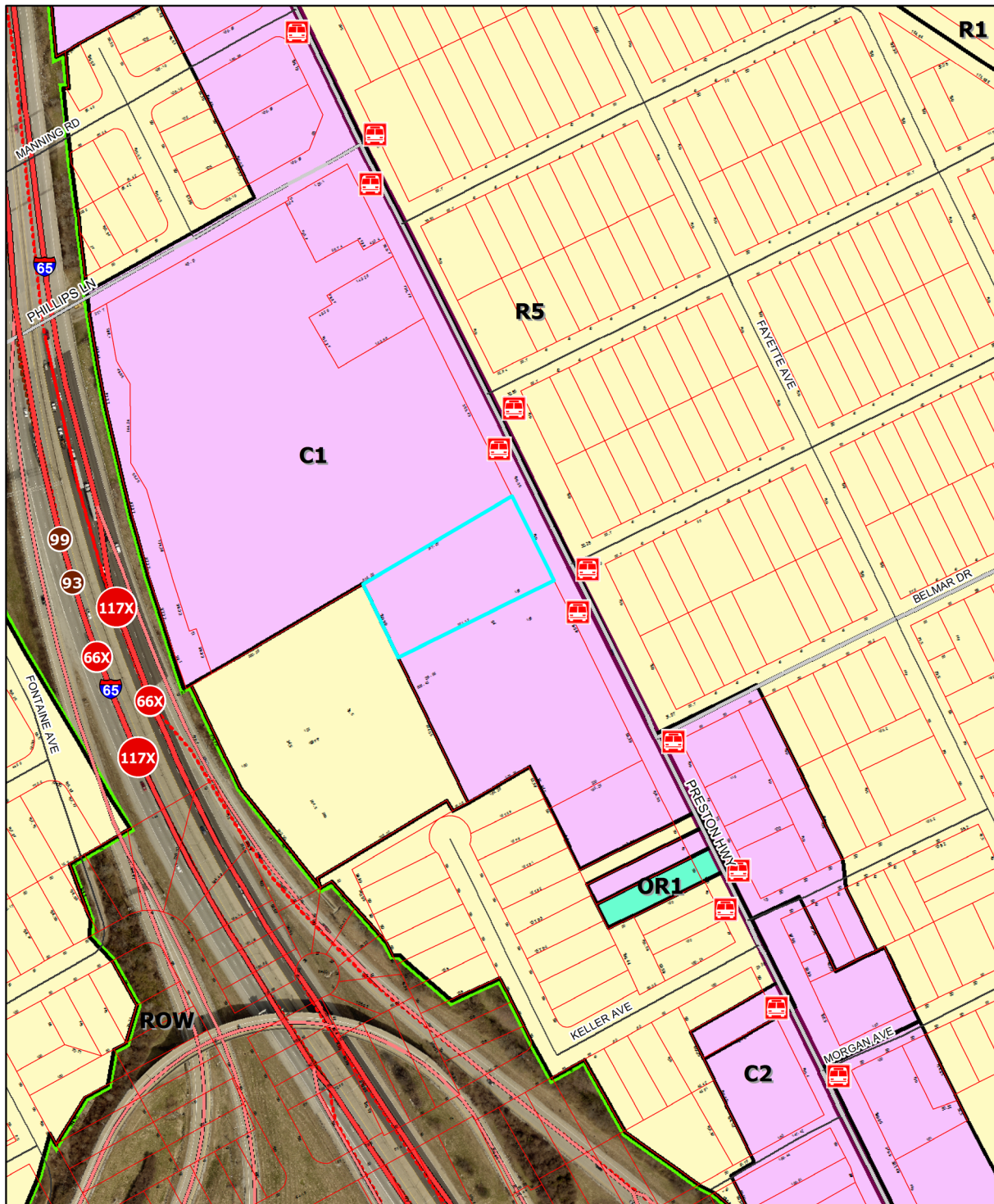
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
11-18-20	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21

#### **ATTACHMENTS**

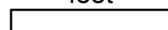
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



3432 PRESTON HWY

feet



240

Map Created: 10/13/2020



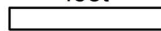
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**2.**



3432 PRESTONY HWY

feet



240

Map Created: 10/13/2020



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