

Board of Zoning Adjustment

Staff Report

March 1, 2021



Case No: 21-VARIANCE-0017
Project Name: Breckenridge Lane Variance
Location: 2960 Breckenridge Lane
Owner: Dineshkumar Patel – V&P Investments, LLC
Applicant: David Garber – Garber Chilton Engineers
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code section 5.3.3.C.2.b to allow a principal structure to encroach into the required rear yard setback

Location	Requirement	Request	Variance
Rear Yard	50 ft.	20.2 ft.	29.8 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned C-1 Commercial in the Regional Center Form District. It is in the Hikes Point neighborhood on the west side of Breckenridge Lane in between Lyndon Avenue and Hikes Lane. The site currently has a vacant restaurant that the applicant is proposing to convert into a package liquor store. The applicant is also proposing to construct a 561 sq. ft. addition onto the north side of the existing structure for a walk-in cooler. The existing structure is 20.2 ft. from the rear property line, which abuts a property that is zoned R-5 Single-Family Residential. The rear yard requirement in the Regional Center Form District is zero ft. except where adjacent to a residential zoning district or structure with residential use on the first floor, in which case a minimum setback of 50 feet shall be maintained. The proposed addition will require a variance to bring the existing structure into compliance.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code section 5.3.3.C.2.b to allow a principal structure to encroach into the required rear yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.3.3.C.2.b

- (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, because the existing structure encroaches further into the rear yard setback than the proposed addition.

- (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 existing structure encroaches further into the rear yard setback than the proposed addition.

- (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 because the structure must be constructed to comply with all building codes.

- (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 existing structure encroaches further into the rear yard setback than the proposed addition.

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 which do not generally apply to the land in the general vicinity or the same zone as the lot is not as deep as other commercially zoned properties on Breckenridge Lane.

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 existing structure encroaches further into the rear yard setback than the proposed addition.

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 has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

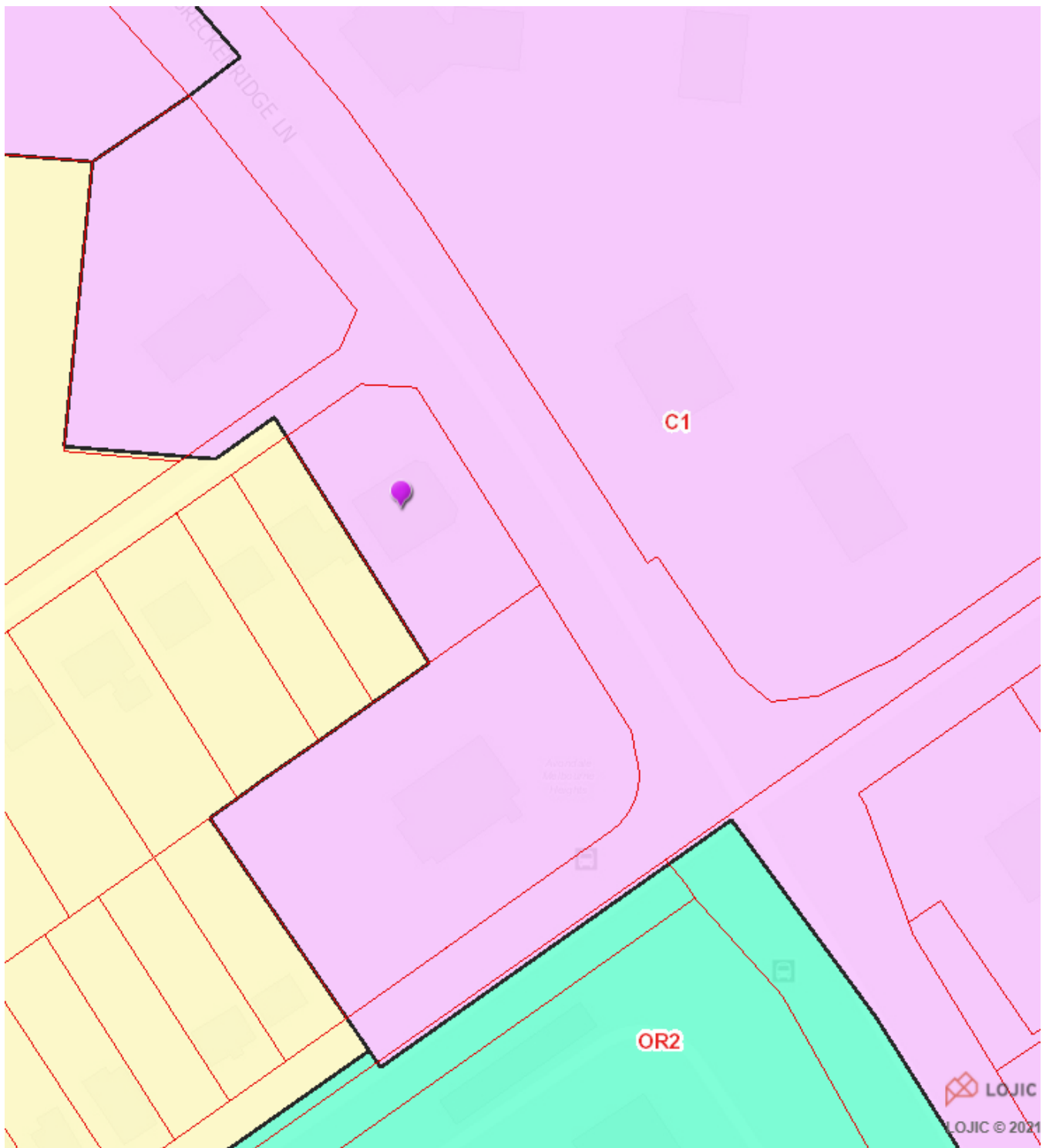
NOTIFICATION

Date	Purpose of Notice	Recipients
2/10/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 26
2/17/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

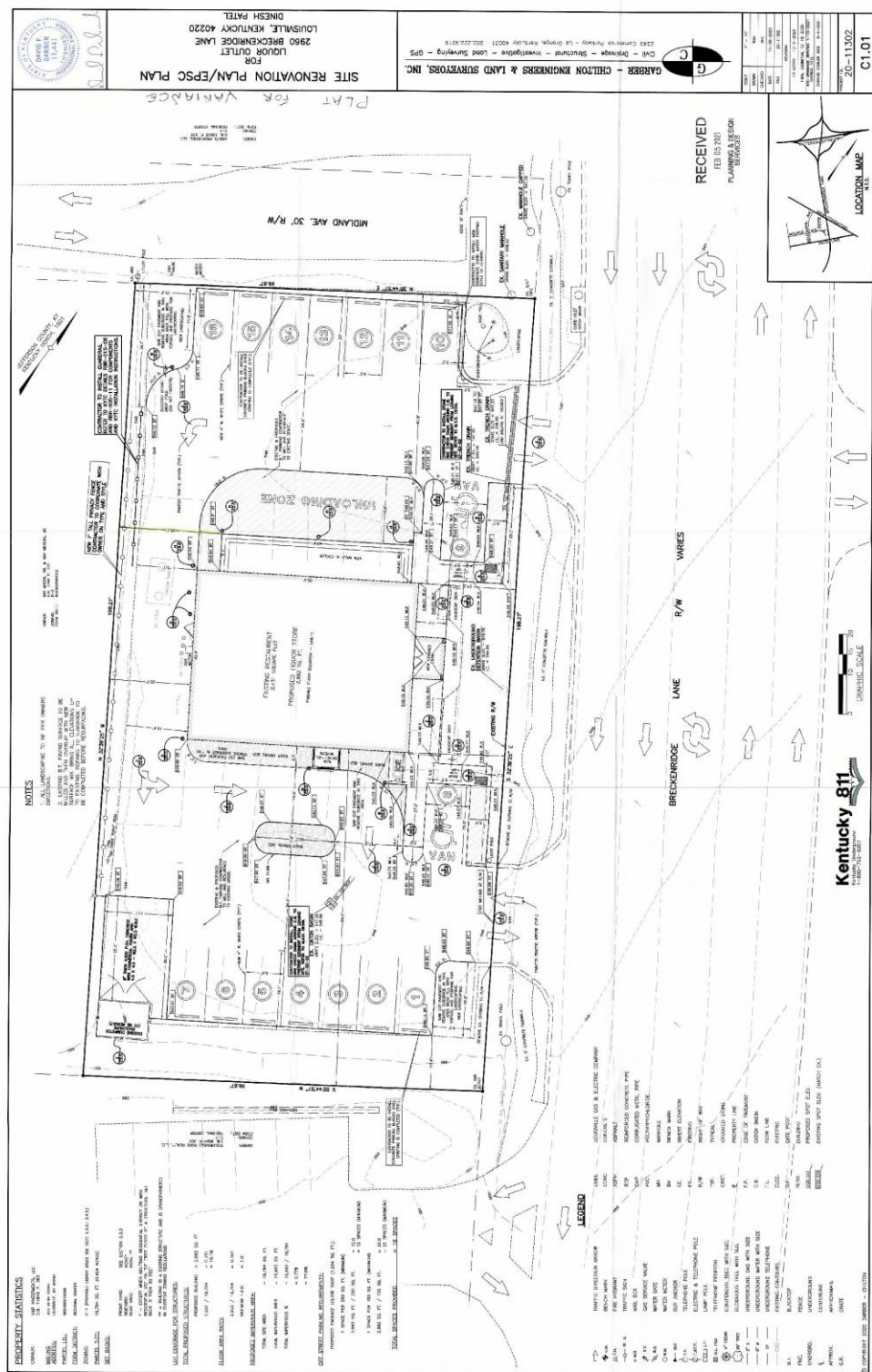
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Site Photos



Front of subject property.

February 17, 2021 at 1:03:51 PM



Property to the left.

February 17, 2021 at 1:03:56 PM



Property to the right.

February 17, 2021 at 1:04:00 PM



Properties across Breckenridge Lane.



Existing structure and rear yard setback.