

Board of Zoning Adjustment

Staff Report

April 19, 2021



Case No:	21-VARIANCE-0025
Project Name:	1555 Bardstown Road
Location:	1555 Bardstown Road
Owner:	Eric Carrico, Katy Fulton, LLC
Applicant:	Rachel Harman, Concept Architects
Jurisdiction:	Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Becky Gorman, Planning and Design Coordinator

REQUEST:

Variance from Land Development Code section 5.1.12.A.2.a to allow a new building at the front property line

Location	Requirement	Request	Variance
Front yard	30-50 ft	0 ft	30 ft

CASE SUMMARY/BACKGROUND

The subject site is zoned C-2 (Commercial) and within the Traditional Marketplace Corridor (TMC) form district. The site is part of the Bardstown Road/Baxter Avenue Review Overlay District. The applicant proposes the construction of a new 1-story commercial building with a rooftop deck, approximately 706 sq.ft., in front of the existing main building to the front property line at the sidewalk. The subject property is required to meet the infill standards and therefore, required to fall within the two closest structures adjacent to the subject site.

STAFF FINDING

The location of the new structure does not conform with the immediate adjoining properties, but there are 1-story commercial fronts on properties 2 lots over from the subject property, on the same block face; and commercial fronts are a part of Bardstown Road and the Overlay District. BROD Committee approved the case on March 9, 2021.

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 from Section 4.4.3.A.1.a.i to allow a fence in the front yard setback in the Neighborhood form district to exceed 48 inches in height.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Received one email in opposition (email attached to agenda item).

RELATED CASES

Case 21-OVERLAY-0002-- Approved by the Bardstown Road/Baxter Ave Review Overlay Committee on March 9, 2021.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.A.2.a

- (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. The structure will be constructed to comply with all building codes, including fire codes.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The essential character of the general vicinity consist of commercial storefronts built to the sidewalk, including 2 on the block face of the subject property. Bardstown Road has many examples of 1-story commercial front additions which contribute to the District's commercial character.

- (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 there are 2 commercial fronts on the same block face with the same setback.

- (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 Bardstown Road Corridor has many examples of commercial front additions which contribute to the District's commercial character, including 2 on the block face of the subject property.

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: This is special circumstance along this particular part of Bardstown Road due to the setback of the structures on these 3 consecutive lots.

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: Meeting the infill setback would deprive them of reasonable use of the land base on the size of the infill setback requirement, which is much greater than most commercial properties along the corridor.

3. 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.

STAFF: This is a new proposal. The applicant is following proper procedures and the application is not an after-the-fact 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.

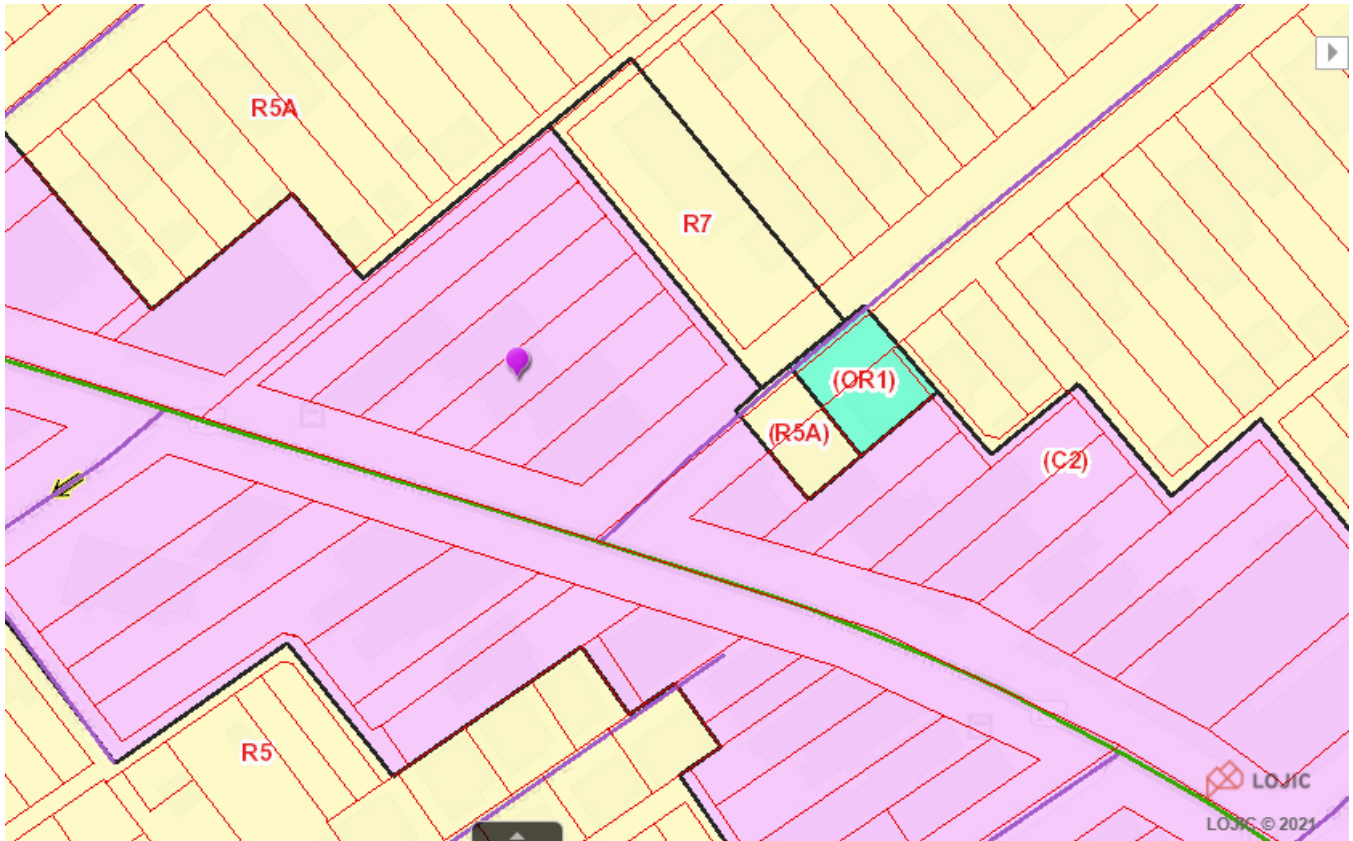
NOTIFICATION

Date	Purpose of Notice	Recipients
4/1/21	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District-8
4/7/21	Hearing before BOZA	Notice posted on property

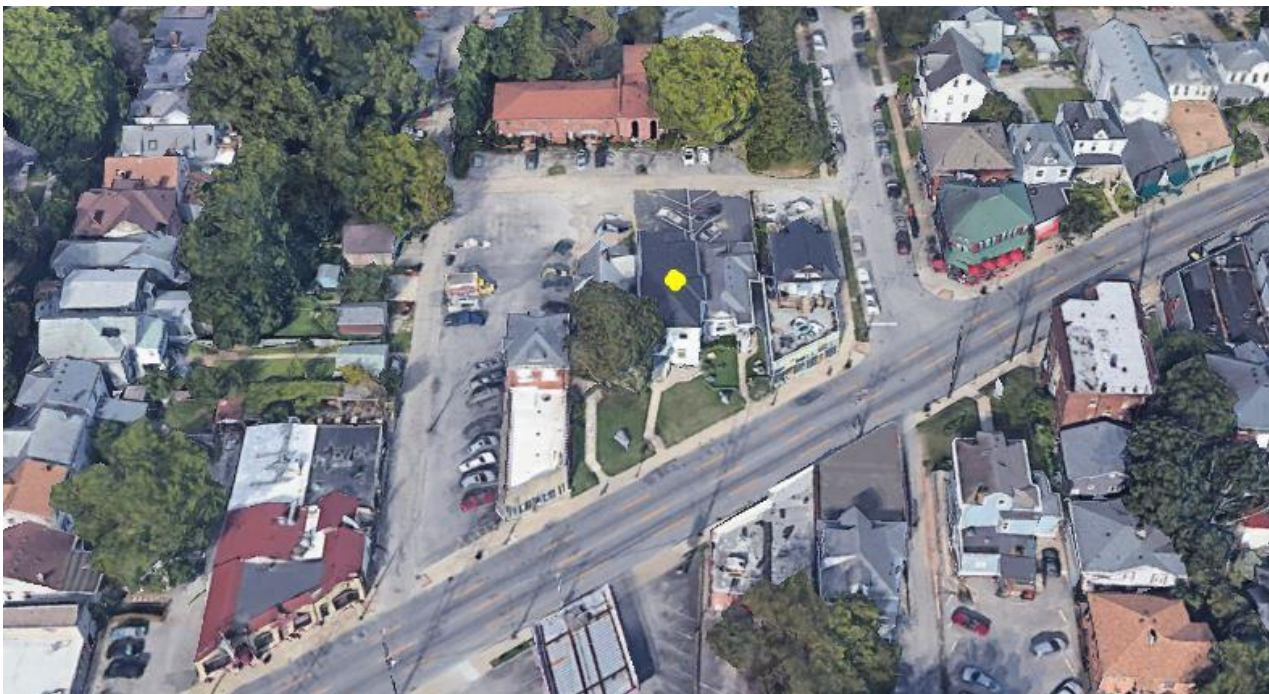
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Renderings/Elevations
5. Site Photos

1. **Zoning Map**

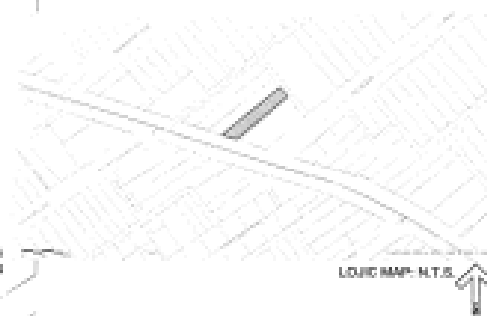
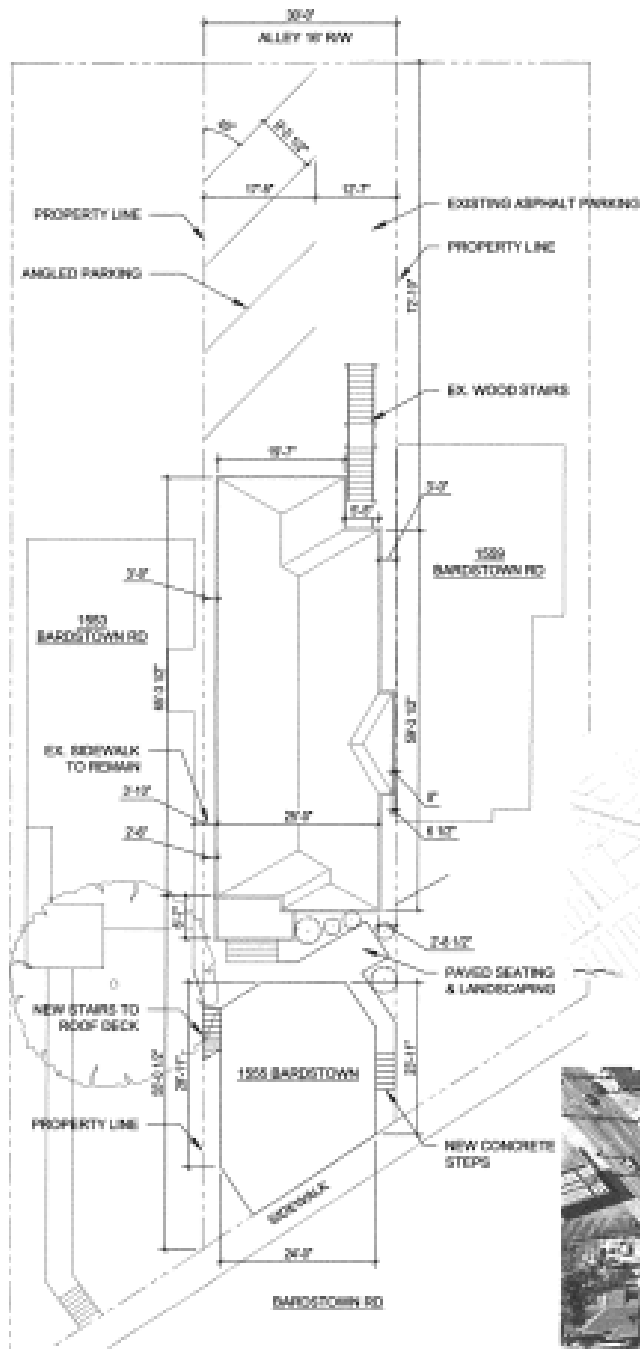


2. **Aerial Photograph**



3. Site Plan

1555 BARDSTOWN RD LOUISVILLE KY
 ZONING - C2
 TRADITIONAL MARKETPLACE CORRIDOR
 USE - COMMERCIAL
 OVERLAY DISTRICT
 BARDSTOWN REDBAXTER AVE



21-000000-000000



RECEIVED
 MAR 13 2021
 PLANNING &
 DESIGN SERVICES



4. Renderings



SIDEWALK VIEW FACING EAST



FRONT FACADE



SIDEWALK VIEW FACING WEST

5. Site Photos



Subject property



Block face of subject property