

Board of Zoning Adjustment

Staff Report

July 12, 2021



Case No: 21-VARIANCE-0067
Project Name: Bishop Lane Variance
Location: 3730 Bishop Lane
Owner(s): Mason Dixon Properties, LLC., CSBarnes, LLC.,
Barnes Auto Service, Inc.
Applicant: Scott Corrick, Mindel Scott
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill

REQUEST:

Variances from Land Development Code Section 5.3.4.d.3.a to allow existing structures to encroach into the required Hathor Lane street side yard setback.

Location	Requirement	Request	Variance
Tract 5	25ft	10ft	15ft
Tract 6	25ft	10ft	15ft

CASE SUMMARY/BACKGROUND

The subject site is zoned M-2 Industrial in the Suburban Workplace Form District. The applicant has submitted a minor subdivision plat to shift property lines. In order to complete the minor subdivision plat process variances are needed to allow the existing structures to encroach into the proposed Hathor Lane street side yard. An access easement must be created so the lots at the rear will not be land locked.

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 from Section 5.3.4.d.3.a. to allow existing structures to encroach into the required Hathor Lane street side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

RELATED CASES

21-MPLAT-0061 A application for a minor subdivision plat to shift property lines and create an access easement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare. The structures are existing and comply with all building codes, including fire codes.

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

STAFF: The requested variances will not alter the essential character of the general vicinity as the structures are existing and conform with the design of other structures on the same block.

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

STAFF: The requested variances will not cause a hazard or nuisance to the public as the structures are existing and will be far enough from the easement to allow maintenance.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as the proposed variances are the minimum necessary to provide for the creation of a minor subdivision plat so the lots at the rear will not be land locked.

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: There are no special circumstances associated with this variance, however the structures are existing and have been in place for a number of years.

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 deprive the applicant of the reasonable use of land since the property owners would not be able to complete the minor subdivision plat process.

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 since the structures are existing and have been in place for a number of years.

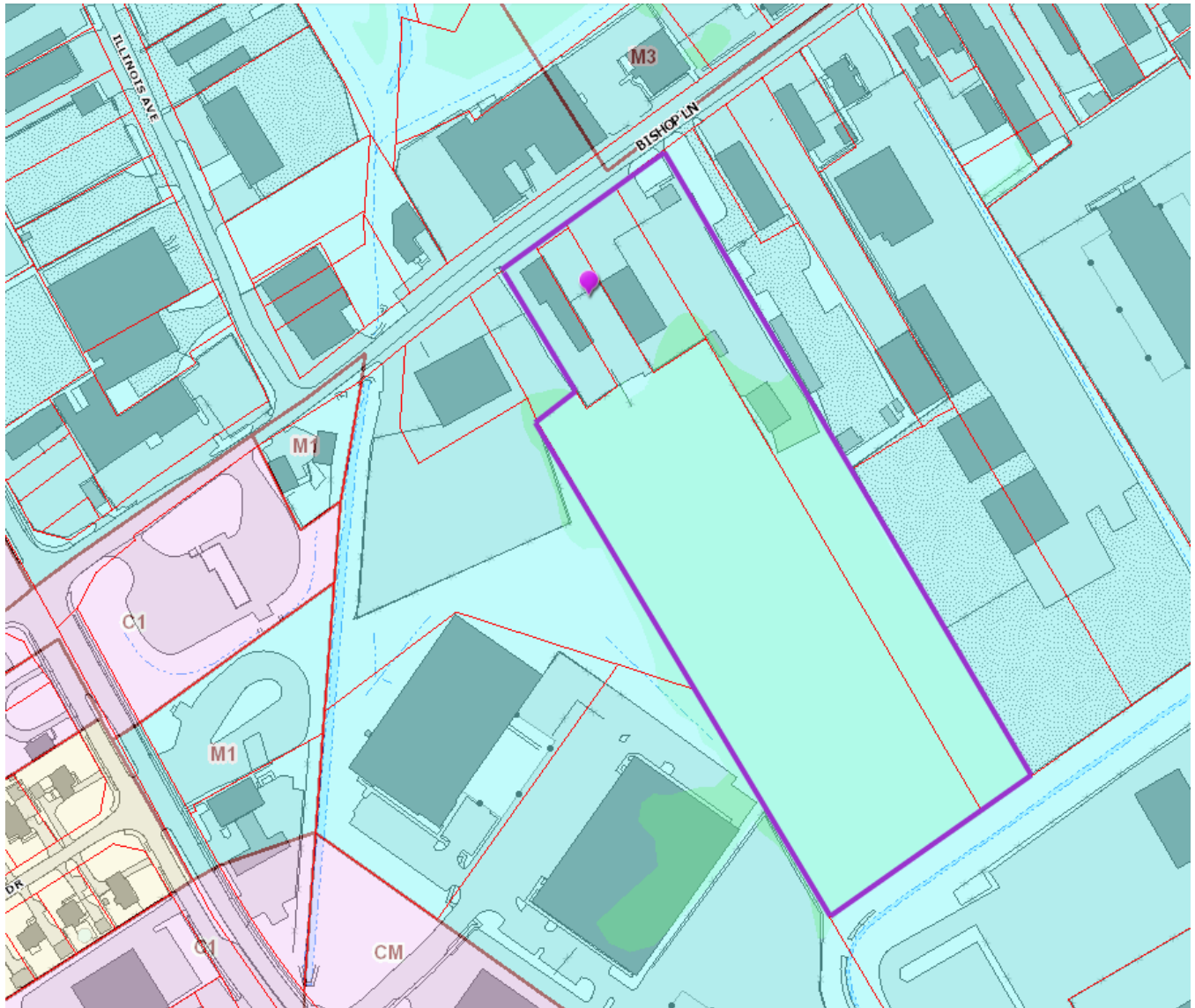
VARIANCE PLAN REQUIREMENT

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.

ATTACHMENTS

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

Zoning Map



Aerial Photograph



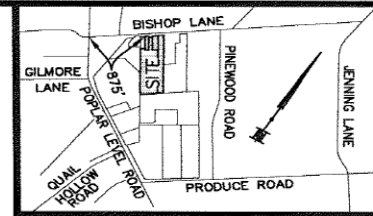
Site Plan

NOTES:

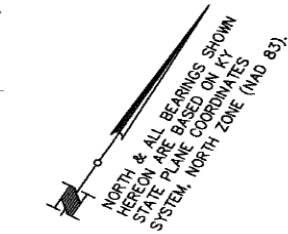
1. This site does not lie within a 100 year flood hazard elevation, per FEMA's firm mapping (21111C00076-E).
2. This plat is subject to easements and restrictions whether recorded or not.
3. Access easement must conform to Ordinance 91, Series 2004 Louisville Metro Government.

LEGEND

- SET IRON PIN WITH CAP #2843
- ✕ SET MAGNAIL
- ⬢ FOUND 5/8" REBAR WITH CAP #4011
- ⬢ FOUND "X" CUT IN CONCRETE
- ⬢ FOUND 1/2" IRON PIPE
- ⬢ FOUND IRON PIN WITH CAP #3173
- ⬢ FOUND 5/8" REBAR WITH CAP #3890
- ⬢ FOUND PINCH PIPE (BENT)
- ✕ FOUND MAGNAIL

**LOCATION MAP**

NO SCALE



GRAPHIC SCALE 1"=100'

0 50 100 200

SURVEY METHOD

ALL OR PART OF THIS URBAN SURVEY SHOWN HEREON WAS CONDUCTED UTILIZING A TRIMBLE SERIES GLOBAL POSITIONING SYSTEM RECEIVER, MAKING FIELD OBSERVATIONS VIA THE (RTK) REAL TIME KINETIC, MULTI DERIVATION METHOD, IN CONJUNCTION WITH THE (KYTC) BASE, AND VRS BROADCAST SYSTEM, US STATE PLANE KENTUCKY NORTH ZONE, NAD83, NAVD83, GEOID US12A, A POSITIONAL ACCURACY OF 95% WAS ACHIEVED AND VERIFIED TO EXISTING FIRST ORDER HARN GEODETIC CONTROL NETWORK MONUMENTS.

PROPERTY ADDRESSES

TRACT 3 - 3800 BISHOP LANE
TRACT 4 - 3730R BISHOP LANE
TRACT 5 - 3732 BISHOP LANE
TRACT 6 - 3730 BISHOP LANE

CERTIFICATE OF APPROVAL

APPROVED THIS _____ DAY OF _____, 2021.

INVALID IF NOT RECORDED BEFORE THIS DATE: _____

BY: _____

LOUISVILLE METRO PLANNING COMMISSION
APPROVAL SUBJECT TO ATTACHED CERTIFICATES.

SPECIAL REQUIREMENT(S): _____

DOCKET NO.: _____

