

Board of Zoning Adjustment

Staff Report

June 3, 2024



Case No:	24-VARIANCE-0056
Project Name:	Goodwill Donation Center
Location:	6202 Willismore Dr
Owner(s):	Goodwill Industries of Kentucky
Applicant:	Goodwill Industries of Kentucky
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Jay Lockett. AICP, Planning Supervisor

REQUEST(S)

- **Variance** from Land Development Code section 5.3.1.C.5 and Table 5.3.2 to permit a structure and drive area to encroach into the 50-foot non-residential to residential setback by up to 18’ as shown on the preliminary development plan.

Location	Requirement	Request	Variance
Side Yard	50’	32’	18’

CASE SUMMARY

The applicant is proposing to construct a retail clothing store with on site donation center. The subject site is zoned C-1 in the Suburban Marketplace form district and contains approximately 1.89 acres. Access is via Willismore Dr and Fashion Way which connects to Bethany Ln to the north and includes a pedestrian connection to the public sidewalk. The site is located adjacent to the Dixie Hwy at the on ramp to Greenbelt Hwy.

STAFF FINDING

The request is adequately justified and meet the standards of review.

TECHNICAL REVIEW

Transportation Planning and MSD have approved the Preliminary Development Plan.

A Revised Detailed District Development Plan was reviewed by the Development Review Committee at the May 30, 2024 meeting.

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 the public health, safety or welfare as all building code requirements will be met for the new construction.

- (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 area, as there are a variety of setbacks for commercial development in the area.

- (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 adequate buffering will be provided adjacent to the residential property, including an existing berm. Hours of operation for the loading dock will be limited by binding elements.

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

STAFF: The requested variance will not cause an unreasonable circumvention of the zoning regulations, as all other setback requirements are met on the subject site. The relief is the minimum required to allow the development.

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, as the on ramp for Greenbelt Hwy requires a 50' buffer than encumbers a significant portion of the site along the south and east sides.

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 regulations would deprive the applicant of reasonable use of the land, as the lot is encumbered by the Snyder Freeway buffer, limiting the buildable area of the lot.

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 the result of actions taken by the applicant, as they are proposing new construction.

REQUIRED ACTIONS:

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

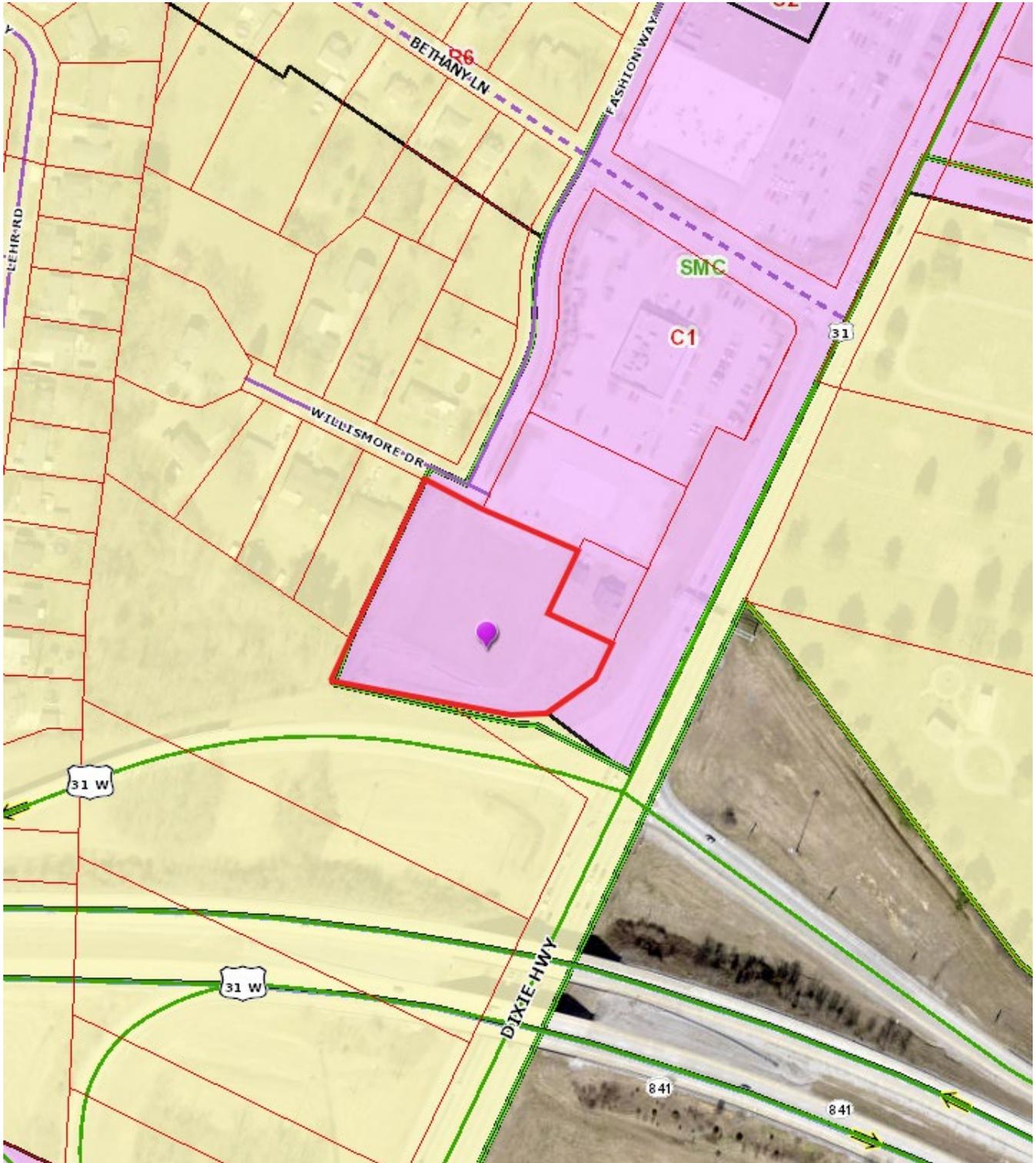
NOTIFICATION

Date	Purpose of Notice	Recipients
5/17/2024	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

