

Board of Zoning Adjustment Staff Report

November 2, 2015



| | |
|---------------------------|-------------------------------------|
| Case No: | 15Variance1070 |
| Project Name: | Heritage Plastics Building Addition |
| Location: | 6700 Enterprise Drive |
| Owner(s): | Scott Happel, Liberty Plastics |
| Applicant: | Owner |
| Representative: | Jon McCoy, J.L. McCoy & Co. |
| Project Area/Size: | 12 Acres |
| Jurisdiction: | Louisville Metro |
| Council District: | 13 – Vicki Aubrey Welch |
| Case Manager: | Sherie' Long, Landscape Architect |

REQUEST

Variance from the Land Development Code, Chapter 5, Section 5.3.4.D.4.a, to allow a proposed building addition to exceed the maximum height.

Variance

| Location | Requirement | Request | Variance |
|------------------------|-------------|---------|----------|
| Building Height | 50 feet | 63 feet | 13 feet |

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a new building addition to the rear of the existing building. The addition is necessary to accommodate equipment for the operation of the facility.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

This is a rectangular flat lot zoned EZ-1 in the Suburban Workplace Form District (SW); surrounded to the northeast, southeast and southwest by industrial and manufacturing property zoned EZ-1 in the Suburban Workplace Form District; and to the northwest, across the railroad tracks, by single family residential property zoned R-5 in the Traditional Neighborhood Form District (TN).

| | Land Use | Zoning | Form District |
|-------------------------------|--|----------|---------------|
| Subject Property | | | |
| Existing/ Proposed | Industrial/Manufacturing | EZ-1 | SW |
| Surrounding Properties | | | |
| North | Single Family Residential/Railroad ROW/ Industrial/Manufacturing | R-5/EZ-1 | TN/SW |
| East | Industrial/Manufacturing/Railroad ROW | EZ-1 | SW |
| South | Industrial/Manufacturing | EZ-1 | SW |
| West | Single Family Residential/Industrial/Manufacturing/ Railroad ROW | R-5/EZ-1 | TN/SW |

PREVIOUS CASES ON SITE

- BL957359:** Building Permit for new building addition. – Pending
Const1500229: MSD Construction Permit – Issued September 8, 2015
16944: Minor Plat to create two lots from one tract. – Approved March 7, 2012
11778: Street Closure – Approved October 15, 2008
10292: Landscape and Tree Preservation review for new building addition. – Approved January 15, 2008

INTERESTED PARTY COMMENTS

No inquiries have been received.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the new addition will be located at the rear of the property. An existing vegetative buffer is located between the new addition and the residential property to the northwest.

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

STAFF: The requested variance will not alter the general character of the general vicinity because there are currently three storage tanks/structures which are similar in height to the proposed new addition. In addition, the construction materials will be similar to materials already being used in the vicinity.

- (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 existing vegetation is located between the new addition and the residential properties providing a sufficient buffer. Plus the other surrounding properties are either industrial or manufacturing which is similar to the subject property.

- 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, since the existing storage tanks are similar in height to the proposed building 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 because the height request is directly linked to the requirements of the equipment necessary for the operation of the facility.

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 cause an unnecessary hardship on the applicant because the proposed addition would not be tall enough to accommodate the equipment necessary for the facility operations.

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 since the applicant is requesting a variance prior to beginning any construction.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

The new building addition's height is directly linked to the requirements of the equipment necessary for the facility operation. Plus the height will be similar to the existing storage tanks located adjacent to the new facilities.

Therefore the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code based on the staff report, testimony and evidence provided.

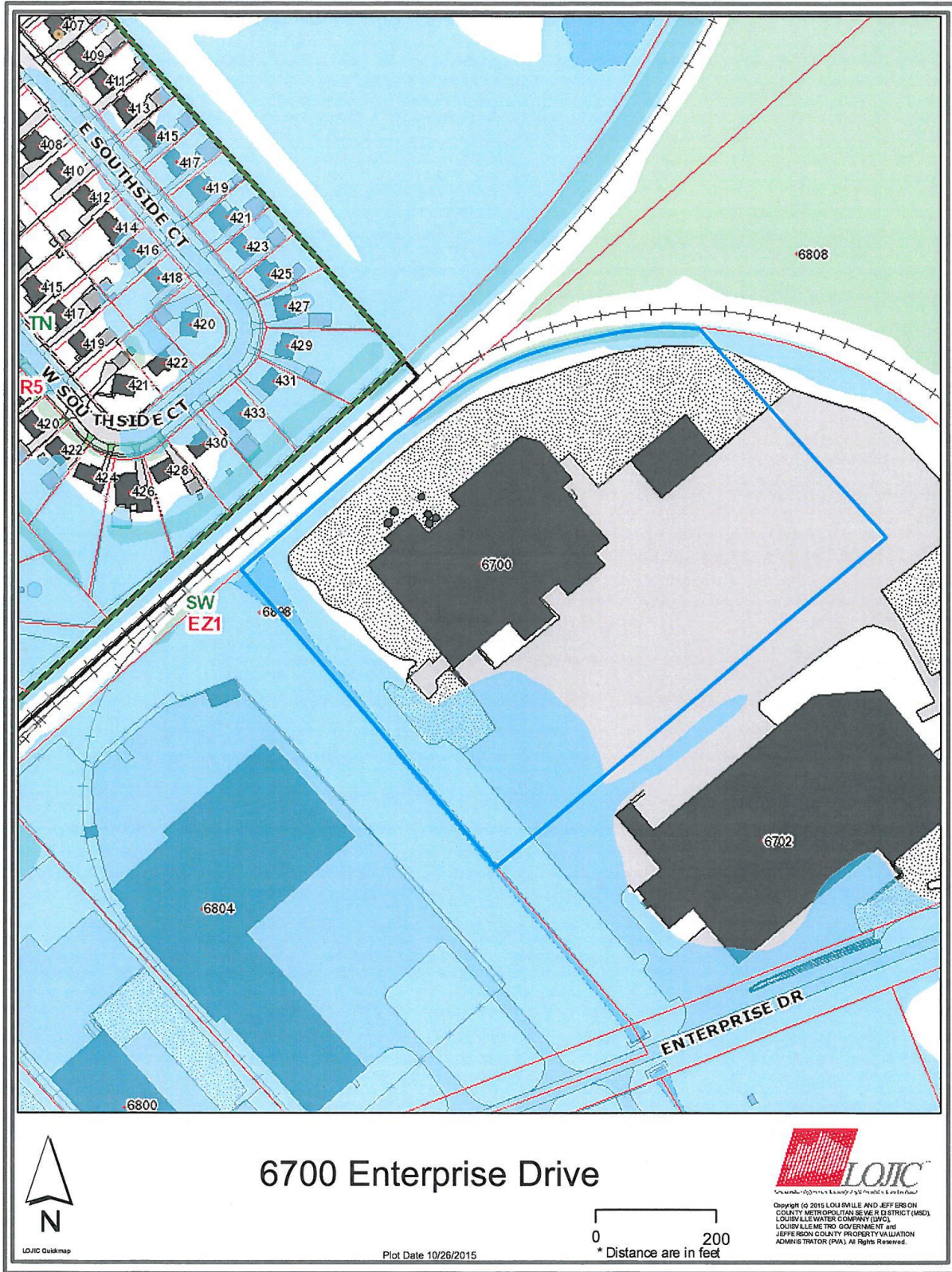
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|-------------------|--|
| 10/15/2015 | BOZA Hearing | Neighborhood notification recipients |
| 10/19/2015 | BOZA Hearing | 1 st tier adjoining property owners |
| 10/16/2015 | Sign Posting | Subject property |

ATTACHMENTS

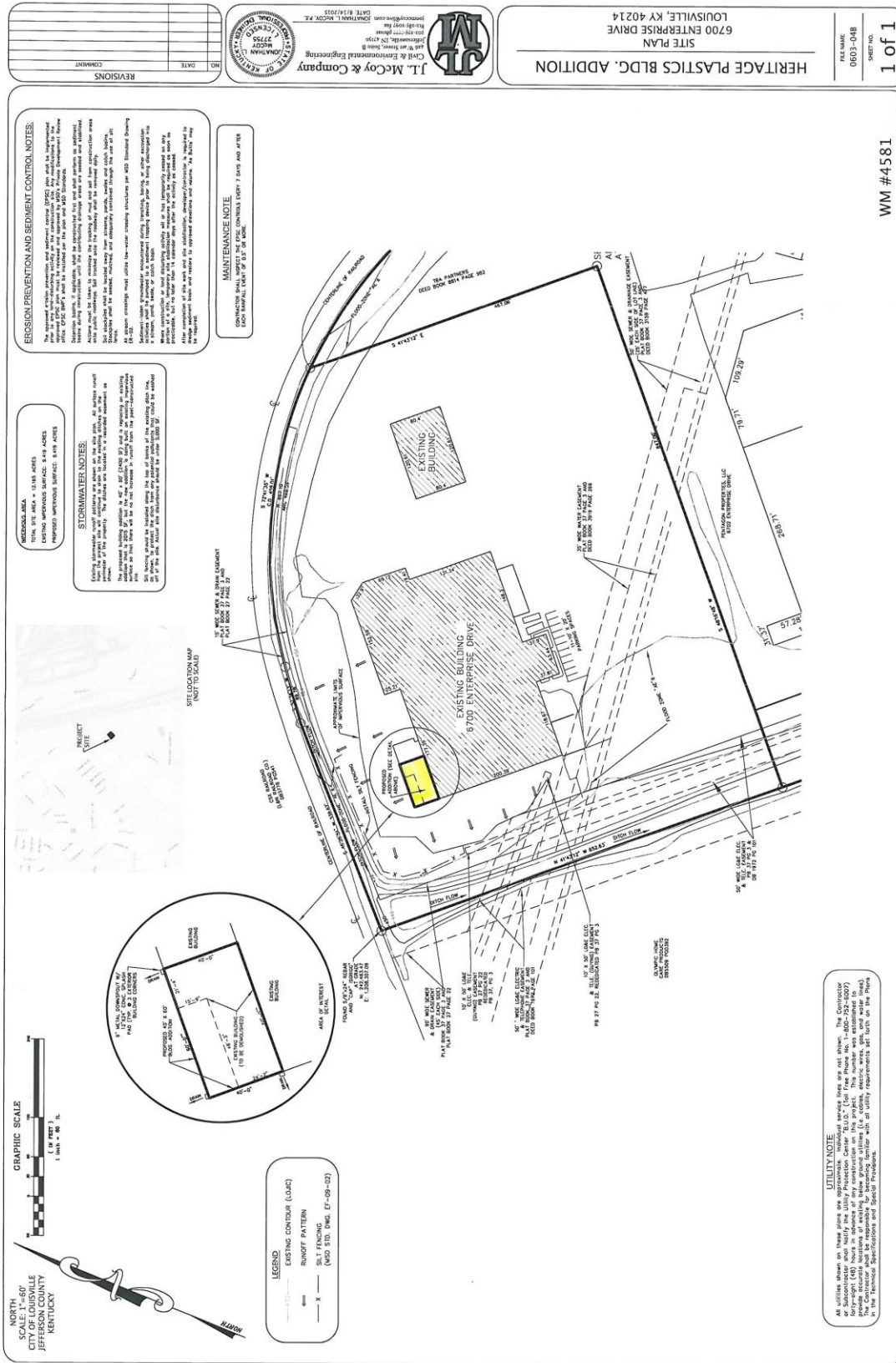
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Applicant's Justification Statement
6. Site Photographs

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph





| NO. | DATE | REVISIONS |
|-----|------|-----------|
| | | |
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| | | |

J.L. McCoy & Company
 Civil & Environmental Engineering
 1000 S. 10th Street, Suite 100
 Louisville, KY 40203
 DATE: 04/16/2015

HERITAGE PLASTICS BLDG. ADDITION
 SITE PLAN
 6700 ENTERPRISE DRIVE
 LOUISVILLE, KY 40214

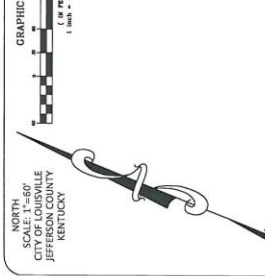
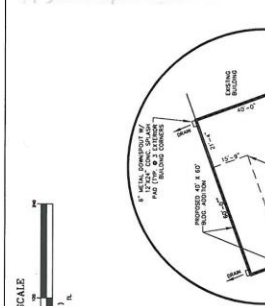
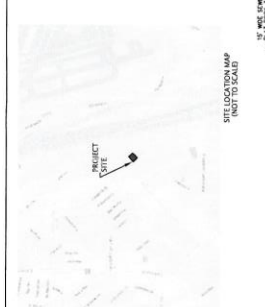
FILE NAME: 0603-048
 SHEET NO. 1 of 1

EROSION PREVENTION AND SEDIMENT CONTROL NOTES:
 The applicant is required to install and maintain erosion prevention and sediment control measures on the site during construction. The contractor shall submit a detailed plan of these measures to the local authority having jurisdiction for review and approval. The contractor shall be responsible for obtaining all necessary permits and for the cost of these measures. The contractor shall maintain these measures until the site is stabilized and the local authority has approved the final site plan. The contractor shall be responsible for the cost of these measures. The contractor shall be responsible for the cost of these measures. The contractor shall be responsible for the cost of these measures.

MAINTENANCE NOTE:
 CONTRACTOR SHALL MAINTAIN THE FIVE CONCRETE DRIVE 7 DAYS AND AFTER THROUGHOUT THE LIFE OF THE PROJECT.

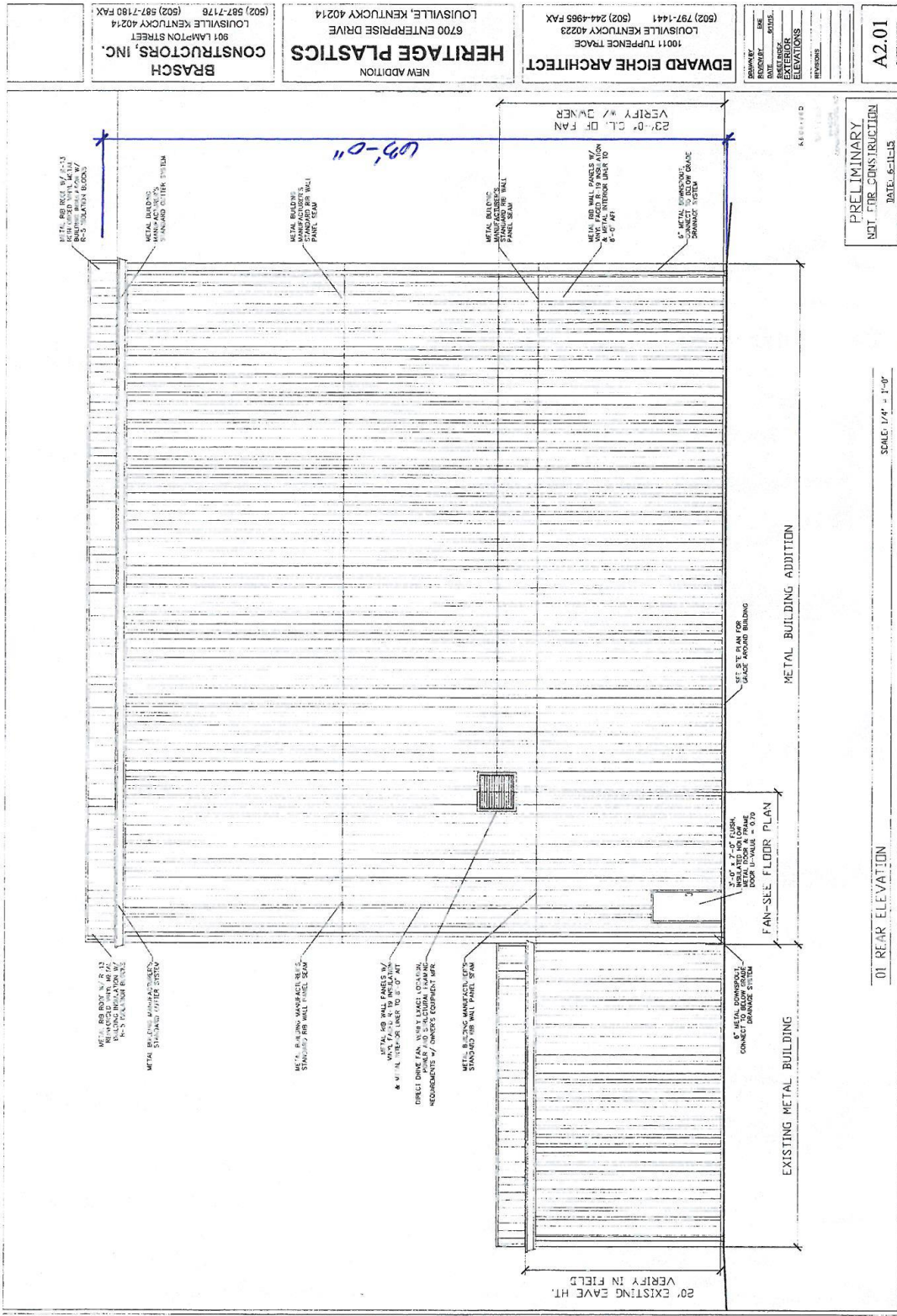
WETLANDS AREA:
 THE WETLANDS AREA IS SHOWN AS A Hatched AREA ON THE ATTACHED SURFACE. A 15' BUFFER ZONE SHALL BE MAINTAINED AT ALL TIMES.

STORMWATER NOTES:
 EXISTING CONCRETE DRIVE SYSTEMS ARE SHOWN ON THE SITE PLAN. ALL NEW CONCRETE DRIVE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL AUTHORITY HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COST OF THESE MEASURES. THE CONTRACTOR SHALL MAINTAIN THESE MEASURES UNTIL THE SITE IS STABILIZED AND THE LOCAL AUTHORITY HAS APPROVED THE FINAL SITE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF THESE MEASURES.



UTILITY NOTE
 All utilities shown on these plans are approximate. The contractor shall verify the location and depth of all utilities before construction. The contractor shall be responsible for obtaining all necessary permits and for the cost of these measures. The contractor shall maintain these measures until the site is stabilized and the local authority has approved the final site plan. The contractor shall be responsible for the cost of these measures.

WM #4581
 15VARIANCE1070



BRASCH
CONSTRUCTORS, INC.
501 LAMPTON STREET
LOUISVILLE KENTUCKY 40214
(502) 587-7176 (502) 587-7190 FAX

NEW ADDITION
HERITAGE PLASTICS
6700 ENTERPRISE DRIVE
LOUISVILLE, KENTUCKY 40214

EDWARD EICHE ARCHITECT
10011 TUPPENCE TRACE
LOUISVILLE KENTUCKY 40223
(502) 797-1441 (502) 244-9665 FAX

| | |
|-------------|--|
| DATE: | |
| SCALE: | |
| REVISIONS: | |
| ELEVATIONS: | |
| REFERENCES: | |

A2.01
SHEET NUMBER

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 6-11-13

SCALE: 1/4" = 1'-0"

01 REAR ELEVATION

15VARIANCE1070

Attachment 5: Applicant's Justification Statement

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

THE VARIANCE WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE AS THIS IS AN EXISTING INDUSTRIAL MANUFACTURING FACILITY & THE ADDITION IS DESIGNED PER THE BUILDING CODE REQUIREMENTS.

2. Explain how the variance will not alter the essential character of the general vicinity.

THE VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY AS THE USE OF THE FACILITY IS REMAINING THE SAME & THE ADDITION WILL MAINTAIN THE EXISTING CHARACTER.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

THE VARIANCE WILL NOT CAUSE A HAZARD OR A NUISANCE TO THE PUBLIC BECAUSE THE ADDITION IS ON PRIVATE PROPERTY & SEPARATED FROM PUBLIC ACCESS.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

THE VARIANCE WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS SINCE THE USE & DAILY OPERATIONS WILL CONTINUE TO REMAIN THE SAME.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

THE VARIANCE ARISES FROM SPECIAL CIRCUMSTANCES RELATED TO THE MANUFACTURING OPERATIONS OF THE FACILITY IN WHICH EQUIPMENT/MACHINERY WILL NEED ADDITIONAL SPACE.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

STRICT APPLICATION OF THE MAX. HEIGHT LIMIT WOULD DEPRIVE THE OWNER FROM BEING ABLE TO CONTINUE OPERATIONS EFFICIENTLY.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

THE VARIANCE REQUEST IS NOT BASED ON CIRCUMSTANCES THAT ARE THE RESULT OF ACTIONS BY THE APPLICANT.

15VARIANCE1070

Attachment 6: Site Photographs



Looking southeast from the rear of the site



Looking east from rear of site toward existing building



Looking northeast from rear of site



Location of the new addition



Looking northwest toward the residential property



Looking north toward the residential property



View from front of the building toward the rear and the location of the new addition