



General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16ZONE1017 Intake Staff: 36
Date: 5/18/16 Fee: 215.00

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section _____

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation

of Waiver: Waiver of 15' Landscape Buffer area

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Primary Project Address: 1403 Browns Lane

Additional Address(es): _____

MAY 18 2016

Primary Parcel ID: 002900920000

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Additional Parcel ID(s): 002900910000

Proposed Use: Storage units Existing Use: School

Existing Zoning District: R-7 Existing Form District: RC

Deed Book(s) / Page Numbers²: DB 6009, pg 565

The subject property contains 2.5 acres. Number of Adjoining Property Owners: 28

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: Current: 16ZONE1017 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

General Waiver Justification:

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

1. Will the waiver adversely affect adjacent property owners?

See attached

2. Will the waiver violate the Comprehensive Plan?

See attached

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

See attached

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4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

See attached

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Fruitful Ministries Global, Inc.

Name: Dan Kunau

Company: _____

Company: Citadel Storage Partners

Address: 1403 Browns Lane

Address: 333 East Main Street, Suite 400

City: Louisville State: KY Zip: 40207

City: Louisville State: KY Zip: 40202

Primary Phone: 502-445-8468

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: deblevins@gmail.com

Email: _____

Owner Signature (required): 

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Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: Clifford H. Ashburner

Name: Kevin M. Young ASLA

Company: Dinsmore & Shohl, LLP

Company: Land Design and Development, Inc.

Address: 101 S Fifth Street, Suite 2500

Address: 503 Washburn Ave

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40222

Primary Phone: 502-540-2382

Primary Phone: 502-426-9374

Alternate Phone: _____

Alternate Phone: _____

Email: clifford.ashburner@dinsmore.com

Email: young@lidd-inc.com

Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Don Blevins, in my capacity as President, hereby representative/authorized agent/other

certify that Fruitful Ministries, Inc. is (are) the owner(s) of the property which name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  President Date: 5-17-16

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

CITADEL STORAGE PARTNERS

WAIVER JUSTIFICATION STATEMENT

The applicant, Citadel Storage Partners, LLC, is proposing to construct a multi-story self storage facility on Browns Lane in St. Matthews. The subject property is surrounded by an extended stay hotel to the north, Browns Lane and Norton Hospital to the west and the Brook treatment facility to the south and east. The proposed design includes 15' yard areas on all sides of the building in which plantings are required under the Development Code. However, in consultation with the St. Matthews Fire Dept., the applicant has determined that "grassy pavers" should be installed in these areas. The pavers will allow the areas to remain open and kept in grass but will also allow emergency access to all sides of the proposed building. The applicant is seeking a waiver of the requirement to plant landscape material within the yard/landscape buffer areas.

1. The proposed waiver will not adversely affect adjacent property owners. The applicant will provide the required landscape buffer width but instead of providing trees and shrubs within the landscape buffer area, will install "grassy pavers," allowing for the area to be vegetated with grass. The property to the east is largely wooded and the area directly to the south is currently used as a shared driveway that will be removed. The portion of the property directly adjacent to the property to the North is currently used as a driveway and will be open grassy area should the waiver be granted.
2. The waiver will not violate the Comprehensive Plan for all of the reasons stated in the applicant's justification statement with regard to the proposed re-zoning of the site and because the particular design alternative proposed was negotiated with the City of St. Matthews Fire Department in order to provide adequate fire protection around the proposed structure. The applicant is proposing to donate landscape material in the same amount as the landscape material required to be located within the landscape buffer area to the City of St. Matthews for placement in its parks and rights-of-way.
3. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant would not provide access ways around the proposed building, which will be sprinklered, if it were not for the specific request of the St. Matthews Fire Department. The design alternative proposed allows for a vegetated look and Fire Department access to the building in case of emergency.
4. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land. The applicant will not be able to complete the project as proposed without the requested relief. Allowing for the fire access road to be maintained in grass and allowing the applicant to donate landscaping material to be placed in the nearby community is a reasonable compromise in this situation.

For the reasons set forth above, the applicant requests that the Planning Commission approve the requested waiver.

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Variance Application

Louisville Metro Planning & Design Services

Case No.: 16ZONE1017

Intake Staff: fg

Date: 6/3/16

Fee: \$625.50

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 11.1.D.2.c of the Land Development Code, to allow an attached sign to exceed the maximum allowable height

Primary Project Address: 1403 Browns Lane

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Additional Address(es): _____

Primary Parcel ID: 002900920000

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Additional Parcel ID(s): 002900910000

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Proposed Use: Storage Units

Existing Use: Schools

Existing Zoning District: R-7

Existing Form District: RC

Deed Book(s) / Page Numbers²: DB 6009, Pg. 565

The subject property contains 2.5 acres. Number of Adjoining Property Owners: 28

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 16ZONE1017

Docket/Case #: _____

Docket/Case #: _____

Docket/Case #: _____

Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Fruitful Ministries Global, Inc.

Name: Dan Kunau

Company: _____

Company: Citadel Storage Partners

Address: 1403 Browns Lane

Address: 333 East Main Street, Suite 400

City: Louisville State: KY Zip: 40207

City: Louisville State: KY Zip: 40202

Primary Phone: (502) 445-8468


Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: dblevins@gmail.com

Email: _____

Owner Signature (required):  Pres.

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: Clifford H. Ashburner

Name: Kevin M. Young ASLA

Company: Dinsmore & Shohl LLP

Company: Land Design and Development, Inc.

Address: 101 S. Fifth Street, Suite 2500

Address: 503 Washburn Avenue

City: Louisville State: KY Zip: 40202

City: Louisville State: KY Zip: 40222

Primary Phone: (502) 540-2300

Primary Phone: (502) 426-9374

Alternate Phone: _____

Alternate Phone: _____

Email: Clifford.Ashburner@Dinsmore.com

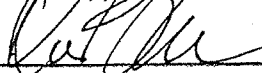
Email: young@ldd-inc.com

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Don Blevins, in my capacity as President, hereby
representative/authorized agent/other

certify that Fruitful Ministries, Inc. is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature:  Pres Date: 5-27-16

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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.

See attached

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

See attached

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

See attached

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

See attached

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).

See attached

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.

See attached

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

See attached

CITADEL STORAGE PARTNERS

VARIANCE JUSTIFICATION STATEMENT

The applicant, Citadel Storage Partners, LLC, is proposing to construct a multi-story self storage facility on Browns Lane in St. Matthews. The subject property is surrounded by an extended stay hotel to the north, Browns Lane and Norton Hospital to the west and the Brook treatment facility to the south and east. The proposed design includes the "Citadel Storage" sign positioned at a height of approximately forty feet and within the building's overhang. The subject property sits below both the Browns Lane R.O.W. and the Watterson Expressway R.O.W..

City of St. Matthews Ordinance 14-04 provides that an attached sign shall not "extend to a height greater than twenty-five (25) feet above ground, except that buildings located in the C-3 District and hospitals may have an attached sign of any height." City of St. Matthews Ordinance 14-04, D.2.c. The applicant requests a variance from this ordinance in order to position its sign at a height of approximately forty feet within the building's overhang.

1. The variance will not adversely affect the public health, safety or welfare. As this variance requests regards permission to construct a sign higher than that currently provided for by the regulations, it is not a request that threatens the health, safety or welfare of the neighboring properties, or the general public.
2. The variance will not alter the essential character of the general vicinity. As previously noted, the subject property is surrounded by an extended stay hotel to the north, Browns Lane and Norton Hospital to the west and the Brook treatment facility to the south and east. The proposed sign is consistent with the commercial nature of the surrounding area and will allow the signage to be seen from both Browns Lane and the Watterson Expressway.
3. The variance will not cause a hazard of a nuisance to the public. As this variance requests regards permission to construct a sign only slightly higher than that currently provided for by the regulations, it is not a request that threatens the health, safety or welfare of the neighboring properties, or the general public. Furthermore, the proposed sign is consistent with the commercial nature of the surrounding area.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The height requested is approximately fifteen feet higher than provided for by the regulations and is necessary because of the elevation of the surrounding R.O.W. and the distance of the proposed building from the roads.

Additional Consideration

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity. As the subject property is below the elevation of both roads the signage will face, a sign placed at a lower height would minimize visibility and be aesthetically awkward, as a lower sign would alter the symmetry of the structure's design.
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. Requiring the sign to be positioned at a lower height would minimize visibility and be generally aesthetically awkward, as a lower sign would alter the symmetry of the structure's design.
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 applicant has yet to construct this structure. The circumstances are, however, the result of the application of the height requirement to a property with the particular grade differences present in this case. Accordingly, the applicant seeks relief from the regulation prior to commencing construction and positioning the sign.

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