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## WAIVER JUSTIFICATIONS

### **Welders Supply Storage**

2603 S. Floyd Street  
21-CAT2-0004

Welders Supply has been serving a variety of local and regional clients in the Louisville area for 72 years. Their main facility is located at 331 Boxley Avenue, just southeast of the subject property. They also own several other properties in the area, including the property directly to the east where they plan to construct a new fill plant as recently approved under case number 20-CUP-0136. The fill plant property will serve as the connector between the main facility and the subject property.

The subject site is currently under Category 2B review with Planning and Design Services to construct a storage building at 2603 S. Floyd Street to supplement their operations in the neighborhood. Per the Land Development Code, this storage building is considered a commercial use, but in reality, it is accessory to the greater Welders Supply operations. Because this building will be used for storage, clear windows and doors don't make sense. In addition, the applicant plans to build a solid wall surrounding the property similar to the wall that exists on their other properties in the area so windows and doors won't be visible from the street.

As stated above, the proposed building is accessory storage for the greater Welders Supply operations. There will be no dedicated employees in this facility and there will be no reason for the general public to access this facility. In fact, per LDC 4.4.8.C.2.a, the public should be prohibited from access to outdoor storage. If you look at the Welders Supply campus as a whole, pedestrian connections are provided to the right-of-way where appropriate. A pedestrian connection is provided as required to their main building on Boxley Avenue and a pedestrian connection is planned from Byrne Avenue to the new fill plant.



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Because the proposed building on this property is being used for storage and is not a typical commercial structure, the applicant is requesting the following waivers:

- A. A waiver of LDC Chapter 5.5.2.A.1 to not provide clear doors or windows facing the public street for both Floyd Street and Byrne Avenue.**
- B. A waiver of LDC Chapter 5.6.1.B to allow blank walls to face the public street for both Floyd Street and Byrne Avenue.**
- C. A waiver of LDC 5.9.2.A.1.b to provide no pedestrian connection from the public walk for both Floyd Street and Byrne Avenue.**

With regard to the specific justification requested in the application, please note the following:

- 1. *Will the waiver adversely affect adjacent property owners?***
  - A. No. The street level of the proposed building will not be visible to adjoining property owners because of the proposed concrete wall that will surround the Welders Supply campus and will, therefore, not adversely affect adjoining property owners.
  - B. No. The street level of the proposed building will not be visible to adjoining property owners because of the proposed concrete wall that will surround the Welders Supply campus and will, therefore, not adversely affect adjoining property owners.
  - C. *No. The applicant will install public sidewalks in the right-of-way as required and pedestrian connections are provided to the greater Welder's Supply campus at appropriate locations so this waiver will not adversely affect adjoining property owners.*
  
- 2. *Will the waiver violate the Comprehensive Plan?***
  - A. No. The granting of this waiver will allow an established business to expand their existing facility to meet their growing needs. Any perceived adverse impacts will be mitigated with a solid wall and required landscaping so this will not violate the Comprehensive Plan.
  - B. No. The granting of this waiver will allow an established business to expand their existing facility to meet their growing needs. Any perceived adverse impacts will be mitigated with a solid wall and required landscaping so this will not violate the Comprehensive Plan.
  - C. No. This is a private storage yard and storage building with no dedicated employees and no need for public access. Pedestrian connectivity will be provided in the Public Right-Of-Way and to the Welders Supply Campus at appropriate locations so this waiver will not violate the Comprehensive Plan.
  
- 3. *Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?***
  - A. Yes. This regulation doesn't take into consideration the need for accessory buildings for this type of operation. It treats all non-residential structures as primary structures which isn't practical in an industrial setting. This is a storage building that will be used to house a variety of items the owner doesn't want to store outside. Clear windows and doors are contradictory to the purpose of the building...to hide the "stuff". Therefore, the extent of the waiver is the minimum necessary to afford relief to the applicant.
  - B. Yes. This regulation doesn't take into consideration the need for accessory buildings for this type of operation. It treats all non-residential structures as primary structures which isn't

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practical in an industrial setting. This is a storage building for an existing industrial user, not a retail or office building. Therefore, the extent of the waiver is the minimum necessary to afford relief to the applicant.

- C. Yes. Per LDC 4.4.8.C.2.a there should be no public access to outdoor storage areas. Sidewalks are being provided in the right-of-way and pedestrian connections are being provided to the campus at the appropriate locations. Therefore, the extent of the waiver is the minimum necessary to afford relief to the applicant.

**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?***

- A. The applicant is proposing a solid concrete wall for the entire frontage of the property that will screen the storage building from view and secure the Welders Supply Campus in an effort to compensate for non-compliance with the requirements to be waived.
- B. The applicant is proposing a solid concrete wall for the entire frontage of the property that will screen the storage building from view and secure the Welders Supply Campus in an effort to compensate for non-compliance with the requirements to be waived.
- C. The strict application of the regulation would require the applicant to provide pedestrian access through the secure wall into a portion of their site that isn't meant to be accessible to the public. This would create an unnecessary hardship on the applicant.

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