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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

Applicant/Owner: Charles Sondergeld, Jr.
Location: 3618 Kramers Lane and 4703 Beech Drive
Proposed Use: Contractor's Office/Warehouse
Engineers, Land Planners and
Landscape Architects: AL Engineering, Inc.
Request: Zone Change from R-4 & R-6 to C-2

INTRODUCTION

The Applicant, Charles Sondergeld, Jr., is proposing a change in zoning from R-4 and R-6 to C-2 on two properties located at 3618 Kramers Lane and Beech Road to bring them into compliance with the Land Development Code. The site is located approximately midway between Campground Road and Cane Road on the perimeter of a Neighborhood Form District adjacent to heavy industrial uses (concrete pipe manufacturing companies) immediately across Kramers Lane to the north, a row of seven single family homes to the west on Beech Drive (the Applicant owns four of these rental houses), a vacant church property to the east and a mobile home park to the south.

The predominant land use in the area is industrial and manufacturing. All traffic to the site will have access to the site from Kramers Lane. The Applicant proposed continued use of an existing single family home on the site for his plumbing contractor business office. Three existing small buildings to the rear of the office will be removed and replaced by two larger buildings that will eliminate any outdoor storage. The property perimeter will be fenced and buffered to the fullest extent possible. The requested zone change and site plan are compatible with area and in compliance with the applicable provisions of Plan 2040 as set forth below.

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

This proposal complies with all of the applicable Policies 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 17, 18, 19 and 20 as set forth below. This use has actually been in existence for over twenty years without any disruption to adjacent residential uses. The proposed buffers, although

constrained by the narrowness and shape of the lot, are sufficient to prevent adverse impact to the residential uses as all activity and storage will be indoors. Utilizing Kramers Lane (a primary collector) which currently handles substantial industrial traffic connecting to Campground Road (primary collector) and Cane Run Road (major arterial) and is approximately 1 mile to the I-264 interchange. As there will be no outdoor storage and all activities occur inside the existing and proposed buildings, the only activity with any potential for adverse impacts (noise, lighting, visual intrusions) would be from parking which will be adequately screened and buffered and will only operate during normal business hours.

Goal 2 – Encourage sustainable growth and density, around mixed use centers and corridors.

This proposal complies with the applicable Policies 1, 4, 6, 7, 8 and 9 as follows: The proposed C-2 classification is appropriate in the Neighborhood Form District and the use and design of the site with all activities indoors will not cause adverse impacts to the few residential uses in an area predominated by industrial uses. Despite seeking a commercial classification, the office and contractor buildings will not generate retail traffic as most contact with the public is via phone and the internet. The proposal rehabilitates an existing structure and improves the visual condition of the site by eliminating outdoor storage.

Goal 3 – Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This proposal complies with applicable Policies 9, 10, and 12 because the existing tree canopy will largely be preserved, a Karst survey will be provided, there are no wet or highly personable soils or steep or unstable slopes. There are no flood prone areas and two detention basins are proposed (subject to MSD review and approval) which also provide open space buffers adjacent to the mobile home park and the homes on northern end of Beech Drive.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

This proposal complies with Policies 1 and 2 as there are no cultural, historic or archaeological features on the site and an existing residential structure will be preserved and adaptively reused.

MOBILITY

Goal 1 – Implement an accessible system of alternative transportation modes.

This proposal complies with Policy 4 because the proposed use will not include the visual commercial components but is rather less intense as primarily an office and storage facility.

Goal 2 – Plan, build and maintain a safe, accessible system of alternative transportation modes.

This proposal complies with Policy 4 as traffic associated with this use travels through areas of similar intensity utilizing primary collector and major arterial roadways. It is also approximately one mile to the I-264 interchange.

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro via support future growth.

This proposal complies with the applicable Policies 1, 2, 3, 4, 5, 6, 9 and 10 as follows:

The proposed district allows a use that does not generate high traffic volumes and is not appropriate for pedestrian and bicycle access as it will be office and contractor services dispatched to off-site projects. Right-of-way will be dedicated and a fee-in-lieu is sought to facilitate sidewalk construction in areas of greater and more appropriate need.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

This proposal complies with Policies 1, 2 and 3 because all necessary utilities (including gas, electric, potable water and sanitary sewers) are available to the site.

* * *

For all of these and other reasons set forth on this application and in accordance with evidence presented at Planning Commission public hearings, this application complies with the applicable policies of the Plan 2040 comprehensive plan.

Respectfully submitted,

Paul B. Whitty
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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.

Waiver of Section 10.2.4.A to reduce the side yard LBAs from 35 to 15 ft

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the reduction of the side LBAs is only a partial reduction (35 ft to 15 ft) which retains an area sufficient buffer to screen the new buildings and parking area from the adjacent properties and the parking is only utilized during customary business hours such that adverse impacts on neighbors is very minimal.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Comp Plan 2040 filed with the rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it does retain adequate buffering for adjacent uses enabling the property for an appropriate proposed use. As there will be no outdoor storage, only the new buildings and parking fields require any buffering.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because full compliance would render the site infeasible for the proposed use where it is appropriate for this predominantly industrial area.

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20 - WAIVER - 0061

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.

Variance of Section 5.3.1.C.5 to reduce the side yard building setback from 30 ft to 15 ft.

1. The variance will not adversely affect the public health, safety or welfare because it is necessitated by the existing narrow rectangular lot and this is only a partial variance (30 to 15 ft.) on the east property line where the two new building about a vacant former church property's parking area and open field. The additional buildings enable indoor storage and operations which is a benefit to the adjacent properties.

2. The variance will not alter the essential character of the general vicinity because it is a predominantly industrial area with little or no screening or buffering and the reduced side yard setback is adjacent to open areas and would really only be perceptible from above

3. The variance will not cause a hazard or a nuisance to the public because the spatial separation required by the regulation would not serve to reduce any noise or visual intrusion as there will be no outdoor storage or operations.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the existing condition of a long, narrow rectangular lot.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because it is on a long, narrow, rectangular existing lot.

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would preclude the addition of the buildings, parking and access that are necessary for the proposed use.

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20 - VARIANCE - 0086

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the lost configuration predates the adoption of the regulation and the area is necessary to accommodate the buildings to occupy the site to enable indoor storage and operations which will benefit the residential neighbors to the west.

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