

Case No. 16DEVPLAN1022

Albany Avenue Building Project



**Louisville Metro Board of Zoning Adjustment Public
Hearing**

Ross Allen, Planner I

June 6, 2016

Request(s)

- Variance from LDC section 5.3.2.C.2.B to allow a parking and maneuvering area into the 25' ft. side yard setback
- Waiver #1: from LDC section 5.5.2.A.1 to not have an entrance with glazing, display windows or windows affording views into the business which faces the street serving the development.
- Waiver #2: from LDC section 5.6.1.B.1.a to have animating features along less than 60% of their horizontal length on the ground floor level of the primary façade of the principal customer entrance.

Request(s)

- Waiver #3: from LDC section 5.7.1.B.3.a to not provide the property perimeter buffer yard between the R-5 Suburban Neighborhood Form District and the Suburban Market Place Corridor Form District.
- Waiver #4: from LDC section 5.9.2.A.1.b to provide a clearly defined safe pedestrian access from the public right of way through the off-street parking area to the non-residential building entrance.

Request(s)

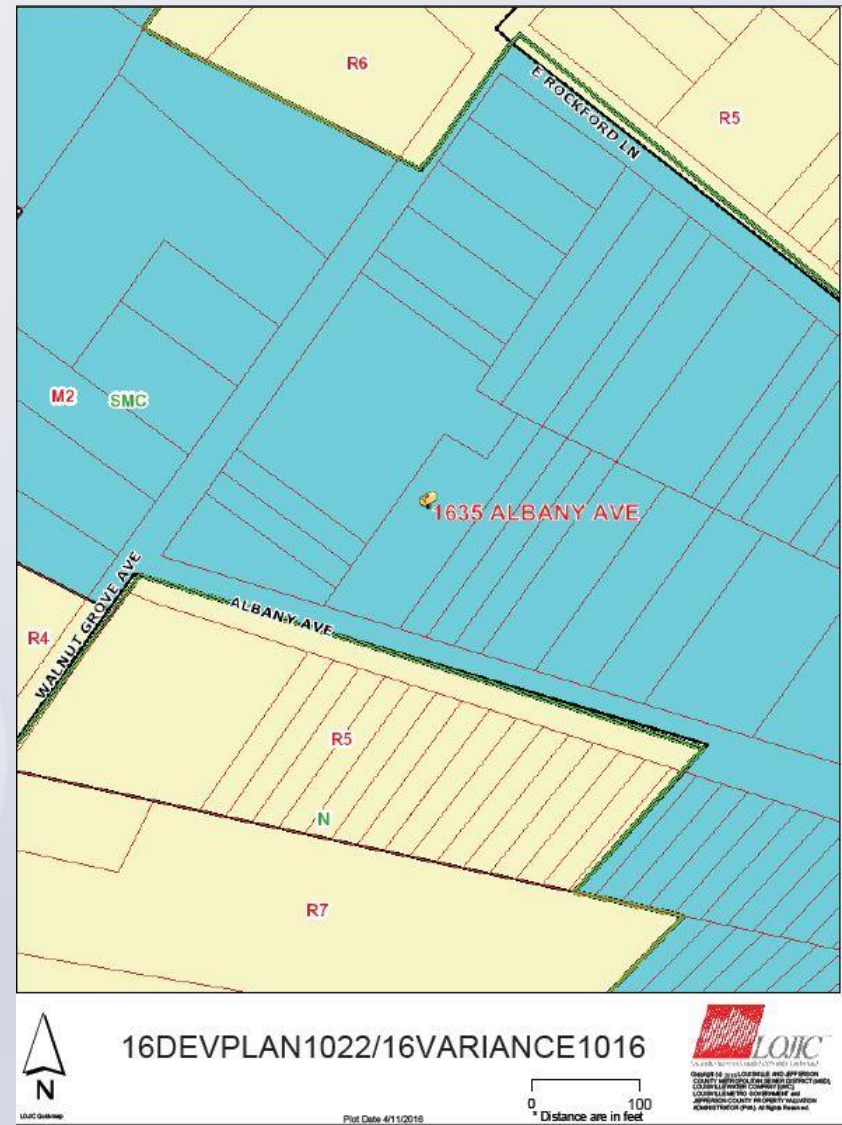
- Waiver #5: from LDC section 10.2.11 to provide a 6 foot continuous screen along the northern and western property lines for a Vehicular Use Area (VUA) adjacent to a residential use.
- Sidewalk Waiver#6: from LDC section 5.8.1.B to not provide sidewalks in the abutting right of way to serve the entrance of the development site.

Case Summary / Background

- The applicant is proposing to construct a 4,000 sf. Contractor's shop with a height of 16 feet in a M-2 zoning district within a Suburban Market Place Corridor on a parcel of approximately .32380 acres or 14,300 sf. Along the western property line the subject property abuts two residential uses and two vacant parcels. To the south the Form district transitions from a Suburban Market Place Corridor to a Neighborhood Form district. The applicant is intending to use the proposed structure for office and storage space for the maintenance of various rental properties.

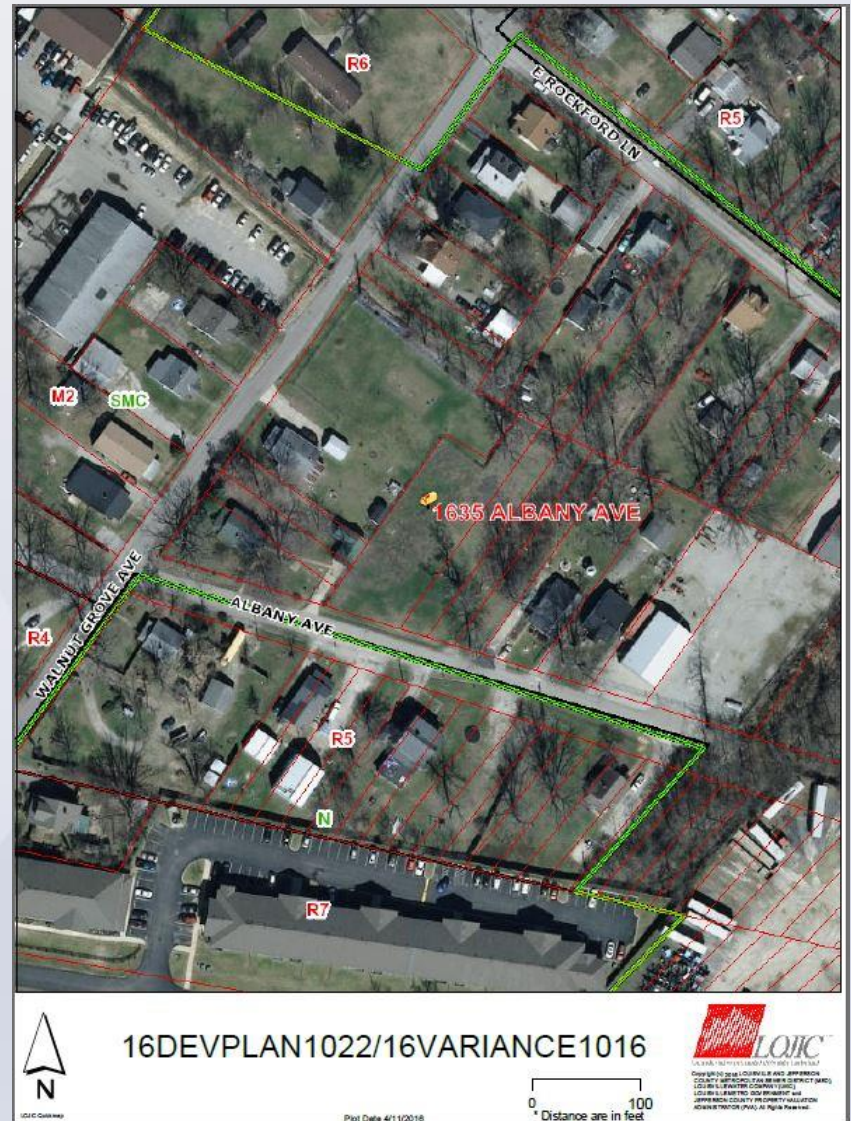
Zoning/Form Districts

- **Subject Property:**
 - Existing: M-2/Suburban Marketplace Corridor
 - Proposed: M-2/Suburban Marketplace Corridor
- **Adjacent Properties:**
 - North: M-2/Suburban Marketplace Corridor
 - South: R-5/Neighborhood
 - East: M-2/Suburban Marketplace Corridor
 - West: M-2/Suburban Marketplace Corridor



Aerial Photo/Land Use

- **Subject Property:**
 - Existing: Vacant
 - Proposed: Commercial-Contractor's Shop
- **Adjacent Properties:**
 - North: Vacant/Single Family Dwellings
 - South: Single Family Dwellings
 - East: Vacant
 - West: Single Family Dwellings



Site Photos-Subject Property



Looking along the western property where a 6 foot continuous screen would be required. Applicant is requesting a waiver (variance and waiver #5).



Looking at the rear of the subject site where screening would be required. Notice that natural vegetation acts as a screen in the rear however, this may only be seasonal.

Site Photos-Subject Property



Looking along the subject site frontage along Albany Ave., the applicant is requesting a waiver from having to provide a sidewalk. (Sidewalk waiver and waiver #3)



Looking from the rear of the subject site towards Albany Ave. The Transition zone waiver is the result of the homes shown directly across Albany Ave. (Waiver #2)

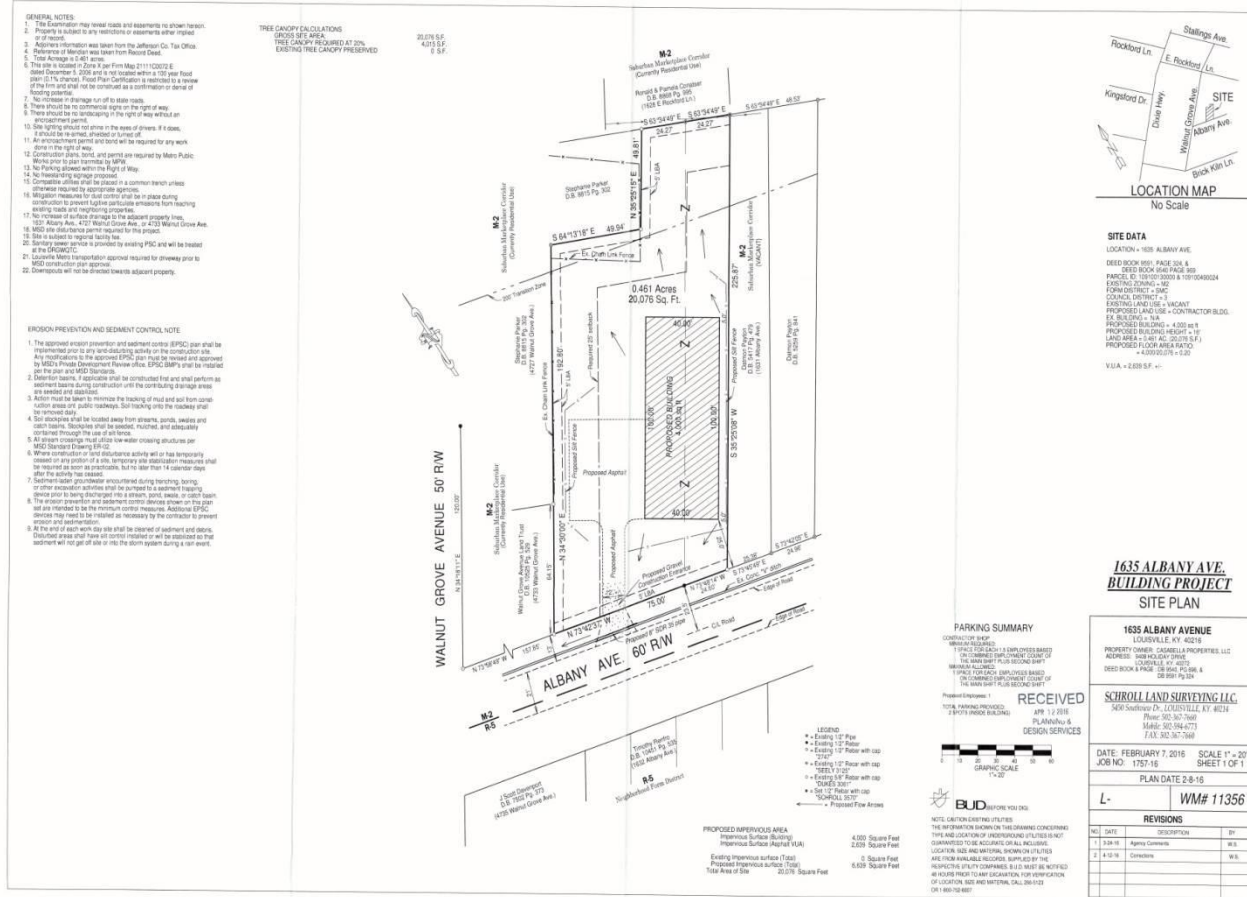
Site Photos-Surrounding Areas



Applicant's Development Plan

Highlights:

- Proposed Use: Contractor's Shop
- Size: 4,000 SF



Variations and Waivers

- Variance from LDC Section 5.3.2.C.2.B to allow a vehicular parking and maneuvering area in the 25' ft. side yard setback.
- Waiver No. 1 from LDC Section 5.5.2.A.1 to provide the an entrance with animating features facing the primary street serving the development.
- Waiver No. 2 from LDC Section 5.6.1.B.1 to have animating features along less than 60% of the horizontal length of the ground floor level of the primary façade.
- Waiver No. 3 from LDC Section 5.7.1.B.3.a to not provide landscaping and screening (LDC section 10.2.3, table 10.2.3) between the Neighborhood and Suburban Marketplace Corridor Form Districts.
- Waiver No.4 from LDC 5.9.2.A.1.b to not provide a clearly defined safe pedestrian access from the public right-of-way.

Waivers (Continued)

- Waiver No. 5 from LDC 10.2.11 to provide a 6' ft. continuous screen for the VUA along the Northern and Western property lines (adjacent to residential uses).
- Waiver No. 6 from LDC 5.8.1.B to not provide sidewalks in the abutting right of way to serve the entrance of the development site.

Applicable Plans & Policies

- Cornerstone 2020
- Land Development Code (2016)

Technical Review

- List here if any

Staff Analysis and Conclusions

- The variance meets the standard of review for having a vehicular parking/maneuvering area in the setback when assessing the general vicinity. Drainage issues may need to be addresses in construction phase with MSD concerning issues raised by neighbors along Walnut Grove Avenue.
- Waivers No. 1, 2, 3, 4, and 5 meet the standard of review based upon the general vicinity having similar uses and site designs.
- Waiver No. 6 (Sidewalk waiver) meets the standard of review based upon the small swale located along the property frontage and that no sidewalks currently exist in the general vicinity.

Required Actions

- Variance: from LDC Section 5.3.2.C.2.B to allow a vehicular parking and maneuvering area in the 25' ft. side yard setback. Approve/Deny
- Waiver No. 1: from LDC Section 5.5.2.A.1 to provide the an entrance with animating features facing the primary street serving the development. Approve/Deny
- Waiver No. 2: from LDC Section 5.6.1.B.1 to have animating features along less than 60% of the horizontal length of the ground floor level of the primary façade. Approve/Deny

Required Actions

- Waiver No. 3: from LDC section 5.7.1.B.3 to not provide landscaping and screening (LDC section 10.2.3, table 10.2.3) between the Neighborhood and Suburban Marketplace Corridor Form Districts. Approve/Deny
- Waiver No. 4: from LDC 5.9.2.A.1.b to not provide a clearly defined safe pedestrian access from the public right-of-way. Approve/Deny

Required Actions

- Waiver No. 5: from LDC 10.2.11 to provide a 6' ft. continuous screen for the VUA along the Northern and Western property lines (adjacent to residential uses).
Approve/Deny
- Waiver No. 6: from LDC 5.8.1.B to not provide sidewalks in the abutting right of way to serve the entrance of the development site. Approve/Deny