

**Board of Zoning Adjustment  
Staff Report**  
May 2, 2016



|                          |                                                                                     |
|--------------------------|-------------------------------------------------------------------------------------|
| <b>Case No:</b>          | <b>16DEVPLAN1030</b>                                                                |
| <b>Request:</b>          | <b>Category 2B Development Plan with Land Development Code variance and waivers</b> |
| <b>Project Name:</b>     | <b>Ironworkers Education Facility</b>                                               |
| <b>Location:</b>         | <b>2441 Crittenden Drive</b>                                                        |
| <b>Owner:</b>            | <b>Tom Carrier, Ironworkers Local #70</b>                                           |
| <b>Applicant:</b>        | <b>Tom Carrier, Ironworkers Local #70</b>                                           |
| <b>Representative:</b>   | <b>John Miller, Miller Wihry</b>                                                    |
| <b>Jurisdiction:</b>     | <b>Louisville Metro</b>                                                             |
| <b>Council District:</b> | <b>15- Marianne Butler</b>                                                          |
| <b>Case Manager:</b>     | <b>Laura Mattingly-Humphrey, Planner I</b>                                          |

**REQUEST**

- Variance from Section 5.2.2 to allow the proposed building to be located beyond the maximum front setback.
- Waiver #1 from Section 5.9.2.A.1.b.ii to not provide a vehicular connection to abutting non-residential use on the north side of the property.
- Waiver #2 from Section 5.5.1.A.3 to allow parking to be located in front of the building within a Traditional From District.
- Waiver #3 from Section 10.2.4 to allow structure and parking to encroach into the required 15' LBA along the eastern property line.
- Waiver #4 from Section 10.2.10 to allow parking to encroach into the required 5' LBA along the western property line.

**Variance**

| <b>Location</b>                | <b>Requirement</b> | <b>Request</b> | <b>Variance</b> |
|--------------------------------|--------------------|----------------|-----------------|
| <b>Front Setback (maximum)</b> | 25'                | 50'            | 25'             |

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is proposing to construct a one-story 4,560 square foot education and training facility in addition to the existing Ironworkers Union Hall. There are currently three separate parcels that will be consolidated prior to construction approval. An outdoor training area will be located between the two buildings. Associated parking is being decreased from 52 spaces to 35. Access and parking will be reconfigured to accommodate the new site layout as well as streetscape improvements whereas existing parking encroached into the right-of-way. The applicant has also requested a variance and four waivers for discretionary review.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

|                               | Land Use                     | Zoning        | Form District |
|-------------------------------|------------------------------|---------------|---------------|
| <b>Subject Property</b>       |                              |               |               |
| <b>Existing</b>               | Union Hall/Training Facility | OTF           | TN            |
| <b>Proposed</b>               | Union Hall/Training Facility | OTF           | TN            |
| <b>Surrounding Properties</b> |                              |               |               |
| <b>North</b>                  | Office                       | OTF           | TN            |
| <b>South</b>                  | Office                       | C-1           | TN            |
| <b>East</b>                   | Single Family Residential    | R-6           | TN            |
| <b>West</b>                   | Industrial, SFR, Retail      | M-1, R-6, M-2 | TN            |

### PREVIOUS CASES ON SITE

15DEVPLAN1178 (Withdrawn) – Category 3 Development plan for training facility expansion.

### INTERESTED PARTY COMMENTS

No formal comments have been received by staff.

### APPLICABLE PLANS AND POLICIES

Land Development Code  
Cornerstone 2020

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from Section 5.2.2 to allow the proposed building to be located beyond the maximum front setback.

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as safe pedestrian and vehicular access is provided from the public right-of-way.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the proposed setback follows a pattern of varied setbacks along Crittenden Drive and follows the pattern of this specific development.

- (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 as safe pedestrian access is provided from the public right-of-way to the building entrance and safe vehicular access and maneuvering have been provided.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as the proposed setback will follow a pattern of varying setbacks within the area.

### 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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as this site has size constraints that similar uses are not normally faced with. This site also had non-conforming parking issues that the applicant has had to correct.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the facility would not be able to be built at this site as proposed and the applicant may have to re-locate.

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 taken subsequent to the adoption of the zoning regulation from which relief is sought as the size of the lot and the parking issues existed prior to the current regulation.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 of  
Section 5.9.2.A.1.b.ii to not provide a vehicular connection to abutting non-  
residential use on the north side of the property.**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as connection is being provided to the south through an access easement, the property to the north has its own access to the public right-of-way and currently does not have connection to the development site due to a guardrail in place.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 2, policy 13 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, policy 13 calls for the requirement of joint and cross access easements according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and to reduce traffic on the main thoroughfare. These policies are not violated as the development is providing a shared access with the property to the south. The property to the north already has access in place and it would not be safe for traffic to access this site at the available point due to the traffic pattern of the proposed VUA.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow the layout of the parking and building as the use requires.

- (d) Either:

- (i) The applicant has 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  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to lose much needed parking for access that is not safe for vehicular traffic.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 from  
Section 5.5.1.A.3 to allow parking to be located in front of the building  
within a Traditional Form District**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as safe vehicular and pedestrian access is being provided and is being improved from the current layout.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. Although the waiver is not compatible with the pattern of development within the traditional neighborhood form district, it is compatible with surrounding existing development. There does appear to be physical restraints preventing compliance with the regulations to be waived. Therefore, the waivers will not violate specific guidelines and policies of Cornerstone 2020.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow the layout of the building to incorporate the proposed uses within the needed square footage.

- (d) Either:

- (i) The applicant has 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  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the parking to be in rear of the development; therefore restricting the vehicle use area to the large trucks to deliver needed materials to the site and causing a decrease in much needed square footage of the building.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3 from  
10.2.4 to allow structure and parking to encroach into the required 15' LBA  
along the eastern property line.**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the new expansion allows for the 15' LBA and required planting. The rest of the site in regards to the required LBA is existing and will be unchanged.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This plan does violate a number of these guidelines in regards to the existing portion of the site, but has mitigated the impacts as much as possible by allowing the required buffer and planting the required screening where possible.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant has conformed to the regulation on the proposed portion of the site.

- (d) Either:

(i) The applicant has 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  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring an existing building to be partially demolished in order to allow the LBA.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #4 from  
Section 10.2.10 to allow parking to encroach into the required 5' LBA along  
the public ROW**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since safe pedestrian and vehicular access will be provided from the public right-of-way to the building entrance and has been improved from the current situation.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The applicant is providing streetscape improvements and buffering where possible and is improving the streetscape from the current layout; therefore the waiver is not violating specific guidelines of the comprehensive plan.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow the needed layout of the parking and vehicle maneuvering.

(d) Either:

(i) The applicant has 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

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by not allowing a wide enough VUA for parking and material delivery.

### TECHNICAL REVIEW

- There are no outstanding technical review comments that need to be addressed.

### STAFF CONCLUSIONS

The standard of review and justification has been met for the requested variance and waivers. All other Land Development Code requirements beyond the variance and waivers have been followed with the Category 2B development plan. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting the variance and waivers.

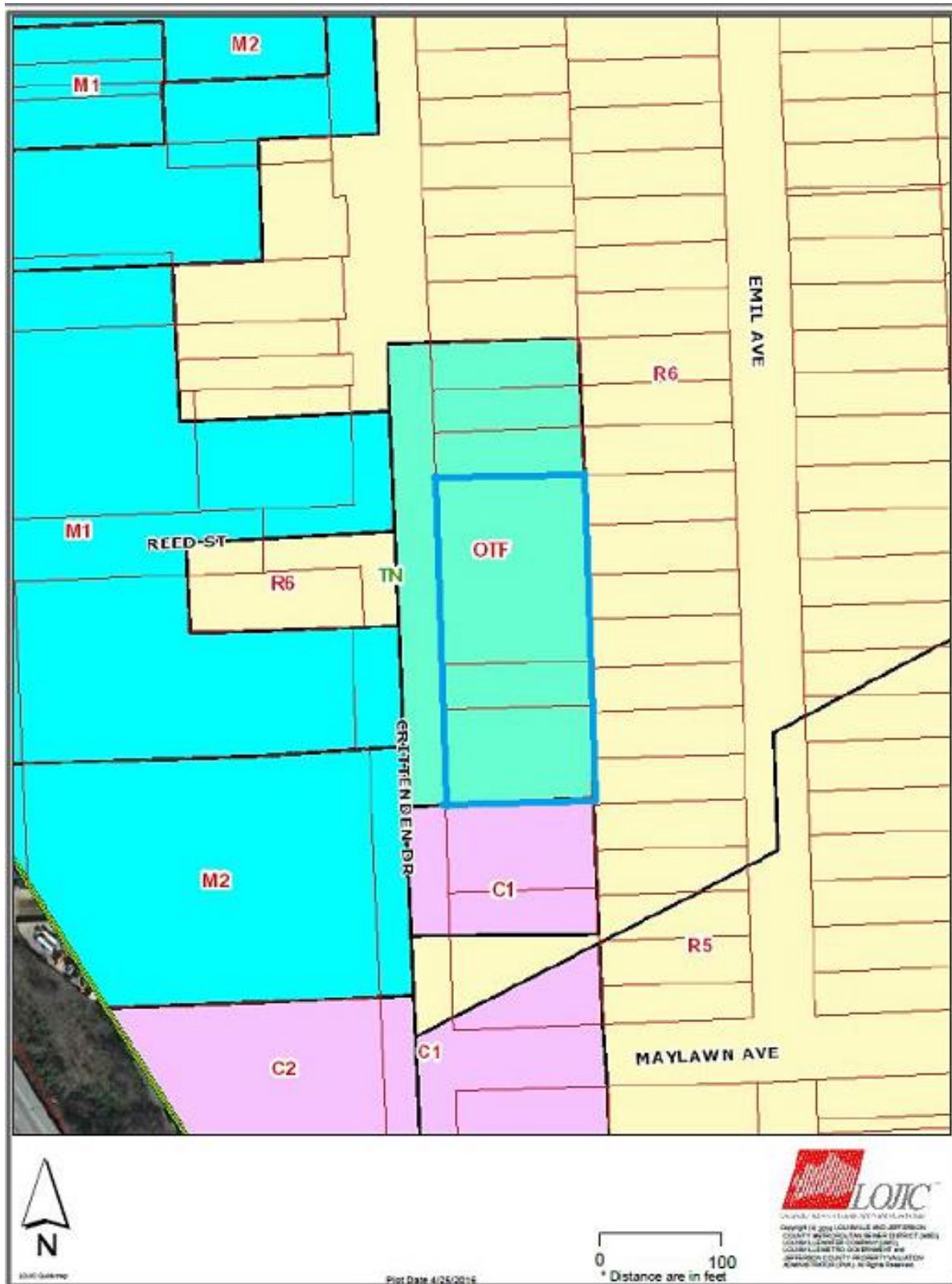
### NOTIFICATION

| Date     | Purpose of Notice   | Recipients                                                               |
|----------|---------------------|--------------------------------------------------------------------------|
| 04/14/16 | Hearing before BOZA | Subscribers of Council District 15 Notification of Development Proposals |
| 04/18/16 | Hearing before BOZA | 1 <sup>st</sup> tier adjoining property owners                           |

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

