

# Board of Zoning Adjustment Staff Report

May 19, 2014



<b>Case No:</b>	14VARIANCE1028
<b>Project Name:</b>	Chamberlain Crossing Business Park
<b>Location:</b>	2500 Chamberlain Crossing Drive
<b>Owner:</b>	Chamberlain Crossing TIC
<b>Applicant:</b>	Same as owner
<b>Representative:</b>	Land Design and Development
<b>Project Area/Size:</b>	5.6 acres
<b>Existing Zoning District:</b>	PEC, Planned Employment Center
<b>Existing Form District:</b>	SW, Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Ken Fleming
<b>Case Manager:</b>	Matthew R. Doyle, Planner I

## REQUEST

- Variance of section 5.3.4.D.3.a to allow the proposed building to encroach into the street-side yard setback

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located in the Chamberlain Crossing Business Park along Collins Lane, north of the Gene Snyder Freeway and near the Ford Kentucky Truck Plant. It is plan certain and the zoning was changed from R-4 to C-M in 2002 and from C-M to PEC in 2005. The site abuts a vacant residential property to the northwest, a railroad to the northeast, a warehouse/office use to the southeast, and a for-profit college campus to the southwest. The vacant residential property to the northwest has a pre-application for a change in zoning from R-4 to PEC for a truck service, towing, and storage facility. Also, the site is adjacent to single family residential to the southwest across Collins Lane.

The proposed warehouse/office building is similar in size (i.e., 78,400 vs. 78,600 sq. ft.) to the one previously approved on the Revised Detailed District Development Plan (RDDDP) in 2005; however, the footprint of the proposed building is wider and shorter than the one previously approved for this site. This moves it 10 ft. closer to the northwest property line and up to the required yard along the private access easement, Chamberlain Crossing Drive, where a portion of the building actually encroaches into the required yard. Thus, the applicant requests a variance to allow the south corner of the proposed building to encroach no more than 15 ft. into the required 25' street-side yard setback as shown on the development plan.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	PEC	SW
<b>Proposed</b>	Warehouse/office	PEC	SW
<b><i>Surrounding Properties</i></b>			
<b>Northwest</b>	Vacant single family residential	R-4	SW
<b>Northeast</b>	Railroad	R-4	SW
<b>Southeast</b>	Warehouse and for-profit college	PEC	SW
<b>Southwest</b>	Single family residential	R-4	SW

## PREVIOUS CASES ON SITE

- 9-62-02: Change in zoning from R-4 Single Family Residential to C-M Commercial Manufacturing and approval of a General Detailed District Development Plan for an office/warehouse development containing 7 buildings and a total building area of 176,753 sq. ft.
- 9-31-05: Change in zoning from C-M Commercial Manufacturing to PEC Planned Employment Center and approval of a Detailed District Development Plan for an office/warehouse development containing 2 buildings and total building area of 211,238 sq. ft. Waivers were granted from section 5.5.4.B.1 of the LDC to allow the proposed structures and parking areas to encroach into the 50 ft. LBA, to waive the 50 ft. LBA along the northeast property line and to waive the continuous 8 ft. tall screen required along the adjacent R-4 zoned properties. The plan was revised later in 2005 with slight modifications to the layout and a reduction in the total building area.

## INTERESTED PARTY COMMENTS

Staff has not received any comments or inquiries.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE of section 5.3.4.D.3.a to allow the proposed building to encroach a maximum of 15' into the required 25' street-side yard setback along Chamberlain Crossing Drive**

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

STAFF: The requested variance will not adversely affect public health safety or welfare since safe pedestrian access is provided from Collins Lane to the building entrance.

- (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 since the proposed encroachment is located along the private access easement serving the Chamberlain Crossing Business Park; and the public right-of-way along Collins Lane, where the proposed building maintains the required front setback, will be adequately screened.

- (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 since the proposed encroachment is located along the private access easement serving the Chamberlain Crossing Business Park; and the public right-of-way along Collins Lane, where the proposed building maintains the required front setback, will be adequately screened.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposed encroachment is negligible relative to the footprint of the proposed building that is maintaining the required street-side yard setback.

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 since the site contains a curvilinear private access easement serving the business park.

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 since the proposed encroachment is negligible relative to the footprint of the proposed building that is maintaining the required street-side yard setback.

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.

**TECHNICAL REVIEW**

The Development Review Committee will review the RDDDP, Case 14DEVPLAN1043, on March 14, 2014 along with the following waivers:

- Waiver of section 5.5.4.B.1 and 10.2.4 to reduce the 50 ft. Landscape Buffer Area (LBA) to 15 ft., to waive the 6 ft. berm and 8 ft. tall screen, and to allow the proposed parking area to encroach into the proposed 15 ft. LBA along the northwest property line;
- Waiver of section 5.5.4.B.1 and 10.2.4 to waive the 6 ft. berm and allow the existing sanitary sewer and drainage easement to overlap the 50 ft. LBA more than 50% along the northeast property line;
- Waiver of section 10.2.4 to waive the 15 ft. LBA along the JR Real Estate, LLC property to the southwest and along the Nicklies Industrial, LLC/ Hank 1, LLC property to the southeast; and
- Waiver of section 10.2.4 to allow the existing utility easements to overlap the 10 ft. LBA along Chamberlain Crossing Drive more than 50%.

**STAFF CONCLUSIONS**

- The applicant is proposing a 78,400 sq. ft. warehouse/office building in the Chamberlain Crossing Business Park.
- The proposed building requires a variance of section 5.3.4.D.3.a because it encroaches into the 25' street-side yard setback along Chamberlain Crossing Drive.
- The requested variance appears adequately justified based on staff analysis in the standard of review.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the variance as established in the LDC.

## REQUIRED ACTIONS

- **APPROVE** or **DENY** the variance of section 5.3.4.D.3.a to allow the proposed building to encroach no more than 15' into the 25' street-side yard setback as shown on the development plan.

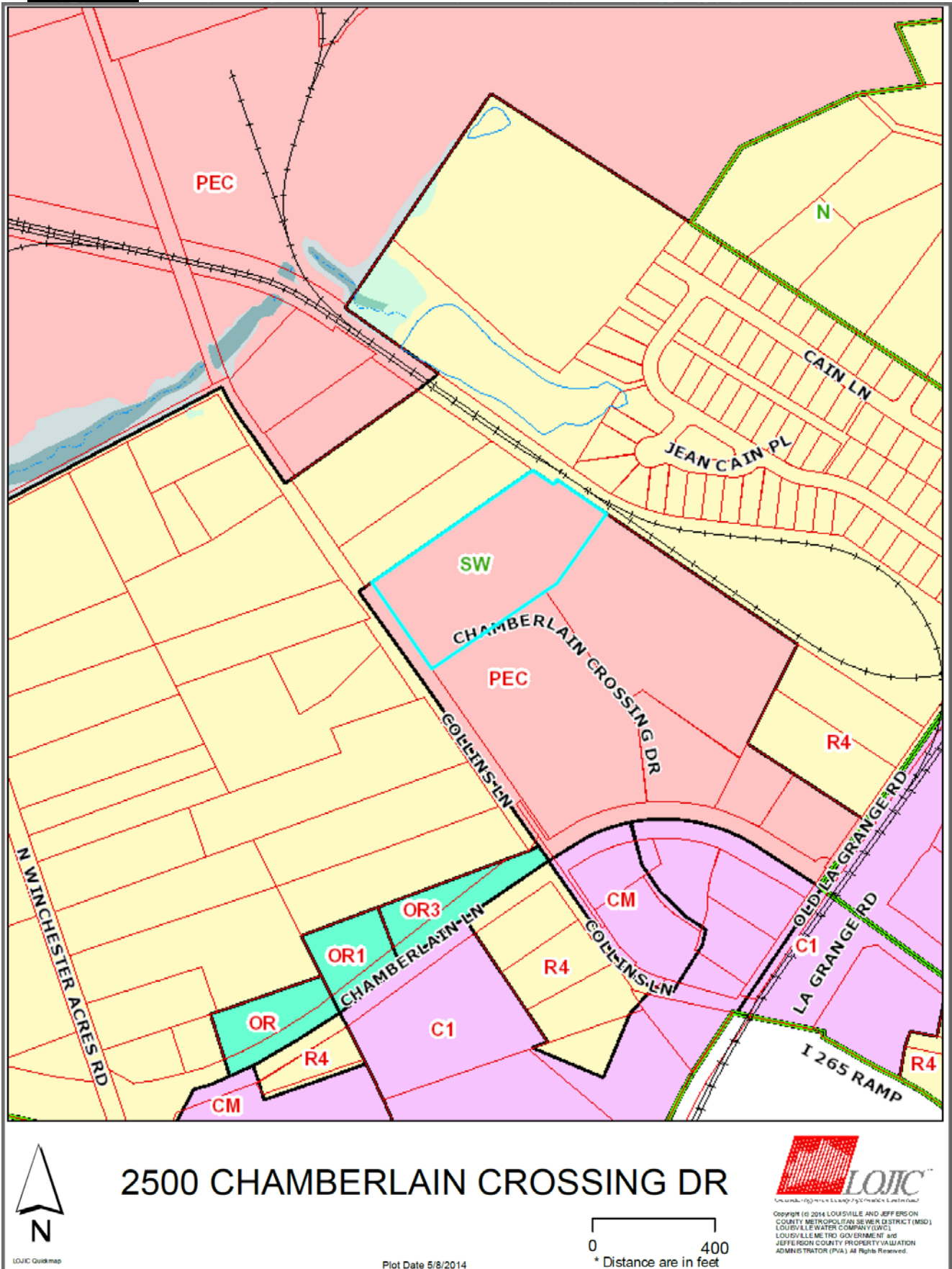
## NOTIFICATION

Date	Purpose of Notice	Recipients
5/1/14	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered neighborhood groups
5/8/14	Sign posting	Subject property owner/tenant

## ATTACHMENTS

1. Zoning Map
2. Aerial

1. Zoning Map



2500 CHAMBERLAIN CROSSING DR



Copyright (c) 2014 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT AND JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.



LOJIC QuickMap

Plot Date 5/8/2014

0 400  
\* Distance are in feet

2. Aerial

