

Board of Zoning Adjustment Staff Report

August 7, 2017



Case No:	17DEVPLAN1110
Project Name:	Advanced Business Solutions
Location:	1829 Rear Payne Street and/or 115 South Charlton Street
Owner(s):	John T. Dougherty – Charlton Company Inc.
Applicant:	Nikki Hamilton – RWSS Properties LLC.
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen – Planner I

REQUEST(S)

Approval of a Category 3 Development Plan for a proposed 2 story (height of 38+/-) 29,700 sf. (2,970 sf. of Office and 26,730 sf. Manufacturing) light industrial building located within an M-2 zoning district in a Traditional Neighborhood Form District with a 47,029 sf. VUA containing 145 parking spaces, including 5 ADA spaces.

Variance #1 from LDC Section 5.2.2.C.2, table 5.2.2 (M-2 zoned parcel) to allow the proposed building to exceed the maximum front setback of 25 feet for a variance of approximately 60 feet.

Location	Requirement	Request	Variance
Front Yard Setback	25 ft.	85 ft.	60 ft.

Variance #2 from LDC Section 5.2.2.C.2, table 5.2.2 (M-2 zoned parcel) to allow the proposed building to encroach 10 feet into the minimum rear yard setback of 15 feet.

Location	Requirement	Request	Variance
Rear Yard Setback	15 ft.	5 ft.	10 ft.

Variance #3 from LDC Section 5.5.1.A.3 to allow parking to be located in the front of the building within the Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The subject site is located on two parcels in eastern Metro Louisville east of Interstate 64, north of Payne Street and having several Single Family/Multi-Family Residential Structures fronting Payne Street and a small office building for Louisville Paving and Construction Company as accessed from Stoll Ave., approximately 227 feet north of Payne Street, south of the CSX railroad right of way, and west of DDW The Colour House, a manufacturer of natural colours, food colouring, caramel colouring, and burnt sugars for food and beverage products.

The applicant is proposing to construct 2 story (height of 38+/-) 29,700 sf. (2,970 s.f. of Office and 26,730 sf. Manufacturing) light industrial building located within an M-2 zoning district in a Traditional Neighborhood Form District. Advanced Business Solutions, a computer assembly and repair company (proposed use - light industrial) will occupy the subject site. The proposed structure will be approximately 5 feet from the northern property line abutting the CSX Railroad right of way and will have a front yard setback of approximately 85 feet from the property line abutting Stoll Ave. Stoll Avenue having a 50 foot wide right of way and having an approximate 30 foot paved width will be the primary entrance, 24 feet in paved width, to the property/business.

The proposed building will have 5 foot wide sidewalks on the eastern, western, and southern (front of the building) with a pedestrian access leading from Stoll Ave. into the front entrance facing Stoll Ave. The proposed Vehicular Use Area (VUA) is 47,029 sf. and will contain 145 parking spaces, including 5 ADA accessible spaces as found on the eastern, western, and southern (front) sides of the proposed building. Additionally, the VUA will have 4,974 sf. of interior landscape area provided, exceeding the required 2,352 sf. of interior landscape area as required by the Land Development Code for a VUA this size as found within the Traditional Neighborhood Form District.

The applicant has indicated that they will provide 2 short term bicycle parking spaces (location not known on the development plan) and 2 long term bicycle spaces, interior to the building. Last, the applicant will need to submit a landscape plan that will show 15,184 sf. of required tree canopy on the subject site.

STAFF FINDING / RECOMMENDATION

The **Category 3 Development Plan** for a proposed 2 story (height of 38+/-) 29,700 sf. (2,970 sf. of Office and 26,730 sf. Manufacturing) light industrial building located within an M-2 zoning district in a Traditional Neighborhood Form District with a 47,029 sf. VUA containing 145 parking spaces, including 5 ADA spaces. (Justifiable and determined to be a less intense use than what the property is currently used for consideration should be given to increase in traffic as found along Stoll Ave. in relation to residences in the area.)

Variance #1 from LDC Section 5.5.2.C.2, table 5.2.2 (M-2 zoned parcel) to allow the proposed building to exceed the maximum front setback of 25 feet for a variance of approximately 60 feet. (Justifiable, the building as shown on the development plan would be located closer to the rear of the property adjacent to railroad tracks and farther away from residences and other commercial properties in the general vicinity.)

Variance #2 from LDC Section 5.5.2.C.2, table 5.2.2 (M-2 zoned parcel) to allow the proposed building to encroach 10 feet into the minimum rear yard setback of 15 feet. (Justifiable, the building as shown on the development plan would be located closer to the rear of the property adjacent to railroad tracks and farther away from residences and other commercial properties in the general vicinity. Issues may occur if the loading dock is located within or a portion of the

public right of way, 28 foot wide alley, permission from public works would need to be granted to allow this encroachment into the public right of way.)

Variance #3 from LDC Section 5.5.1.A.3 to allow parking to be located in the front of the building within the Traditional Neighborhood Form District. (Justifiable, any parking layout with ADA parking requirements would require the shortest distance to meet Federal standards. If the applicant were required to change the parking layout this may result in a change to the building design having an entrance on the side rather than facing Stoll Ave.)

TECHNICAL REVIEW

Metro Safe (Emergency 911) has made the following comment via e-mail on 6/21/2017: Louisville Metro Emergency Services has reviewed the Development Plan for Docket No. 17DEVPLAN1110, for Advanced Business Solutions, located at 1829 R Payne Street and has the concern listed below. Although one of the 2 parcels that encompass this site does have an address in LOJIC and PVA Tax records of 1829 R (rear) Payne Street and that is what is reflected on this plan, the access to the site would indicate an address of 1745 Payne Street would be more appropriate and would facilitate more efficient emergency response. If the owner developer would contact our office, we will pursue changing the address for this site. Any Proposed address change would need to be reviewed and approved by the Louisville Fire Department, prior to finalization.

INTERESTED PARTY COMMENTS

None

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1 from LDC Section 5.5.2.C.2, table 5.2.2 (M-2 zoned parcel) to allow the proposed building to exceed the maximum front setback of 25 feet.

- (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 since the site is located in a somewhat remote location on the south side of the railroad tracks and behind the Payne Street and South Charlton Street lots. At this location, neither the reduced rear yard, the increased front yard, nor the proposed parking in front of the building will negatively impact the neighborhood. In addition, the proposed use, light manufacturing for the assembly and repair of computers, will be significantly less intense than the Louisville Paving facility which has occupied this site for many years.

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

STAFF: The variances will not alter the essential character of the general vicinity as the site is located behind and on the other side. It is located behind the lots on Payne Street and S. Charlton Street, on the other side of the railroad track and on the other side of the alleys that lie along the sites north and south property line and reducing any effect the variances might have had on the adjacent developments.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The site only lies directly adjacent to the D.D. Williamson Inc. property along its east property line and otherwise separated from other lots by alleys and the railroad track to the north. There is a request to close some of these alleys and then the property will back up to the lots on South Charlton Street which are also zoned M-2 and back up to the 3 lots east of Stoll Avenue but with the closure of the alley the required landscape buffers will be provided. This use will be a lower intensity user than the existing facility and for all of these reasons the variances requested will not impact or negatively affect these adjacent uses or the public.

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

STAFF: Since there are no negative impacts resulting from the variances or even the use proposed, the granting of this request will not result in an unreasonable circumvention of the requirements of the zoning regulations.

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 sites location is a special circumstance. It is unique in its location and the surrounding alleys which separate it from other developments. The 50 foot width of Stoll Avenue dead ends into the subject site, this being the only true road frontage. As such, the site does not conform to the typical building setback requirements. With the sites primary access being from Stoll Avenue, it is unreasonable to accommodate this access and locate the building within the form district minimum 15' and maximum 25' front setback. Parking in front of the building does not negatively impact other uses on Stoll Avenue as they back up to this site. The site is bordered by several alleys, the one on the north side which dead ends into the site has a railroad on its other side so that the request to reduce the rear yard is appropriate especially since it shall be used for deliveries.

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: Due to the sites location and separation from the nearby developments with the railroad and alley along the north property line, the alley along the south and west property line and being located behind the lots fronting on Payne Street and S. Charlton Street, the proposed variances to the front and rear yards will have little to no effect on the adjacent developments and therefore strict application would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant.

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 unique location of the site, its access and lot configuration is an existing condition that the applicant is working with to provide a new facility that when completed will be a better fit with the area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2 from LDC Section 5.5.2.C.2, table 5.2.2 (M-2 zoned parcel) to allow the proposed building to exceed the maximum front setback of 25 feet.

- (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 since the site is located in a somewhat remote location on the south side of the railroad tracks and behind the Payne Street and South Charlton Street lots. At this location, neither the reduced rear yard, the increased front yard, nor the proposed parking in front of the building will negatively impact the neighborhood. In addition, the proposed use, light manufacturing for the assembly and repair of computers, will be significantly less intense than the Louisville Paving facility which has occupied this site for many years.

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

STAFF: The variances will not alter the essential character of the general vicinity as the site is located behind and on the other side. It is located behind the lots on Payne Street and S. Charlton Street, on the other side of the railroad track and on the other side of the alleys that lie along the sites north and south property line and reducing any effect the variances might have had on the adjacent developments.

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STAFF: The site only lies directly adjacent to the D.D. Williamson Inc. property along its east property line and otherwise separated from other lots by alleys and the railroad track to the north. There is a request to close some of these alleys and then the property will back up to the lots on South Charlton Street which are also zoned M-2 and back up to the 3 lots east of Stoll Avenue but with the closure of the alley the required landscape buffers will be provided. This use will be a lower intensity user than the existing facility and for all of these reasons the variances requested will not impact or negatively affect these adjacent uses or the public.

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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.

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to this site. The site is bordered by several alleys, the one on the north side which dead ends into the site has a railroad on its other side so that the request to reduce the rear yard is appropriate especially since it shall be used for deliveries.

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: Due to the sites location and separation from the nearby developments with the railroad and alley along the north property line, the alley along the south and west property line and being located behind the lots fronting on Payne Street and S. Charlton Street, the proposed variances to the front and rear yards will have little to no effect on the adjacent developments and therefore strict application would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant.

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 unique location of the site, its access and lot configuration is an existing condition that the applicant is working with to provide a new facility that when completed will be a better fit with the area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #3 from LDC Section 5.5.1.A.3 to allow parking to be located in the front of the building within the Traditional Neighborhood Form District as facing Stoll Ave.

- (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 since the site is located in a somewhat remote location on the south side of the railroad tracks and behind the Payne Street and South Charlton Street lots. At this location, neither the reduced rear yard or the greater than required front yard setback, nor the proposed parking in front of the building will negatively impact the neighborhood. In addition, the proposed use, light manufacturing for the assembly and repair of computers, will be significantly less intense than the Louisville Paving facility which has occupied this site for many years.

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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: Due to the sites location and separation from the nearby developments with the railroad and alley along the north property line, the alley along the south and west property line and being located behind the lots fronting on Payne Street and S. Charlton Street, the proposed variances to the front and rear yards will have little to no effect on the adjacent developments and therefore strict application would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant.

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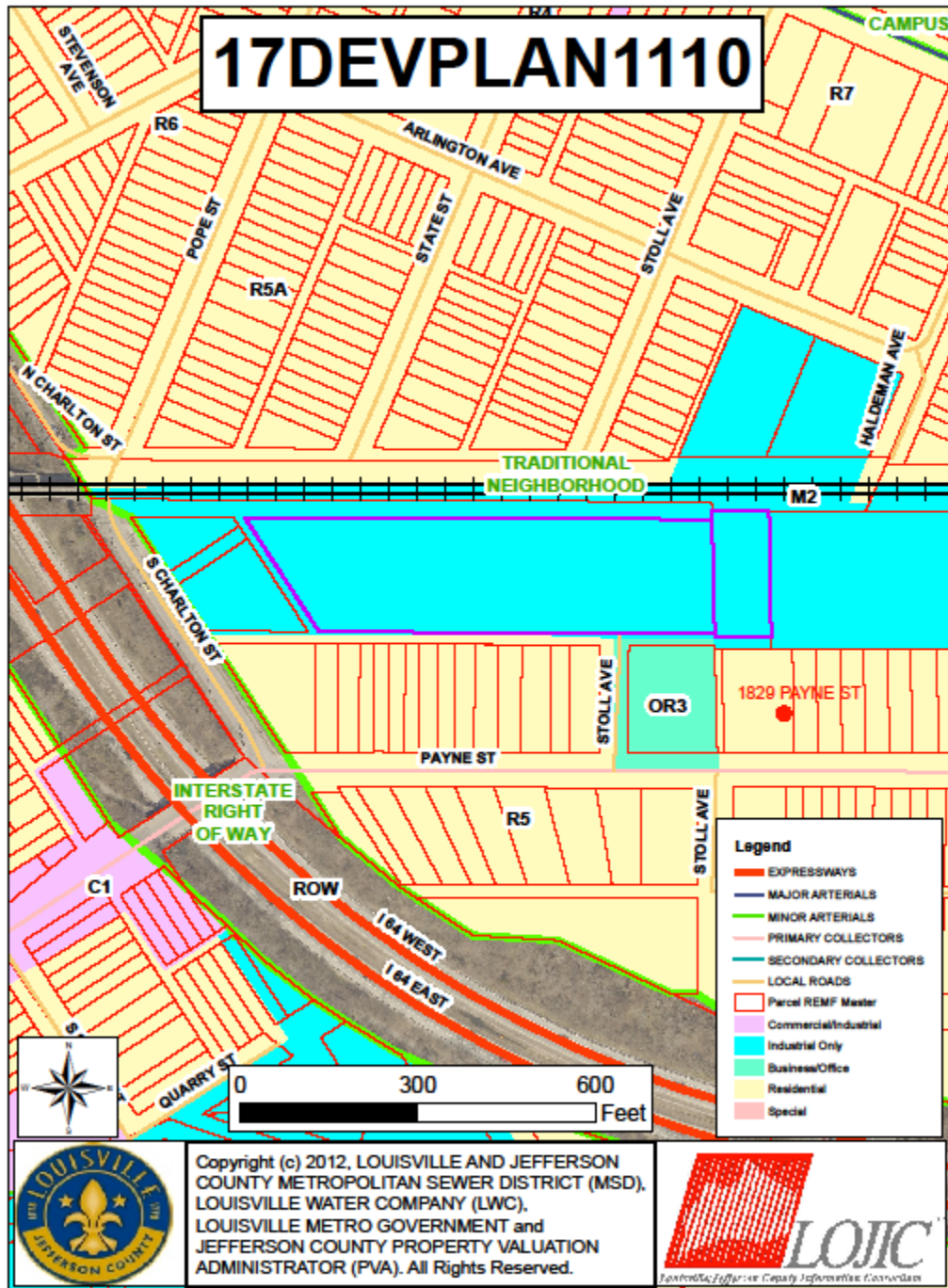
NOTIFICATION

Date	Purpose of Notice	Recipients
July 21, 2017	Public Hearing BOZA	1 st tier adjoining property owners notification Sign Posting on Property
August 7, 2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9

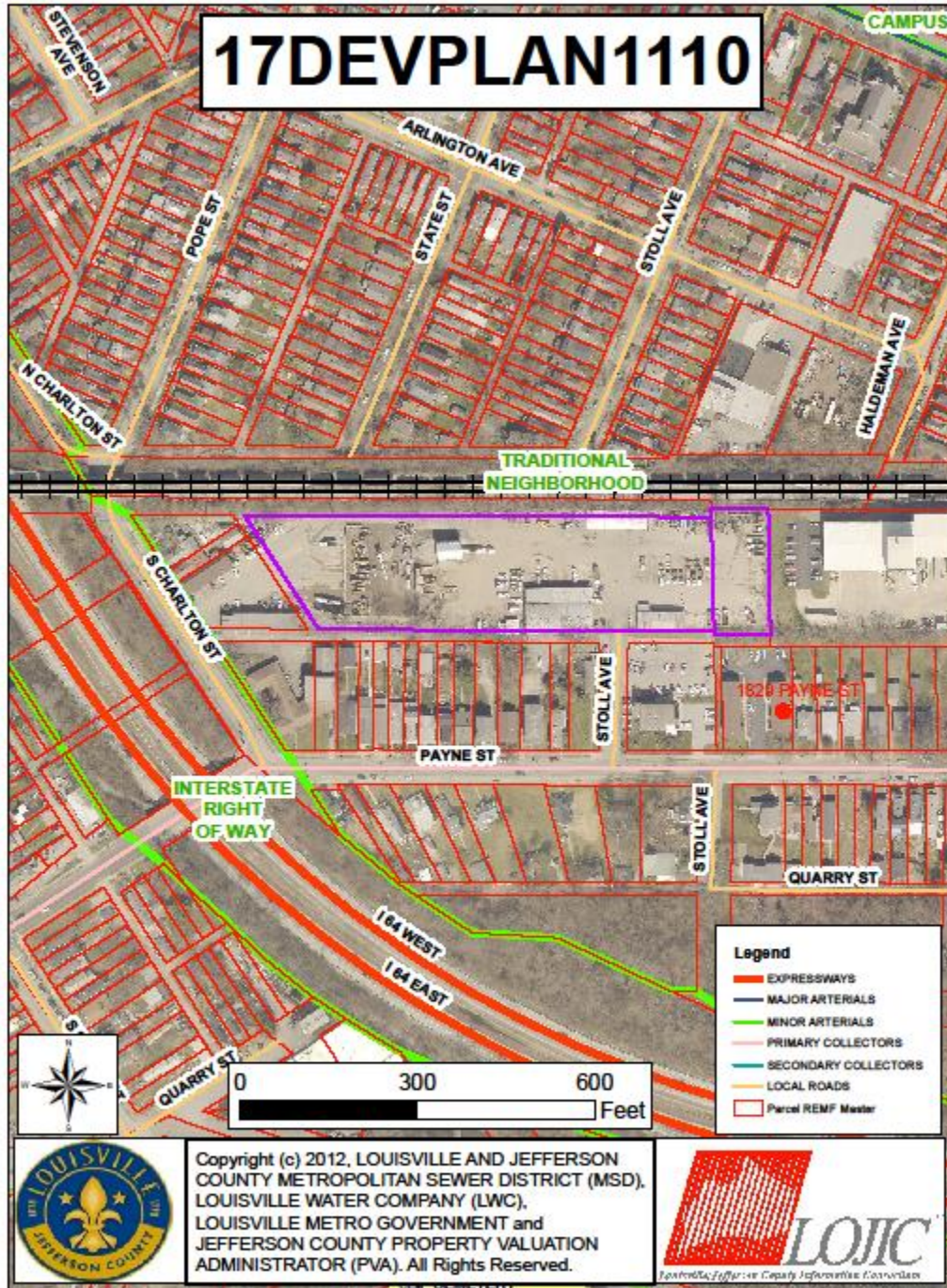
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Conditions of Approval

A Certificate of Appropriateness will need to be approved prior to issuance of building permits per case no. 17COA1159 (Architectural Review Committee for the Clifton Historic Preservation District) for 17DEVPLAN1110. Shown under General Notes, #12, on 17DEVPLAN1110.