

Board of Zoning Adjustment Staff Report

November 1st, 2021



Case No:	21-CAT3-0013
Project Name:	Reynolds Manufacturing
Location:	3005 Grand Avenue
Owner:	Reynolds Consumer Products
Applicant:	Michael Clayton – CFW Engineers, INC Charles Weber – CFW Associated Engineers, INC
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Molly Clark, Planner I

REQUESTS

- **Variance** from Land Development Code Table 5.2.2 to allow a proposed structure to encroach in the required 10 ft side yard setback

Case Number	Location	Requirement	Request	Variance
21-VARIANCE-0060	Side Yard	10 Ft	2.5 FT	7.5 FT

- **Wavier** from Land Development Code Section 10.2.2 to allow a proposed structure to encroach into the required 25 ft landscape buffer along the property line adjacent to R-6 zoning as shown on the development plan.
- **Category 3 Development Plan**

CASE SUMMARY/BACKGROUND

The applicant is proposing to demolish the rear addition that was built in the 1940's and build a new addition in the exact same building footprint with better structural integrity. The site is zoned EZ-1 in the Traditional Neighborhood Form district and is adjacent to R-6 residential zoning. This case is related to 21-STRCLOSUREPA-0029 to close the alley adjacent to the proposed structure. The area of the alley subject to an alley closure has been used as truck loading for decades.

STAFF FINDING

The Category 3 Development Plan is in order staff finds the requested waiver and variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in Land Development Code table 5.2.2. to allow a proposed rear addition to encroach into the 10 ft side yard setback as shown on the development plan.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval. There are no outstanding technical issues associated with this review.

INTERESTED PARTY COMMENTS

Staff has not received and interested party comments.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2. to allow a proposed addition to encroach in the required 10 ft side yard 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 because the applicant is proposing to build the exact same building that is currently existing with changes to the interior.

- (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 because the tin foil manufacturing plant has been in the area since the 1920's and the existing addition that is being replaced has been around since the 1940's.

- (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 tin foil manufacturer has been in the neighborhood since the 1920's and the rear addition has existed since the 1940's. The existing building is made of wood (combustible materials) and the applicant is proposing to replace with a metal frame (noncombustible materials).

- (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 because the existing building on the property is only set back less than 3 feet from the adjoining property line with the R-6 zoned lot.

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: It doesn't arise from special circumstances because this structure has existed since the 1940's. The existing building would not be able to be built today without this variance being requested. The applicant is also building back the exact building but changing the structural integrity to make it more functional inside, (not have beams in the middle obstructing indoor space).

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 would cause the applicant to store materials outdoors rather than indoors. This would create an unnecessary hardship on the applicant as well as adjoining residential property owners.

3. 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.

STAFF: No, the applicant has not begun the demolition or construction process.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.3. to allow a proposed addition to encroach in the required 25 ft setback and to not provide all the required plantings along the property line of 3021 Grand Ave:

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

STAFF: The waiver will not adversely affect adjacent property owners since The existing rear addition has existed since the 1940's. The applicant is proposing a new addition that will look exactly like what is existing.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. The applicant is building a new addition to match the old addition that has existed since the 1940's. This addition allows for the property owner to do indoor storage rather than outdoor storage of materials related to the manufacturing of tin foil. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping,

vegetative berms and/or walls and should 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. The applicant is still providing the 25 ft LBA and 15ft VUA/LBA for the areas with truck loading and parking. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. The new plan will be providing actual landscape buffers and improving the site compared to what is existing.

- (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 since the existing addition that was built in the 1940's is not permitted by right with today's zoning regulations. The applicant is building back the exact same building but with structural integrity and better functionality inside. They are also using a metal frame instead of a wood frame.

- (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 reasonable use of the land because the tin foil manufacturing plat has existed for decades and the new regulation would not allow what is existing today.

Required Actions

- **APPROVE or DENY the VARIANCE** from Land Development Code Table 5.2.2 to allow a proposed structure to encroach in the required 10 ft side yard setback as shown on the development plan.

Case Number	Location	Requirement	Request	Variance
21-VARIANCE-0060	Side Yard	10 Ft	2.5 FT	7.5 FT

- **APPROVE or DENY the WAIVER** from Land Development Code Section 10.2.2 to allow a proposed structure to encroach into the required 25 ft landscape buffer along the property line adjacent to R-6 zoning as shown on the development plan.
- **APPROVE or DENY the CATEGORY 3 DEVELOPMENT PLAN**

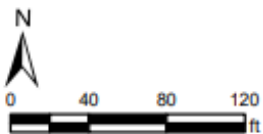
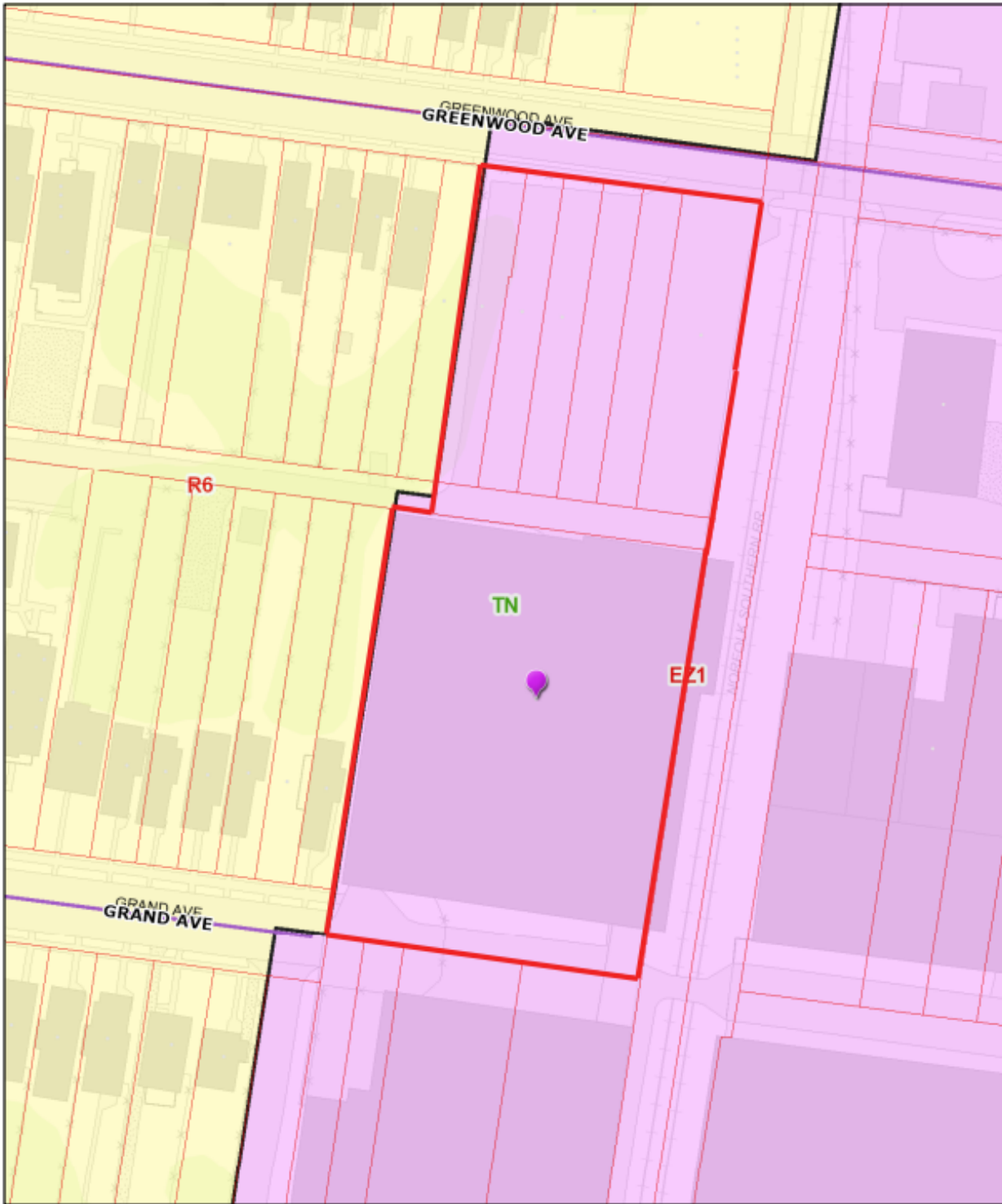
NOTIFICATION

Date	Purpose of Notice	Recipients
10-15-21	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District #1
10-19-21	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Renderings/Elevations
5. Site Photos
6. Conditions of Approval (if necessary)

1. Zoning Map



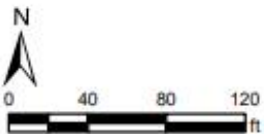
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2. Aerial Photograph



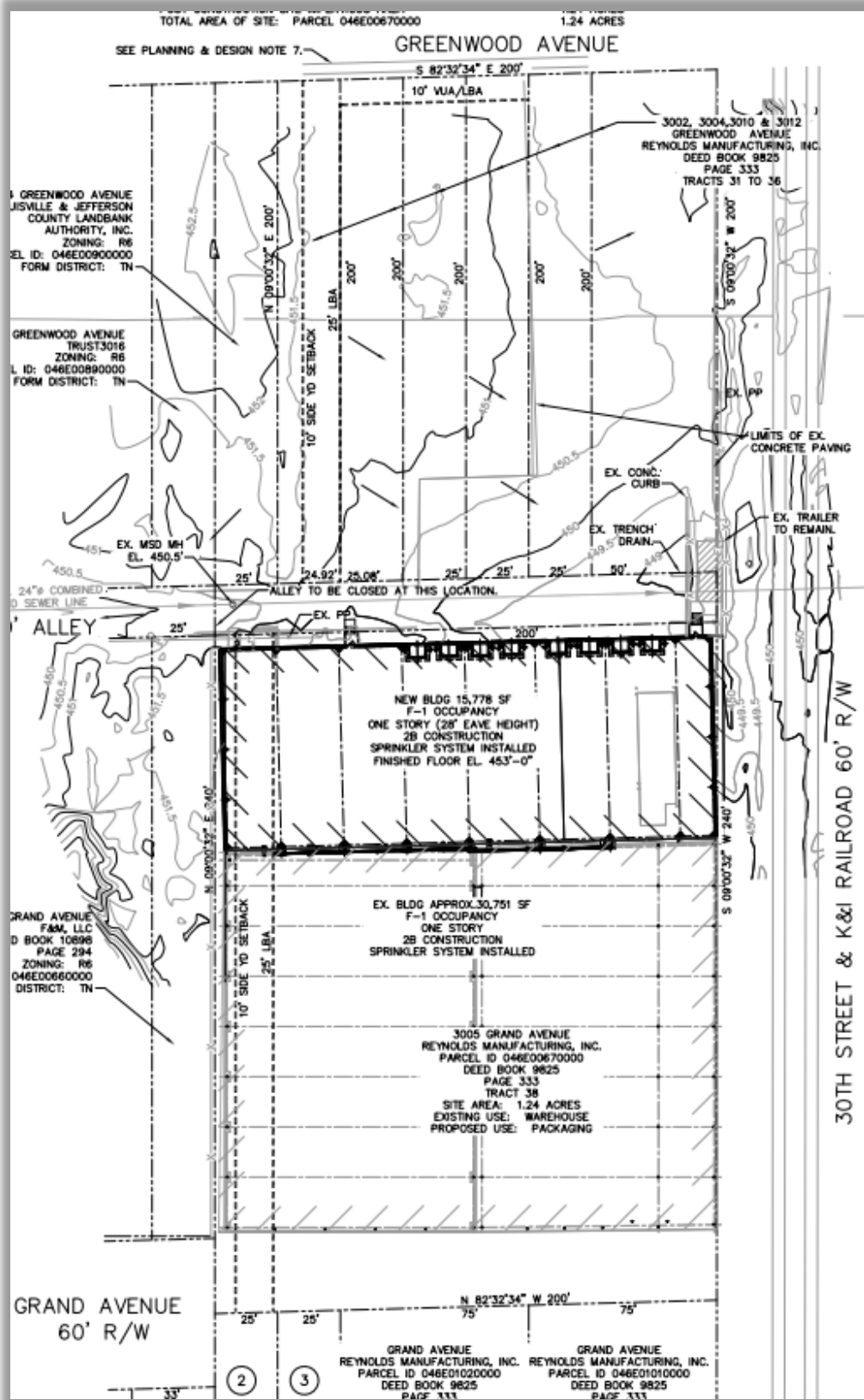
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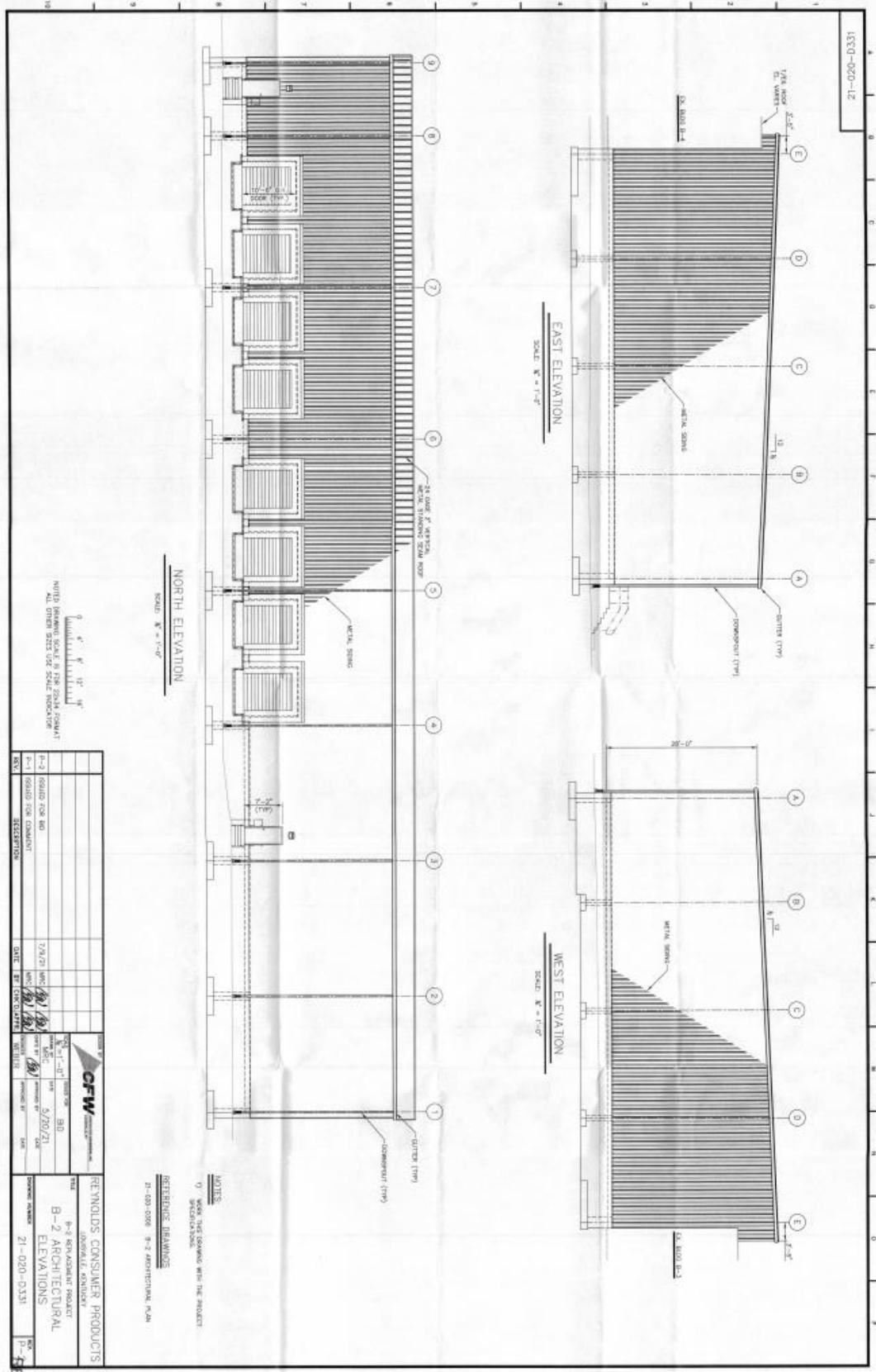
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3. Site Plan



4. Renderings



REYNOLDS CONSUMER PRODUCTS
 1000 BROADWAY
 WASHINGTON, DC 20004
 NORTH ELEVATION SCALE IS PER SCALE SYMBOL
 ALL OTHER SCALES USE SCALE INDICATOR

NO.	DATE	BY	CHKD.	DESCRIPTION
1	7/2/21	MB	MB	ISSUED FOR BID
2	8/11/21	MB	MB	ISSUED FOR CONSTRUCTION

	PROJECT NO. 21-020-D331 DATE 5/20/21 DRAWING NO. B-2 SHEET NO. 1 OF 1
REYNOLDS CONSUMER PRODUCTS 1000 BROADWAY WASHINGTON, DC 20004	PROJECT NAME B-2 ARCHITECTURAL ELEVATIONS 21-020-D331

NOTES
 1. REFER TO THE DRAWING WITH THE PROJECT IDENTIFICATION.
 2. REFER TO THE DRAWING WITH THE PROJECT IDENTIFICATION.
 21-020-D331 B-2 ARCHITECTURAL PLAN

5. Site Photos



6. **Condition(s) of Approval**

1. Prior to obtaining a building permit, the alley closure (21-STRCLOSUREPA-0029), as shown on the Category 3 development plan, shall be approved