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March 17, 2017

Julia Williams, Case Manager
Louisville Metro Planning & Design Services
444 S. Fifth Street
Louisville, Kentucky 40202

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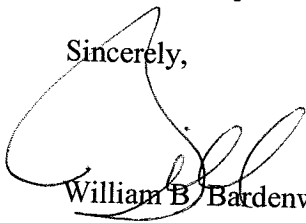
Re: Modification of Section 4.2.35.B and 4.2.35.G of the CUP requirements in Docket No. 16CUP1083 for the proposed Bardstown Road storage

Dear Julia:

Applying, as DPDS staff and the Planning Commission/BOZA apparently prefer under the mini-warehouse Conditional Use Permit regulation instead of for C-M zoning, necessitates that certain CUP requirements be modified. That is in part because this CUP regulation contemplates 1-story mini-warehouse type buildings, whereas this proposal is for multi-story office building looking structures. Thus the height limitation of the CUP regulation will never apply to this kind of multi-story, climate-controlled self-storage development. Furthermore, the CUP setback requirements are probably more applicable to circumstances where C-2 commercial zoning and C-2 uses do not already exist, as they do here. The overall new site design with new and improved buildings and other diminished pavement and enhanced landscaping conditions will mitigate these CUP modification requests.

I hope this explanation is adequate.

Sincerely,



William B. Bardenwerper

Cc: David Twiford, applicant
Kathy Linares, Mindel Scott & Associates

16 CUP 1083



Variance Application

Louisville Metro Planning & Design Services

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Case No.: 16 CUP 1083

Intake Staff: BJ

Date: 3/19/17

Fee: \$600

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 5.3.2.C.2.b of the Land Development Code, to ~~allow~~ omit the 25 ft setback along the north property line where the site is adjacent to a structure with a first floor residential use

Primary Project Address: 3415 Bardstown Road

Additional Address(es): _____

Primary Parcel ID: Block 910, Lot 53

Additional Parcel ID(s): _____

Proposed Use: mini-warehouse Existing Use: office/commercial

Existing Zoning District: C-2 Existing Form District: Sub. Marketplace

Deed Book(s) / Page Numbers²: Deed Book 9812, Page 207

The subject property contains _____ acres. Number of Adjoining Property Owners: _____

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 16 ^{CUP} ~~ZONE~~ 1083 Docket/Case #: _____

Docket/Case #: _____ Docket/Case #: _____

16 CUP 1083

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.3.2.C.2.b to omit the 25 ft setback along the north property line where the site is adjacent to a structure with a first floor residential use

1. The variance will not adversely affect the public health, safety or welfare because the owner of the existing apartment building didn't appear bothered by this proposal at the neighborhood meeting, as its apartment building overlooks a sea of asphalt today, and the new distance between the shared property line and the proposed storage building will still be 35 ft.
2. The variance will not alter the essential character of the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.
3. The variance will not cause a hazard or a nuisance to the public because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as said above, the rear of the existing apartment building overlooks a sea of asphalt today, and this proposed self-storage building is 35 ft away from the shared property line and about 60 ft from the existing apartment building.

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost-effectively develop this old underutilized property.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of an old in-fill site that can, and with this development plan will, be put to a far more productive and aesthetically better use.

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General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 16 CUP 1083

Intake Staff: BJ

Date: 3/17/17

Fee: \$215

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 10.2.10 and 10.2.4.B

A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.

Explanation

of Waiver: see attached justification statements

Primary Project Address: 3415 Bardstown Road

Additional Address(es): _____

Primary Parcel ID: Block 91G, Lot 53

Additional Parcel ID(s): _____

Proposed Use: mini-warehouse

Existing Use: office/commercial

Existing Zoning District: C-2

Existing Form District: Sub. Marketplace

Deed Book(s) / Page Numbers²: Deed Book 9812, page 207

The subject property contains _____ acres. Number of Adjoining Property Owners: _____

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: ~~16 CUP~~ ^{CUP} 1083

Docket/Case #: _____

Docket/Case #: _____

Docket/Case #: _____

16 CUP 1083

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.10 to omit the VUA perimeter along Bardstown Road

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Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because this a present condition whereby the old existing office building will be repurposed, and in the process the existing building and entire site will be dramatically aesthetically improved.
2. The waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is an existing Bardstown Road frontage condition, and aesthetics are otherwise vastly improved with this proposed CUP plan.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would have to remove all of the existing parking spaces which are needed to make this repurposed old office building/new self-storage facility project work.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.4.B to allow more than 50% overlap of the perimeter LBA with 2 existing utility easements along the east property line.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because half of the overall site is a present condition whereby the old existing office building will be repurposed, and the other half of the overall site is just a large underutilized asphalt parking lot. This development will result in the entire site being dramatically aesthetically improved.
2. The waiver will not violate the Comprehensive Plan at applicable Guideline 13, where the landscape Policies are found, because the overall site is mostly just pavement now, and it will end up an improved aesthetic condition post-development with only this and one other landscape waiver.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because this is on the inside of a proposed screening fence where improved landscaping will be imposed to replace and open un-manicured area next to a large underutilized asphalt parking lot.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the renovated and new building construction plus parking, loading and maneuvering areas are the minimum necessary to cost effectively develop this old underutilized property. The rear LBA overlap will actually be improved from its present condition even with this overlap.