

Board of Zoning Adjustment

Staff Report

November 7, 2022



Case No:	22-CAT3-0014, 22-WAIVER-0183, 22-VARIANCE-0138
Project Name:	1844 Northwestern Parkway
Location:	1844 Northwestern Parkway
Owner(s):	Pataluna Properties, LLC
Applicant:	QK4
Jurisdiction:	Louisville Metro
Council District:	5- Donna Purvis
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

- **Variance** from 5.2.2 to allow for a 0' setback for the required rear yard (22-VARIANCE-0138)
- **Waiver** from 10.2.10 to eliminate the 5' LBA along the southwest property line (22-WAIVER-0183)
- **Category 3 development plan (22-CAT3-0014)**

CASE SUMMARY/BACKGROUND

The applicant is proposing to expand the existing manufacturing building and adding 12 parking spaces on approximately 1.3 acres. The proposal is for a building addition and an open-air covered structure. This site is zoned EZ1 in the Traditional Neighborhood form district.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The development will allow the existing manufacturing business to expand. The waiver and variance are necessary for the building expansion and additional parking. A 6' screen is being provided along the southwest property line. The Category 3 Plan is in order and has been approved by MSD and Transportation Planning staff. The Board should consider approving the proposal on condition the fee-in-lieu is implemented for the Landscape Buffer Area trees.

TECHNICAL REVIEW

Land Development Code Chapter 10.2.14 states if a Landscape Buffer Area (LBA) or Interior Landscape Area (ILA) cannot meet the tree planting requirements in the LBA or ILA then the site may utilize the fee in lieu as described in Section 10.1.3.A.c.6 per tree that cannot be planted within the LBA or ILA.

Portland Neighborhood Plan (2008)

- The Portland Neighborhood Plan does not include any specific recommendations for this site.

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition is located to the rear of the existing building and abuts an alley and the interstate.

- (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 other structures in the area are situated in a similar manner and encroach into the rear setback.

- (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 because the proposed addition is located to the rear of the existing building and abuts the interstate.

- (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 addition is located to the rear of the existing building, abuts the interstate, and other structures in the area are situated in a similar manner and encroach into the rear 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 applicant is encroaching into the required rear yard with the proposed addition because this is the area on the site that would allow for such expansion.

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 create an unnecessary hardship on the applicant because the applicant would not be permitted to construct the addition as proposed and expand their business.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since a privacy fence will be installed to screen the adjacent property.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. 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. 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. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The proposal complies because the applicant is providing screening along the southwest property line between the proposed parking and residentially used property.

- (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 applicant is providing screening.

- (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 because without the waiver parking needed for the manufacturing business would not be possible.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Category 3 Development Plan**

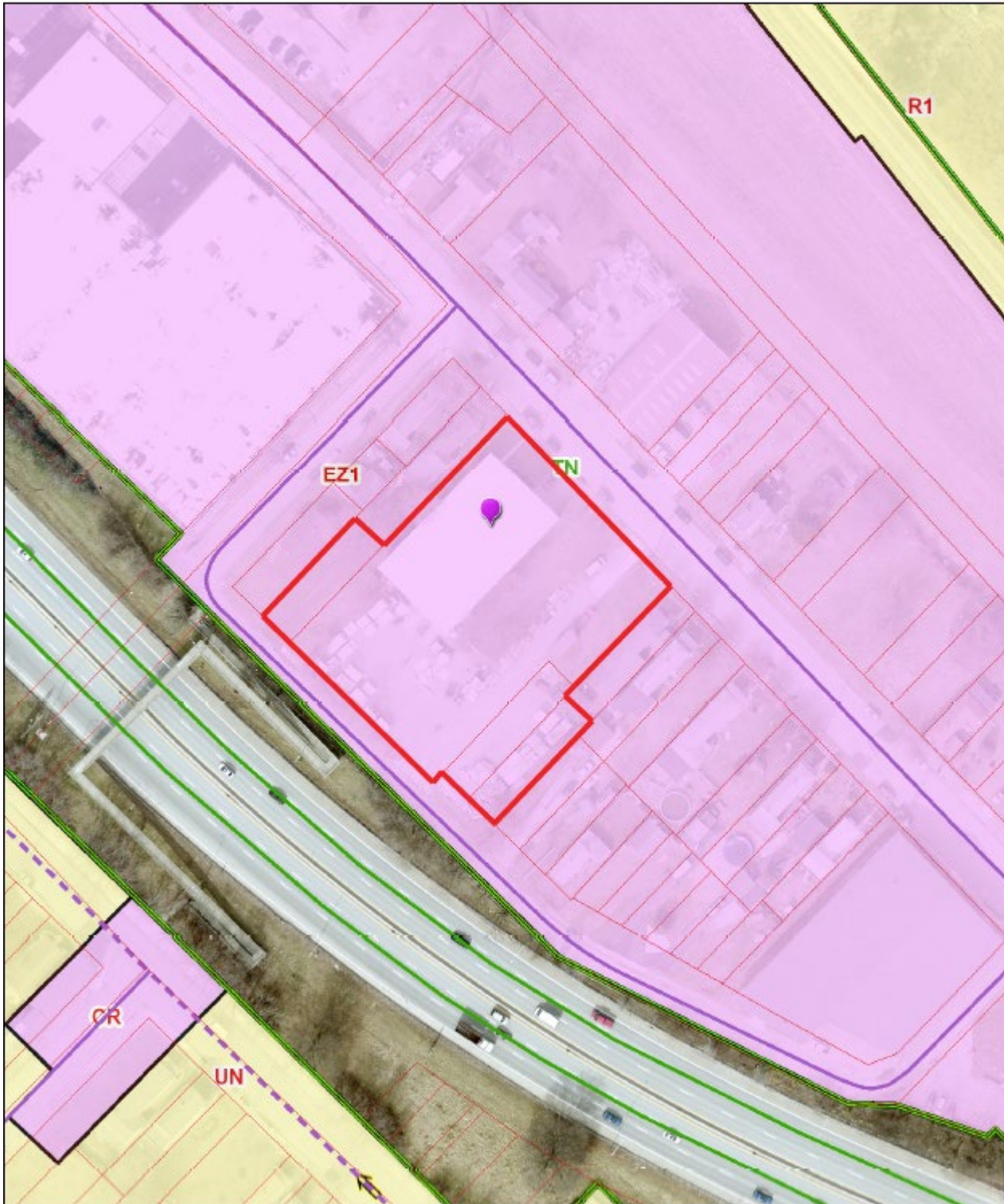
NOTIFICATION

Date	Purpose of Notice	Recipients
10/24/2022	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 5
10/24/2022	Hearing before BOZA	Notice posted on Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

