

Board of Zoning Adjustment

Staff Report

October 4, 2021



Case No:	21-VARIANCE-0112/21-WAIVER-0107/21-WAIVER-0117
Project Name:	1500 Crums Ln
Location:	1500 Crums Ln
Owner(s):	AL CAT, LLC.
Applicant:	AL CAT, LLC.
Jurisdiction:	Louisville Metro
Council District:	3 – Keisha Dorsey
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variance**

1. **Variance** of Land Development Code section 5.5.1.A.2 to exceed the maximum 5-foot corner lot setback by up to approximately 540 ft from the Crums Ln right-of-way and by up to approximately 65 feet from the Manslick Rd right-of-way as shown on the development plan.

- **Waivers**

1. **Waiver** of Land Development Code section 5.9.2.C.4 to allow vehicular maneuvering in front of a structure within the Traditional Workplace form district.
2. **Waiver** of Land Development Code section 5.5.1.A.2 to not orient building entrances towards the adjacent streets.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a storage use including 18,000 SF of mini-warehouse space and 250,000 SF of outdoor storage space. The site is located just to the north of Interstate 264 at the intersection of Crums Ln and Manslick Rd. The site is approximately 14.9 acres and zoned M-2 in the Traditional Workplace form district near a mixed area of office and industrial uses. The site will be accessed through an existing mini storage facility via Crums Ln and will be an expansion of that storage use. The proposed development will provide all required buffers and tree canopy around the subject site.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The shape of the lot makes meeting the required setback practically impossible, as only a narrow strip of property touches street corner. The use is compatible with the area, and all required screening will be provided. The waivers allow for an expansion of an existing storage use and provide for opportunities for outdoor storage on an appropriately zoned site.

TECHNICAL REVIEW

The requests are associated with a Category 2-B development plan 21-CAT2-0018 currently under staff review. Transportation Planning and MSD have approved the preliminary plan.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 as the proposed development does not impede the safe movement of pedestrians or vehicles.

- (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 as the site is situated in an area with similar uses and a variety of setbacks. The greater setback will allow the development to work with the existing storage use to the north of the site.

- (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 as the building will meet all required health and safety regulations and provisions for the safe circulation of vehicular and pedestrian traffic have been provided.

- (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 zoning regulations as the site development will fit in with similar uses in the surrounding area.

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 does arise from special circumstances not generally applicable to land in the vicinity, as the shape of the lot makes only a very narrow portion adjacent to the rights-of-way.

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 unreasonable hardship on the applicant, as the shape of the lot makes it nearly impossible to comply with the required setbacks.

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 as the site has not been developed and relief is being sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners, as adequate buffering and screening will be provided.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as the proposed development will be compatible with surrounding development. The waiver will allow for the expansion of an existing storage use within an existing industrial zone.

- c. The extent of 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.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as the use is appropriate for the site and all required screening and planting will be provided around the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners, as adequate buffering and screening will be provided.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as the structures will be accessed internally and not from adjacent rights-of-way.

- c. The extent of 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.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as the use is accessed via an existing similar development, and does not directly access the adjacent streets. All required screening will be provided around the subject site.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Waivers**

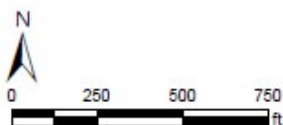
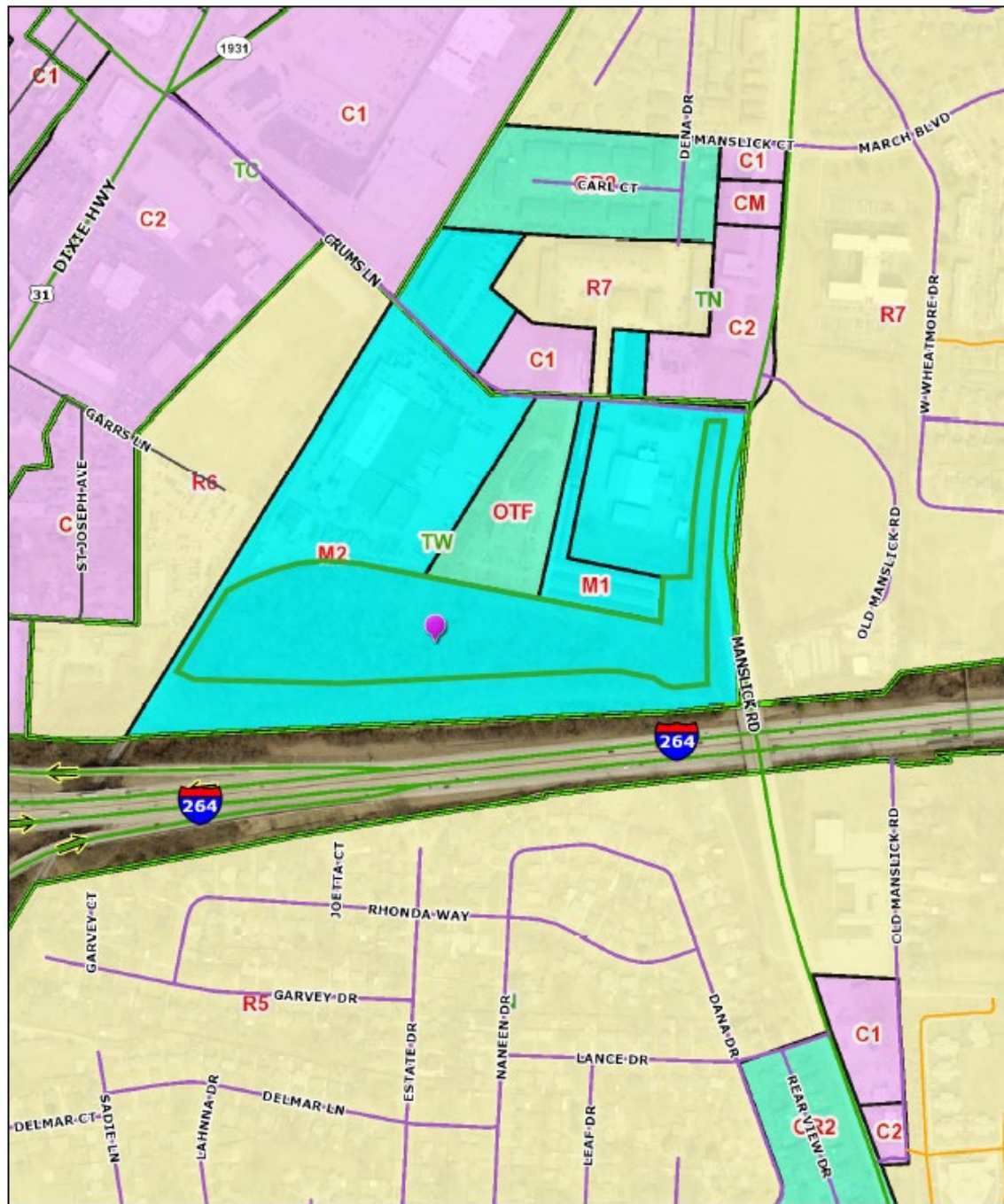
NOTIFICATION

Date	Purpose of Notice	Recipients
9-20-21	Hearing before BOZA	1 st tier adjoining property owners and residents Registered Neighborhood Groups in Council District 3
9-20-21	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



21-CAT2-0018

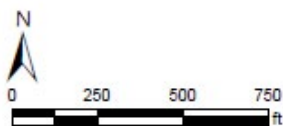
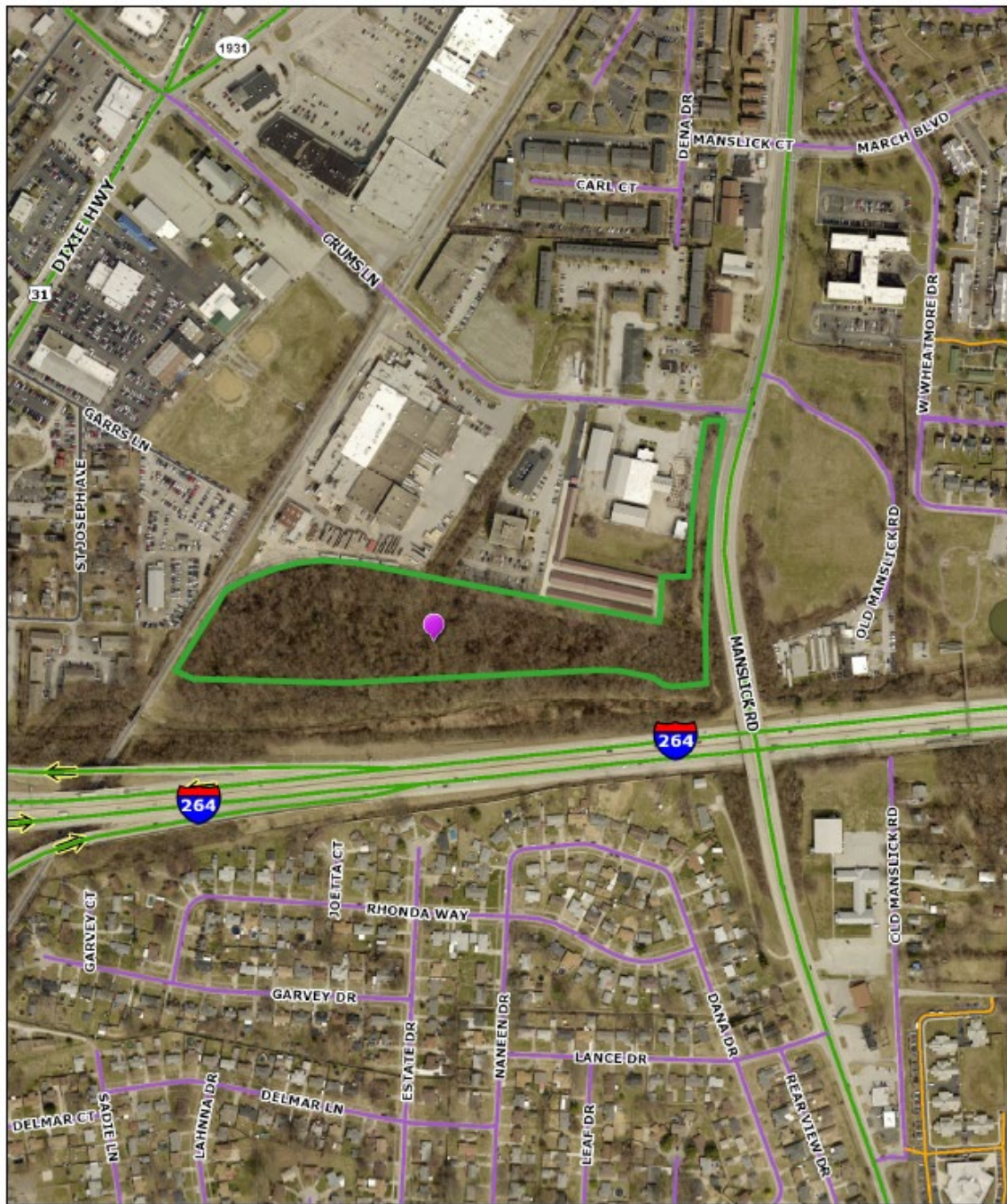
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2. Aerial Photograph



21-CAT2-0018

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