

# Board of Zoning Adjustment

## Staff Report

March 18, 2024



**Case No:** 23-VARIANCE-0140  
**Project Name:** Masters' Supply  
**Location:** 4505 Bishop Lane  
**Owner(s):** MSI Properties Louisville, LLC  
**Applicant:** Booker Design Collaborative  
**Jurisdiction:** Louisville Metro  
**Council District:** 10 – Pat Mulvihill  
**Case Manager:** Molly Clark, Planner II

### REQUESTS

- **Variances** from Land Development Code (LDC), Section 5.3.4.D.3.a of the Land Development Code (LDC) to allow a proposed addition to encroach into the 25 foot street side yard setback along Eastmoor Road (23-VARIANCE-0140)

Location	Required	Request	Variance
Side Yard Setback	25 feet	12 feet	13 feet

- **Waivers:**
  1. **Waiver** from LDC section 5.6.1.B.1 to not provide windows and animated features on the building façade facing Eastmoor Road (23-WAIVER-0151)
  2. **Waiver** from LDC section 5.5.2 of to not provide screening in the loading area from Eastmoor Road (24-WAIVER-0029)
  3. **Waiver** from LDC section 5.5.2 of the LDC to allow the loading area to encroach into the 25 ft setback along Eastmoor Road (24-WAIVER-0029)

### CASE SUMMARY

The subject site is zoned M-2 & M-3 industrial in the Suburban Workplace form district. The site is located near the intersection of Bishop Lane and Eastmoor Road with an existing warehouse that sells plumbing supplies and various other industrial products. The applicant is proposing to demolish 2 existing smaller warehouse structures, a portion of two other existing warehouse structures all totaling 29,193 square feet. The applicant proposes to then construct one warehouse that will be 62,833 square feet.

### STAFF FINDING

The variance and waivers are adequately justified for approval based on staff's analysis contained in the standard of review.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

### INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Board in advance of the public hearing.

## **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 the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes. The proposed setbacks do not interfere with the safe movement of pedestrians or motorists and will be consistent with other industrial uses in the immediate area.

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

STAFF: The proposal will not alter the essential, visual character of the general vicinity as the addition will be built to a similar setback as the other industrial uses in the immediate area.

- (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 setbacks do not interfere with the safe movement of pedestrians or motorists.

- (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 as the requested setback does not adversely impact public health, safety, or welfare and no hazards or nuisances are created. Further, it is consistent with the patterns of development in the 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 not arise from special circumstances which do not generally apply to land in the general vicinity because the applicant is proposing to develop in an already developed industrial park and has limited space to expand with an addition.

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 deprive the applicant of the reasonable use of the land as adhering strictly to the provisions in the code would limit the ability for the industrial use to construct a functional addition. The lot is mostly built out and only leaves a small area on the lot for an addition.

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 applicant has not begun construction.

## **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 the elimination of windows and animating features will not have an impact on the neighboring industrial uses. The building façade will be facing a dead end road that has a low amount of vehicular and pedestrian activity.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 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 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The applicant is removing back out parking and restoring curbs/green space on a portion of the site. The building façade subject to the waiver will not have an impact on the neighboring industrial uses and Eastmoor Road is a dead end road with a low amount of vehicular and pedestrian traffic.

- (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. The proposed building façade facing Eastmoor Road is a dead end road with a low amount of vehicular and pedestrian traffic. The building façade will be facing other industrial uses in the area that have truck loading and also have minimal to no windows or animating features facing Eastmoor Road.

- (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 create an unnecessary hardship on the applicant as the building façade will be facing other industrial uses in the area that have truck loading and also have minimal to no windows or animating features facing Eastmoor Road. Eastmoor Road is also a dead end road with minimal vehicular and pedestrian traffic.

## **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 the elimination of an the screening is consistent with the current site conditions. There is currently no screening

between the adjoining properties in this industrial area. The area subject to the waiver had overhead utilities as well as ground utilities that make providing plantings and screening difficult.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 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 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The area subject to the waiver had overhead utilities as well as ground utilities that make providing planting and screening difficult. The subject site is also located in an older industrial park in an already developed lot with limited space for expansion.

- (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. The area subject to the waiver had overhead utilities as well as ground utilities that make providing planting and screening difficult.

- (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 create an unnecessary hardship on the applicant as the area subject to the waiver had overhead utilities as well as ground utilities that make providing planting and screening difficult.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)**

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

STAFF: The waiver will not adversely affect adjacent property owners as the subject site and use is compatible with the other surrounding industrial uses. Eastmoor Road has other truck loading areas within the 25 foot setback.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 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 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic

considerations. The subject site and use is compatible with the other surrounding industrial uses. Eastmoor Road has other truck loading areas within the 25 foot setback.

- (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. The site is already developed and due to site constraints, the proposed truck loading area would not reasonably fit anywhere else on the property.

- (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 since the site is already developed and due to site constraints, the proposed truck loading area would not reasonably fit anywhere else on the property.

## **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance** from LDC section 5.3.4.D.3.a of the Land Development Code (LDC) to allow a proposed addition to encroach into the 25 foot street side yard setback along Eastmoor Road (23-VARIANCE-0140)
- **APPROVE** or **DENY** the **Waiver**:
  1. **Waiver** from LDC section 5.6.1.B.1 to not provide windows and animated features on the building façade facing Eastmoor Road (23-WAIVER-0151)
  2. **Waiver** from LDC section 5.5.2 not provide screening in the loading zone from Eastmoor Road (24-WAIVER-0029)
  3. **Waiver** from LDC section 5.5.2 to allow the loading area to encroach into the 25 ft setback (24-WAIVER-0029)

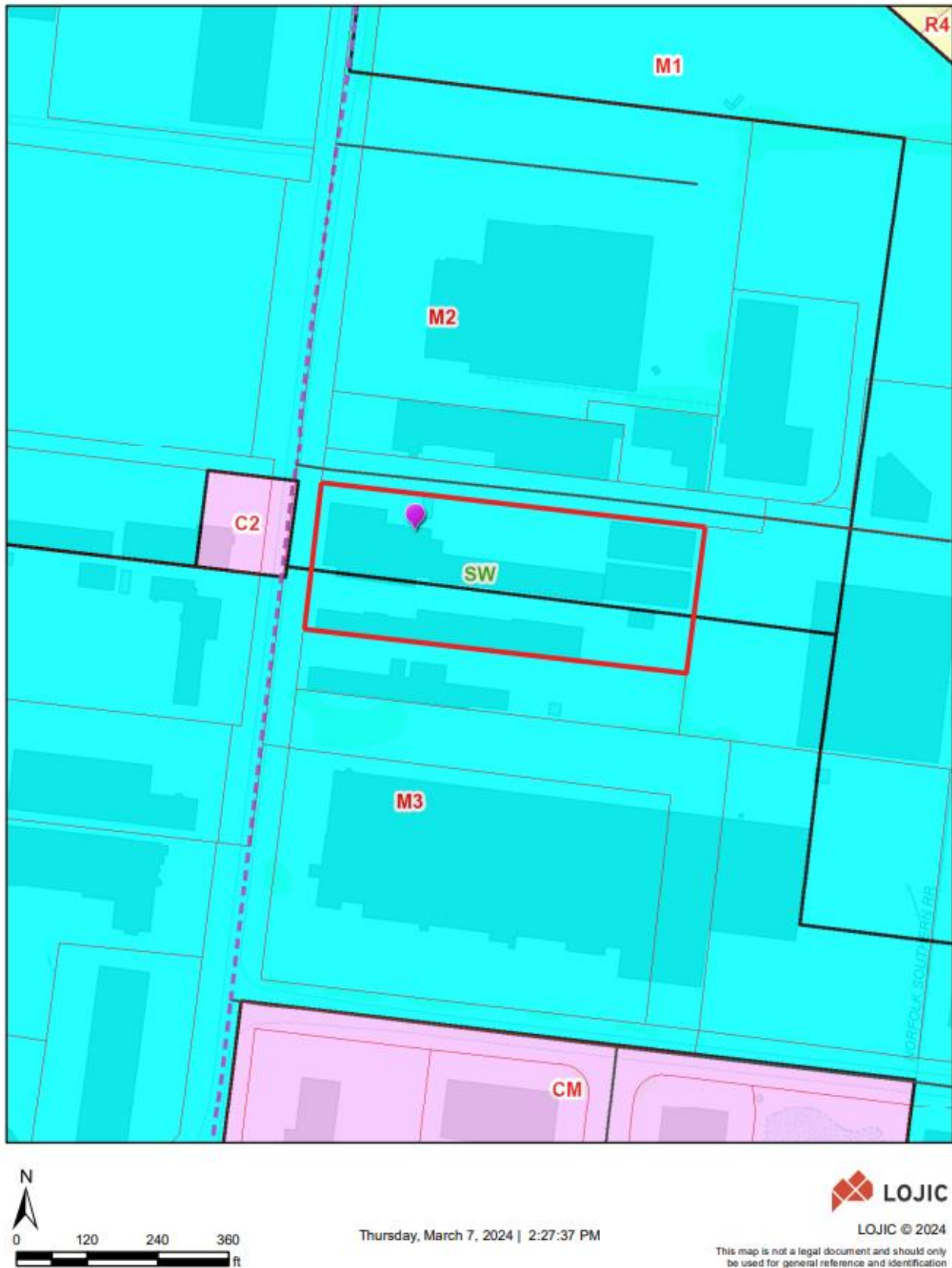
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
2-28-24	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 10
3-1-24	Hearing before BOZA	Sign Posting on property

## **ATTACHMENTS**

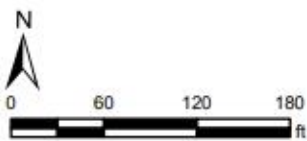
1. Zoning Map
2. Aerial Photograph

1. Zoning Map





## 2. Aerial Photograph



Thursday, March 7, 2024 | 2:28:49 PM



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