

Board of Zoning Adjustment Staff Report

August 15th, 2022



Case No:	22-VARIANCE-0092
Project Name:	Proposed Hotel
Location:	10300 Brookridge Village Blvd
Owner:	Brookridge Village Condominium Association
Applicant:	Mindel Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Molly Clark, Planner I

REQUESTS

- **Variance** from Land Development Code section 5.2.4.C.3.a to allow a proposed hotel to exceed the 15 ft maximum front yard setback as shown on the development plan

CASE SUMMARY/BACKGROUND

The applicant is proposing a 5 story 8,685 SF (Building footprint) Hotel. The hotel with all 5 floors will be a total of 43,425 SF. The site is zoned OTF in the Town Center Form District. This site was previously zoned to OTF under case number 9-26-98W. The building is approximately 76 +/- ft from the property line. From the edge of pavement of Brookridge Village Blvd is 58.5 +/- ft.

This case is related to a detailed district development plan under case number 22-DDP-0058 and 5 waivers.

STAFF FINDING

Approval of variances and waivers are subject to the approval of the Detailed District Development Plan under case number 22-DDP-0058; which will need to be approved at Development Review Committee hearing on August 17th, 2022 along with all the associated waiver requests.

TECHNICAL REVIEW

Transportation Planning and MSD have both preliminarily approved the related Detailed District Development Plan under case number 22-DDP-0058.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION

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

STAFF: The request variance will not adversely affect the public health, safety or welfare because the plan has gotten preliminary approval from MSD and Transportation Planning. The proposed location of the building will be matching the suburban form district building design that other developments have in the area even though this is located in a traditional form district that is inappropriate.

- (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 surrounding areas are built to suburban form district design standards and Town Center Traditional Form District is inappropriate for this 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 surrounding area is designed as a suburban form district and the Town Center Traditional form district is inappropriate.

- (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 this area is zoned as a traditional neighborhood while the surround properties are built to suburban form district design standards. The current form district is inappropriate for this 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 proposed development is located in Town Center Form District, which is a Form District meant for traditional neighborhoods. The site is next to the Gene Snyder and the area surrounding this development follow suburban form district design standards. The current form district does not make sense for this area.

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 regulations would create an unnecessary hardship on the applicant

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: The applicant has not constructed the proposed development and are seeking the applicable approvals before construction.

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.

REQUIRED ACTIONS

APPROVE or **DENY** the **VARIANCE** from Land Development Code section 5.2.4.C.3.a to allow a proposed hotel to exceed the 15 ft maximum front yard setback as shown on the development plan

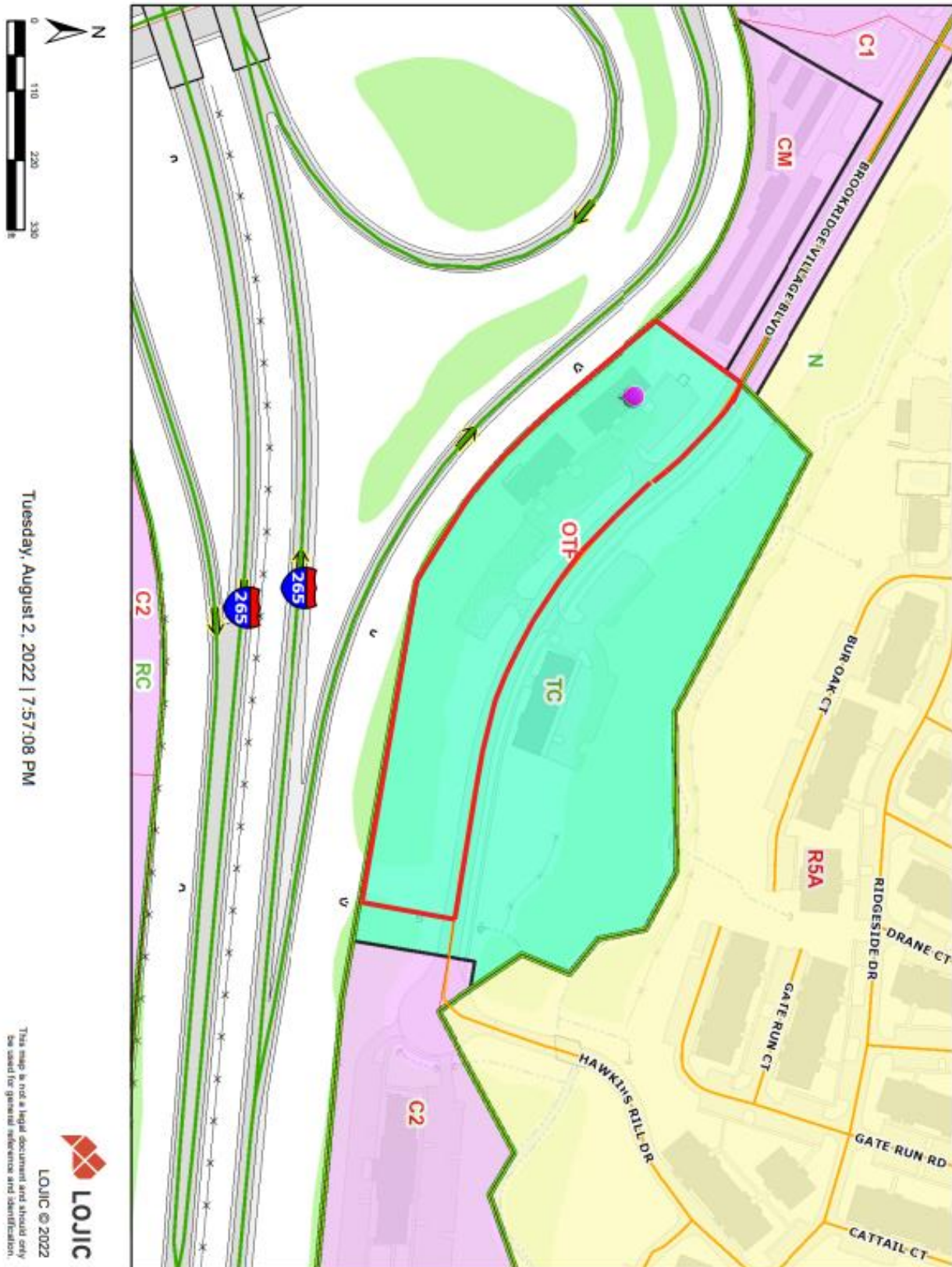
NOTIFICATION

Date	Purpose of Notice	Recipients
7/28/22	Hearing before BOZA	1 st tier adjoining property owners and current residents/tenants Registered Neighborhood Groups in Council District #22
07/29/2022	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

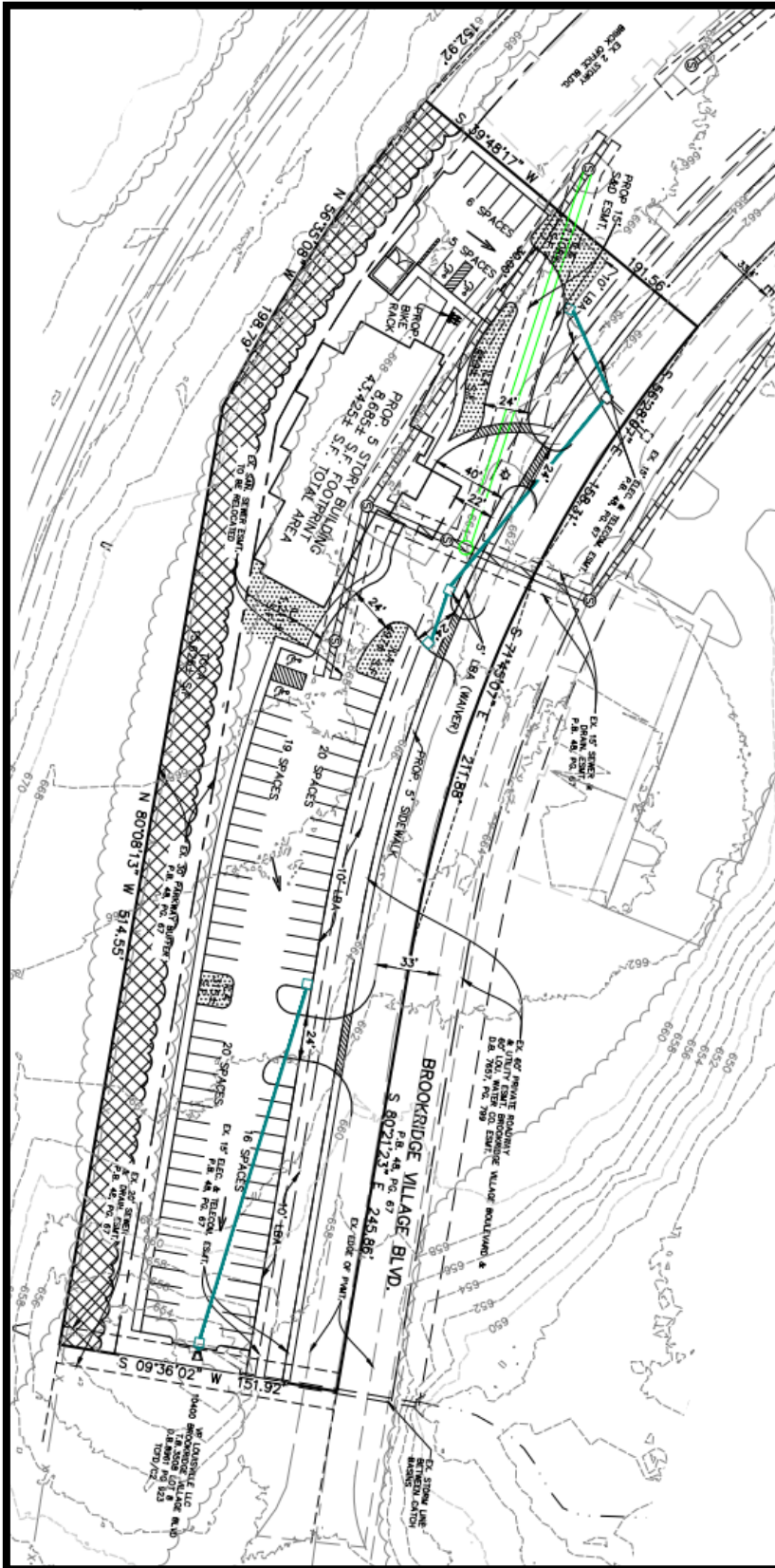
1. Zoning Map



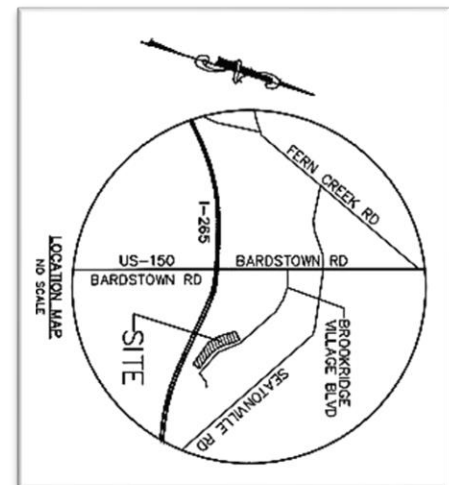
2. Aerial Photograph



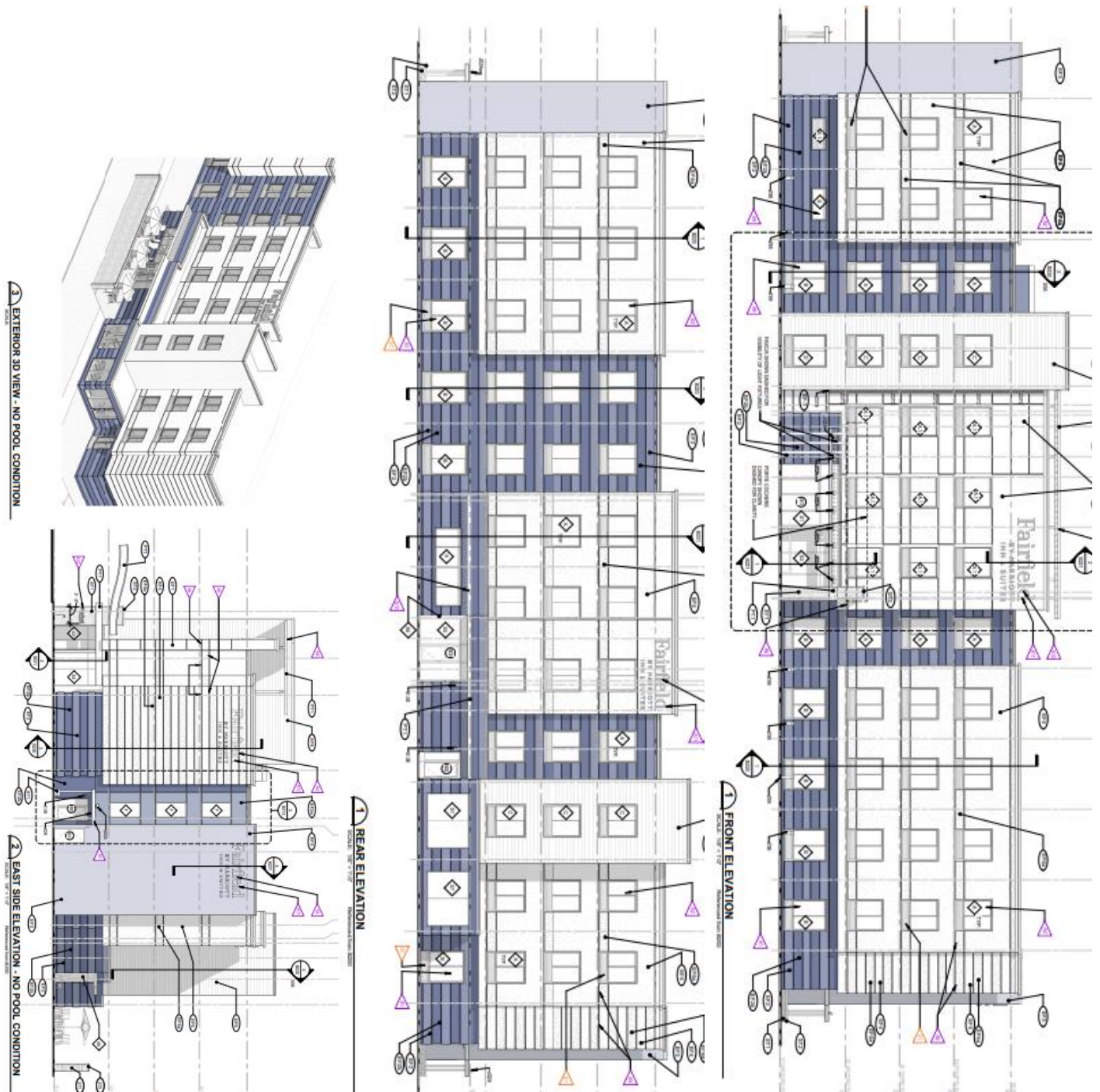
3. Site Plan



SITE DATA:	
EXISTING FORM DISTRICT	TOWN CENTER
EXISTING ZONING	OTF
EXISTING LAND USE	VACANT
PROPOSED LAND USE	HOTEL
TOTAL LAND AREA	2.5± AC.
BUILDING AREA	43,425± S.F.
BUILDING HEIGHT (MAX. ALLOWED 120')	70'
FLOOR AREA RATIO (MAX. ALLOWED 4.0)	0.4
PARKING REQUIRED (82 ROOMS)	82 SPACES
MAXIMUM (1 SPACE/ROOM)	86 SPACES
PARKING PROVIDED	
(INCLUDES 4 ACCESSIBLE SPACES)	
BICYCLE PARKING REQUIRED/PROVIDED	3 SPACES



4. Renderings



5. Site Photos



(Pictured above – Photo of Subject Site)



(Pictured Above – Photo of existing Office Condos to the West of the subject site)



(Pictured Above – Photo of subject site and existing hotel to the East of the subject site)

6. Condition(s) of Approval

ON CONDITION: That the detailed district development plan with proposed binding elements and waivers, are approved under case number 22-DDP-0058, which is docketed for August 17th, 2022 Development Review Committee meeting.