

Board of Zoning Adjustment Staff Report

October 3, 2016



Case No:	16VARIANCE1053
Request:	Proposed parking for hotel to encroach into front setback
Project Name:	Residence Inn by Marriott
Location:	401 Bullitt Lane
Owner:	Tim Boden, The Estate of Alice A. Boden
Applicant:	Chester Musselman, Musselman Hotels, LLC
Representative:	John Addington, BTM Engineering, Inc
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Variance from the Land Development Code 5.3.5.C.3.a to allow parking to encroach into required 25' front setback.

Location	Requirement	Request	Variance
Front Setback	25 ft.	16 ft.	9 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 84,992 square foot 5-story hotel on a currently vacant lot within the Oxmoor area, southeast of the intersection of Shelbyville Road and the Watterson Expressway. The lot is irregularly shaped and fronts Bullitt Lane on two sides. The proposal includes 37,151 square feet of vehicle use area with 111 proposed parking spaces. The site will have one vehicular access point from Bullitt Lane, with pedestrian access from Bullitt Lane.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-2	C
Proposed	Hotel	C-2	C
<i>Surrounding Properties</i>			
North	Vacant	C-2, R-4	C
South	Cemetery, Apartments	R-7, R-4	C
East	Office	C-2	C
West	Vacant	R-4	C

PREVIOUS CASES ON SITE

9-95-89 & 10-39-89 - Rezoning from R-4 to R-7 and R-4 to C-2 and preliminary subdivision plan. (Phase One Approved by Planning Commission on December 20, 1990) and a Detailed Development Plan Approved by LD&T October 24, 1996).

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code
Comprehensive Plan

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from Section 5.3.5.C.3.a

- (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 as the parking setback request will have no impact from the public right of way.

- (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 proposal includes the provisions of all required screening and tree plantings and the parking layout and setback is typical for this mixed use 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 as the proposed parking is not imposing on the public right-of-way and the setback is enough to allow all required landscaping.

- (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 irregular shape of the lot renders it very difficult to adhere to the setbacks of the Campus form district with this proposal.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone due to the irregular shape of the lot.

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 the site design would have to be completely reconfigured due to the required widths of drive aisles and parking stalls.

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 existing conditions have been in place since before the adoption of the current setback regulation.

TECHNICAL REVIEW

- A Revised Detailed District Development Plan and Waivers for this proposal under case number 16DEVPLAN1152 were approved by Development Review Committee on September 14th, 2016.

STAFF CONCLUSIONS

The variance appears to be adequately justified and meets the standard of review.

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code from section 5.3.5.C.3.a to allow parking to encroach into required 25' front setback.

REQUIRED ACTIONS

APPROVE or DENY

- Variance from the Land Development Code 5.3.5.C.3.a to allow parking to encroach into required 25' front setback.

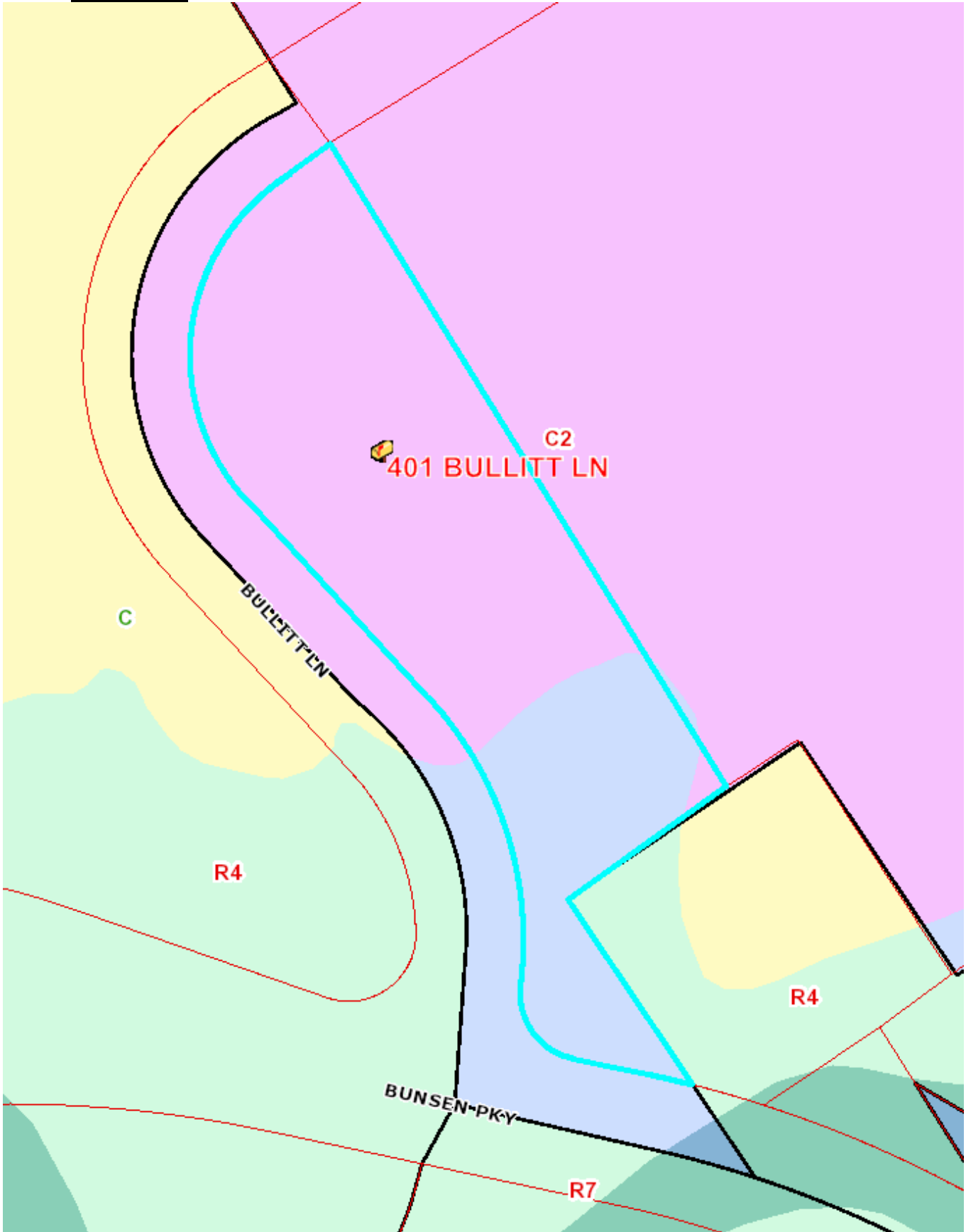
NOTIFICATION

Date	Purpose of Notice	Recipients
September 13, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 18 Notification of Development Proposals
September 16, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

