



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 17devplan 1241 Intake Staff: MC

Date: 1/29/18 Fee: -

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

### Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section \_\_\_\_\_

*A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.*

Explanation of Waiver: Waiver of Section 10.2.4.a to allow the property perimeter LBA to be less than 35 ft

Primary Project Address: 2905 Fern Valley Road

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Block 631, Lot 385

Additional Parcel ID(s): \_\_\_\_\_

**RECEIVED**  
JAN 29 2018  
PLANNING & DESIGN SERVICES

Proposed Use: hotel addition Existing Use: Hotel

Existing Zoning District: EZ1 Existing Form District: Sub. Workplace

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 9195, Page 965

The subject property contains 3.27 acres. Number of Adjoining Property Owners: \_\_\_\_\_

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN 1241 Docket/Case #: \_\_\_\_\_

Docket/Case #: 16DEVPLAN1108 Docket/Case #: \_\_\_\_\_

17 DEVPLAN 1241

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.4.A to allow the property perimeter LBA to be less than 35 ft on Tract 2 and Tract 3

RECEIVED

JAN 29 2018

PLANNING &  
DESIGN SERVICES

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners in this instance has a 200 foot Greasy Ditch creek between the property and the property line of the adjoining residential property providing a very large buffer between the site and the adjoining residential properties. The placement of the proposed building and parking lot will create no ill effects to the public's health, safety or welfare.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the proposed hotel addition and guest parking lot is more in keeping with the existing hotel development and area along Fern Valley Road. By locating parking as proposed, the plan as proposed, more closely mimics other properties in the area, which also do not provide the 35 foot LBA.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant would not have the ability to expand the hotel and provide adequate guest parking which is essential to the success of any hotel. The new hotel will improve the overall character of the area.



# Variance Application

Louisville Metro Planning & Design Services

Case No.: 17devplan1241 Intake Staff: MC

Date: 1/29/18 Fee: -

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

### Project Information:

This is a variance from Section 4.8.3.D of the Land Development Code, to allow the hotel and parking area to be constructed in the waterway buffer area.

Primary Project Address: 2905 Fern Valley Road

RECEIVED

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Block 631, Lot 385

JAN 29 2018

Additional Parcel ID(s): \_\_\_\_\_

PLANNING & DESIGN SERVICES

Proposed Use: hotel addition

Existing Use: hotel

Existing Zoning District: EZ1

Existing Form District: Sub. Workplace

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 9195, Page 965

The subject property contains 3.27 acres. Number of Adjoining Property Owners: \_\_\_\_\_

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN1241

Docket/Case #: \_\_\_\_\_

Docket/Case #: 16DEVPLAN1108

Docket/Case #: \_\_\_\_\_

17 DEVPLAN 1241

JAN 29 2018

PLANNING &  
DESIGN SERVICES**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 4.8.3.D to reduce the Outer Zone of the waterway buffer zone from 25 ft to 3 ft to allow the exhibit hotel to encroach and from 25 ft to 16 ft to allow the expansion of the existing parking area to encroach on Tract 2; to reduce the Outer and Middle Zone of the waterway buffer zone from 25 ft and 50 ft to 0 ft to allow the proposed hotel to encroach and to reduce the streamside waterway buffer zone from 25 to 15 ft to allow construction of the proposed parking area on Tract 3.

1. The variance will not adversely affect the public health, safety or welfare because this is a mostly as-built condition which will be improved with the renovation of the existing hotel, reconstruction of the existing old parking lot, and the construction of a new hotel building on the site. The stream is a man-made stream for which the existing improvements on the property encroach.

2. The variance will not alter the essential character of the general vicinity because there is an existing hotel and old parking lot that already cover most of this site. Thus the proposed new hotel expansion and parking lot will improve the character of the area. Multiple other nearby properties encroach into the streambank setback currently. Further, multiple variances have been granted along this same stream and in close proximity to this site, recognizing such variances do not alter the essential character, particularly when this site already encroaches in the setbank currently.

3. The variance will not cause a hazard or a nuisance to the public because the location of a building on this property was long ago established within the setback, as well as others in the immediate area. Furthermore, the setback of this building and parking from the ditch does not have any effect whatsoever on traffic safety or anything else that could be considered a hazard or nuisance to the public.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because as stated hereinabove, an existing hotel building and parking already exist at the approximate location of this proposed new hotel addition. Further, there is no other way to

redevelop the site as proposed without encroaching into the streambank setback.

RECEIVED

JAN 29 2018

PLANNING &  
DESIGN SERVICES

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the reasons set forth hereinabove, including the fact that this is not a vacant site but rather one that has long involved an existing hotel and related parking of another approximately equal size also encroaching into the streambank setback.

b. 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 because the applicant would not have the ability to expand the hotel and provide adequate guest parking which is essential to the success of any hotel.

c. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are the consequence of the size of this property and the already established existing location of building and parking.

e:\client folder\shah, samir\fern valley road\application\2018 - cat 2b, variance, waiver\variance justification\_4.8.3.d.doc

17 DEVPLAN 1241



# Variance Application

Louisville Metro Planning & Design Services

Case No.: 17devplan1241 Intake Staff: MC

Date: 1/29/18 Fee: ✓

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

## Project Information:

This is a variance from Section 5.7.1 of the Land Development Code, to allow to reduce the Form District Transition Zone.

**RECEIVED**  
JAN 29 2018  
PLANNING & DESIGN SERVICES

Primary Project Address: 2905 Fern Valley Road

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Block 631, Lot 385

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: hotel addition Existing Use: hotel

Existing Zoning District: EZ1 Existing Form District: Sub. Workplace

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 9195, Page 965

The subject property contains 3.27 acres. Number of Adjoining Property Owners: \_\_\_\_\_

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN1241 Docket/Case #: \_\_\_\_\_

Docket/Case #: 16DEVPLAN1108 Docket/Case #: \_\_\_\_\_

17 DEVPLAN 1241

JAN 29 2018

PLANNING &  
DESIGN SERVICES**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of: Section 5.7.1 to reduce the Form District Transition Zone from 200 ft to 174 ft on Tract 1; to reduce the Form District Transition zone from 200 ft to 115 ft on Tract 2; and to reduce the Form District Transition zone from 200 ft to 78 ft on Tract 3 to allow the existing hotel to encroach;

1. The variance will not adversely affect the public health, safety or welfare because the transition zone in this instance has a 200 foot Greasy Ditch creek between the property and the property line of the adjoining residential property providing a very large buffer between the site and the adjoining residential properties. The placement of the proposed building and parking lot will create no ill effects to the public's health, safety or welfare.

2. The variance will not alter the essential character of the general vicinity because the setbacks proposed are not out of character with the existing hotel and with the other adjacent properties that also encroach into this transition zone setback.

3. The variance will not cause a hazard or a nuisance to the public because of the 200 foot Greasy Ditch creek between the property and the property line of the adjoining residential property providing a very large buffer between the site and the adjoining residential properties. Further, other adjoining properties likewise encroach into this transition setback. Furthermore, the setback of this building and parking from the ditch does not have any effect whatsoever on traffic safety or anything else that could be considered a hazard or nuisance to the public.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the proposed hotel addition and guest parking lot is more in keeping with the existing hotel development and area along Fern Valley Road. By locating parking as proposed, the plan more closely mimics other properties in the area, which also encroach into the transition zone setback.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the reasons set forth hereinabove, including the fact that this is not a vacant site but rather one that has long involved an existing hotel and related parking of another approximately equal size on this site.
2. 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 because the applicant would not have the ability to expand the hotel and provide adequate guest parking which is essential to the success of any hotel. The new hotel will improve the overall character of the area.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are the consequence of the size of this property and the already established existing location of building and parking.

e:\client folder\shah, samir\fern valley road\application\2018 - cat 2b, variance, waiver\variance justification\_5.7.1.doc

**RECFIVED**

**JAN 29 2018**

**PLANNING &  
DESIGN SERVICES**

17 DEVPLAN 1241