

Board of Zoning Adjustment

Staff Report

September 11, 2023



Case No:	23-VARIANCE-0100
Project Name:	Quadrant Zorn Retail Park
Location:	1041 Zorn Avenue
Owner(s):	Quadrant Hospitality LLC
Applicant:	Quadrant Hospitality LLC
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Ethan Lett, Planner I

REQUEST(S)

- **Variance** from LDC Section 5.3.1.C.5 to exceed the 80’ maximum front yard setback and be setback 224’
- **Category 3 Development Plan**

Location	Requirement	Request	Variance
Maximum Front Yard Setback	80.0 ft.	224.0 ft.	144.0 ft.

CASE SUMMARY

This case was continued from the public hearing on August 21, 2023 due to inadequate public notice. No testimony was taken.

The applicant is proposing a mixed-use retail park consisting of 4 2-story buildings providing restaurant, retail, and office space. The site is in the Neighborhood Form District and is zoned C-2. It is south of the Louisville Water Tower and north of residential neighborhoods of varying densities. Access is proposed from River Road and Zorn Avenue, and the site is conveniently located just north of access to I-71. The applicant has requested a variance to allow buildings 3 and 4 to be placed 144’ beyond the 80’ maximum front yard setback on the Zorn Avenue side of the property. A 10’ sewer and drainage easement and a 100’ gas easement span the western portion of the property, so the buildings are unable to be placed in a position where they could meet the setback requirement.

STAFF FINDING

The requested variance is adequately justified for approval based on staff’s analysis contained in the standard of review.

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 since the buildings will be adequately set back from the remaining property lines.

- (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 since other existing developments along Zorn Ave and River Rd are also set back substantially from the roadway.

- (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 since it will maintain the location of existing structures and will prevent development from conflicting with existing utilities on the property.

- (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 since there are easements preventing the proposed buildings to be constructed in compliance with the regulations.

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. There is a 100' gas easement and a 10' sewer and drainage easement spanning the western portion of the development site which prevent the buildings from adhering to the setback requirement.

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 unnecessary hardship by requiring the applicant to reroute the existing sanitary sewer line and relocate existing parking on the western portion of the property which would otherwise remain largely unaltered.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought. The applicant has not yet begun development.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from LDC Section 5.3.1.C.5 to exceed the 80' maximum front yard setback and be setback 224'

- **APPROVE** or **DENY** the **Category 3 Development Plan**

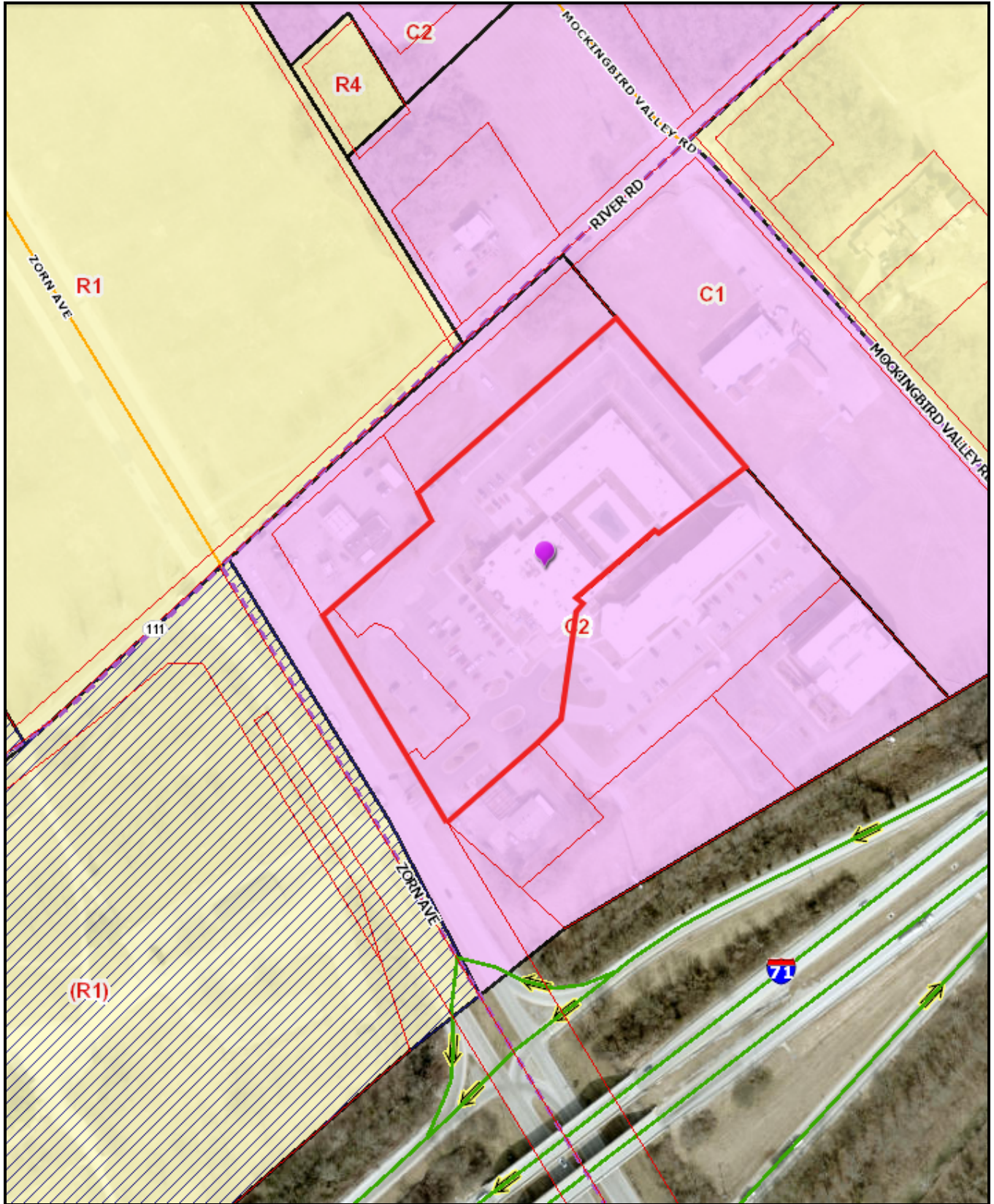
NOTIFICATION

Date	Purpose of Notice	Recipients
8/3/23	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

