

Board of Zoning Adjustment

Staff Report

July 7, 2023



Case No:	23-VARIANCE-0069
Project Name:	Minor Lane Hotels
Location:	2720 Outer Loop
Owner(s):	Rowan Center Properties, LLC
Applicant:	Rowan Center Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum, Jr
Case Manager:	John Michael Lawler, Planner I

REQUEST(S)

- Variance from LDC Section 4.8.3.D for a 75' encroachment into a 100' stream buffer
- Category 3 Plan

CASE SUMMARY/BACKGROUND

The applicant is proposing two hotels. Vehicular access is provided from two separate access points along a service road for Minor Lane. No sidewalks were required along the ROW, but pedestrian access has been provided within the site. A protected waterway is present to the south of the site. A variance is being requested to allow encroachment into the outer and middle zones of that protected waterway's buffer. The outer zone will have development throughout, including buildings and parking. The middle zone will only have a small encroachment by the corner of the eastern building, with most of the encroachment coming from proposed parking. The streamside zone will not be disturbed. The applicant, with MSD's direction, will be providing additional capacity for water treatment as compensation for the proposed encroachments into the stream buffer.

STAFF FINDING

Staff finds that the plan is in order and complies with the Land Development Code, and that the variance request is adequately justified for approval based on analysis contained within 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 variance will not adversely affect the public health, safety or welfare because the proposed hotel buildings are almost entirely out of the buffer, with surface parking constituting the majority of the encroachment.

- (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 other buildings have been constructed similarly close to the protected waterway. The amount of encroachment is less than what is present on existing sites along the service road.

- (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 applicant has proposed additional water quality treatment capacity in line with the recommendations received from MSD during plan review.

- (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 the hotel buildings are only encroaching into a very small portion of the stream buffer, with parking making up much of the additional encroachment. The increased water quality treatment capacity helps to compensate for the encroachment as well.

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 any special circumstances. The applicant is encroaching into the stream buffer with the proposed hotels and related parking.

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 on the applicant because the proposed hotel development would not be able to be built.

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. The applicant has not yet built anything on the site.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** for a 75' encroachment into a 100' stream buffer
- **APPROVED** or **DENY** the **Category 3 Plan**

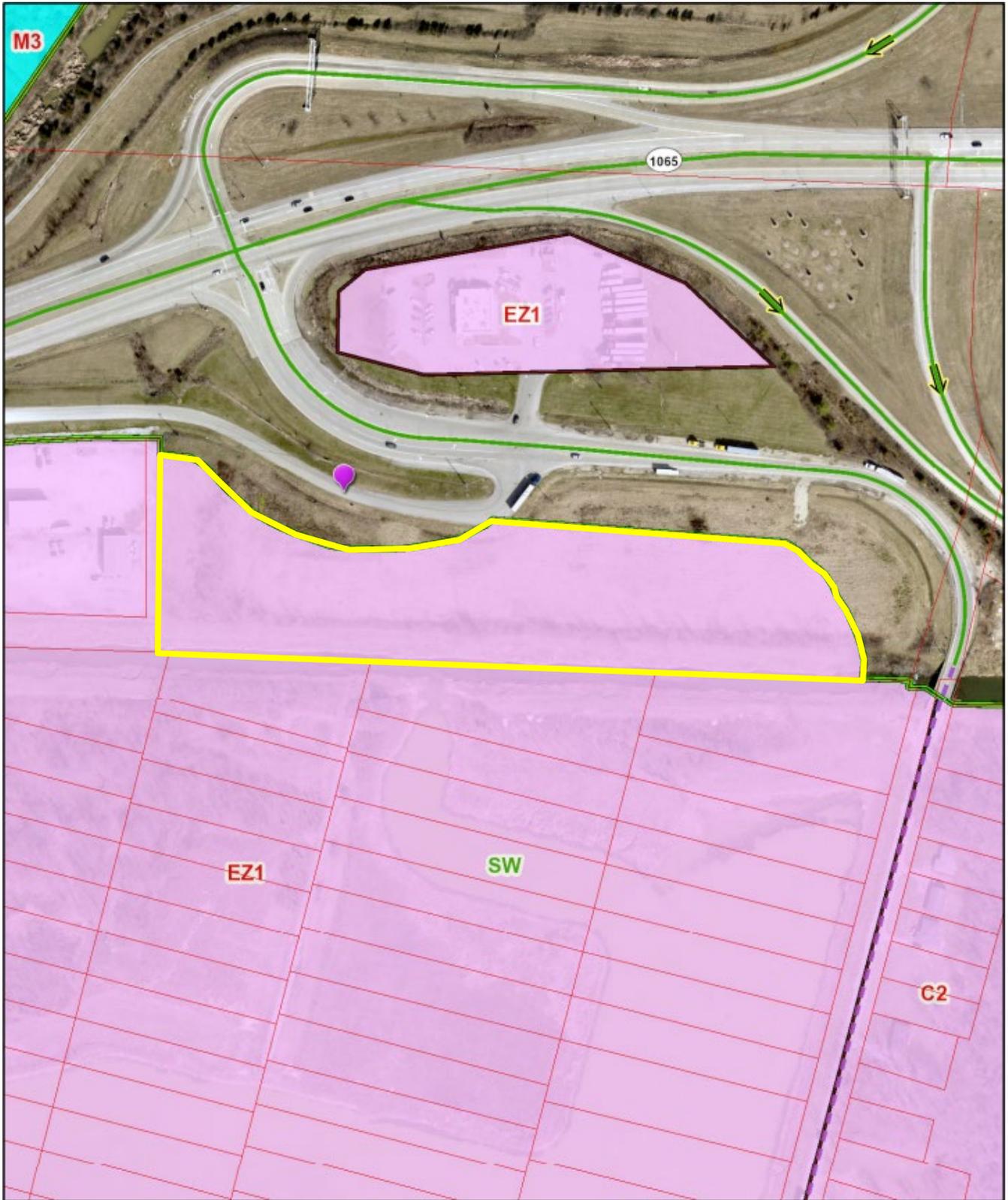
NOTIFICATION

Date	Purpose of Notice	Recipients
7/24/2023	Hearing before BOZA on August 7, 2023	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 13

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

