

Board of Zoning Adjustment

Staff Report

June 3, 2019



Case No:	19VARIANCE1028
Project Name:	Springhurst Hotels
Location:	4209 Simcoe Ln
Owner(s):	Jaytee Springhurst LLC
Applicant:	The Malcolm Bryant Group
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variances:**
 1. **Variance** from Chapter 5.3.1.C.5 and Table 5.3.2 to allow two proposed hotels to exceed the 30 foot maximum height by up to 35 feet.
 2. **Variance** from Chapter 5.3.1.C.5 and Table 5.3.2 to allow office buildings and vehicular use areas to encroach into the required 30 foot non-residential to residential setback by up to 20 feet as shown on the development plan.

CASE SUMMARY/BACKGROUND

The applicant is proposing construct 2 hotels and 2 office buildings on approximately 6.32 acres in the OTF zoning district within the Neighborhood form district. The site is located in northeastern Louisville Metro, near the intersection of the Gene Snyder Freeway and Brownsboro Rd. The site was granted a variance along with the original rezoning under docket 15835 to allow proposed medical office buildings to exceed maximum front setbacks.

STAFF FINDING

The proposed development is an appropriate scale comparable to other development in the area. The applicant has maximized setback and buffering adjacent to the lower intensity residential uses to the southeast, and minimized encroachments around the site where possible. The requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

A Revised Detailed District Development Plan with associated waivers will be considered by the Development Review Committee on June 5, 2019.

INTERESTED PARTY COMMENTS

Residents of the adjacent Village of Abbeywood have expressed concerns about the proposal, specifically about traffic and sewer connections.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 1

- (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 all building code requirements for safe construction will be met.

- (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 area, as the proposed structure will be a similar size and scale to adjacent office and residential uses.

- (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 additional setbacks and buffering will be provided adjacent to the lower intensity residential development to the southeast.

- (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 site is surrounded by the Snyder Freeway and sites in the Regional Center form district, and the scale of development is appropriate for the 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 requested variance does not arise from special circumstances as other non-residential uses in the Neighborhood form district would be subject to the same rules.

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 proposed development is a reasonable scale for the location and size of the subject property.

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 subsequent to the adoption of the zoning regulations.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 2

- (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 all building code requirements for safe construction will be met.

- (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 area, as the proposed structure will be a similar size and scale to adjacent office and residential uses. There will still be considerable setbacks to adjacent residential uses.

- (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 there will still be significant setbacks and buffering between the proposed development and all adjacent residential lots.

- (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 encroachment is the minimum necessary to accommodate the required parking and vehicle maneuvering areas for the proposed use.

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 arise from special circumstances as, the lot is oddly shaped and relatively narrow which makes it difficult to accommodate all required setbacks and buffers while providing adequate 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 deprive the applicant of the reasonable use of the land, as the proposed development is a reasonable scale for the location and size of the subject property.

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 subsequent to the adoption of the zoning regulations.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variances**.

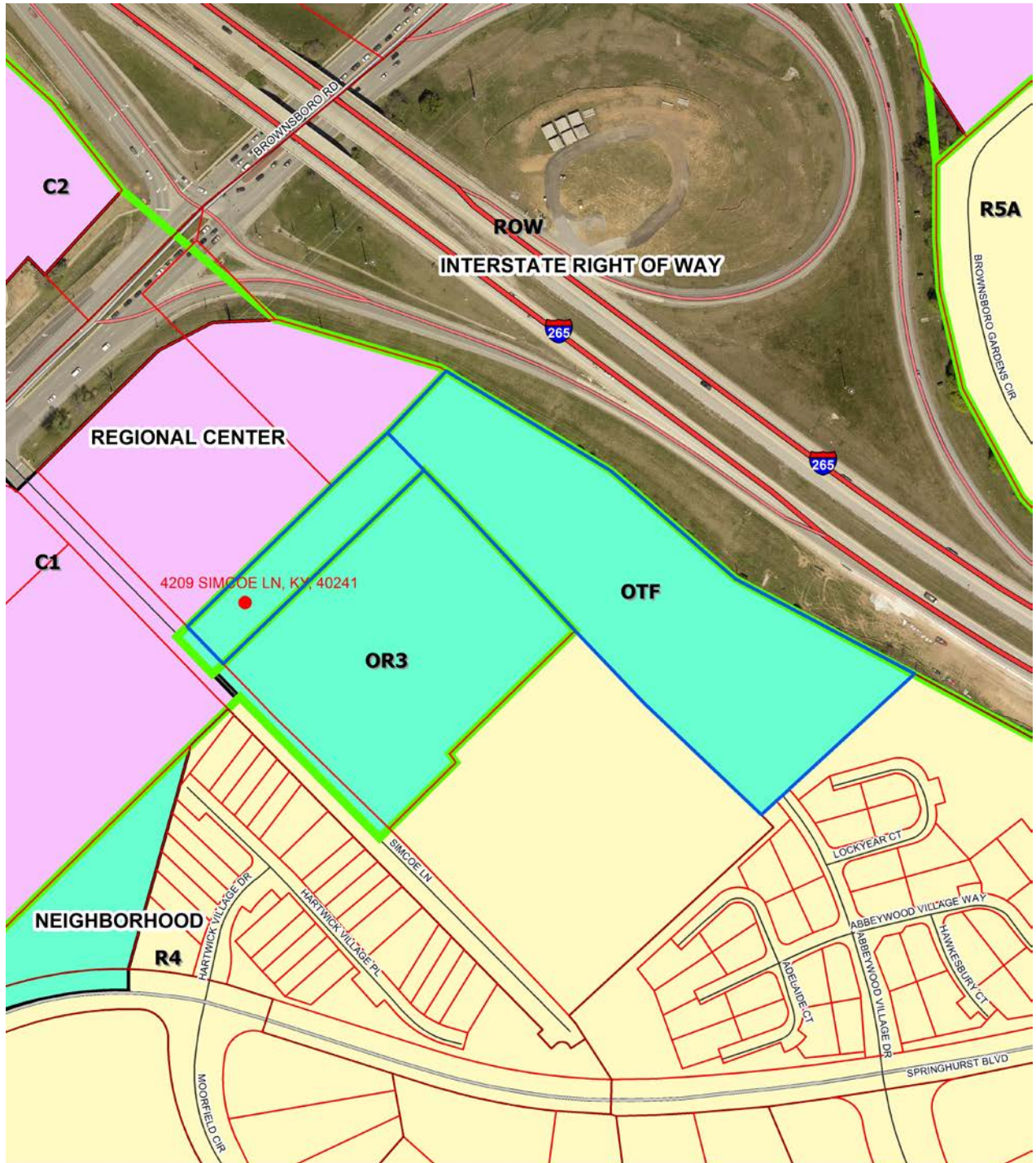
NOTIFICATION

Date	Purpose of Notice	Recipients
5-16-19	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 17

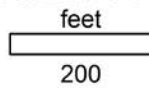
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map

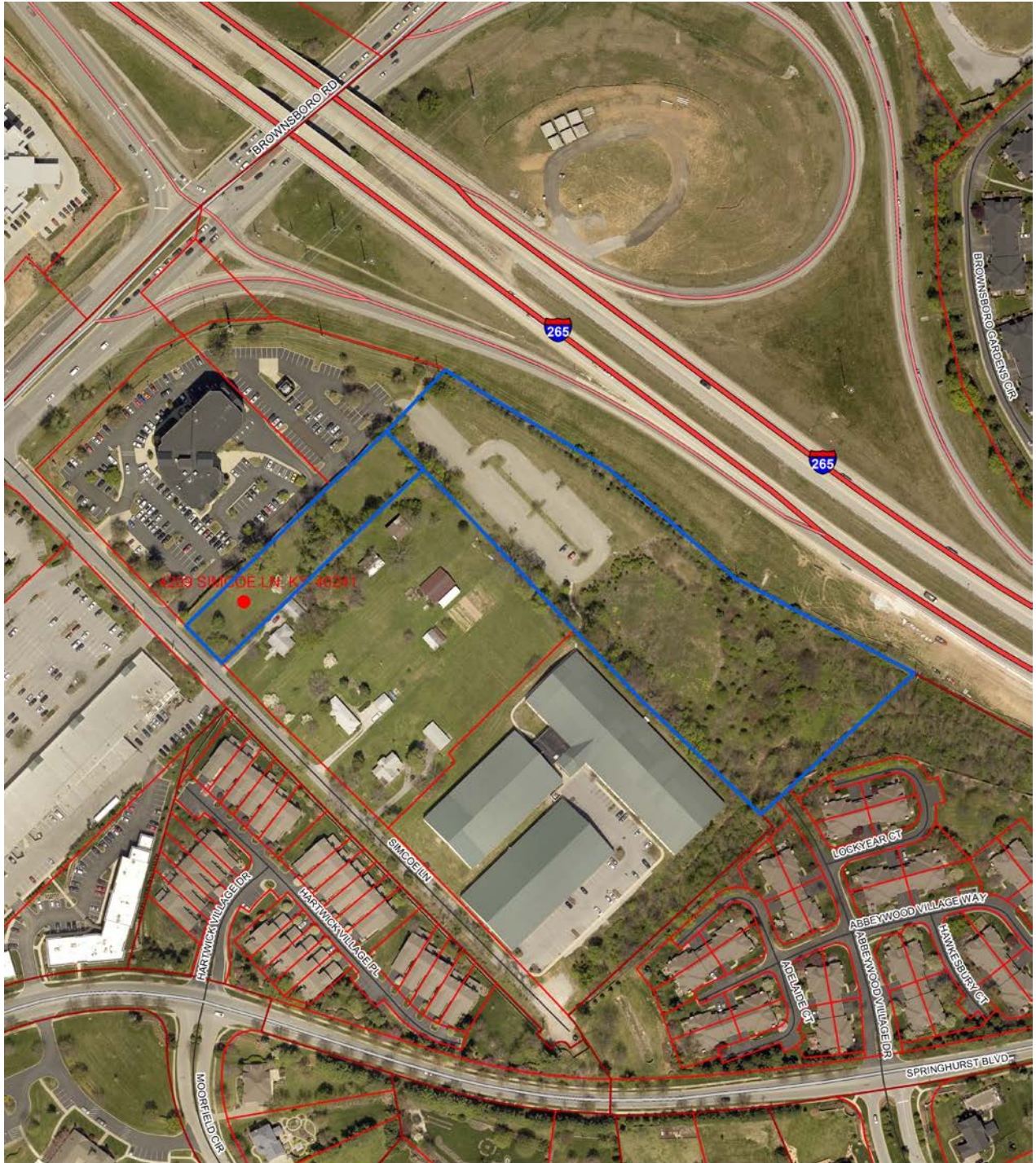


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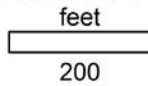


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2. Aerial Photograph



19VARIANCE1028/19DEVPLAN1080



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