

VARIANCE JUSTIFICATION STATEMENT

[Building Setback]

1900 S. Floyd Street
13ZONE1018

November 4, 2013

REQUEST SUMMARY

The applicant, 908 Development Group, is requesting a change in zoning to C-2 on property located at 1900 S. Floyd Street to develop a 7 story building with parking on the first two floors and student housing on the upper floors. In conjunction with the rezoning request, the applicant is also requesting a variance to permit the proposed structure to encroach in the 15-foot required front yard along E. Brandeis Avenue.

The subject property is in the Campus Form District. Residential uses in the Campus Form District must comply with the setback requirements of either the Traditional Neighborhood Form District or the Neighborhood Form District. Because the nearest form district is Traditional Neighborhood, the applicant has elected to apply the standards of that form district, which require a 15-foot front yard setback for residential structures (Section 5.2.2.C. – Table 5.2.2.). The requested variance is along E. Brandeis Avenue, where a portion of the building is proposed to be located 10 feet from the property line. For the reasons stated herein, the requested variance complies with the criteria set forth in KRS 100.243 and, therefore, should be approved.

The subject property is located on the northwest corner of the intersection of E. Brandeis Avenue and S. Floyd Street, across from University of Louisville's Belknap campus. The properties further to the north along S. Floyd Street are industrial in nature and will not be adversely affected by the variance. Directly to the west is a CSX Railroad, and across S. Floyd Street to the east are properties zoned EZ-1, which contain large warehouse buildings. Although the subject property is located in the Campus Form District, the surrounding property is developed in a traditional urban pattern with minimal or no setbacks or landscape buffer areas. The proposed building will incorporate site design and architectural quality compatible with the character of the surrounding area, which blends the existing industrial character of the surrounding area with the more traditional architecture found on and around U of L's campus. The building facades will be constructed using a mixture of materials, including brick and glass, and will incorporate architectural features including windows and entryways consistent with traditional development in an urban setting. The building façade will be articulated to create an interesting streetscape. Sidewalks will be available along E. Brandeis Avenue and S. Floyd Street as shown on the development plan. For the foregoing reasons, the granting of the requested variances will not adversely affect public health, safety or welfare.

Although the property is located in the Campus Form District, the properties surrounding the subject property are developed in a traditional pattern with minimal or

no setbacks. The setbacks of the new structure on the property are consistent with the existing setbacks on surrounding properties. The proposed buildings on the subject property will be constructed with a high level of architectural design that blends the existing industrial character of the area with the more traditional architecture found on and around U of L's campus. Further, there is a significant amount of excess right-of-way along E. Brandeis Avenue separating the proposed development from the roadway. Therefore, granting the requested variance will not alter the essential character of the general vicinity.

The proposed variance will not cause a hazard or nuisance to the public because the resultant setback will be consistent with setbacks in the vicinity. The location of the building will continue the traditional pattern of development found in the area. The properties to the north and east of the site contain an industrial uses and there are no residential properties in direct proximity to site. Therefore, the proposed variance will not cause a hazard or nuisance to the public.

The requested variances will allow the proposed building to be consistent with the pattern of development in the general vicinity. The proposed development will be compatible with the surrounding area and will not cause any adverse impacts to surrounding properties. Accordingly, granting the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The subject property is an irregularly-shaped corner parcel located in a transitional area between an old, declining industrial area and the University, and is surrounded entirely by non-residential properties, a railroad, and an LG&E facility. The Traditional Neighborhood Form District regulations require only residential buildings to observe a 15-foot front yard setback, while mixed-use and non-residential structures may be located on the property line. Thus, if the proposed building incorporated a non-residential use, the setback variance would not be required. Finally, there is a substantial amount of excess right-of-way along E. Brandeis Avenue which serves to separate the proposed building from the roadway. All of these factors constitute special circumstances that do not generally apply to land in the general vicinity.

The strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship because the applicant will be unable to develop the land in a manner consistent with properties in the surrounding area. The irregular shape of the parcel, being adjoined by a railroad on one side, an LG&E facility on another, and having two roadway frontages make it extremely difficult to comply with the setback requirements on all sides of the property. The applicant is not responsible for these conditions, and therefore, the circumstances giving rise to the variance are not the result of actions taken by the application subsequent to the adoption of the regulations from which relief is sought.

REVISED VARIANCE JUSTIFICATION STATEMENT

[Building Height]
1900 S. Floyd Street
13ZONE1018

December 30, 2013

REQUEST SUMMARY

RECEIVED

JAN 03 2014
PLANNING &
DESIGN SERVICES

The applicant, 908 Development Group, is requesting a change in zoning to C-2 on property located at 1900 S. Floyd Street to develop a 7 story building with parking on the first two floors and student housing on the upper floors. In conjunction with the rezoning request, the applicant is also requesting a variance to permit the proposed structure to be 85 feet in height. The subject property is in the Campus Form District, which allows nonresidential structures to be 150 feet in height. However, residential uses in the Campus Form District must comply with the height requirements of either the Traditional Neighborhood Form District or the Neighborhood Form District. Because the nearest form district is Traditional Neighborhood, the applicant has elected to apply the standards of that form district, which allow residential structures to be 45 feet in height (Section 5.2.2.C. – Table 5.2.2.). For the reasons stated herein, the requested variance complies with the criteria set forth in KRS 100.243 and, therefore, should be approved.

The subject property is located on the northwest corner of the intersection of E. Brandeis Avenue and S. Floyd Street, across from University of Louisville's Belknap campus. The properties further to the north along S. Floyd Street are industrial in nature and will not be adversely affected by the requested variance. Directly to the west is a railroad, and across S. Floyd Street to the east are properties zoned EZ-1, which contain large warehouse buildings. The proposed building height is consistent with other residential buildings on U of L's campus, including Uitas Towers (11 stories), University Tower Apartments (11 stories), and Louisville Hall (6 stories). The proposed building will incorporate site design and architectural quality compatible with the character of the surrounding area, which blends the existing industrial character of the surrounding area with the more traditional architecture found on and around U of L's campus. The building facades will be constructed using a mixture of materials, including brick and glass, and will incorporate architectural features including windows and entryways consistent with traditional development in an urban setting. The building façade will be articulated to create an interesting streetscape. Sidewalks will be available along E. Brandeis Avenue and S. Floyd Street as shown on the development plan. For the foregoing reasons, the granting of the requested variances will not adversely affect

public health, safety or welfare, and will not alter the essential character of the general vicinity.

The proposed variance will not cause a hazard or nuisance to the public because the site is surrounded by industrial uses, and LG&E facility, and a railroad track. There are no residential uses in the immediate area that will be impacted by the proposed development. The building is designed to be compatible with the pattern of development of the area and will incorporate architectural features that will complement the character of the surrounding area. In addition, the proposed development represents a significant investment in the redevelopment and rehabilitation of an older and declining neighborhood in a manner that is consistent with the form district. Accordingly, granting the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variances will allow the proposed building to be consistent with the pattern of development in the general vicinity, including other residential structures on the U of L campus. The proposed development will be compatible with the surrounding area and will not cause any adverse impacts to surrounding properties. Accordingly, granting the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The subject property is an irregularly-shaped corner parcel located in a transitional area between an old, declining industrial area and the University, and is surrounded entirely by non-residential properties, a railroad, and an LG&E facility. The Campus Form District regulations limit only residential buildings to 45 feet in height, while nonresidential structures may be 150 feet in height. Finally, there are several residential structures on the U of L campus that exceed 45 feet in height. All of these factors constitute special circumstances that do not generally apply to land in the general vicinity. The applicant is not responsible for these conditions, and therefore, the circumstances giving rise to the variance are not the result of actions taken by the application subsequent to the adoption of the regulations from which relief is sought.

If the requested variance is not granted, the applicant will be unable to develop the land in a manner consistent with properties in the surrounding area. A substantial number of dwelling units would be lost, making the project financially infeasible. Accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

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