

Board of Zoning Adjustment
Staff Report
May 21, 2018



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| Case No: | 18VARIANCE1021 |
| Project Name: | Aptitude 4 th Street |
| Location: | 2420 S 4 th St |
| Owner(s): | University Point, LLC. |
| Applicant: | Aptitude 4 th Street, LLC. |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | Jay Lockett, Planner I |

REQUEST(S)

- Variance from Land Development Code section 5.1.12.A.2.a to allow a proposed structure to encroach approximately 4 feet into the infill front yard setback standards along Creel Ave.
- Variance from Land Development Code section 5.1.12.A.2.b to allow a proposed structure to exceed the infill maximum building height by approximately 91.5 feet.

CASE SUMMARY/BACKGROUND

The applicant is proposing to demolish a vacant commercial structure and construct a 237 unit multi-family residential structure. There is a row of existing houses along Creel Ave to the west of the subject site, which trigger infill standards per Land Development Code section 5.1.12. The applicant is proposing to set the structure back 15 feet from Creel Ave, which would be the required minimum setback if infill standards were not applicable. As the existing houses are setback approximately 19 feet from Creel Ave, a variance is requested to encroach into the minimum front yard setback by approximately 4 feet. The proposed height of the structure is approximately 116.5 feet, including 8 stories of residential units and 2 stories of parking. The infill height maximum is equal to the maximum height of the nearest structures plus 25%. In this case the maximum height allowed by the infill standards would be approximately 25 feet, resulting in a variance request of approximately 91.5 feet.

STAFF FINDING

The requested variances are adequately justified and meet the standard of review.

TECHNICAL REVIEW

The Development Review Committee will consider a Revised District Development Plan with associated waivers for the project on May 23, 2018.

INTERESTED PARTY COMMENTS

Staff has received written letters of support for this project from Louisville Metro Councilman David James as well as Kentucky State Representative Dennis Horlander.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC SECTION 5.1.12.A.2.a TO ALLOW A PROPOSED STRUCTURE TO ENCROACH 4 FEET INTO THE 19 FT INFILL MINIMUM FRONT YARD SETBACK

- (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 structure will be setback as all other required setbacks and buffering requirements will be met on site.

- (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, as there is a variety of building types in the area with a variety of existing setbacks.

- (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 proposed structure is closer to the required setback than the existing structure on site.

- (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 proposed setback is the same as the non-infill Land Development Code requirements for the form district.

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.

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 providing additional setback beyond the normal minimum setback for the form district would unreasonably restrict the useable area of the lot.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC SECTION 5.1.12.A.2.b TO ALLOW A PROPOSED STRUCTURE TO EXCEED THE INFILL BUILDING HEIGHT MAXIMUM BY APPROXIMATELY 91.5 FEET

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare since the structure will be constructed up to all required standards, including fire code.

- (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 there are several large multi-family residential structures in the area, including multiple towers of similar height on the campus to the north of the subject site.

- (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 the proposed structure is similar in scale to other large multi-family developments in the area.

- (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 the request will allow for an efficient use of the subject site, allowing the proposed density to be constructed and accommodate all required parking on site without the need for surface parking lots.

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.

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 reasonable use of the land, as it would be impossible to fit the number of units allowable by the zone while also meeting the parking requirements and applicable height maximums.

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.

REQUIRED ACTIONS:

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

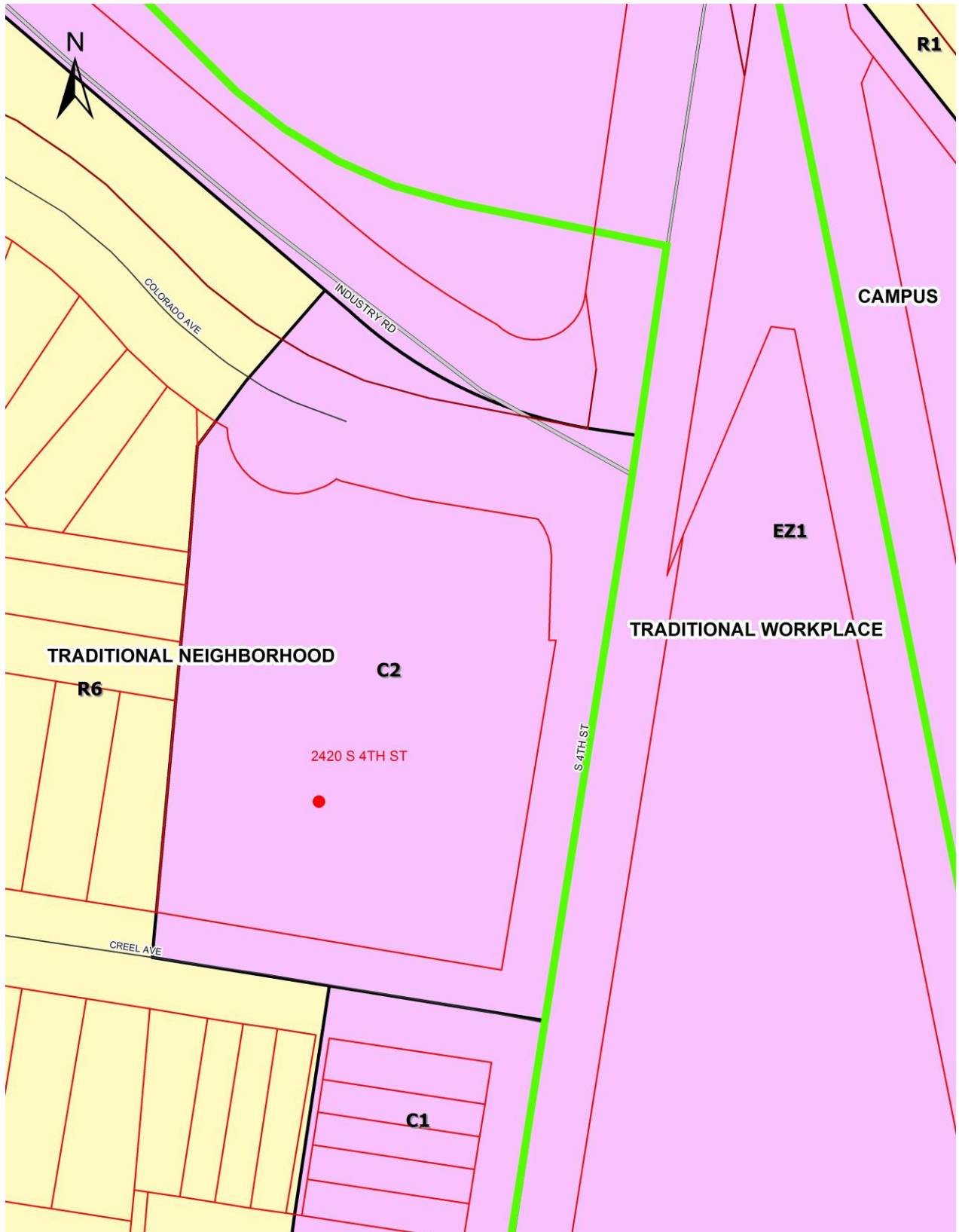
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|---------------------|--|
| 4-26-18 | Hearing before BOZA | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

