

Board of Zoning Adjustment Staff Report

April 30, 2018



Case No:	18VARIANCE1037
Project Name:	Derby Museum
Location:	704 Central Avenue
Owner(s):	Kentucky Derby Museum Corporation
Applicant:	Kentucky Derby Museum Corporation
Representative(s):	Evans Griffin, Inc
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Variance** of Land Development Code (LDC), section 5.3.5.C.3 to allow for proposed building to encroach upon 20' side setback as shown on proposed development plan

CASE SUMMARY

A three-story expansion to the Kentucky Derby Museum is proposed. The museum will be expanded from 62,050 square feet of interior exhibit space to 77,822 square feet. The first level of the space will be open-air and a small stable is also proposed. A variance is being requested as the site is zoned commercial and the adjacent site is zoned residential, although the adjacent site is Churchill Downs and the two developments are intertwined.

Associated Cases

- 9-42-83: R-6/C-1 to C-2 (approved 9/16/83)
- 9-6-00: R-6/C-1 to C-2 (approved 4/20/00)

STAFF FINDING

The variance appears to be adequately justified based upon staff's analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The requested variances will not adversely affect public health, safety, or welfare as the proposed structures do not impact the safe movement of vehicles or pedestrians, have sufficient pedestrian and vehicular connectivity, and as adjacent owners impacted by the request are non-residential (Churchill Downs) and the two uses are intertwined.

- (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 as the overall site design and land uses are compatible with the existing and future development of Churchill Downs.

- (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 the proposed structures do not impact the safe movement of vehicles or pedestrians, and adjacent owners impacted by the request are non-residential (Churchill Downs) and the two uses are intertwined.

- (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 adjacent owners impacted by the request are non-residential (Churchill Downs) and the two uses are intertwined.

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 which do not generally apply to land in the general vicinity or the same zone as adjacent owners impacted by the request are non-residential (Churchill Downs) and the two uses are intertwined

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 the overall site design and land uses are compatible with the existing and future development of Churchill Downs.

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 as appropriate relief is being requested from the Board of Zoning Adjustment.

REQUIRED ACTIONS

- **APPROVE or DENY** the **Variance** of Land Development Code (LDC), section 5.3.5.C.3 to allow for proposed building to encroach upon 20' side setback as shown on proposed development plan

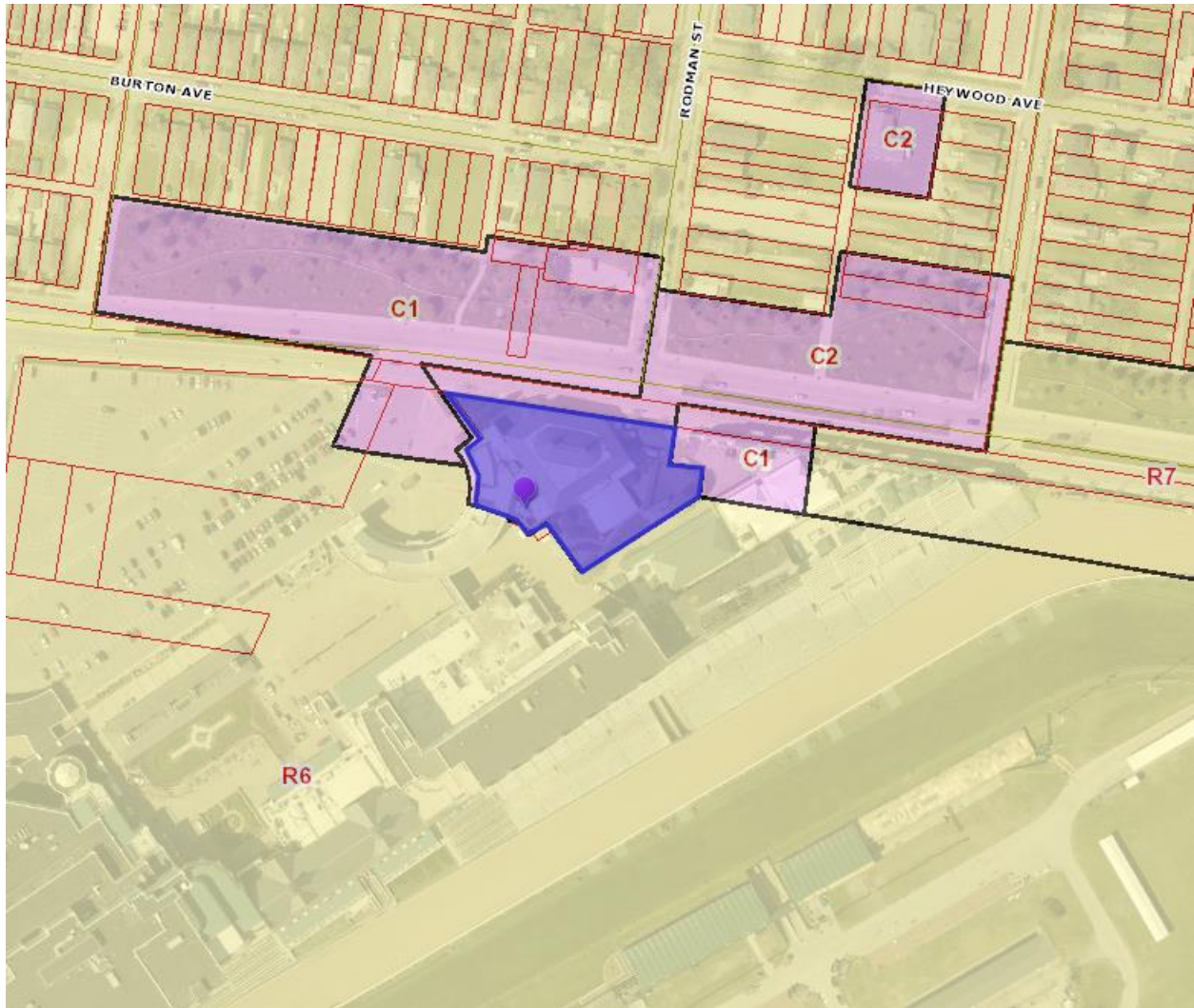
NOTIFICATION

Date	Purpose of Notice	Recipients
04/13/18	Hearing before BOZA	1 st tier adjoining property owners, Registered Neighborhood Groups in Council District 15

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

