

Board of Zoning Adjustment Staff Report

June 1, 2015



Case No:	15VARIANCE1027
Request:	Variance from the Land Development Code to allow a proposed building to exceed the 80' maximum building setback
Project Name:	Aloft Hotel
Location:	10700 Westport Road
Owner:	Indian Springs, LLC
Applicant:	Indian Springs, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC Mindel, Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	David B. Wagner, Planner II

REQUEST

1. Variance to allow building to be 245' from the west property line (LDC Table 5.3.2)

Variances

Location	Requirement	Request	Variance
1. Front Yard (Indian Lake Dr.)	80'	245'	165'

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is a joint proposal that goes along with a Revised Detailed District Development Plan (#15DEVPLAN1057) which would be staff approvable upon this Variance request being approved. The proposal is for the construction of the Aloft Hotel at the corner of Westport Road and Indian Lake Drive. The restaurant has been removed from the building and the floor area decreased from 76,525 SF to 70,490 SF per the previous approvals under 14DEVPLAN1124 and 14CUP1027. A previous Variance approval under 14CUP1027 was approved by the BOZA to allow the hotel to be setback 235' from Indian Lake Drive. This request allows an additional setback along Indian Lake Drive of 10'.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Open Space	OTF, R-7	N
Proposed	Hotel	OTF, R-7	N
Surrounding Properties			
North	Gas Station/Restaurant	C-2	RC
South	Apartments	R-7	N
East	Open Space	R-4	N
West	Retail	C-1	N

PREVIOUS CASES ON SITE

- Docket 9-74-92/10-42-92: Re-Zoning from R-6 and R-7 to R-7, General District Development Plan, and Preliminary Major Subdivision to create the Indian Springs Golf Community
- Case 19316: Change in Zoning from R-7 to OTF, Detailed District Development Plan, Revised Preliminary Major Subdivision Plan, Variances, Waivers, and Binding Elements for a hotel and conference center.
- 14DEVPLAN1124: RDDDP and Waivers for a hotel, restaurant, and conference center
- 14CUP1027: CUP, Variances, and Waivers for off-street parking, hotel, restaurant, and conference center
- 15DEVPLAN1057: RDDDP for hotel and conference center

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

- Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1 to allow building to be 245' from the west property line (LDC Table 5.3.2)

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

STAFF: The granting of the variance will not affect the public health, safety or welfare because the additional 10' setback from the street is a minimal increase from what the Board previously approved. There will be no changes to traffic flow or access to the site, maintaining safe access to the site.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The granting of the variance will not alter the essential character of the general vicinity because the additional 10' setback from the street is a minimal increase from what the Board previously approved. The location of the building will be minimally changed which would not affect the essential character of the vicinity.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance will not cause a hazard or nuisance to the public because the additional 10' setback from the street is a minimal increase from what the Board previously approved. There will be no changes to traffic flow or access to the site, maintaining safe access to the site.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The variance will not allow an unreasonable circumvention of the zoning regulations as the additional 10' setback from the street is a minimal increase from what the Board previously approved.

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 variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site's front yard is based on the entrance street to a major subdivision and there are no other commercial buildings along the street for the hotel's setback to match.

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 regulation would deprive the applicant of the reasonable use of the land as this development has been previously approved and only minor alterations are being made.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, but the relief from the regulation is minimal and will not negatively impact surrounding property owners any more than what was previously approved.

TECHNICAL REVIEW

- Except for the Variance request as a part of the development plan review, the proposal complies with the requirements of the LDC.

STAFF CONCLUSIONS

The proposal has been previously approved by the Board on two different occasions for the same request. The adjoining property owners in the vicinity will not be adversely affected and there will be a minimal change in the location of the building.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Variance established in the Land Development Code.

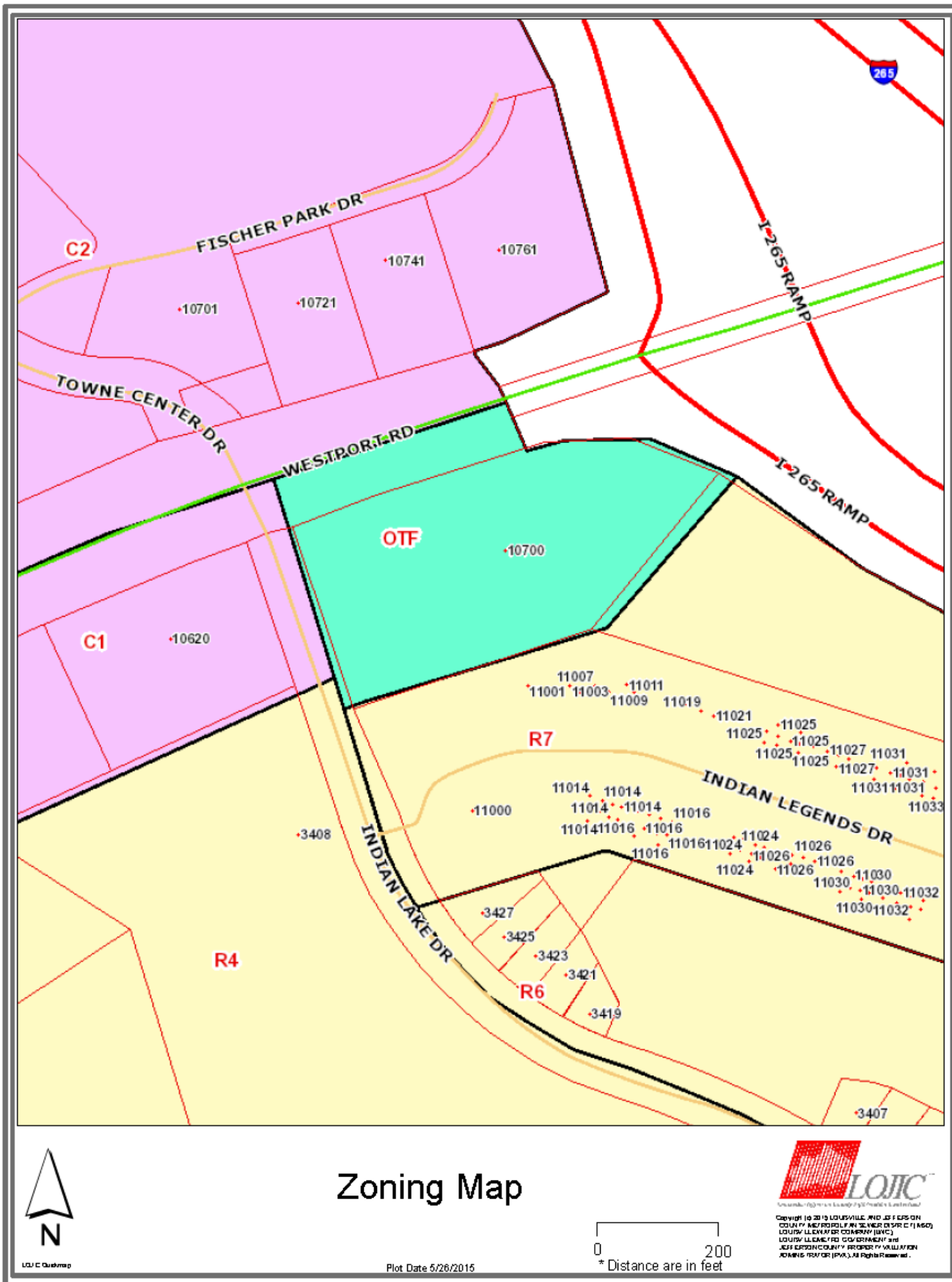
NOTIFICATION

Date	Purpose of Notice	Recipients
5/18/15	Hearing before BOZA	1 st tier adjoining property owners Subscribers to Council District 17 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

