

PROPOSED FINDINGS OF FACT FOR VARIANCE

UNITY PLACE COMMONS

Docket No. 16ZONE1027

August 22, 2018

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report, the evidence and testimony presented at the public hearing, including the applicant's proposed findings of fact no the zoning change submitted alongside the variance request, that the proposed variance from the Land Development Code Section 5.4.2.A.4.a. to allow proposed three-story multi-family buildings to encroach into the 50-foot minimum setback will not adversely affect the public health, safety, or welfare and will not alter the essential character of the area because the variance does not create a health or safety issue and because the two apartment buildings (Apartment Buildings 2 & 3) will be within the height limitations allowed within the Neighborhood Form District, whether multi-family or single-family, constructed from durable, quality materials including brick, stone and hardiplank, positioned behind the nearest residence (8012 Shepherdsville Rd.) and located far enough away that the structures will not create a negative impact upon the single-family residence;

WHEREAS the Board further finds the requested variance will not cause a hazard or nuisance to the public because, as stated, the building height limitation between the adjacent properties is the same – 35 feet – and the proposed building are positioned behind the single-family residence, not up against it, thereby situated where no hazard or nuisance to the public will be caused;

WHEREAS the Board further finds the requested variances will not allow an unreasonable circumvention of the requirements of the zoning regulations because were the building being proposed single-family residences, no variance would be required and whereas the design and look of the apartment buildings proposed for Unity Place development are visually compatible with the surrounding neighborhood and lighting will comply with Land Development Code standards;

WHEREAS, the Board further finds the location of a legal access easement from Shepherdsville Road to the Shields property located behind (west of) the proposed development limits the applicant's ability to shift the proposed buildings south and away from the single-family residence represents a special circumstance that does not apply to land in the general vicinity or in the same zone; this circumstance is not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is granted; and if the variance is not granted, other properties surrounding the Unity Place development are permitted to have a building height of 35' without additional setbacks, therefore not allowing this site to have the 35' building height and 3 stories, as is permitted for other properties, creates an unfair hardship, therefore, 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.