

# **PROPOSED FINDINGS OF FACT FOR VARIANCE**

**TGC DEVELOPMENT GROUP**

**3300 Preston Highway**

**CASE NO. 15VARIANCE1009**

**April 6, 2015**

WHEREAS, the Louisville Metro Board of Zoning Adjustment (the "Board") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the requested variance of LDC Section 5.3.2.C.2.a. on the property located at 3300 Preston Highway to allow the proposed parking area to encroach into the required 65-foot setback from the center line of Preston Highway will not adversely affect the public health, safety, or welfare or alter the essential character of the general vicinity because the existing pavement on the subject property currently extends up to the front property line; further, none of the surrounding properties along Preston Highway observe a 65-foot setback from the center line of Preston Highway; all of the nearby properties in the immediate vicinity have parking areas and/or buildings constructed right up to the Preston Highway right-of-way;

WHEREAS, the Board further finds the requested variance will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the regulations because the proposed new hotel building on the subject property will meet the setback requirement, only the first row of parking spaces will be located within the required front yard; the proposed redevelopment will include removing a portion of the existing asphalt and restoring a 9-foot landscape buffer area along Preston Highway, planting a significant amount of trees along the perimeter of the site, and installation of interior landscape areas per LDC requirements; the landscaping improvements coupled with an attractively-designed new building, will be a significant improvement over the existing site conditions and will enhance the aesthetic character of the Preston Highway corridor;

WHEREAS, the Board further finds special circumstances exist that do not apply to land in the same zone in that the subject property is odd-shaped, angled lot adjacent to railroad tracks to the north and I-65 to the west; neither the existing development on the subject property nor any developments on the adjoining properties meet the setback requirement from Preston Highway; these circumstances are not the result of the actions taken by the applicant since the adoption of the Land Development Code;

WHEREAS, the Board further finds that 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 because the proposed parking area is consistent with the pattern of development on the immediately surrounding properties and will not adversely affect other nearby properties, and if the variance is not granted, the applicant will lose a significant amount of usable area on the subject property and will be unable to redevelop the property in a manner consistent with surrounding properties;

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