



Variance Application

Louisville Metro Planning & Design Services

Case No.: 17DevPlan 1241 Intake Staff: YH

Date: 3/26/2018 Fee: -0-

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Project Information:

This is a variance from Section 5.3.4.D.3.a of the Land Development Code, to allow the covered area for the existing canopy to encroach into the 25 ft setback.

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Primary Project Address: 2905 Fern Valley Road

Additional Address(es): _____

Primary Parcel ID: Block 631, Lot 385

Additional Parcel ID(s): _____

Proposed Use: hotel addition Existing Use: hotel

Existing Zoning District: EZ1 Existing Form District: Sub. Workplace

Deed Book(s) / Page Numbers²: Deed Book 9195, Page 965

The subject property contains 3.27 acres. Number of Adjoining Property Owners: _____

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN1241 ✓ Docket/Case #: _____

Docket/Case #: 16DEVPLAN1108 Docket/Case #: _____

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Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Variance of Section 5.3.4.D.3.a to allow the covered area for the existing canopy to encroach into the 25 ft front setback

1. The variance will not adversely affect the public health, safety or welfare because the only reason for the variance is the requirement for the applicant to dedicate additional right of way making the existing canopy no longer Land Development Code compliant.
2. The variance will not alter the essential character of the general vicinity because the existing canopy is a long existing condition that is not being altered in any way.
3. The variance will not cause a hazard or a nuisance to the public because this is a long existing condition that is not being proposed for any modification, with the only requirement for the variance being the dedication of additional right of way.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because no changes are being proposed for the existing canopy. If there was no request for additional right of way, the variance would not be required.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as stated, the only reason this property is required to have a variance is to allow an existing condition to remain.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would

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have to tear down the existing canopy in order to dedicate right of way as requested.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the applicant is not requesting to change the existing canopy in any way.

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