

Board of Zoning Adjustment

Staff Report

September 12, 2022



Case No:	22-CAT3-0006, 22-VARIANCE-0055, 22-VARIANCE-0056, 22-WAIVER-0067, 22-WAIVER-0068
Project Name:	Beecher Terrace Phase IV
Location:	1200 W Jefferson Street
Owner(s):	Louisville Metro Housing Authority
Applicant:	Civil Design, INC.
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- **Variances:**
 1. Variance from Chapter 5.2.1.C.3 (22-VARIANCE-0055) for the front yard setback to exceed 15 ft from the right-of-way as shown on the development plan.
 2. Variance from Chapter 5.2.1.C.6 (22-VARIANCE-0056) to allow all corner lots within the Downtown Form District to NOT maintain a zero foot setback from the street wall for at least 50 feet from the intersection along each street, or the width of the lot, whichever is less.
- **Waivers:**
 1. Waiver from 5.2.1.C.2 (22-WAIVER-0067) to not provide the required 3 story street wall along all frontages of the proposed development
 2. Waiver from 5.8.1.C.1.B (22-WAIVER-0068) to not provide the required 84 inch wide sidewalks as shown on the development plan.
 - 3.
- **Category 3 Development Plan**

CASE SUMMARY/BACKGROUND

The applicant, Louisville Metro Housing Authority, is proposing to construct 27 multifamily structures and one accessory structure for maintenance on approximately 7.3 acres. The site is a portion of the Beecher Terrace public housing site, and is zoned C-2 in the Downtown form district. The multifamily structures will be a mix of 2-, 3- and 4-story structures ranging from 3 to 18 units each. There will also be 5 different 264 SF retail areas around some portions of the development. The total number of dwelling units across the development is 186, in a variety of sizes. The variances and waivers are related to specific requirements of the Downtown form district.

Category 3 development plans with similar waivers and variances were approved for Phase 1 of the Beecher Terrace redevelopment under docket 17DEVPLAN1197, while Phase 2 was approved under dockets 18DEVPLAN1111 and 19DEVPLAN1031 and Phase III was approved under 20-CAT3-0002.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The development will add a variety of housing options within the Downtown form district and the waiver and variance requests are needed to allow for a consistent development across the larger Beecher Terrace site. The Category 3 Plan is in order and has been approved by MSD and Transportation Planning staff.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.2.1.C.3 for the front yard setback to exceed 15 ft from the right-of-way as shown on the development plan (22-VARIANCE-0055):

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the building will be constructed up to all applicable building codes.

- (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 since the area has a mix of housing types and setbacks.

- (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 since the overall development will provide for a mix of high quality housing to replace older housing on the site.

- (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 since the overall development will be high density residential development that is in keeping with the zoning district.

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 not arise from special circumstances.

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 not deprive the applicant of the reasonable use of the land.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.2.1.C.6 to allow all corner lots within the Downtown Form District to NOT maintain a zero foot setback from the street wall for at least 50 feet from the intersection along each street, or the width of the lot, whichever is less (22-VARIANCE-0056):

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare since the buildings will be constructed up to all applicable building codes.

- (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 since the area has a mix of housing types and setbacks.

- (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 since the overall development will provide for a mix of high quality housing to replace older housing on the site.

- (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 since the overall development will be high density residential development that is in keeping with the zoning district.

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 not arise from special circumstances..

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 not deprive the applicant of the reasonable use of the land.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 5.2.1.C.2 to not provide the required 3 story street wall along all frontages of the proposed development (22-WAIVER-0067):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since there are multiple building frontages and pedestrian connections. The overall development will be a medium-density mix of high quality housing that is in keeping with the area.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: New development and redevelopment should be compatible with the scale and site design of nearby existing development and with the pattern of development within the form district. The development will be compatible with other development in the area.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there is a development pattern proposed for the site that is consistent with the development pattern of the area.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the development pattern required would not be in keeping with the residential development that is proposed to meet housing needs in the area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 5.8.1.C.1.B to not provide the required 84 inch wide sidewalks as shown on the development plan (22-WAIVER-0068):

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners, as there will still be quality sidewalks and street trees on all roadways within and around the development.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. New development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would not violate the Comprehensive Plan, as the whole site will have pedestrian connections that integrate into the surrounding area.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the regulation is the minimum necessary to afford relief to the applicant, as 6 foot wide sidewalks will be provided adjacent to all rights-of-way in and around the development site.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of this regulation as would create an unnecessary hardship on the applicant, as the required sidewalk widths are beyond what is necessary to serve the residential use proposed.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance (22-VARIANCE-0055)** from section 5.2.1.C.3 for the front yard setback to exceed 15 ft from the right-of-way as shown on the development plan.
- **APPROVE** or **DENY** the **Variance (22-VARIANCE-0056)** from section 5.2.1.C.6 to allow all corner lots within the Downtown Form District to NOT maintain a zero foot setback from the street wall for at least 50 feet from the intersection along each street, or the width of the lot, whichever is
- **APPROVE** or **DENY** the **Waiver (22-WAIVER-0067)** from section 5.2.1.C.2 to not provide the required 3 story street wall along all frontages of the proposed development
- **APPROVE** or **DENY** the **Waiver (22-WAIVER-0068)** from section 5.8.1.C.1.B to not provide the required 84 inch wide sidewalks as shown on the development plan.
- **APPROVED** or **DENY** the **Category 3 Development Plan**

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

NOTIFICATION

Date	Purpose of Notice	Recipients
08/26/22	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 4
08/26/22	Hearing before BOZA	Notice posted on Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. **Zoning Map**



2. Aerial Photograph



4. Site Photos

