

**Board of Zoning Adjustment**  
**Staff Report**  
June 19, 2017



<b>Case No.</b>	17VARIANCE1021
<b>Request</b>	Reduction of side and rear yard setbacks
<b>Project Name</b>	810 Phillips Lane
<b>Location</b>	810 Phillips Lane
<b>Owner</b>	Garnet Hospitality Inc.
<b>Applicant</b>	Garnet Hospitality Inc.
<b>Representative</b>	BTM Engineering Inc.
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	20 – Dan Johnson
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

- **Variance 1:** To permit encroachment into the required side yard (LDC 5.3.5.C.3b)
- **Variance 2:** To permit encroachment into the required rear yard (LDC 5.3.5.C.3c)

Location	Requirement	Request	Variance
Side Yard	20 ft.	2.0 ft.	18.0 ft.
Rear Yard	20 ft.	0.0 ft.	20.0 ft.

**CASE SUMMARY / BACKGROUND / SITE CONTEXT**

The site is zoned C-2 Commercial within a Campus Form District. It is located on Phillips Lane north of I-64 between the Kentucky Fair and Exposition Center and Louisville International Airport. It is the final remaining undeveloped parcel in this location. The proposal is part of a larger development that includes one existing hotel to the south and two more to the west of the subject site. Phillips Lane provides the only access, at two points, to both the subject site and the surrounding existing hotels.

The proposed development consists of a four-story, 98-room hotel totaling 42,811 sq ft. Variance 1 is related to buffering requirements based on the R-5 zoning of three parcels adjoining the site to the east. These parcels are currently in use as off-street parking. The entire vicinity is highly developed in relatively intense non-residential uses and it is unlikely that these parcels will be re-developed for residential use in the future.

Variance 2 will allow the provision of additional parking spaces between the proposed hotel and the existing hotel directly to its south. Both properties are currently under the same ownership.

## LAND USE / ZONING DISTRICT / FORM DISTRICT

	Land Use	Zoning	Form District
<b>Subject Property</b>			
Existing	Vacant	C-2	Campus
Proposed	Hotel		
<b>Surrounding Properties</b>			
North	Hotel	C-2	Campus
South	Hotel	C-2	
East	Surface Parking	R-5	
West	Hotel	C-2	

### PREVIOUS CASES ON SITE

09-075-94: Development plan for four tracts, including subject tract, showing four hotels  
09-17-04: Revision of the 09-075-94 development plan  
17DEVPLAN1060: A development plan for the subject tract approved by LD&T on June 8, 2017

### INTERESTED PARTY COMMENTS

No comments have been received.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The variances do not affect public health, safety or welfare as the encroachment will not interfere with the public right-of-way or restrict pedestrian and vehicular movement or visibility.

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

STAFF: The proposed development and requested variances are entirely in character with the immediate surroundings and the general vicinity. The proposed encroachments are consistent with existing development on adjoining sites.

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

STAFF: The variance will not affect the public right-of-way or create a hazard or nuisance to the public or to adjoining property owners.

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

STAFF: The variances are made necessary by the shape of the site, which restricts the buildable area, and will not adversely affect adjoining property owners.

#### 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 shape of the site restricts its buildable area.

2. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: Application of the regulation would not deprive the applicant of reasonable use of the land. The purpose of the restrictions -- to protect the adjoining residential property -- does not apply in this case, as they are currently developed for commercial purposes.

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 development site was created in 1994 and cannot now be modified due to existing development on adjacent sites.

#### **TECHNICAL REVIEW**

No technical comments remain outstanding.

#### **STAFF CONCLUSIONS**

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting variances from LDC requirements to permit encroachment into required side and rear yards.

#### **REQUIRED ACTIONS**

- **APPROVE or DENY:**
  - **Variance 1:** To permit encroachment into the required side yard (LDC 5.3.5.C.3b)
  - **Variance 2:** To permit encroachment into the required rear yard (LDC 5.3.5.C.3c)

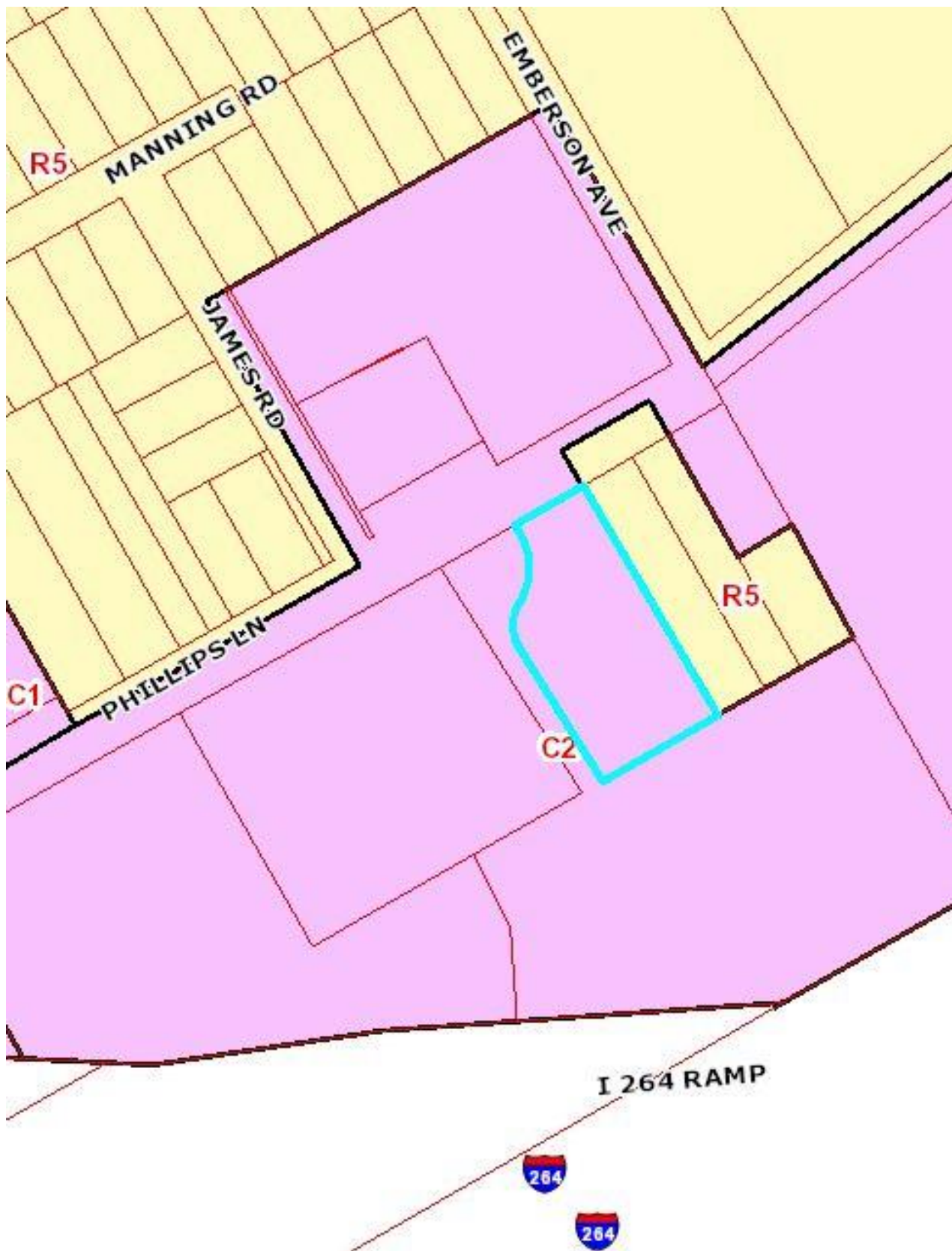
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
6/5/2017	Hearing before BOZA	First and second tier adjoining property owners Registered Neighborhood Groups, Council District 4
6/5/2017	Sign Posting for BOZA	On site

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Applicant Justification

## 1. Zoning Map





## 2. Aerial Photograph



### 3. Applicant Justification



3001 Taylor Springs Drive - Louisville, KY 40220  
p.502.459.8402 - f. 502.459.8427  
www.btmeng.com

April 17th, 2017

Develop Louisville  
Department of Planning and Design Services  
444 South 5<sup>th</sup> Street, Ste. 300  
Louisville KY 40202

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**Subject: Revised Detailed District Development Plan with Variances and Waivers  
810 Phillips Lane Four Story Hotel  
Adjacent Shared Parking (700, 810 & 820 Phillips Lane)**

To Case Manager,

The proposed development will include the construction of a 42,811 SF, four story hotel with 43 parking spaces on the property at 810 Phillips Lane. The property is located within the Campus Form District and requires a 20' side yard and rear yard setback per Chapter 5.3.5.C.3b &c of the Land Development Code. Variances are being requested to allow the encroachments of the proposed building and parking to encroach into these required setbacks. The required landscape buffer along Phillips Lane will be provided as mandated per Chapter 10 of the Land Development Code. Due to the adjacent property being zoned R-5 despite its use for off street parking; there is a required 35' landscape buffer. A waiver is being requested to allow encroachments into the required landscape buffers. An additional landscape waiver is being requested to allow a parking space to encroach into the 10' vehicular use area landscape buffer along the access road from Phillips Lane.

There is an existing agreement to allow access and parking between the properties at 700, 800, 810 & 820 Phillips Lane. The minimum parking required for the proposed hotel is 98 spaces. 43 of these spaces will be provided on the subject site at 810 Phillips Lane. The remaining 55 spaces will be provided on the adjacent properties with the existing cross over access and parking agreement. A few areas of parking on the adjacent properties will be reconfigured to maximize the parking needed for the four hotels in this area. A total of 492 parking spaces will be provided between the four properties.

Please do not hesitate to give me a call at 502-815-7535 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Brown", written over a horizontal line.

Chris Brown, AICP  
Project Manager/Planner

Consulting Services Since 1980

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**Justification Statements for Variances:**

3) Variance of Chapter 5.3.5.C.3b to allow encroachments into the required 20' side yard

4) Variance of Chapter 5.3.5.C.3c to allow encroachments into the required 20' rear yard

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

The requested variance will not adversely affect public health safety or welfare since the encroachments into the side and rear yard will allow for appropriate connections to the site and adjacent site for vehicular and pedestrian traffic. These connections maintain or enhance the public health, safety or welfare.

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

The requested variance will not alter the essential character of the general vicinity since the encroachments into the required side and rear yards will follow an existing pattern of parking and buildings constructed at or near the property boundaries to create a shared parking and connection arrangement between 700, 800, 810 and 820 Phillips Lane.

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

The requested variance will not cause a hazard or nuisance to the public since the encroachments into the required side and rear yard will allow for appropriate connections to the site and between the adjacent sites.

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

The requested variance will not allow an unreasonable circumvention of the zoning regulations since the encroachments into the side and rear yard pattern will follow the established pattern along the south side of Phillips Lane and the lot existed prior to the current zoning regulations.

**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.

The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the adjacent property to the east is a residentially zoned property with a non-residential use and the size and shape of the lot is significantly different than the other lots along the south side of Phillips Lane.

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.

The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the 20' side and rear yards would reduce the usable areas of

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the lot below the required parking needed on the subject site and would not allow for appropriate vehicular maneuvering.

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.

The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the lot existed prior to the adoption of the current zoning regulation.

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