

**Board of Zoning Adjustment**  
**Staff Report**  
September 9, 2019



<b>Case No:</b>	19-CAT3-0011
<b>Project Name:</b>	700 E Main
<b>Location:</b>	700 East Main St #101
<b>Owner(s):</b>	Ryan Gaumeyer, BCTS Louisville, LLC
<b>Applicant:</b>	Ryan Gaumeyer, BCTS Louisville, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

**REQUESTS:**

1. **Variance** of Land Development Code section 5.2.3.D.3.e to allow the building to exceed the maximum height allowed (19-VARIANCE-0010)
2. **Category 3 Development Plan**

**CASE SUMMARY/BACKGROUND**

The subject site is zoned EZ-1 Enterprise Zone in the Traditional Marketplace Corridor form district. It is located on the south side of E Main Street, in the southeast quadrant of the intersection with S Clay Street, in the NULU Overlay District. The site is currently developed with several vacant “Service Tanks” warehouse buildings on site. The subject site is surrounded by C-2 Commercial zoned parcels to the south, and M-2 Industrial and EZ-1 Enterprise zoned parcels to the north, east, and west.

The applicant is proposing to construct a 305-unit mixed-use apartment community with commercial retail uses. The applicant requests a variance from the 50 foot maximum building height and four floors (or five floors, with the LDC section 5.5.6 height incentive) to allow seven floors at 93 feet tall.

Previous cases:

- 16DEVPLAN1165: Category 3 application to construct 272 apartments in a vacant warehouse in the EZ-1 zone.

This proposal will require a Certificate of Appropriateness be submitted and approved by Urban Design. The overlay permit, 19-OVERLAY-0005, was heard at the NuLu (NROD) meeting on August 28, 2019.

Public Works is requiring a traffic study for this development before preliminary plan approval.

**STAFF FINDINGS**

The Category 3 development plan meets or exceeds the requirements of the Land Development Code. The variance is adequately justified and meets the standard of review.

## **TECHNICAL REVIEW**

Public Works and MSD have provided preliminary approval.

## **INTERESTED PARTY COMMENTS**

Staff has received an email in support of the project, which is included in the case file.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM 5.2.3.D.3.e TO ALLOW THE BUILDING TO EXCEED THE MAXIMUM HEIGHT ALLOWED**

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

STAFF: The requested variance will not adversely affect public health safety or welfare since there other structures in the vicinity of the subject site (specifically, Main and Clay located at 637 E Main Street, and AC Hotels at 725 E Market Street) which appear to exceed 50 feet in height.

- (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 there are other structures in the vicinity of the subject site which appear to exceed the 50 foot maximum height. The subject site is located at the border of the Traditional Marketplace Corridor form district and the Downtown form district.

- (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 there appear to be other structures in the vicinity of the subject site which exceed 50 feet in height.

- (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 there appear to be other structures in the vicinity of the subject site which exceed 50 feet in height.

## **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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the subject site is located on the border of the Traditional Marketplace corridor form district and the Downtown form district, and there are other structures in the vicinity of the subject site which appear to exceed the 50 foot maximum height.

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 deprive the applicant of reasonable use of the land since the reduction in height would make the project financially infeasible.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Category 3 Development Plan**

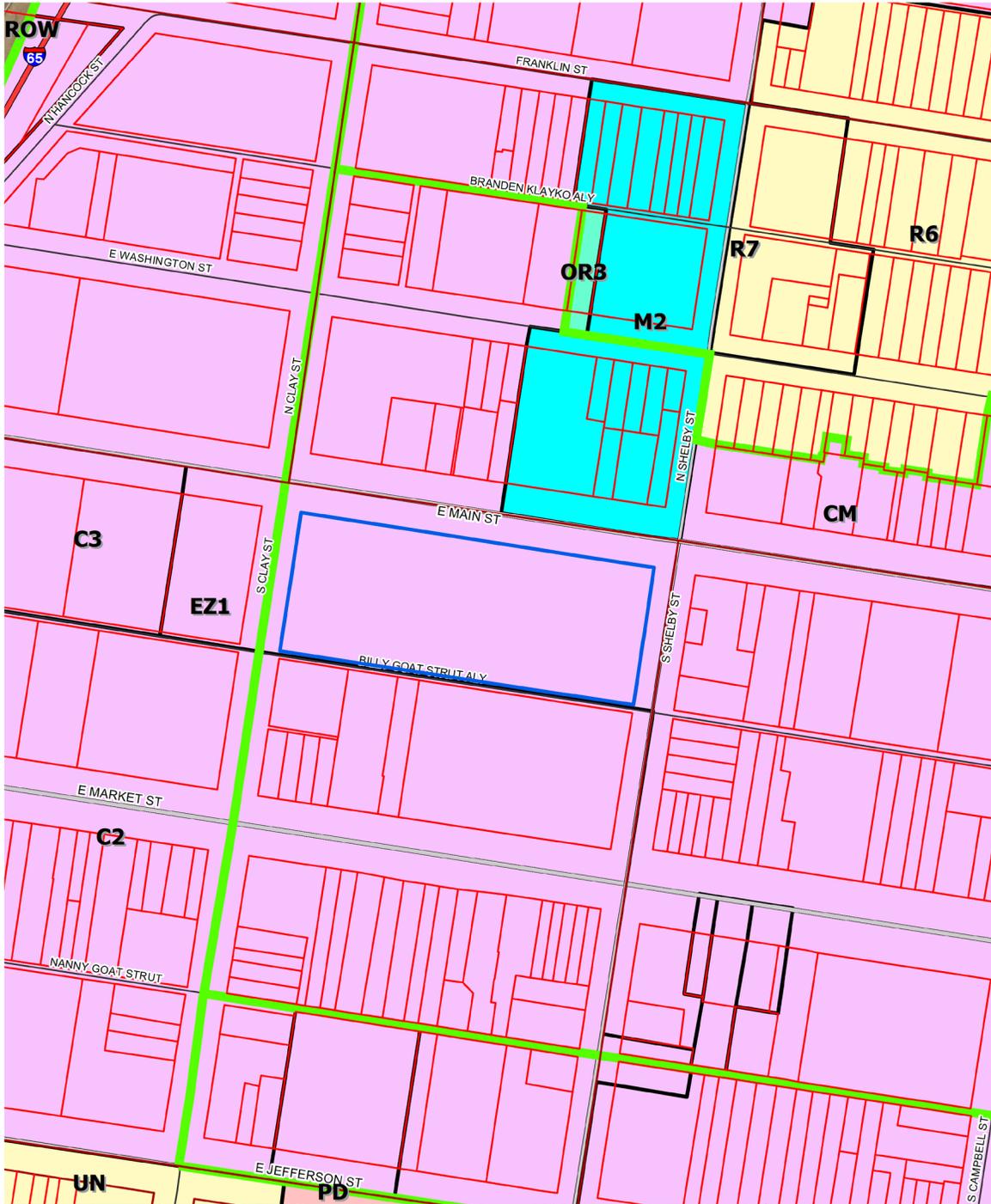
**NOTIFICATION**

Date	Purpose of Notice	Recipients
9-9-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4

**ATTACHMENTS**

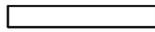
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



**700 E MAIN STREET**

feet



190

Map Created: 8/16/2019



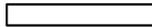
Copyright (c) 2019, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



700 E MAIN STREET

feet



190

Map Created: 8/16/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.