

Board of Zoning Adjustment

Staff Report

May 7, 2020



Case No:	20-CAT3-0002/20-VARIANCE-0010/20-VARIANCE-0011/20-WAIVER-0013/20-WAIVER-0014
Project Name:	Beecher Terrace Phase 3
Location:	Parcels 014H00140000, 014H00170000, 014H00180000 and a portion of parcel 014H00010000
Owner(s):	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Luckett, AICP, Planner I

REQUEST(S)

- **Variances**
 1. **Variance** of Land Development Code section 5.2.1.C.6 to allow structures on a corner lot within the Downtown form district to exceed the 0 foot maximum setback within 50 feet of an intersection. Applicable on all corners, variance up to 30 feet as shown on the development plan.
 2. **Variance** of Land Development Code section 5.2.1.C.3 to allow a structure to exceed the 15 foot maximum setback by 5 feet for Building 20 as shown on the proposed development plan.
- **Waivers**
 1. **Waiver** of Land Development Code section 5.2.1.C.2 to not maintain a minimum 3-story street wall along all frontages within the development.
 2. **Waiver** of Land Development Code section 5.8.1.C.1.b to not provide sidewalks at least 84 inches wide in the Downtown form district. Applicable to all sidewalks within the development.
- **Category 3 Development Plan**

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 23 multifamily structures and two accessory structures on approximately 1.89 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 42 units each. The total number of dwelling units across the development is 185, 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.

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

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 1

- (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 VARIANCE 2

- (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 WAIVER 1

- (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 2

- (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 **Variances**
- **APPROVE** or **DENY** the **Waivers**
- **APPROVED** or **DENY** the **Category 3 Development Plan**

NOTIFICATION

Date	Purpose of Notice	Recipients
4-15-20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
4-21-20	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



20-CAT3-0002

Wednesday, April 22, 2020 | 9:34:00 AM



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This map is not a legal document and should only be used for general reference and identification.