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This letter serves as my comments regarding a proposed development at 1576 Cherokee Road, case number: 20-VARIANCE-0002 and 20-VARIANCE-0003. This case will be heard during the July 6, 2020 meeting of the Board of Zoning Adjustment. My wife and I have lived at 2335 Bonnycastle Avenue for 37 years and our property is across the alley from what would be the main entrance to this development.

The developer has requested two variances for the property: 1) a variance is requested to vary the building height; 2) a variance is also requested to vary the private yard area percentage provided.

In the site plan submitted on June 1, 2020 and in previous plans, the developer also requested a waiver of the Cherokee Road Right of Way sidewalk. It's our understanding that the developer has rescinded that request in the current plan, but will not be building a sidewalk at the site, since the developer will instead be contributing the cost of the sidewalk to build a sidewalk elsewhere in District 8. Our concern about that approach in this case, is that it runs counter to Goal 7 of the current Bonnycastle Neighborhood Plan (adopted in 2002), which is "to preserve and expand alleys and sidewalks (in the Bonnycastle Neighborhood)," and to a specific mention on page 8 of the plan, of adding a pedestrian walkway along the south side of the Cherokee Road Corridor.

As mentioned above, the development plan calls for a variance in the private yard percentage from the required 30% to 0%, or in other words there would be no private yard. This raises several concerns. First, if the Board of Zoning Adjustment grants a variance of 0% private yard percentage, this will basically be voiding that regulation. Would seem if someone involved in this process doesn't believe in the private yard percentage requirement then that person should act to change the rule through the process, rather than changing the rule by granting variances at zero percent. In other words, honor the requirement, including reasonable variances when appropriate, or get it changed, but don't just arbitrarily grant a variance of 0%, which, in essence, negates the rule. Also, while it is noted that MSD indicates there will be no additional run-off into the alley, drainage has been a common problem in the alley, and it's hard to see why allowing the backyard to be totally paved and increasing the impervious surface on the lot from 8,726 square feet to 13,834 square feet, would not make this worse.

One of my biggest concerns is that the developer is proposing a building with 21,669 square feet, which results in a FAR ratio of 1.0, since the size of the lot is 21,765 square feet. That is why he doesn't have to request a zoning change from R-7 to R-8A, as he has done unsuccessfully in the past. However, the footprint for the building is 5,907 square feet without counting balconies, patios, etc. and 5,907 times 4 would be 23,628 square feet, which would result in a FAR of more than 1.0 and would require a zoning change. However, apparently about 2,000 square feet of the

first floor will be a “patio” and was not counted in the FAR calculation. Would hope that during the BOZA meeting on July 6, there would be further clarification as to how this patio will be constructed, whether it will be enclosed, etc., and a determination as to whether it's proper not to count this space.

We're certainly not against a development at this site and appreciate the developer submitting a plan that's more compatible than previous plans, but would appreciate the concerns above being addressed. It is unfortunate that over the time a development at this site has been discussed, there hasn't been more honest dialogue between the developer and the neighborhood, since we share many of the same interests.

Thanks.

Ed

Ed Henson
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