

Board of Zoning Adjustment

Staff Report

July 6, 2020



Case No:	20-VARIANCE-0002/20-VARIANCE-0003
Project Name:	Cherokee Springs
Location:	1576 Cherokee Rd
Owner(s):	W Earl Reed III
Applicant:	Cherokee Springs, LLC.
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variances**
 1. **Variance (20-VARIANCE-0002)** of Land Development Code section 5.4.1.D.2 to reduce the required private yard area from 30% to 0%.
 2. **Variance (20-VARIANCE-0003)** of Land Development Code section 5.1.12.A.2.d to exceed the maximum allowable infill height by 5'9" from 44' to 49'9".

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 8 multifamily residential units on approximately .5 acre in the R-7 zoning district and the Traditional Neighborhood form district. The site faces Cherokee Park at the northern edge of the Bonnycastle neighborhood. The proposed structure will have parking accessed from the alley, with most of the parking underground. A total of 21,669 square feet of living space with private balconies at the front and sides of the structure are proposed. A landscape amenity is proposed on the park side of the site.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The proposed development is architecturally compatible with the surrounding historic neighborhoods. The height and bulk of the proposed development fall within the range of the bulk and height of multi-family development in the general vicinity which adds to the diversity of style and design of surrounding historic neighborhoods.

TECHNICAL REVIEW

The applicant will either pay the fee-in-lieu or construct sidewalk offsite to comply with Land Development Code requirements. The details are to be determined prior to construction plan approvals in conference with Louisville Metro Public Works.

The requests are associated with a Category 2-B development plan 20-CAT2-0003 currently under staff review. Transportation Planning and MSD have approved the preliminary plan.

INTERESTED PARTY COMMENTS

Several citizens have expressed concerns about the proposed development, including concerns about the reduction of private yard area and perceived negative impact on the character of the area.

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 public health, safety, or welfare as the proposed reduction does not impede the safe movement of pedestrians or vehicles, and the public park opposite Cherokee Park provides a generous amount of land for recreational opportunities to improve health.

- (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 as multi-family development at scales similar to the proposal do not commonly provide amenities at the rear but rather in interior courtyards or along the frontage similar to the proposal. The lack of private yard area for multi-family development in the area is evident in the abutting property to the south.

- (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 as private yard areas are not open to the public and the reduction in private yard allows for the rear alley to be utilized for private and guest parking at a ratio suggested by the Bonnycastle Neighborhood Plan.

- (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 zoning regulations as multi-family development at scales similar to the proposal do not commonly provide amenities at the rear but rather in interior courtyards or along the frontage similar to the proposal.

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 as the project is for multi-family development and multi-family development in the area exhibits a slightly different pattern than the more common single-family principles of design.

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 as it would prevent the redevelopment of an existing multi-family site into another compatible with the area.

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 as the site has not been developed and relief is being 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 generally not adversely affect public health, safety or welfare as the proposed height does not impede the safe movement of pedestrians or vehicles, or negatively impact views along Cherokee Road of the park or within the public realm.

- (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 as the general vicinity contains a range of housing styles from the more common 2/2.5 story single-family residential structure to the 20-story multi-family “landmark” dominating a single corner of Cherokee Park. Multi-family structures in the area possess a wide variety of bulk, height, layout, orientation, and design that adds to the diversity and uniqueness of these historic neighborhoods. The proposed structure would fall within the range of heights in the area and be architecturally consistent with the area.

- (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 as the proposed height does not impact the safe movement of pedestrians or vehicles, alter the character of the area, or cause environmental degradation.

- (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 zoning regulations as the proposed structure falls within the range of heights in the area and adds to the diversity of architecture in the area.

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 which do not generally apply to land in the general vicinity or the same zone as the form district of the subject site encompasses the majority of residential land in the area.

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 as no public health, safety, or welfare concerns are significant, no hazards or nuisances will be created, and the design and height is consistent with the character of the surrounding neighborhood.

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 as the site has not been developed and relief is being requested.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variances**

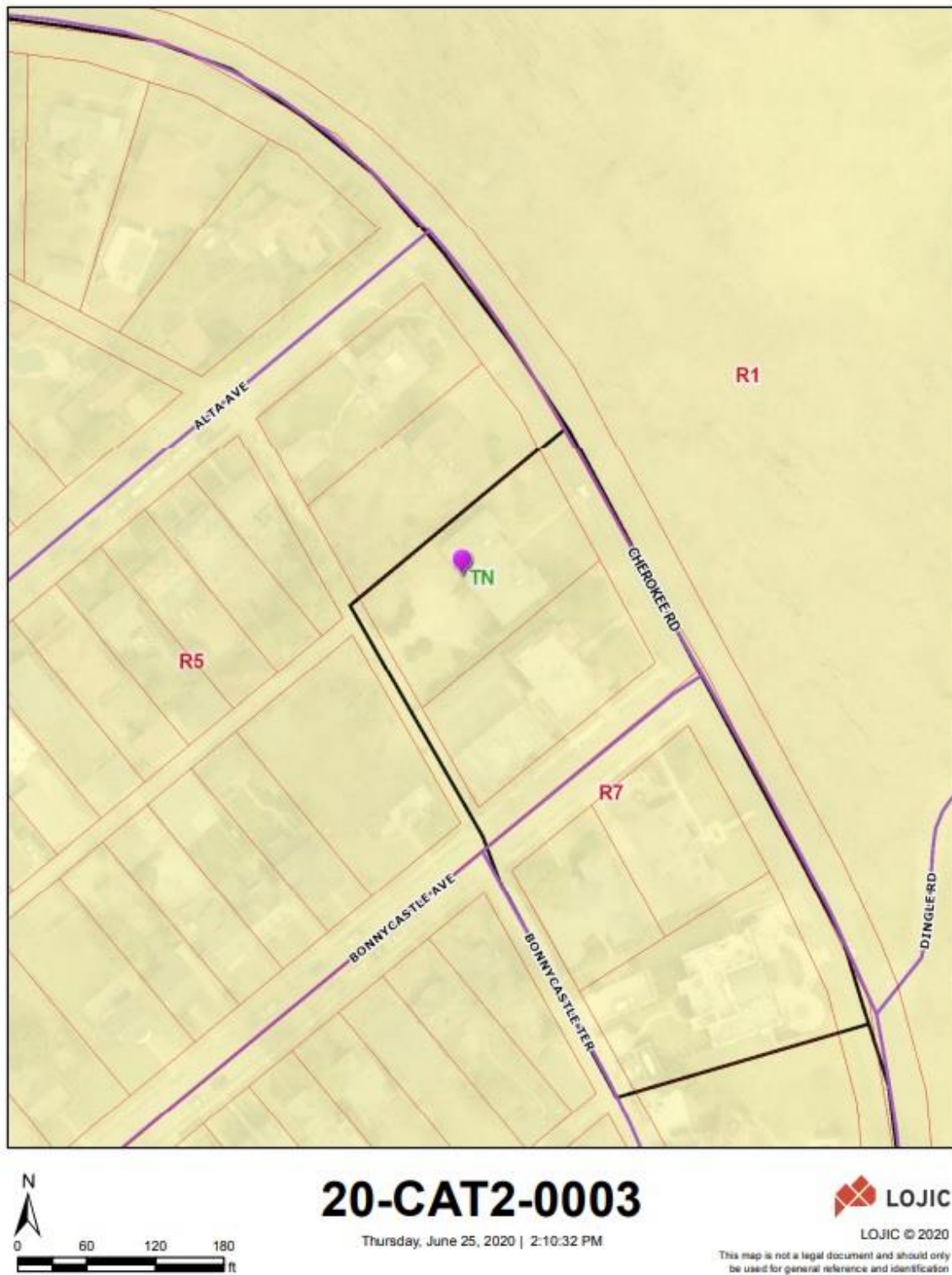
NOTIFICATION

Date	Purpose of Notice	Recipients
6-19-20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
4-21-20	Hearing before BOZA	Sign Posting on property

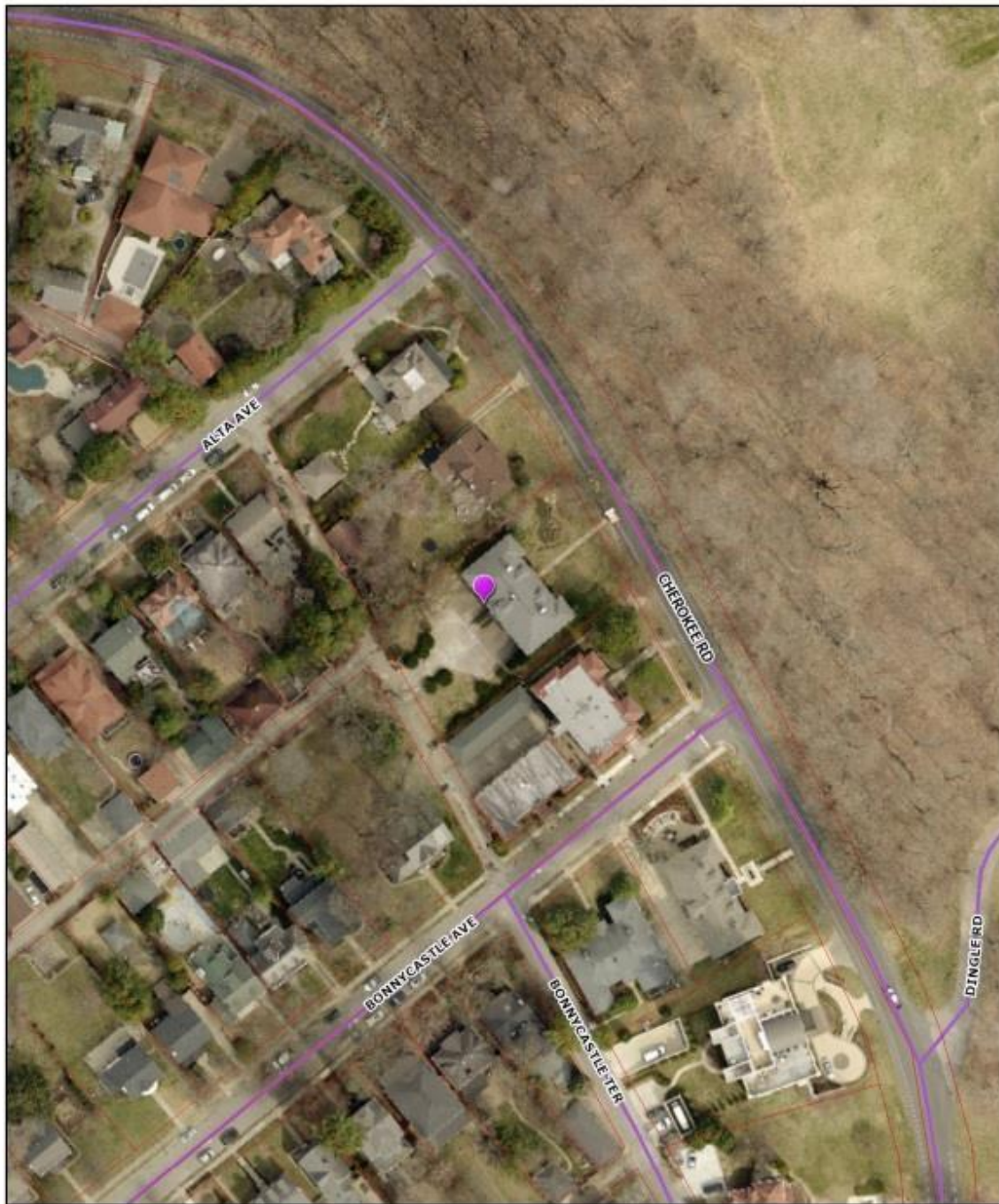
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



20-CAT2-0003

Thursday, June 25, 2020 | 2:00:35 PM



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