

# Board of Zoning Adjustment

## Staff Report

September 14, 2020



<b>Case No:</b>	20-VARIANCE-0066
<b>Project Name:</b>	The Hensley Hotel
<b>Location:</b>	1125 and 1131 Bardstown Rd
<b>Owner(s):</b>	Utopia Ventures
<b>Applicant:</b>	Utopia Ventures
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### **REQUEST(S)**

- **Variance** to exceed maximum 45-foot height by up to 4.75 feet.

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a 40-room hotel and with a 5,956 SF bar. The site is zoned C-2 in the Traditional Marketplace Corridor form district and within the Bardstown Road Overlay. The site contains approximately 18,050 SF and contains a vacant laundromat structure and parking areas. The variance is associated with a Category 2B development plan currently being reviewed under docket 20-CAT2-0007.

### **STAFF FINDING**

The request is adequately justified and meet the standards of review. The highest part of the building would be in the middle of the site, significantly stepped back from the Bardstown Rd frontage and away from the residential properties across the alley to the rear. The resulting development will fit within the mixed commercial character of the area.

### **TECHNICAL REVIEW**

The project has been approved by the Bardstown Road Overlay District.

The Planning Commission considered a parking waiver and two other waivers at the September 3, 2020 meeting.

### **INTERESTED PARTY COMMENTS**

Kris Rawley, a resident at 1114 Cherokee Rd has expressed concerns via email about the proposal.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

- (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 variance does not impede the safe movement of pedestrians or vehicles, as the development will still be a significant improvement over current conditions, including pedestrian and vehicular safety.

- (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 there are a mix of building heights and commercial designs within 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 development will follow all building and safety requirements.

- (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 there are a range of building heights and site designs along the commercial corridor. The variance will allow for a previously developed site to be redeveloped into a commercial use that complements other uses 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 not generally applicable to land in the vicinity.

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 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 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.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance**

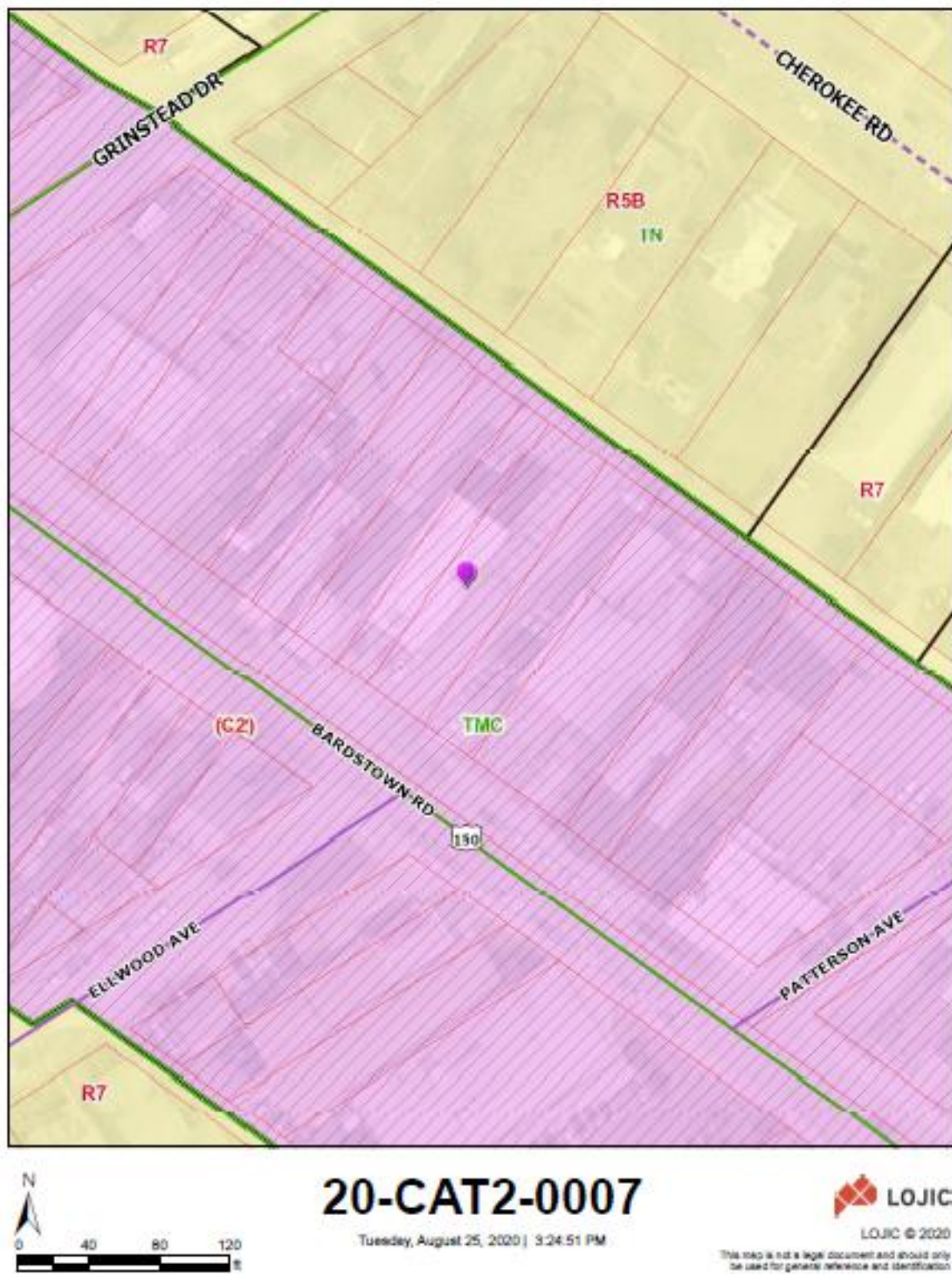
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>8-31-20</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph