

Board of Zoning Adjustment

Staff Report

September 11, 2023



Case No:	23-VARIANCE-0070
Project Name:	Iroquois Homes Senior Living
Location:	1400 Bicknell Ave
Owner(s):	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	John Michael Lawler, Planner I

REQUEST(S)

- Variance from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum front yard setback of 25 feet, allowing a maximum setback of 52.9 feet, a variance of 27.9 feet
- Variance from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum side yard setback of 25 feet, allowing a maximum setback of 82.5 feet, a variance of 57.5 feet
- Category 3 Plan

CASE SUMMARY

The applicant is proposing a 60-unit senior housing development. Vehicular access for the site will be provided from the proposed Tuscarora Way. Pedestrian access will come from both Bicknell Ave and the proposed Tuscarora Way, with pedestrian access provided throughout the site with sidewalks, striped pedestrian crossings, and a walking path. The walking path constitutes most of the site's required open space and is connected to a dedicated green space. Because the applicant is proposing to move Tuscarora Way and make it a public right-of-way, the current proposal will need to have any potential approval conditioned on the approval and recording of its related record plat, Docket # 23-RP-0011.

STAFF FINDING

Staff finds that the variances are adequately justified for approval based on the staff's analysis contained within the standard of review. Except for requested relief, the Category 3 development plan complies with all other requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (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 appropriately buffered from adjacent properties.

- (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 proposal is providing a greater setback from adjacent single-family housing. This provides greater separation of uses that are of different scales. The increased setback also accommodates the walking path that is being used as open space for residents on the site.

- (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 building will be appropriately buffered with dedicated open space for residents occupying much of the increased setback.

- (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 applicant is providing required open space in much of the increased setback. The setback is being requested to allow for a creative use of space in-front of the proposed building for future residents of the development.

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. The required open space is being provided in front of the building as a walking path for residents of the development.

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: There are some site constraints that prevent the setbacks being provided along Tuscarora Way. On-site stormwater detention and sanitary sewage and drainage easements have dictated where the building can be placed on the site and have necessitated some of the open space being provided in-front of the proposed building. Disruption to those constraints would be a hardship and would cause the applicant to have to completely rework their site around the given constraints.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum front yard setback of 25 feet, allowing a maximum setback of 52.9 feet, a variance of 27.9 feet
- **APPROVE** or **DENY** the **Variance** from LDC Section 5.2.2 to allow the proposed structure to exceed the maximum side yard setback of 25 feet, allowing a maximum setback of 82.5 feet, a variance of 57.5 feet
- **APPROVE** or **DENY** the **Category 3 Plan**

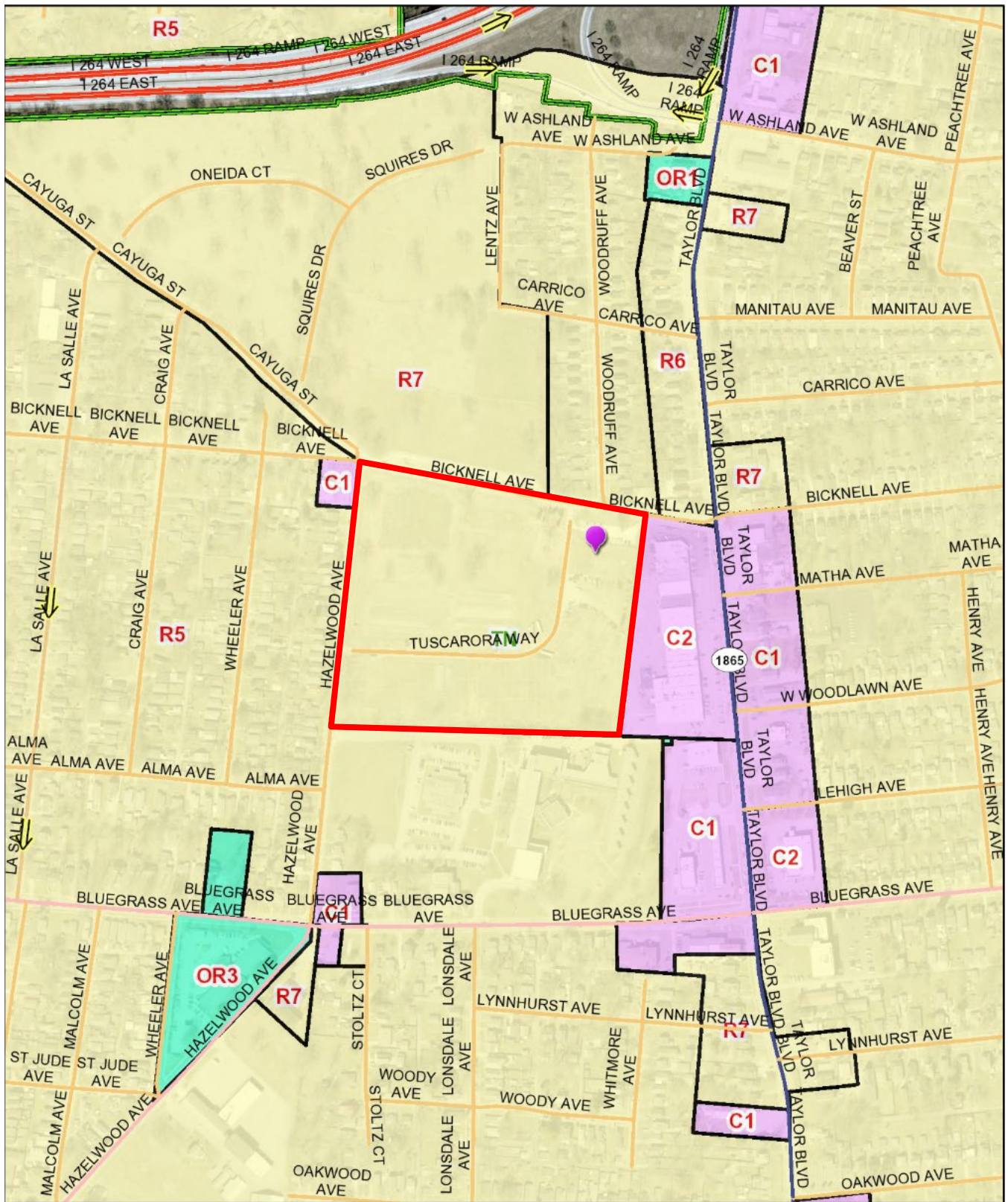
NOTIFICATION

Date	Purpose of Notice	Recipients
8/21/2023	Hearing before BOZA on September 11, 2023	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 15
8/4/2023	Sign Posting	

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

