

# Board of Zoning Adjustment Staff Report

October 2, 2023



<b>Case No:</b>	23-VARIANCE-0119
<b>Project Name:</b>	HoM Flats at Outer Loop
<b>Location:</b>	6001 Outer Loop
<b>Owner:</b>	Mive Property, LLC
<b>Applicant:</b>	Magnus Capital Properties
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Jay Lockett, AICP, Planning Supervisor

## REQUESTS

- **Variance** from Land Development Code Table 5.3.1 to permit buildings to exceed the 35-foot maximum height by up to 10 feet.

Location	Requirement	Request	Variance
23-VARIANCE-0119	35 feet	45 feet	10 feet

## CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 252 multifamily dwelling units on approximately 15.16 acres. The site is zoned R-6 in the Neighborhood form district in the Highview area of Louisville Metro, and was formerly the site of a swimming club. The development proposes a mix of two- and four-story buildings with a child care facility permitted under the special standards found in Land Development Code section 4.3.28.A.3, as well as a variety of open space and on-site amenities. A previous plan on the site approved under docket 20-ZONE-0120 proposed the same number of units in 3-story buildings.

## STAFF FINDING

The request is adequately justified and meets the standards of review.

## TECHNICAL REVIEW

Transportation Planning has approved the preliminary development plan. MSD is still reviewing the preliminary development plan.

Per an existing binding element, the plan must receive final approval from Metro Council after a recommendation from the Planning Commission.

## INTERESTED PARTY COMMENTS

None Received.

## **RELATED CASES**

20-ZONE-0120: Change in Zoning from R-4 to R-6 to construct 252 Multifamily units with a waiver and District Development Plan with Binding Elements

23-ZONE-0078: Revised Detailed District Development Plan

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.3.1**

- (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 since the buildings will be constructed in accordance with all applicable building and fire safety codes. The greater height allows for a more efficient development pattern with more open space.

- (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 tallest structures are setback significantly from adjacent single-family properties, with 2-story buildings located closest to the public streets. The adjacent properties facing Outer Loop are large religious institutional sites.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect public health safety or welfare since the buildings will be constructed in accordance with all applicable building and fire safety codes.

- (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 4 story structures are located mainly interior to the site with significant setbacks from the single-family properties behind the site.

## **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.

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, but would lead to a less efficient development pattern with less open space and more impervious surface.

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.

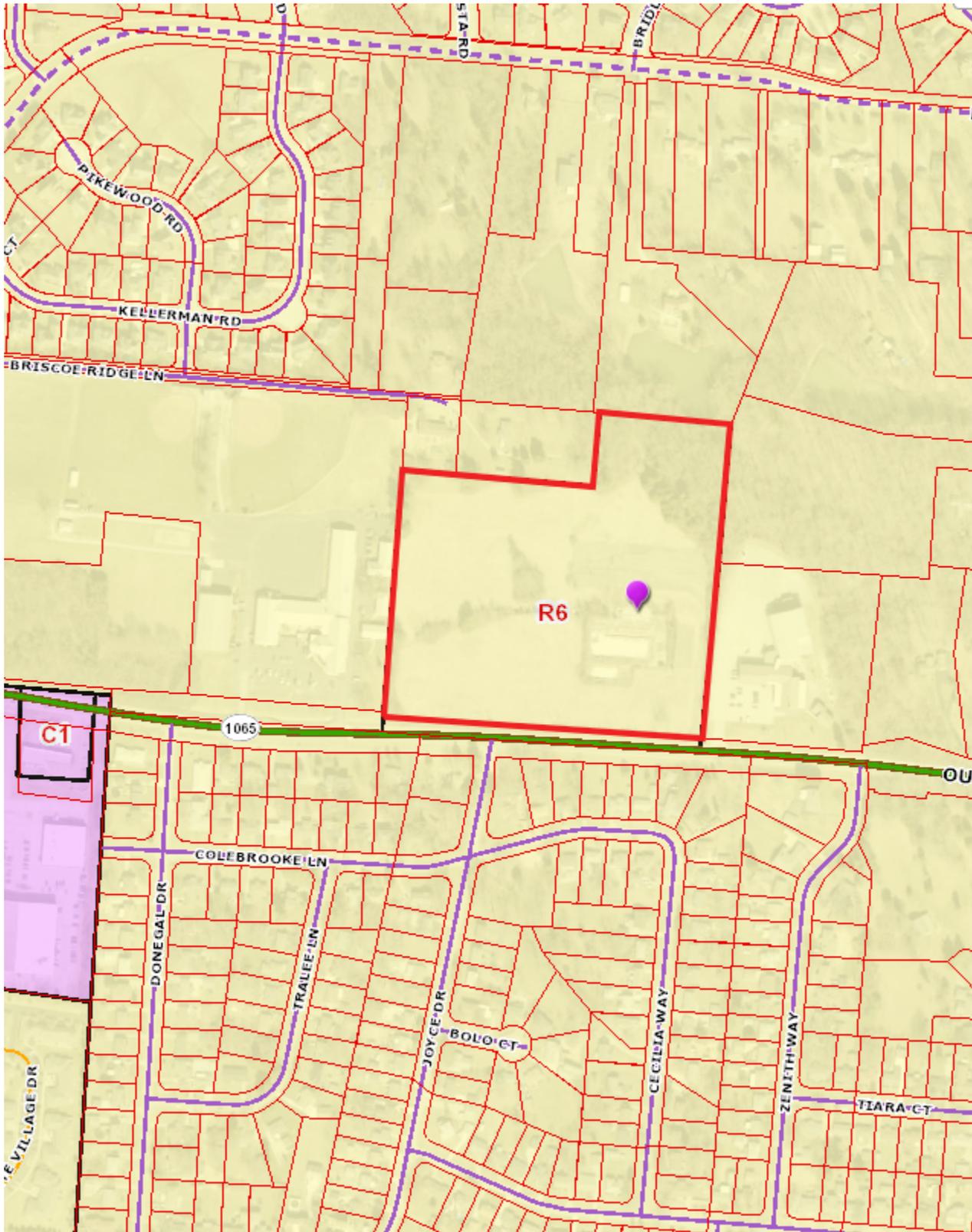
**NOTIFICATION**

Date		Recipients
9/15/23	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24
9/15/23	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

