

Board of Zoning Adjustments

Staff Report

March 20, 2023



Case No:	22-VARIANCE-0166
Project Name:	Hampton Inn
Location:	400 Bullitt Lane
Owner(s):	RB Properties IV, LLC
Applicant:	Musselman Hotels, LLC
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	John Michael Lawler, Planner I

REQUEST(S)

- Variance from Section 5.3.5.C.3.a to allow off-street parking to encroach 10’ into the required front yard setback.

Location	Requirement	Request	Variance
Front Yard	25 ft	15 ft	10 ft

CASE SUMMARY/BACKGROUND

The applicant is proposing the construction of a 65,914 sq. ft, 111 room Hampton Inn Hotel on 4.85 acres of vacant land. Access to the site is provided by two separate access points along Bullitt Lane. The northern part of the subject site is a grassy field that abuts another vacant lot, while the southern part of the site is predominantly covered with tree canopy that fronts along the right-of-way for the proposed Bunsen Pky. Watterson Expressway (I-264) frames the western property line. A Residence Inn is across Bullitt Lane from the subject site to the east. There is a 25’ front yard setback on the lot. Off-street parking for the hotel will encroach a maximum of 10’ into the required front yard setback at the northeast and southeast portion of the parking lot. The Development Review Committee approved the Revised Detailed District Development Plan and a related Waiver at their January 18, 2023 meeting on condition that the front yard setback variance is approved. Previously, there was a change in zoning on the site from R-4 to C-2 under Docket # 17ZONE1048.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. The development will provide all VUA LBAs, and will be in keeping with the pattern of development in the area. An identical variance was granted by BOZA under Docket # 16VARIANCE1053 for the Residence Inn’s parking lot that is present directly across Bullitt Ln.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed parking lot will be buffered from the street with the required VUA LBA. It is also in keeping with the established pattern of development in the area; BOZA previously approved the same 10' encroachment for parking into the front yard setback directly across the street for the Residence Inn on Bullitt Ln.

- (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 because this variance is identical to the variance granted directly across the street for the Residence Inn on Bullitt Ln. The Residence Inn also requested a 10' encroachment into the front yard setback and had it granted through Docket # 16VARIANCE1053.

- (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 because the proposed parking lot will be buffered from the adjacent right-of-way.

- (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 because the proposed parking lot is encroaching into only a small portion of the required front yard setback, to the same degree as the hotel directly adjacent to this property.

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 due to the unusual shape of the lot. The applicant is expanding into the required front yard setback with the proposed parking lot due to the hourglass shape of the lot necessitating the placement of the parking near the front of the lot, along Bullitt Ln.

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 create an unnecessary hardship on the applicant because the proposed parking lot would not be able to be built.

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. This is a vacant lot, at present. The applicant is requesting the variance for the parking lot prior to its construction.

REQUIRED ACTIONS:

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

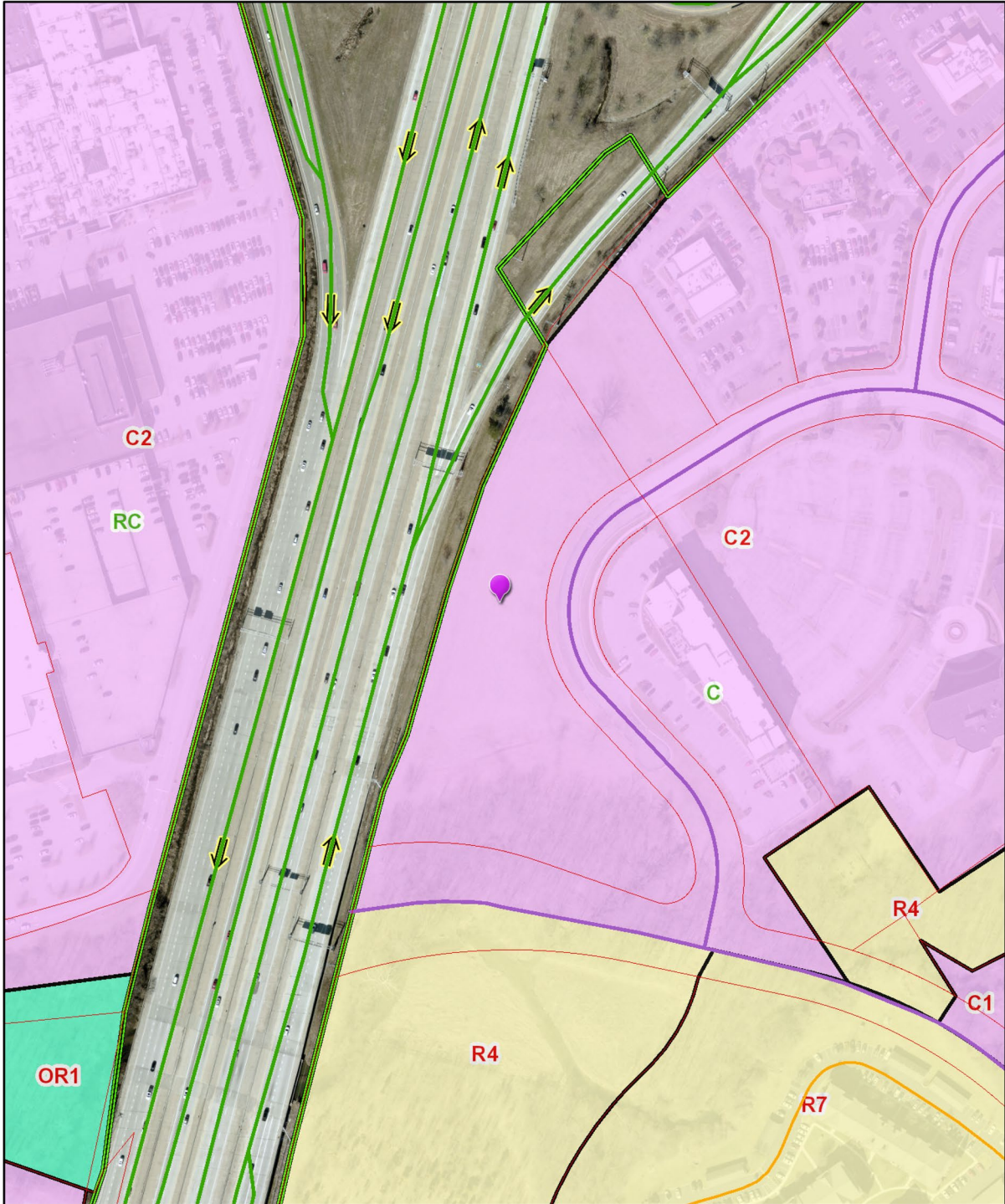
NOTIFICATION

Date	Purpose of Notice	Recipients
3/6/2023	Hearing before BOZA on 3/20/2023	1 st tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 7

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

