



# Variance Application

Louisville Metro Planning & Design Services

Case No.: 18DEVPLAN1111 Intake Staff: HP

Date: 6/25/18 Fee: \_\_\_\_\_

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

## Project Information:

This is a variance from Section 5.2.1.C.3 of the Land Development Code, to allow To allow the setback of Building #12 to exceed 15 foot setback.

Primary Project Address: 1000 W. Jefferson St.

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Part of T.B. 14H, Lot 7

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Multi-Family Existing Use: Multi-family/vacant

Existing Zoning District: C-2 Existing Form District: DFD

Deed Book(s) / Page Numbers<sup>2</sup>: D.B. 1690, Pg. 639

The subject property contains 3.784 acres. Number of Adjoining Property Owners: 2

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN1197 Docket/Case #: 17RECORDPLAT1025

Docket/Case #: 16AREA1001 Docket/Case #: \_\_\_\_\_

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**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will not adversely affect the public health, safety or welfare as the overall proposed revitalization of the Beecher Terrace neighborhood does meet the setback requirement. Building #12 is setback 30 feet to meet building code regulations for entrance distances between buildings.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

The proposed use will not alter the essential character of the general vicinity as the existing use and the adjacent properties are multi family residential uses. The existing buildings on the site currently sit back 25'+/- from the existing rights of way.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will not cause a hazard or a nuisance to the public since the intent is to enhance the area with a revitalization of the multi family neighborhood.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The requested variance will not allow an unreasonable circumvention of zoning regulations since the development is a revitalization of the existing neighborhood, to provide safe, affordable and appealing multi family neighborhood.

*Additional consideration:*

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The variance arises from special circumstances which do not generally apply to land in the general vicinity, since the site is a revitalization of the existing neighborhood and is not the typical development seen in a DFD/C-2 zone.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

The strict application would create an unnecessary hardship and make Building #12 and Building #13 not in compliance with current building code regulations.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

The circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought because the site is a revitalization of an existing residential neighborhood.

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## Project Information:

This is a variance from Section 5.2.1.C.2 of the Land Development Code, to allow Not provide/maintain a street wall, at least 3 stories in height, for the length of frontages.

Primary Project Address: 1000 W. Jefferson St.

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Part of T.B. 14H, Lot 7

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Multi-family Existing Use: Multi-family/vacant

Existing Zoning District: C-2 Existing Form District: DFD

Deed Book(s) / Page Numbers<sup>2</sup>: D.B. 1690, Pg. 639

The subject property contains 3.784 acres. Number of Adjoining Property Owners: 2

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN1197 Docket/Case #: 17RECORDPLAT1025

Docket/Case #: 16AREA1001 Docket/Case #: \_\_\_\_\_

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**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will not adversely affect the public health, safety or welfare as the existing buildings are a mix of 2 & 3 story buildings along each road frontage.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

The proposed use will not alter the essential character of the general vicinity as the existing use and the adjacent properties are multi family residential uses.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will not cause a hazard or a nuisance to the public as this is a revitalization of the existing multi family residences into a new mixed income multi family residence neighborhood.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations, as the site is a revitalization of an existing mult family neighborhood with the intent to provide a new mixed income multi family neighborhood.

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*Additional consideration:*

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The variance arises from special circumstances which do not generally apply to land in the general vicinity, since the site is a revitalization of the existing neighborhood and is not the typical development seen in a DFD/C-2 zone.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the vision for the revitalization of the Beecher Terrace Housing Development is to provide a new mixed income multi family neighborhood.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

The circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought because the site is a revitalization of an existing residential neighborhood.



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 18DEVPLAN1111 Intake Staff: HP  
Date: 6/25/18 Fee: \_\_\_\_\_

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### Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section 5.8.1.C.1.b

*A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.*

Explanation of Waiver: To not provide sidewalks at least 84 inches wide and not be constructed from the building façade to the face of the curb along all road frontages

Primary Project Address: 1000 W. Jefferson St.

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Part of T.B. 14H, Lot 7

Additional Parcel ID(s): \_\_\_\_\_

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Proposed Use: Multi-family Existing Use: Multi-Family

Existing Zoning District: C-2 Existing Form District: DFD

Deed Book(s) / Page Numbers<sup>2</sup>: D.B. 1690, Pg. 639

The subject property contains 3.784 acres. Number of Adjoining Property Owners: 2

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 17DEVPLAN1197 Docket/Case #: 17RECORDPLAT1025

Docket/Case #: 16AREA1001 Docket/Case #: \_\_\_\_\_

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**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

The waiver will not adversely affect adjacent property owners as the properties to the east, west and south are also owned by Louisville Metro Housing Authority. The properties to the north are also multi-family developments.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the Comprehensive Plan as a 6 foot/72-inch sidewalk is being provided along all existing and proposed streets allowing pedestrian, bicyclist and transit user movement, while keeping the sidewalk away from residential living space.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

The extent of the waiver of the regulation is the minimum necessary to afford relief to the site by requesting a 6 foot/72-inch sidewalk to provide more greenspace.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The strict application of the provisions of the regulation would create an unnecessary hardship to the applicant since not granting the waiver would require construction of the sidewalks to the face of residential housing resulting in a safety concern by having pedestrian traffic immediately adjacent to residential living space.

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**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will not adversely affect the public health, safety or welfare as the proposed buildings are keeping with the existing uniform design of the existing neighborhood.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

This variance will not alter the essential character of the general vicinity since the proposed buildings will be in character of the existing multi-family residential properties currently on site and across W. Jefferson St.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will not cause a hazard or a nuisance to the public since the intent is to enhance the area with a revitalization of the multi family neighborhood.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

While this property is in the Downtown Form District, this development allows for an enhancement of the quality of life for the residents in the area. So the variance request in no way represents an unreasonable circumvention of the zoning regulations, but rather an improvement.

*Additional consideration:*

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The variance allows for the proposed buildings to be consistent with the existing and proposed future residential development of the neighborhood and presents a uniform design within the larger project area.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since strict compliance would force the residential buildings to be at the street wall and not allow a uniform design as is currently in the neighborhood and proposed for the overall larger project.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

The circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought because the site is a revitalization of an existing residential neighborhood.

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## Project Information:

This is a variance from Section 5.2.1.C.1/Table 5.2.2 of the Land Development Code, to allow Tracts 5-14 to have a zero foot minimum front yard and a maximum 15 foot front yard.

Primary Project Address: 1000 W. Jefferson St.

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Part of T.B. 14H, Lot 7

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Multi-family Existing Use: Multi-family/vacant

Existing Zoning District: C-2 Existing Form District: DFD

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If yes, please list the docket/case numbers:

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**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will not adversely affect the public health, safety or welfare as the surrounding neighborhoods to the west are a mix of multi-family and single family homes with 0 to 15 feet front yard setbacks

**2. Explain how the variance will not alter the essential character of the general vicinity.**

The variance will not alter the essential character of the general vicinity as this is a revitalization of the Russell Neighborhood. Developments to the west are a mix of multi-family and single family homes, with the single family homes having a front setback from 0 to 15 feet.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will not cause a hazard or a nuisance to the public since the intent is to enhance the area with a revitalization of the Russell Neighborhood.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations since the development is a revitalization of the existing neighborhood to provide a mix of multi and single family homes.

*Additional consideration:*

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

The variance arises from special circumstances which do not generally apply to land in the general vicinity, since the site is a revitalization of the existing neighborhood and is not the typical development seen in a DFD/C-2 zone.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land by losing land area to accommodate the front setback would not be in keeping with the setbacks consistent found in the surrounding neighborhood.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

The circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought because the site is a revitalization of an existing residential neighborhood.

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## Project Information:

This is a variance from Section 5.2.1.C.6 of the Land Development Code, to allow To allow a corner lot with the DFD to not maintain a zero foot setback from the street wall.

Primary Project Address: 1000 W. Jefferson St.

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Part of T.B. 14H, Lot 7

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Multi-family Existing Use: Multi-family/vacant

Existing Zoning District: C-2 Existing Form District: DFD

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