

**Board of Zoning Adjustment**  
**Staff Report**  
August 15, 2022



<b>Case No:</b>	22-VARIANCE-0071/0072
<b>Project Name:</b>	Jacob Street Multi-Family
<b>Location:</b>	232 E. Jacob Street
<b>Owner(s):</b>	LDG Land Holdings LLC
<b>Applicant:</b>	LDG Land Holdings LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4-Jecorey Arthur
<b>Case Manager:</b>	Julia Williams, AICP, Planning Supervisor

**REQUEST(S)**

- Variances:
  1. Variance from Chapter 5.2.2 to exceed the maximum 45' building height and permit 55' for a 10' variance. (22-VARIANCE-0071)
  2. Variance from Chapter 5.2.2 to permit the proposed building to be setback approximately 0.96' from the front property line instead of the required 15' for a 14.04' variance (22-VARIANCE-0072)
- Category 3 Development Plan

**CASE SUMMARY/BACKGROUND**

The proposal is for a 4 story multi-family structure located at the southwest corner of E. Jacob Street and S. Floyd Street. 97 dwelling units are proposed on 0.77 acres.

**STAFF FINDING**

Staff finds that the proposal meets the standard of review for granting variances.

**TECHNICAL REVIEW**

Transportation Planning and MSD have preliminarily approved the proposal.

**INTERESTED PARTY COMMENTS**

None received.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR BUILDING HEIGHT VARIANCE #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 building is of similar height as the parking garage across E. Jacob and is in an area with mixed building heights.

- (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 4 story structure is located in a mixed use area where there is no established character to the buildings or building heights.

- (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 height of buildings generally do not affect the public.

- (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 there are a mix of building types and heights 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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the zoning allows for a FAR of 5 and it would not be possible to meet the FAR without requesting a height variance.

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 deprive the applicant of reasonable use of the land because the zoning allows for a FAR of 5 and it would not be possible to meet the FAR without requesting a height variance.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

#### STANDARD OF REVIEW AND STAFF ANALYSIS FOR SETBACK VARIANCE #2

- (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 building is located along the property line where buildings in the traditional form are normally required.

- (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 the building is being located along the property lines which is consistent with the other structures in the area and within the traditional form.

- (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 building is being located along the property lines which is consistent with the other structures in the area and within the traditional form.

- (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 building is being located along the property lines which is consistent with the other structures in the area and within the traditional form.

**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 or the same zone because the building is being located along the property lines which is consistent with the other structures in the area and within the traditional form. The site is also located in C-2 where mixed use or commercial is generally proposed, not just multi-family.

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 building is being located along the property lines which is consistent with the other structures in the area and within the traditional form. The site is also located in C-2 where mixed use or commercial is generally proposed, not just multi-family.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Building Height Variance**
- **APPROVE** or **DENY** the **Setback Variance**
- **APPROVE** or **DENY** the **Category 3 Development Plan**

**NOTIFICATION**

Date	Purpose of Notice	Recipients
7/28/22	Hearing before BOZA on 8/15/22	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
7/29/22	Hearing before BOZA	Sign Posting on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

