



Variance Application

Louisville Metro Planning & Design Services

Case No.: 17devplan1199 Intake Staff: _____

Date: 11/13/17 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 5th 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 5.2.2.C.2, Table 5.2.2 of the Land Development Code, to allow The 4th floor addition to encroach into the 10' side yards on the east & west property lines.

Primary Project Address: 938 E. Kentucky Street

Additional Address(es): _____

Primary Parcel ID: 022H00680000

Additional Parcel ID(s): _____

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Proposed Use: Multi-family Existing Use: Vacant warehouse

Existing Zoning District: EZ1 Existing Form District: TNFD

Deed Book(s) / Page Numbers²: D.B. 6769, Pg. 204

The subject property contains 0.299 acres. Number of Adjoining Property Owners: 9

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)*¹ ☐ Yes ☒ No

If yes, please list the docket/case numbers:

Docket/Case #: _____ 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 existing 3 story warehouse building was built in the early 1900's and was built to the property line. The addition of the 4th floor is an extension of the existing building and will not adversely affect the public health, safety or welfare.

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

The existing building is 57' tall and has a water tower on the roof, making the overall height at 147'. The addition of the 4th floor will make the overall building height 65'4". The height reduction along with building improvements will be more with the character of the general vicinity.

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

The requested variance will help to eliminate a potential hazard or nuisance by removing the 147' water tower.

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

The existing building pre dates any zoning regulations within the county and was built as most buildings were for that time up to the building line/sidewalks.

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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 building pre dates any zoning regulations within the county as such there were not any required setback lines required for building heights at the time of construction.

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.

In order to redevelop the property additional residential units are required to make the project feasible. The option to gain additional height due to increasing setback are not an option on the existing building which is constructed to the lot lines.

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

This is an existing building that was built in 1904 and was used as a warehouse. The applicant would like to convert the warehouse into lofts with an additional floor that would accommodate 4 penthouse lofts.

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