

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.

Waiver of: Section 10.2.4 to reduce the required 15 ft LBA to 4 ft along the west property line.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because it is a pre-existing condition as the lot and structure were created and built at the turn of the century and the side yard has been established without any problems for the adjacent neighbor for many years. Its construction of brick will mitigate the fire safety issues of the close proximity of the structures.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the 2040 Comprehensive Plan filed with the original rezoning application filed on September 23, 2019.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it is a long-standing pre-existing condition.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it is a longstanding pre-existing condition and to satisfy the subsequently adopted side yard requirement would require demolition and rebuilding of the entire structure.

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ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF THE CORNERSTONE 2040 COMPREHENSIVE PLAN

Applicant/Owner: Nichols Ventures, LLC

Location: 393 E. Washington Street

Proposed Use: Restaurant

Engineers, Land Planners and
Landscape Architects: Miller Wihry

Request: Zone Change from R-6 to C-1

INTRODUCTION

This property is located in a Traditional Neighborhood Form District at the northwest corner of E. Washington and N. Wenzel Streets in the Butchertown Neighborhood on a small (0.117 acre) lot upon which is situated a 3,420 sf, 2-story building with alley access. The applicant is proposing 6 parking lot spaces with entry from the alley as well as 8 parking spaces on the street. The building was built at the turn of the century and has been used for single family and multifamily residential purposes. The building will maintain its residential character as there are no changes proposed to the exterior of the building.

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

This proposed zone change complies with all of the applicable goals, objectives and policies 7 and 9 which requires higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists because the site is accessible, has multiple transit routes near the central business district as well as shopping and entertainment in the NULU corridor. The transition between uses that are substantially different in scale and intensity or density of development is not truly implicated as the original purpose built commercial structure use will return and the area has a diversity of zoning classifications and uses including C-2, CN, CM and R-6. The exterior of the premises will remain unchanged and in its historical relationship to adjacent properties. A waiver is requested from the 5 foot landscape buffer area required by LDC

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10.2.4 on the eastern boundary line because of the long term, pre-existing construction of the building since the turn of the century.

Goal 2 - Encourage sustainable growth and density around mixed -use centers and corridors.

This proposal complies with Policy 9 which encourages new developments and rehabilitation of buildings that provide commercial, office and/or residential uses because it will allow the financing of a rehabilitation of a beautiful and historic existing mixed-use building to be consistent with the residential use of the immediate area with easy access to mixed use corridors. Forty thousand dollars has already been spent replacing the original metal roof with a new metal roof.

Goal 4- Promote and preserve the historic and archaeological resources that contribute to our authenticity.

This proposal complies with Policy 2 which encourages the cultural features including landscapes, natural elements and built features as it enables the preservation and rehabilitation of a beautiful brick multi-use building built at the turn of the century. Its historic character and the associated yards will be maintained in its current form.

Similarly this proposal complies with Policy 3 which encourages preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies as it is an adaptive reuse of a classic live/work building characteristic of the older neighborhoods of Louisville.

MOBILITY

Goal 1-Implement an accessible system of alternative transportation modes.

Policy 4 encourages higher intensities within or near existing marketplace corridors and existing and future and employment centers to support transit-oriented development and an efficient public transportation system which this proposal meets because it is within 1 block of bus lines and cyclists and pedestrians can easily access the central business district as well as the Baxter Avenue corridor.

Goal 2- Plan, build and maintain a safe, accessible and efficient transportation system.

Policy 4 requires avoidance of access to development through areas of significantly lower intensity or density development if such access would create significant nuisances, however the proposed use is not significantly more intense than the surrounding area with commercial zones, all of which traverse the grid system of streets in the area such that it will not cause a nuisance.

Goal 3- Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

To improve mobility, and reduce vehicle miles traveled and congestion, Policy 2 encourages a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrian and

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people with disabilities. This proposal easily meets this policy with its location near to transit lines, within a walkable neighborhood with sidewalks.

Policy 5 requires evaluation of developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality and this proposal would have no negligible impact on these facilities.

Policy 6 requires assurance that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. This proposal will have NO impact on these facilities or services and therefor is also consistent with Policies 9 and 10 because there is no impact that would require additional transportation improvements.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

This proposal meets Policies 1, 2 and 3 all relevant utilities are and long have been available to the site and there are no native plant communities on the site.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

This proposal satisfies Policies 5, 17 and 21 since it is in a long-established built environment with no native plant species or karst features with no impact of groundwater resources or surface drainage and is not located in a regulatory floodplain.

* * *

Based upon the forgoing, this proposal overwhelming complies with all other applicable Guidelines and Policies of the Cornerstone 2040 Comprehensive Plan.

Respectfully submitted,

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