

**Development Review Committee**  
**Staff Report**  
April 3, 2019



<b>Case No:</b>	19DEVPLAN1000
<b>Project Name:</b>	First German Methodist Church
<b>Location:</b>	207 S Hancock Street
<b>Owner(s):</b>	Bill Weyland, Kirche LLC
<b>Applicant:</b>	Bill Weyland, Kirche LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

**REQUESTS:**

1. **Waiver** of Land Development Code section 5.2.1.C.2 to allow the street wall on the proposed structure to be two stories instead of the required three

**CASE SUMMARY/BACKGROUND**

This site is zoned C-2 Commercial in the Downtown form district. It is located on the south side of East Market Street and the east side of South Hancock Street. The requested waiver is associated with a Category 2B plan proposing a 1,850 square foot restaurant. The site is currently a vacant church and gymnasium which the applicant plans to renovate.

Previous cases:

- 18COA1291: Certificate of Appropriateness for a NULU Overlay Review Permit

**STAFF FINDINGS**

The waiver request is justified and meets the standard of review.

**TECHNICAL REVIEW**

MSD has provided preliminary approval. Public Works' preliminary approval is pending the addition of a minor note to the plan which does not apply to the waiver request.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this proposal.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER SECTION 5.2.1.C.2 TO ALLOW THE STREET WALL ON THE PROPOSED STRUCTURE TO BE TWO STORIES INSTEAD OF THE REQUIRED THREE**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners since there are several structures on the same block as well as the opposite side of the street which are two stories. The proposed two story structure does not pose a safety or health threat.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings.

The proposed structure meets the other Land Development Code building design requirements and has received approval from Urban Design staff through 18COA1291. The proposed materials are compatible with existing nearby structures.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since there are many buildings in the vicinity which are two stories, and the proposed development does not require a larger building.

- (d) Either:
  - (i) The applicant has 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
  - (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would 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 since the proposed development does not require a three story building.

**REQUIRED ACTIONS:**

- **APPROVE or DENY the Waiver**

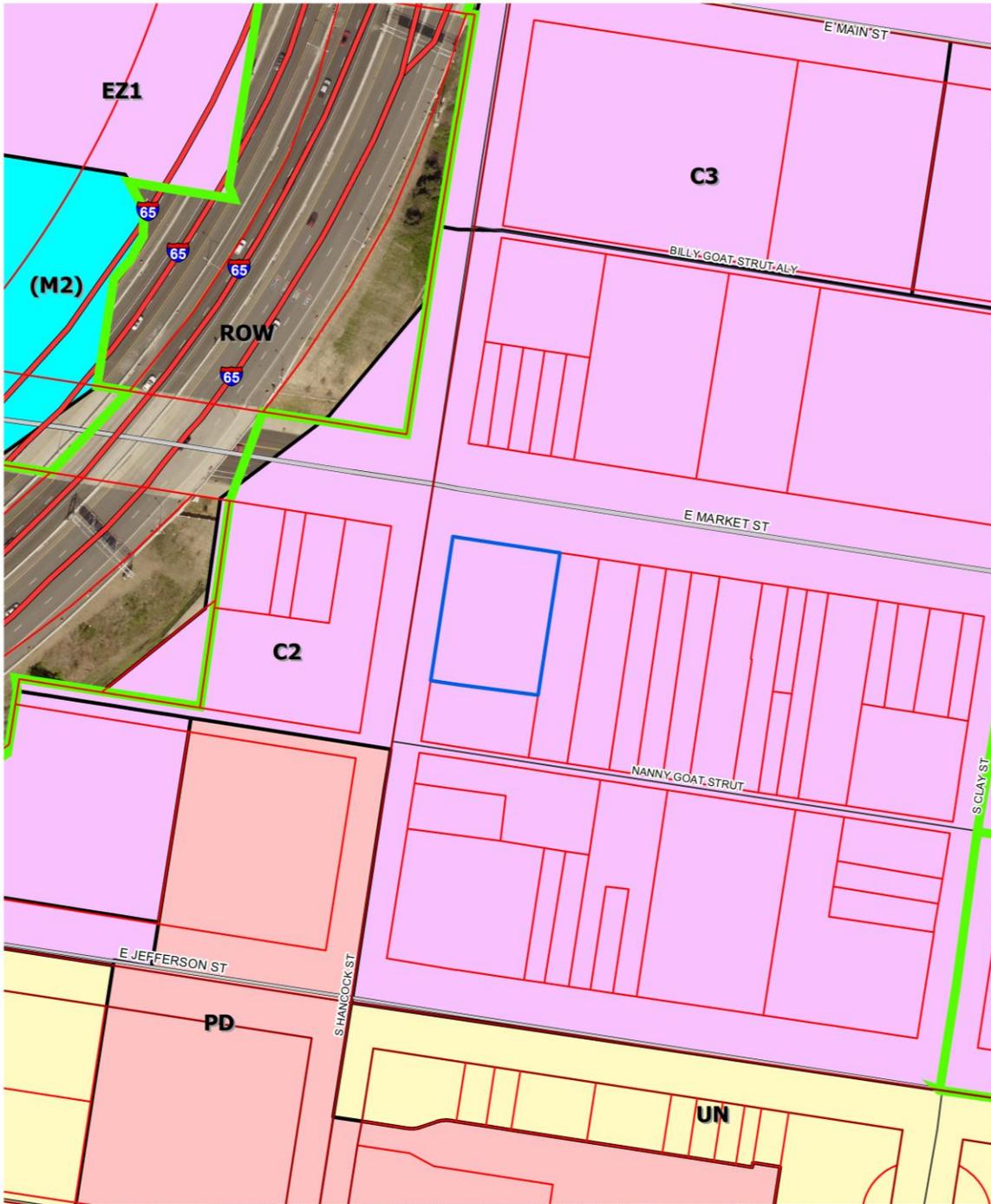
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4-3-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 4

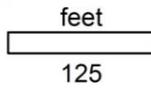
## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



207 S HANCOCK STREET

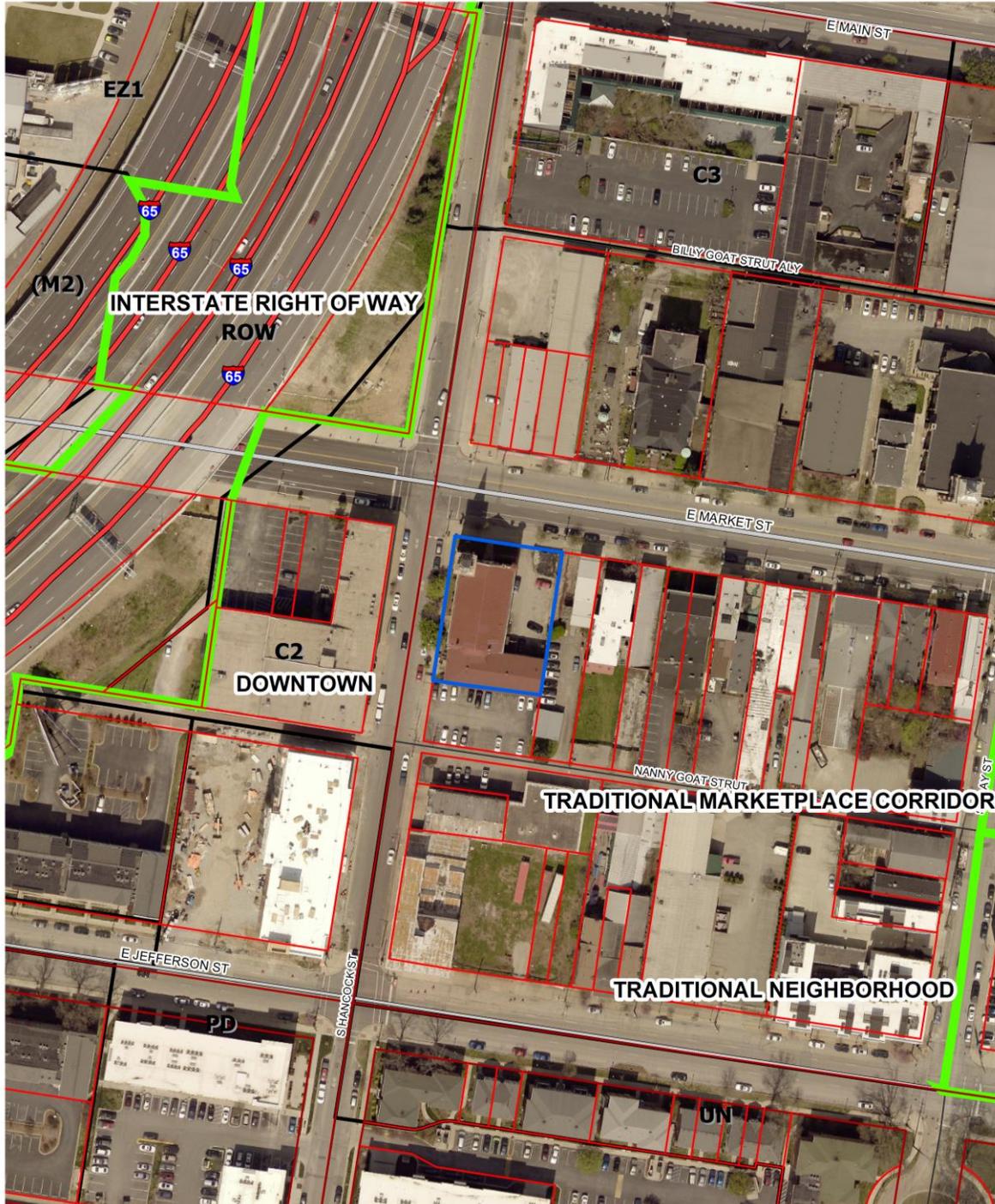


Map Created: 3/27/2019

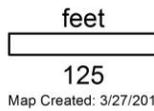


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2. Aerial Photograph



207 S HANCOCK STREET



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