

# Board of Zoning Adjustment

## Staff Report

August 5, 2019



<b>Case No:</b>	19DEVPLAN1006/19VARIANCE1060
<b>Project Name:</b>	Flavorman
<b>Location:</b>	809 S 8 <sup>th</sup> St
<b>Owner(s):</b>	809 SoBro, LLC.
<b>Applicant:</b>	809 SoBro, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### **REQUEST(S)**

- **Variance** from Land Development Code table 5.2.2 to encroach into the 10 foot side yard setback by 10 feet as shown on the development plan.
- **Category 3 Development Plan**

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a 29,235 SF addition to an existing 20,000 SF beverage flavor manufacturing and warehouse facility in the CM zoning district. The site is located in the Traditional Neighborhood form district near the SoBro and Old Louisville neighborhoods.

### **STAFF FINDING**

The Category 3 development plan is in order and has been given preliminary approval by Louisville Metro Public Works and MSD. The variance request is adequately justified and meets the standard of review.

### **TECHNICAL REVIEW**

An associated alley closure under docket 18STREETS1005 has been approved by Louisville Metro Council. It will be recorded upon completion of required utility equipment relocation by the applicant.

### **INTERESTED PARTY COMMENTS**

Wayne Esterle, the owner of the properties adjacent to the variance request, has indicated support for the planned expansion.

The office of Louisville Metro Council President David James has issued a letter supporting the expansion.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

- (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, as all building and fire safety requirements will be followed in the construction of the facility.

- (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, as structures with minimal or no setbacks are common in the area. The building design meets the standards established in the Land Development Code for construction in the Traditional Neighborhood form district.

- (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, as the building will be constructed utilizing all building and fire safety requirements. The owner of the property directly affected by the variance request has indicated support for the proposal.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not cause an unreasonable circumvention of the zoning regulations, as common-wall construction and minimal setbacks are common 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 does not arise from any special circumstances.

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 not deprive the applicant of the reasonable use of the land.

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 not the result of actions taken by the applicant.

### **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Category 3 Development Plan**

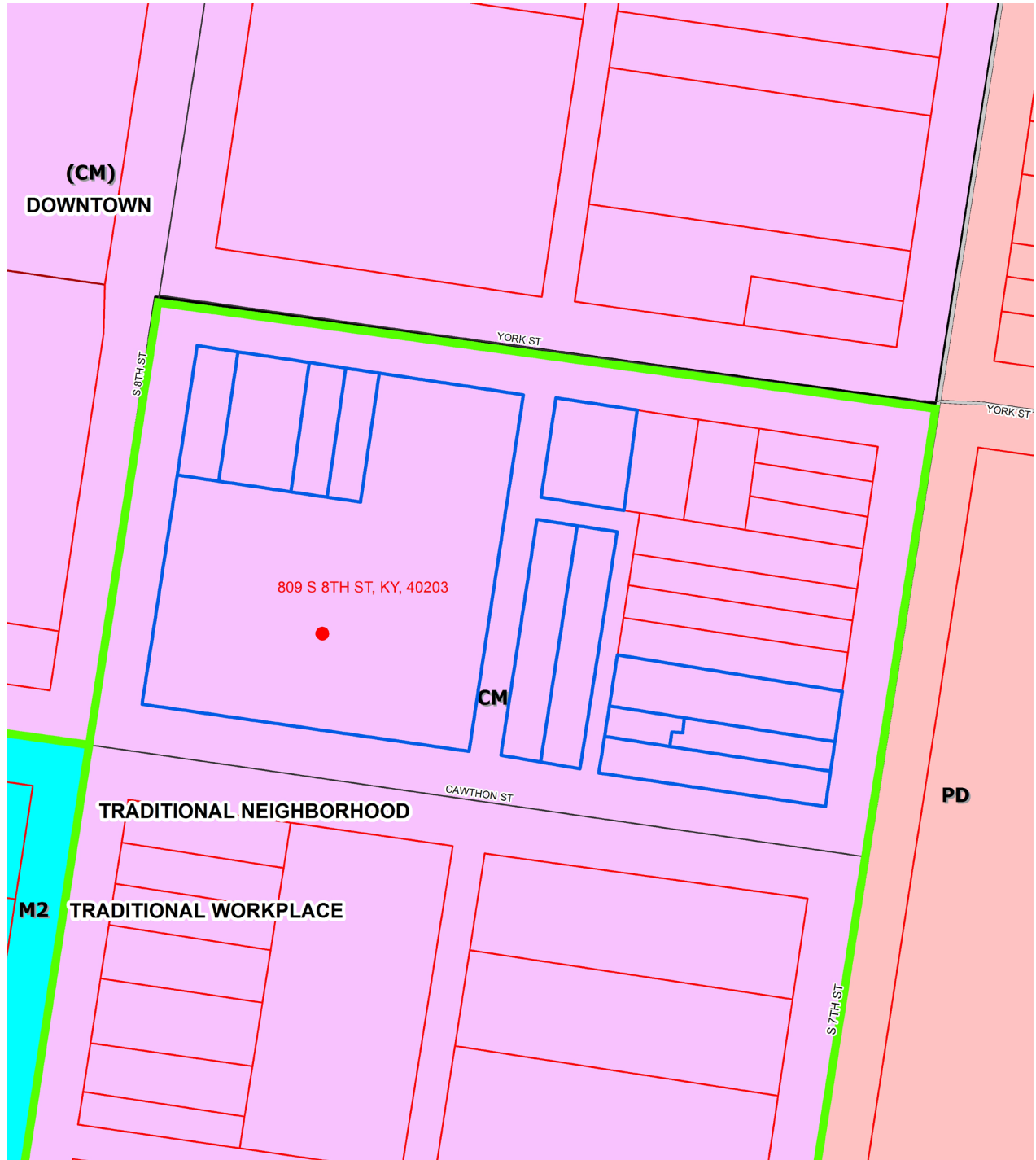
**NOTIFICATION**

Date	Purpose of Notice	Recipients
7-15-19	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 6

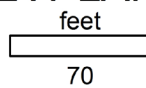
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



19DEVPLAN1006



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## 2. Aerial Photograph



19DEVPLAN1006

feet

70

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