

Board of Zoning Adjustment

Staff Report

November 16, 2020



Case No:	20-VARIANCE-0142, 20-VARIANCE-0143, 20-VARIANCE-0144, 20-VARIANCE-0145, 20-VARIANCE-0146
Project Name:	Phoenix House Variances
Location:	1001 E. Liberty Street 934 E. Jefferson Street 930 E. Jefferson Street 317 S. Wenzel Street 912 E. Jefferson Street
Owner(s):	Phoenix House, LLC
Applicant:	Jeff Rawlins – Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zach Schwager, Planner I

REQUESTS:

Variances from Land Development Code table 5.2.2 to allow new single-family residential structures to encroach into the side yard setback(s).

Location (1001 E. Liberty Street and 317 S. Wenzel Street)	Requirement	Request	Variance
Side Yard	5 ft.	3 ft.	2 ft.

Location (934, 930, and 912 E. Jefferson Street)	Requirement	Request	Variance
Western Side Yard	5 ft.	2 ft.	3 ft.
Eastern Side Yard	5 ft.	4 ft.	1 ft.

CASE SUMMARY/BACKGROUND

The subject properties are in the NuLu overlay district. They are in the OR-2 Office/Residential Zoning District and the Traditional Neighborhood Form District. They are vacant lots and the applicant proposes to construct single-family residences that would encroach into the side yard setback(s). If the subject properties were in a residential zoning district, variances would not be required. Variances are required in this situation because the properties are zoned OR-2 Office/Residential and could potentially change to non-residential uses. The applicant has laid the foundation for 1001 E. Liberty Street and 317 S. Wenzel Street; however, they did receive building permits prior to construction activity.

The NuLu Review Overlay Committee approved the structures under case numbers 20-OVERLAY-0029, 20-OVERLAY-0030, 20-OVERLAY-0031, 20-OVERLAY-0032, and 20-OVERLAY-0033 on August 5, 2020.

STAFF FINDINGS

Staff finds that the requested variances are adequately justified and meet the standards of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting variances established in the Land Development Code from table 5.2.2 to allow new single-family residential structures to encroach into the side yard setback(s).

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

20-OVERLAY-0029 – Overlay permit for the proposed single-family residential structure.
20-OVERLAY-0030 – Overlay permit for the proposed single-family residential structure.
20-OVERLAY-0031 – Overlay permit for the proposed single-family residential structure.
20-OVERLAY-0032 – Overlay permit for the proposed single-family residential structure.
20-OVERLAY-0033 – Overlay permit for the proposed single-family residential structure.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES FROM TABLE 5.2.2

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare, because the proposed structures must be constructed to comply with all building codes, including fire codes.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variances will not alter the essential character of the general vicinity as the structures were approved by the NuLu Review Overlay Committee.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variances will not cause a hazard or nuisance to the public because the structures must be constructed to comply with all building codes.

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

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as if the subject properties were in a residential zoning district, variances would not be required. Variances are required in this situation because the properties are zoned OR-2 Office/Residential and could potentially change to a non-residential use.

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 variances do not arise from special circumstances which do generally apply to the land in the generally vicinity or the same zone as the lots are similar in size, shape, zoning, and form district as the surrounding properties.

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 as the proposed structures are for a single-family use.

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 of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variances and has not begun construction. The applicant has laid the foundation for 1001 E. Liberty Street and 317 S. Wenzel Street; however, they did receive building permits prior to construction activity.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

NOTIFICATION

Date	Purpose of Notice	Recipients
10/27/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
11/2/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plans
4. Site Photos

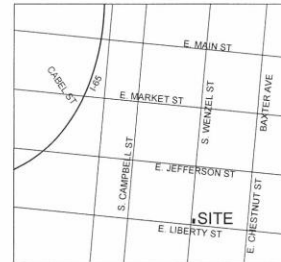
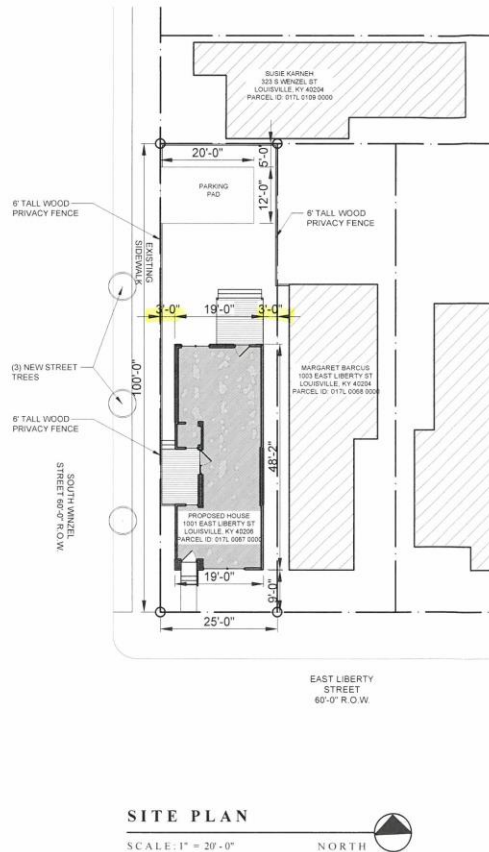
1. Zoning Map



2. Aerial Photograph



3. Site Plans



LOCATION MAP

NOT TO SCALE NORTH

PROPERTY INFO

PARCEL ID	017L 0067 0000
ZONING	0R2
FORM DISTRICT	TRAD. NEIGHBORHOOD
HISTORIC SITE	NO
CONSTRUCTION TYPE	5B
USE GROUP	R-6
EXISTING USE	VACANT LOT
PROPOSED USE	SINGLE FAMILY
BUILDING FOOTPRINT	858 SQ FT
INTERIOR SQUARE FOOTAGE	1,589 SQ FT
GROSS SITE AREA	2,500 SQ FT.
ACRES	.05560 ACRES

SCOPE OF WORK

- CONSTRUCT NEW SINGLE FAMILY HOUSE ON VACANT LOT ACCORDING TO PLANS

OWNER

PHOENIX HOUSE LLC
1209 GARVIN PLACE
LOUISVILLE KY 40203
DUSTIN HENSLEY 502 442 5151
dustinhensley@me.com

ARCHITECT

ARCHITECTURAL ARTISANS INC
213 SOUTH SHELBY STREET
LOUISVILLE KY 40202
JEFF RAWLINS 502 582 3907
jr@architecturalartisans.net

1001 EAST LIBERTY

RECEIVED

OCT 21 2020

PLANNING &
DESIGN SERVICES

20 - VARIANCE - 0142

2015

ARCHITECTURAL ARTISANS INC
213 SOUTH SHELBY STREET LOUISVILLE KY 40202 502 582 3907

PHOENIX HOUSES
NEW CONSTRUCTION
1001 EAST LIBERTY STREET LOUISVILLE KENTUCKY 40204



REVISIONS
DATE
12 AUGUST 2020
1 OF 2

2015

ARCHITECTURAL ARTISANS INC
213 SOUTH SHELBY STREET LOUISVILLE, KY 40202 502.582.3907

RECEIVED

NOV 02 2020

PLANNING & DESIGN
SERVICES



LOCATION MAP

NOT TO SCALE NORTH

PROPERTY INFO

PARCEL ID	017K 0256 0000
ZONING	OR2
FORM DISTRICT	TRAD. NEIGHBORHOOD
HISTORIC SITE	NO
CONSTRUCTION TYPE	5B
USE GROUP	R-6
EXISTING USE	VACANT LOT
PROPOSED USE	SINGLE FAMILY
BUILDING FOOTPRINT	858 SQ FT
INTERIOR SQUARE FOOTAGE	1,589 SQ FT
GROSS SITE AREA	2,500 SQ FT.
ACRES	.05710 ACRES

SCOPE OF WORK

- CONSTRUCT NEW SINGLE FAMILY HOUSE ON VACANT LOT ACCORDING TO PLANS

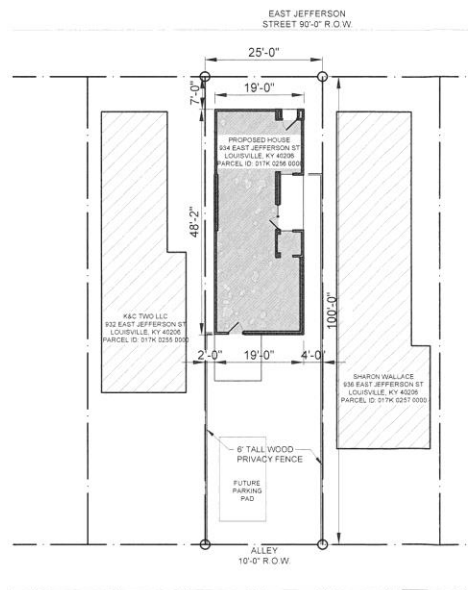
OWNER

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934 EAST JEFFERSON



SITE PLAN

SCALE: 1" = 20'-0"

NORTH

PHOENIX HOUSES
NEW CONSTRUCTION

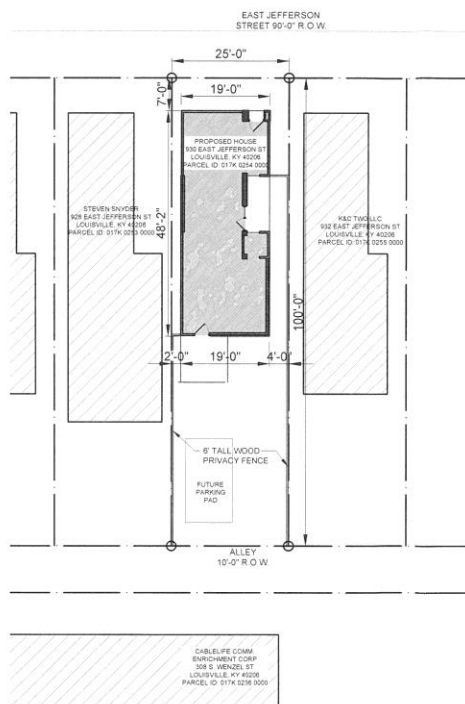


REVISIONS
02 NOVEMBER 2020

DATE
13 AUGUST 2020

PROJECT
1 OF 2

20-VARIANCE-0143



SITE PLAN

SCALE: 1" = 20'-0"

NORTH



LOCATION MAP

NOT TO SCALE

NORTH

PROPERTY INFO

PARCEL ID	017K 0254 0000
ZONING	0R2
FORM DISTRICT	TRAD. NEIGHBORHOOD
HISTORIC SITE	NO
CONSTRUCTION TYPE	5B
USE GROUP	R-6
EXISTING USE	VACANT LOT
PROPOSED USE	SINGLE FAMILY
BUILDING FOOTPRINT	858 SQ FT
INTERIOR SQUARE FOOTAGE	1,589 SQ FT
GROSS SITE AREA	2,500 SQ FT.
ACRES	.05660 ACRES

SCOPE OF WORK

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930 EAST JEFFERSON

2015

ARCHITECTURAL ARTISANS INC
213 SOUTH SHELBY STREET LOUISVILLE, KY 40202 502.582.3907

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NOV 02 2020

PLANNING & DESIGN
SERVICES

PHOENIX HOUSES
NEW CONSTRUCTION
930 EAST JEFFERSON STREET LOUISVILLE KENTUCKY 40202

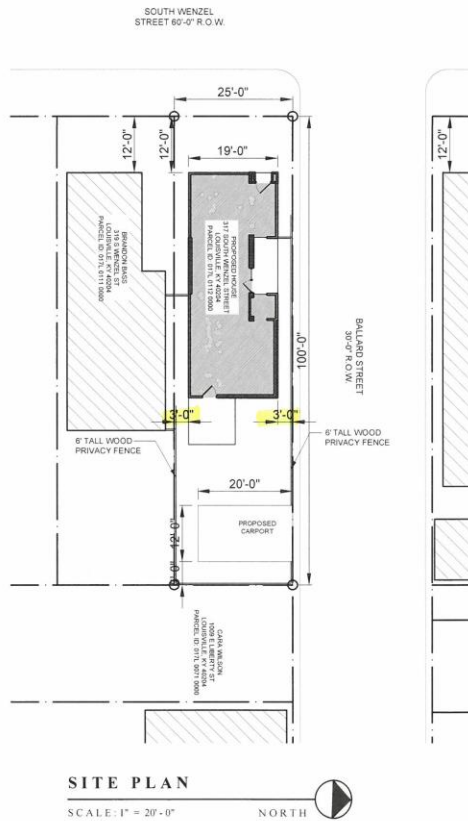


ESTABLISHED 02 NOVEMBER 2020

DATE 13 AUGUST 2020

SHEET 1 OF 2

20 - VARIANCE - 0144



LOCATION MAP

NOT TO SCALE NORTH

PROPERTY INFO

PARCEL ID	017L 0112 0000
ZONING	OR2
FORM DISTRICT	TRAD. NEIGHBORHOOD
HISTORIC SITE	NO
CONSTRUCTION TYPE	5B
USE GROUP	R-6
EXISTING USE	VACANT LOT
PROPOSED USE	SINGLE FAMILY
BUILDING FOOTPRINT	858 SQ FT
INTERIOR SQUARE FOOTAGE	1,589 SQ FT
GROSS SITE AREA	2,500 SQ FT.
ACRES	.05050 ACRES

SCOPE OF WORK

- CONSTRUCT NEW SINGLE FAMILY HOUSE ON VACANT LOT ACCORDING TO PLANS

OWNER

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DUSTIN HENSLEY 502 442 5151
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ARCHITECT

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jr@architecturalartisans.net

317 SOUTH WENZEL

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OCT 21 2020

PLANNING & DESIGN SERVICES

20 - VARIANCE - 0145

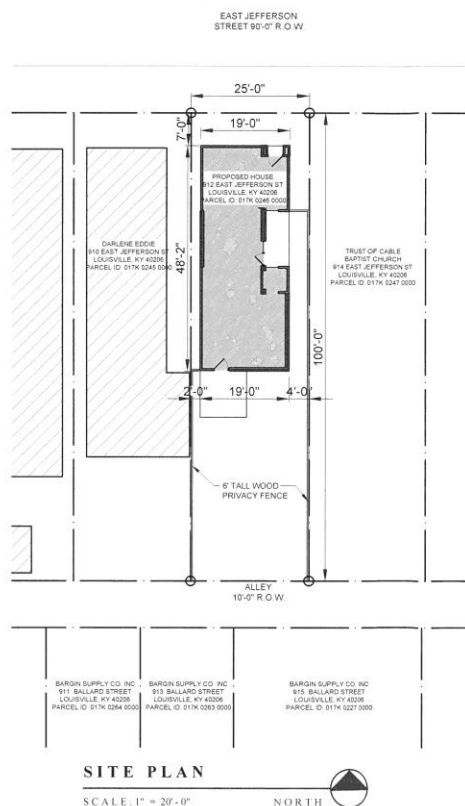
2015

ARCHITECTURAL ARTISANS INC
213 SOUTH SHELBY STREET LOUISVILLE KY 40202 502 582 3907

PHOENIX HOUSES
NEW CONSTRUCTION
317 SOUTH WENZEL STREET LOUISVILLE KENTUCKY 40204



REVISIONS
DATE 12 AUGUST 2020
SHEET 1 OF 2



LOCATION MAP

NOT TO SCALE NORTH

PROPERTY INFO

PARCEL ID	017K 0246 0000
ZONING	OR2
FORM DISTRICT	TRAD. NEIGHBORHOOD
HISTORIC SITE	NO
CONSTRUCTION TYPE	5B
USE GROUP	R-6
EXISTING USE	VACANT LOT
PROPOSED USE	SINGLE FAMILY
BUILDING FOOTPRINT	858 SQ FT
INTERIOR SQUARE FOOTAGE	1,589 SQ FT
GROSS SITE AREA	2,500 SQ FT.
ACRES	.0575 ACRES

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912 EAST JEFFERSON

2015

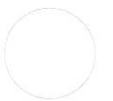
ARCHITECTURAL ARTISANS INC
111 SOUTH SHELBY STREET LOUISVILLE KY 40202 502 582 3907

RECEIVED

NOV 02 2020

PLANNING & DESIGN
SERVICES

PHOENIX HOUSES
NEW CONSTRUCTION
912 EAST JEFFERSON STREET LOUISVILLE KENTUCKY 40203



017K00000
02 NOVEMBER 2020

DATE
13 AUGUST 2020

SHEET
1 OF 2

20 - VARIANCE - 0146

4. Site Photos



Variance area for 1001 E. Liberty Street.



Western side of 934 E. Jefferson Street.



Eastern side of 934 E. Jefferson Street.



Western side of 930 E. Jefferson Street.



Eastern side of 930 E. Jefferson Street.



Variance area for 317 S. Wenzel Street.



Western side of 912 E. Jefferson Street.



Eastern side of 912 E. Jefferson Street.