

Board of Zoning Adjustment

Staff Report

December 7, 2020



Case No:	20-VARIANCE-0137
Project Name:	Rabbit Hole Distillery
Location:	711 E Jefferson Street
Owner(s):	Rabbit Hole Spirits LLC
Applicant:	Rabbit Hole Spirits LLC
Jurisdiction:	Louisville Metro
Council District:	4- Barbara Sexton Smith
Case Manager:	Julia Williams, AICP, Planning Supervisor

REQUEST(S)

- Variance from 5.2.2.C to permit the building to encroach into the 15' rear setback by 10' (10' variance)

CASE SUMMARY/BACKGROUND

The subject property is located in the Phoenix Hill neighborhood, in the NuLu Overlay District, along E Jefferson Street between S Shelby Street and S Clay Street. The site is 0.87 acres in area and is currently being re-developed into a distillery, and a commercial center for associated retail, restaurant, and guest experience uses.

This application involves the construction of a 1,100 SF fermenter building at the rear of the site along the existing Nanny Goat Strut Alley. The proposed building encroached 10' into the 15' rear yard setback.

Related cases:

18VARIANCE1006- Sign variance

15ZONE1052- Change in zoning from C-2 to EZ-1

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition is located to the rear of the site and will not be visible to the public on the main road.

- (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 because the addition is located to the rear of the site and will not be visible to the public on the main road.

- (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 because the proposed addition is located to the rear of the site and will not be visible to the public on the main road.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations because the addition is located to the rear of the site and will leave at least 5' of clearance between the proposed building and the alley.

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. The applicant is expanding into the required rear yard with the proposed structure.

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 because it would not allow for the expansion of the permitted 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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is choosing the setback encroachment in order to expand their business.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

NOTIFICATION

Date	Purpose of Notice	Recipients
11/18/20	Hearing before BOZA on 12/7/20	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

