

**SABAK, WILSON & LINGO, INC.**  
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August 16, 2021

Ms. Emily Liu, Director  
Louisville Metro Planning & Design Services  
444 S. 5<sup>th</sup> Street  
Louisville, KY 40202

**RE: 712 Brent Street Variance**

Ms. Liu,

Enclosed please find an application and all supporting documentation for a variance at 712 Brent Street. This site in Paristown was formerly the home of The Café which relocated in late 2020. Now the owner plans to open a new concept in the space called The Village Market. The applicant plans to construct a 22' x 30' restroom building, 22' x 65' mechanical canopy with outdoor seating below, and a 23' x 28' walk in freezer to replace the existing freezer that is unsightly and in need of repair. These improvements are part of an overall "facelift" for the building exterior and the site which will include general repairs, painting, lighting, landscaping and paving. The additions will match the existing building scale and will utilize a matching material palette including corrugated metal, painted concrete block and steel columns/beams. The plan also reflects a future 22' x 22' "Green Room" addition but that will be part of a future project.

The existing building dates back to 1947 and the triangle shaped site is surrounded on three sides by public roadways. Because the total area of new building (not including the mechanical canopy) is under 2,000 SF this falls under a Category 2A review. Since the existing building is at least 50 years of age, it is not subject to the minimum parking requirements. Because neither the existing building nor the new buildings meet the 15' maximum setback requirement, the applicant is requesting a variance from Section 5.2.3.D.3.a of the land development code to allow a building to set beyond the maximum setback. With regard to the specific justification statement, please note the following:

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The planned revisions to this site will have no affect on the public's health, safety, or welfare. All additions are internal to a private property and mostly surrounded by other properties owned by the applicant.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

This is a small addition to an existing building. This site doesn't meet the maximum setback requirements today and it won't meet them once these improvements are constructed. In addition, looking at the neighborhood, there are a variety of setbacks throughout. Therefore, this variance will not alter the essential character of the general vicinity.

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**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

This variance will allow an existing building to be improved for continued use as a restaurant. The proposed additions are internal to the site and all other requirements of the Land Development Code are being met. Therefore, this variance will not cause a hazard or a nuisance to the public.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The existing building on site does not meet the maximum setback requirements. The proposed mechanical canopy along Brent Street meets the intent of the regulation but because it is not enclosed, it doesn't fully bring that frontage into compliance. The expanded walk-in freezer along Vine Street brings that frontage closer to compliance, but still does not meet the minimums. Because these improvements bring the site closer to compliance and do not increase non-compliance, this is not an unreasonable circumvention of the requirements of the zoning regulation.

**Additional consideration:**

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity.**

The primary cause for this variance is the triangular lot shape that is surrounded on three sides by public streets. Because the maximum setback applies to all road frontages, the building would have to take up most of the site to fully comply with the regulation.

**5. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

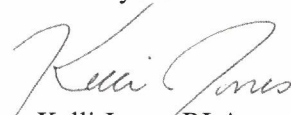
The strict application of the provisions of the regulation would require the applicant to construct a much larger building than planned, leaving little room for outdoor space and landscaping. This would be difficult to achieve while also meeting the MSD floodplain requirements on site, and it could have a negative impact on the neighborhood compared to the planned landscaping and outdoor space proposed.

**6. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

No. The circumstances are the result of existing conditions including an existing structure and odd parcel shape that existed prior to the applicant owning the property.

Please schedule this variance for the next available BOZA hearing. I can be reached for questions at [kelli.jones@swlinc.com](mailto:kelli.jones@swlinc.com).

Thank you.

  
Kelli Jones, RLA

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