

Board of Zoning Adjustment

Staff Report

June 15, 2026



Case No:	26-VARIANCE-0065 / 26-WAIVER-0066
Project Name:	Merhoff St Storage & ADU
Location:	2635 Merhoff St
Applicant:	Frank Vaxter Living Trust
Representative:	Frank Vaxter
Jurisdiction:	Louisville Metro
Council District:	15– Jennifer Chappell
Case Manager:	Abby Bills, Planner I

REQUEST

- **Variance** from Land Development Code Section 5.4.1.E.1. to allow the accessory use area to exceed the maximum depth of 60'. (26-VARIANCE-0065)
- **Waiver** of Land Development Code Section 5.4.1.E.4. to allow an accessory structure to exceed the footprint of the principal structure. (26-WAIVER-0066)

Location	Requirement	Request	Variance
Accessory Use Area	60 ft.	126 ft.	66 ft.

CASE SUMMARY

The subject site is approximately 0.19 acres in the R-5 Single Family Residential zoning district and Traditional Neighborhood form district. The site is located on Merhoff St, north of Locust Ln. The subject site is developed with an existing single-family residence with a building footprint of 625 square feet. The applicant is proposing to construct a 3,120 square foot accessory structure behind the existing residence. 2,400 square feet will be dedicated to storage, and the front 720 square feet will be dedicated to a proposed accessory dwelling unit (ADU). Separate approval of the ADU will be required.

STAFF FINDING

Staff finds that the requested variance and waivers are adequately justified for approval based on the analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (26-VARIANCE-0065)

1. The requested variance will not adversely affect the public health, safety, or welfare, and will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare and will not cause a hazard or nuisance to the public, as the accessory use area is located entirely behind the principal structure and screened from view by existing fencing. Additionally, the rear of the property is abutting a cemetery and is not visible to any adjoining properties.

2. The requested variance will not alter the essential character of the general vicinity and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will alter the essential character of the general vicinity, as there are no residential accessory structures of a similar scale that would require the accessory use area to exceed the required depth. However, there won't be a large impact on the general vicinity as the accessory use area is adequately screened from view.

3. The requested variance arises from circumstances which do not generally apply to land in the general vicinity, or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to the land in the general vicinity, or in the same zone. The subject site is deeper than most lots in the general vicinity, while still maintaining the same small width as many of the neighboring properties. Because of the lot's unique size and shape, the applicant will still be able to provide all the required areas of Traditional Neighborhood site design (public realm, principal structure, and private yard) with the requested variance.

4. The strict application of the provision 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 deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Limiting the applicant to only 60 feet in depth would deprive the applicant of developing a large portion of their backyard. This portion would be a significant deprivation compared to the neighboring properties due to the unique length.

5. The circumstances are the result of action 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. The applicant has not yet constructed the proposed structure.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (26-WAIVER-0066)

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

STAFF: The waiver will not adversely affect adjacent property owners. The proposed structure will be completely screened from view and will not be visible to any adjoining property owners or to the public street.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 9 seeks to "ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The

transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.” The proposed structure will be substantially larger in scale than any other accessory structure in the general vicinity, however, the existing conditions of the site do create the appropriate transition between the neighboring residential properties with accessory structures of smaller scales/intensities. The rear yard of the subject property is screened on all sides by existing trees, vegetation, and a fence. The proposed accessory structure will additionally be in compliance with all design, height, and setback requirements of the form district, with the exception of the requested variance and waiver.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the applicant has the necessary space on the lot to construct a structure of this size, and the applicant will be able to provide all other requirements of the Traditional Neighborhood form district with the exception of the waiver.

- (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 deprive the applicant of the reasonable use of the land because the proposed structure will be screened from view, and strict application of the provisions of the regulation would deprive the applicant of developing a large portion of their property.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.4.1.E.1. to allow the accessory use area to exceed the maximum depth of 60’. (26-VARIANCE-0065)
- **APPROVE** or **DENY** the **Waiver** of Land Development Code Section 5.4.1.E.4. to allow an accessory structure to exceed the footprint of the principal structure. (26-WAIVER-0066)

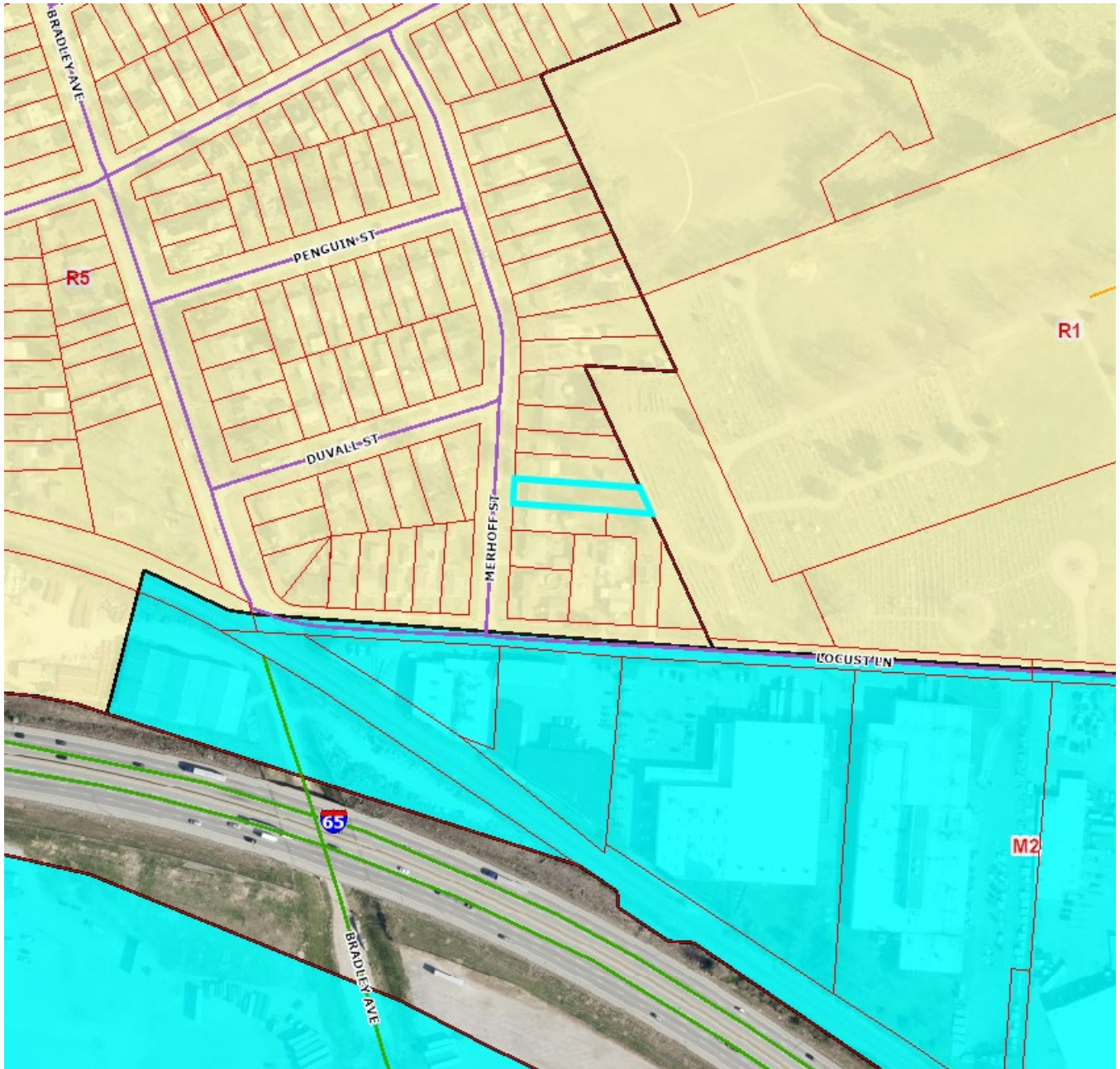
NOTIFICATION

Date	Purpose of Notice	Recipients
6/3/2026	Hearing before BOZA	1 st tier adjoining property owners and current residents
6/1/2026		Registered Neighborhood Groups in Council District 15

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

