

# Board of Zoning Adjustment

## Staff Report

June 3, 2024



<b>Case No:</b>	24-VARIANCE-0043
<b>Project Name:</b>	Butcher Block 111
<b>Location:</b>	111 N Wenzel Street
<b>Owner(s):</b>	Butcher Block Properties LLC
<b>Applicant:</b>	Butcher Block Properties LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Dante St. Germain, AICP, Senior Planner

### **REQUEST**

- **Variance** for side yard setback (required: 5', requested: 0.5', variance of 4.5')

### **CASE SUMMARY/BACKGROUND**

The subject site is located on N Wenzel Street and consists of one parcel currently developed with a single-family residential structure. The site was rezoned in 2023 in order for the applicant to utilize the structure for commercial purposes. The applicant now wishes to expand the structure in the rear in order for the site to be used as a restaurant.

The neighborhood of the site is characterized by a mix of residential, commercial, institutional and industrial development. The Lynn Family Stadium is located nearby to the north. The site is located within the study area for the Butchertown, Phoenix Hill & NuLu Neighborhood Plan. The site is within an area recommended as a destination and entertainment area.

The property was rezoned in 2023 from R-6 to C-2 under docket 23-ZONE-0046. A revised detailed district development plan was approved by the Development Review Committee on May 15, 2024, on condition that the plan receives the required variance.

### **STAFF FINDING**

Staff finds that the variance meets the requirements of the Land Development Code and the standard of review.

### **TECHNICAL REVIEW**

Butchertown, Phoenix Hill & NuLu Neighborhood Plan (2022)

MSD and Transportation Planning have provided preliminary approval of the proposal.

### **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE OF TABLE 5.2.2**

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the extension of the building to the rear will be constructed according to all required building codes.

- (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 the new construction is an extension on the rear of the existing building, and follows the side yard setback of the existing structure.

- (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 new construction will be built in a safe manner.

- (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 as the extension of the building will follow the existing setback.

### **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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site is very narrow in shape, and would not permit any expansion without an encroachment.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the narrow shape of the parcel would preclude any expansion to the structure without an encroachment.

3. 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.

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 variance and has not begun construction.

### **REQUIRED ACTIONS**

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

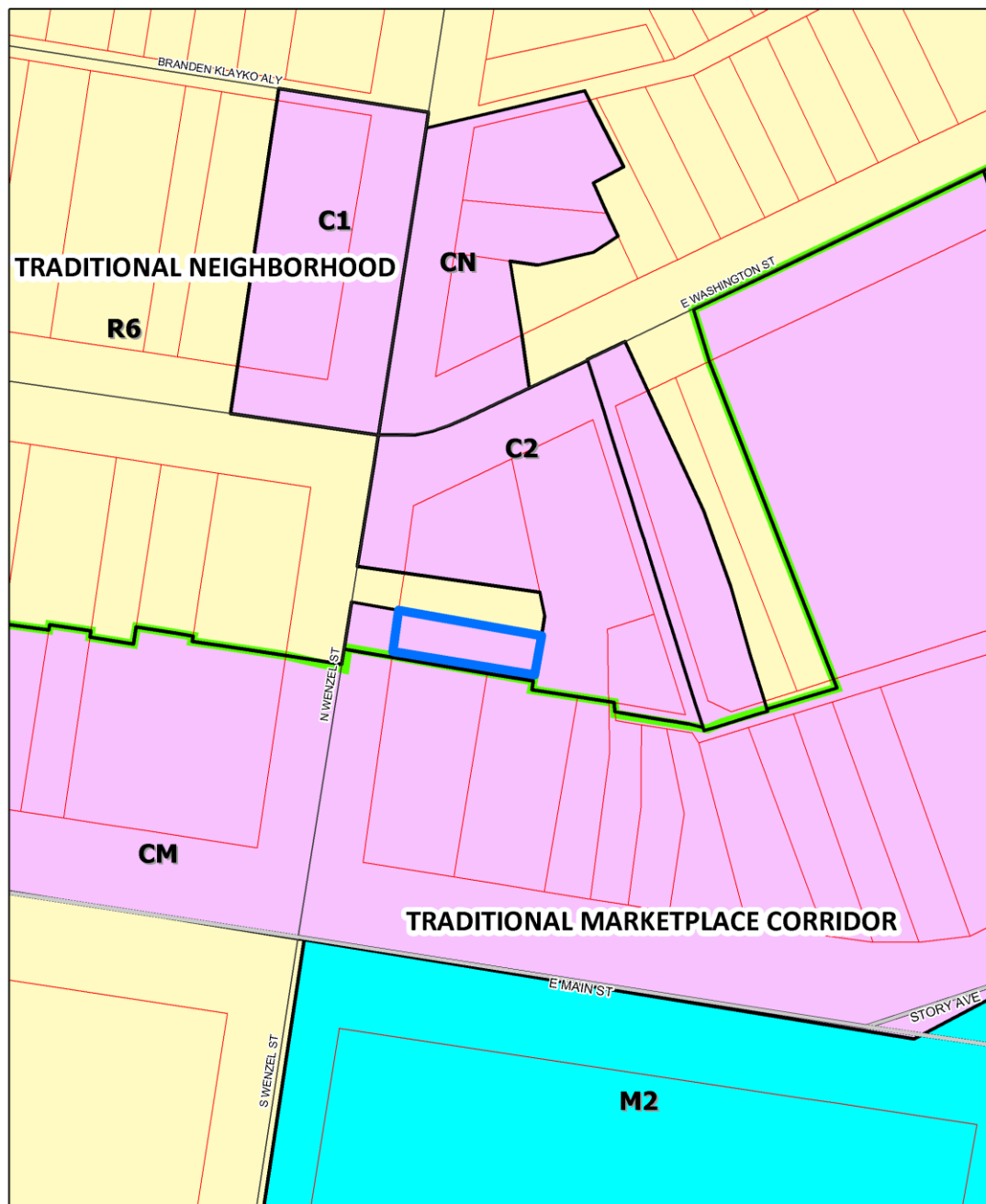
**NOTIFICATION**

Date	Purpose of Notice	Recipients
05/17/2024	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 4

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



111 N Wenzel Street  
feet

70

Map Created: 5/6/2024



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## 2. Aerial Photograph



111 N Wenzel Street  
feet

70

Map Created: 5/6/2024



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