

Board of Zoning Adjustment

Staff Report

June 27, 2022



Case No: 22-VARIANCE-0027
Project Name: Forrest Street Variance
Location: 1000 Forrest Street
Owner: Madison Heine & Jeremy Collins
Applicant: Jeremy Collins
Jurisdiction: Louisville Metro
Council District: 15- Kevin Triplett
Case Manager: Heather Pollock, Planner I

REQUEST:

Variance from the Land Development Code Table 5.2.2 to allow a deck to encroach into the side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	3 ft.	1 ft.	2 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single Family Residential in the Traditional Neighborhood Form District. The property is located on the south side of Forrest St. across from the intersection with Hoertz Ave. in the Schnitzelburg neighborhood. The subject property has a single-family home. The applicant has constructed a 330 sq. ft. deck at the rear of the primary structure that encroaches into the side yard setback.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets 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 a variance established in the Land Development Code.

TECHNICAL REVIEW

No outstanding technical comments.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM 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, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

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

STAFF: The deck does not alter the essential character of the general vicinity as it is built with material that is in character with the existing residence and surrounding residential neighborhood.

- (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 structure 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 variance will not allow an unreasonable circumvention of the zoning regulations as the existing rear entrance to the home is oriented towards the side property line and the deck accommodates this.

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 special circumstances which do generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape to 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 not create an unnecessary hardship on the applicant as the deck could be made smaller to comply with the zoning regulations.

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 as the applicant has constructed the deck and is requesting the variance.

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.

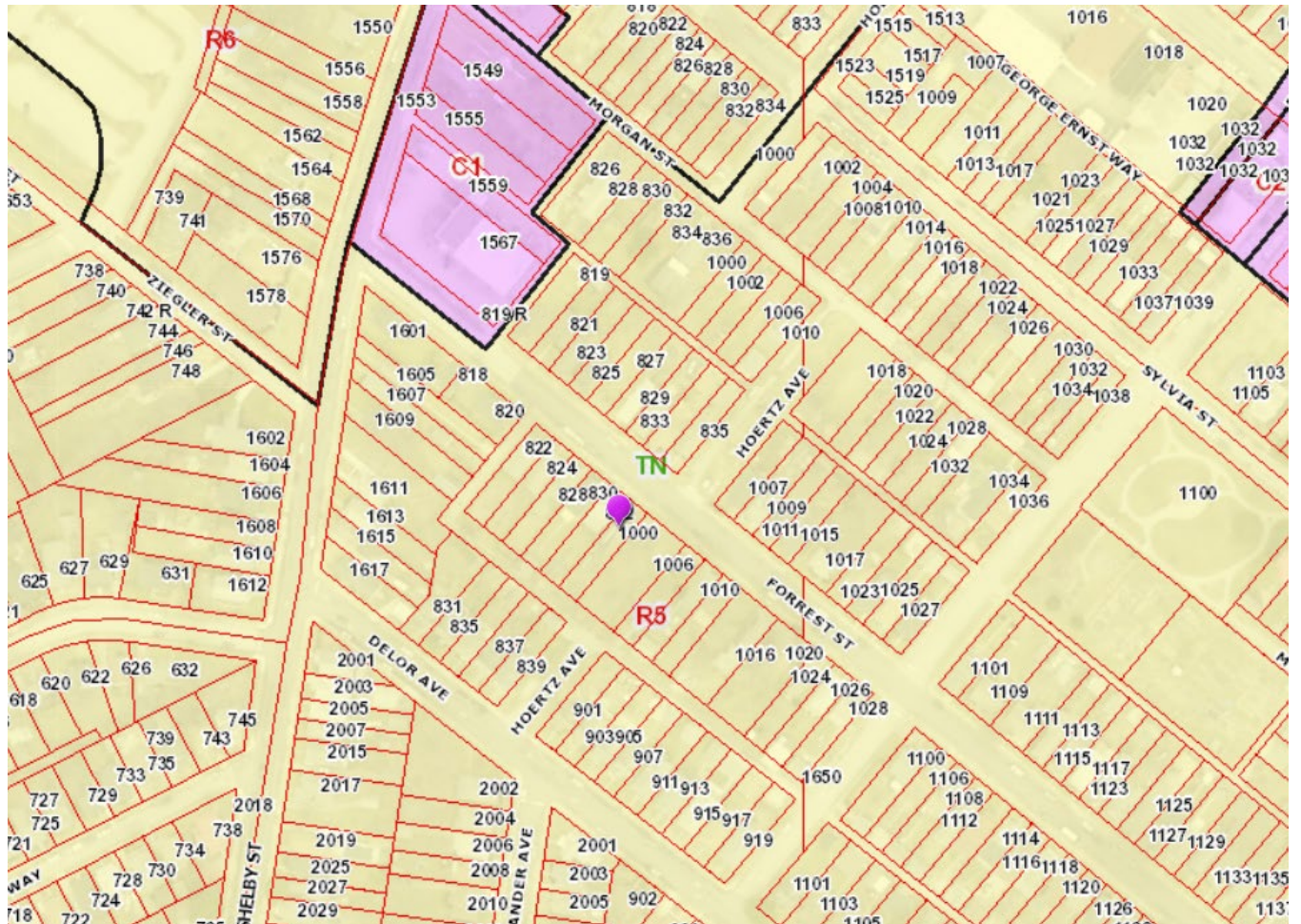
NOTIFICATION

Date	Purpose of Notice	Recipients
06/07/2022	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 15
06/10/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

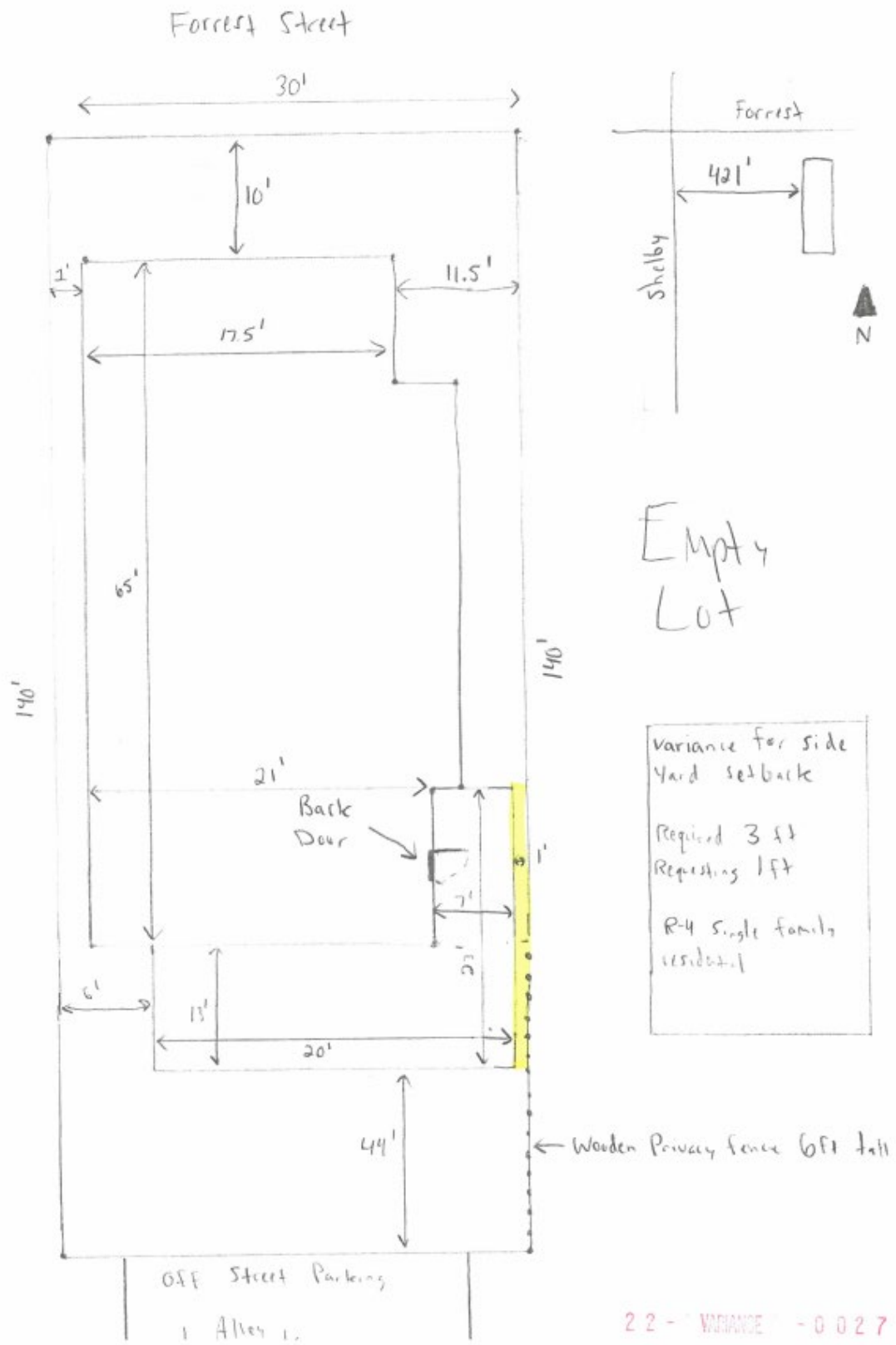
1. Zoning Map



2. Aerial Photograph



3. Site Plan



Site Photos



Front of subject property.



Vacant property to the left.



Across street.



Jun 10, 2022 at 12:56:52 PM
1000 Forrest St
Louisville KY 40217
United States

Variance area.



View of variance area from rear yard.