

Board of Zoning Adjustment

Staff Report

June 26, 2023



Case No:	23-VARIANCE-0056
Project Name:	Basswood Lane Variance
Location:	3606 Basswood Lane
Owner/Applicant:	Courtney & Robert Hunter
Representative:	Jack Stewart, AIA
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Jeremy Chesler, Planner I

REQUESTS:

Variance from the Land Development Code Table 5.1.12.B.2.e.i.1 to allow a structure to encroach into the required street side yard setback as established by infill regulations.

Location	Requirement	Request	Variance
Infill- Street Side Yard Setback	37 ft. to 40 ft.	13 ft.	24 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Single-Family Residential and is in the Neighborhood Form District. It is located on the south-west corner of Basswood Lane and Club Lane in the Rolling Fields Subdivision. The site is currently developed with a two-story single-family home and an accessory structure. The applicant is proposing to demolish the accessory structure and build an addition onto the rear of the home that will encroach into the required street side yard setback. The existing principal structure was built before the current zoning regulations were enacted, and as such, already does not adhere to infill standards for street side yard setbacks.

Section 5.1.12.B.2.e.i.1 of the Land Development Code states that the front yard and street side yard setback lines shall fall within the range of the front or street side yard setbacks of the two nearest lots containing principal structures within the same block face. Therefore, the street side yard setback shall fall between 37 feet to 40 feet; the proposal is for the addition to be 13 feet from the street side property line.

STAFF FINDINGS

Staff finds that the requested variance from infill standards in the street side yard has been adequately justified based on staff’s analysis contained in the standard 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 for encroachment into the required street side yard setback as established in the Land Development Code.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the structure may require alterations to the proposed building plans in order to meet building code requirements.

INTERESTED PARTY COMMENTS

Several of the adjoining property owners have submitted letters of support. The support letters are attached to this agenda item.

RELATED CASES

None

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.e.i.1

- (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. The proposed addition will not impact vision clearance for vehicular traffic on Basswood Lane or Club Lane.

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

STAFF: The proposed building addition will not alter the essential, visual character of the general vicinity as the addition and its location on the lot will be in character with the surrounding residential neighborhood. The proposal is still within the building limit line on the original record plat, therefore seems to be consistent with the original vision for the neighborhood. Several other homes in the immediate vicinity appear to not meet the required infill standards for street side yard setbacks, including 3600 Basswood Lane and 3601 Basswood Lane.

- (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. Vegetation currently serves as screening for the variance area and will be preserved to provide limited alteration to the view of the subject property from the street (See site photos included in staff report).

- (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 there are other homes within the surrounding blocks that appear to fail to meet the current required infill standards for street side yard setbacks. The original building limit line for the property is only 12.5 feet compared to the build limit line of 25 feet for the two properties that now determine the required street side yard setback for this property, therefore based on where the house was constructed on the lot, combined with the unique shape of the lot, limit ability to adhere to current residential design standards.

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 as the shape of the lot containing an acute interior corner is a significant factor that has led to the special circumstances requiring a variance request.

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 the house already does not comply with current regulations due to significantly varied building limit lines on the original subdivision plat being 12.5 feet for subject property compared to 25 feet for the two nearest lots on the same block face. Additionally, the acute angle and unique shape of this corner lot leads to a misalignment of the front property lines that makes conforming to infill standards particularly difficult.

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 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 has not yet started construction and has applied for a 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.

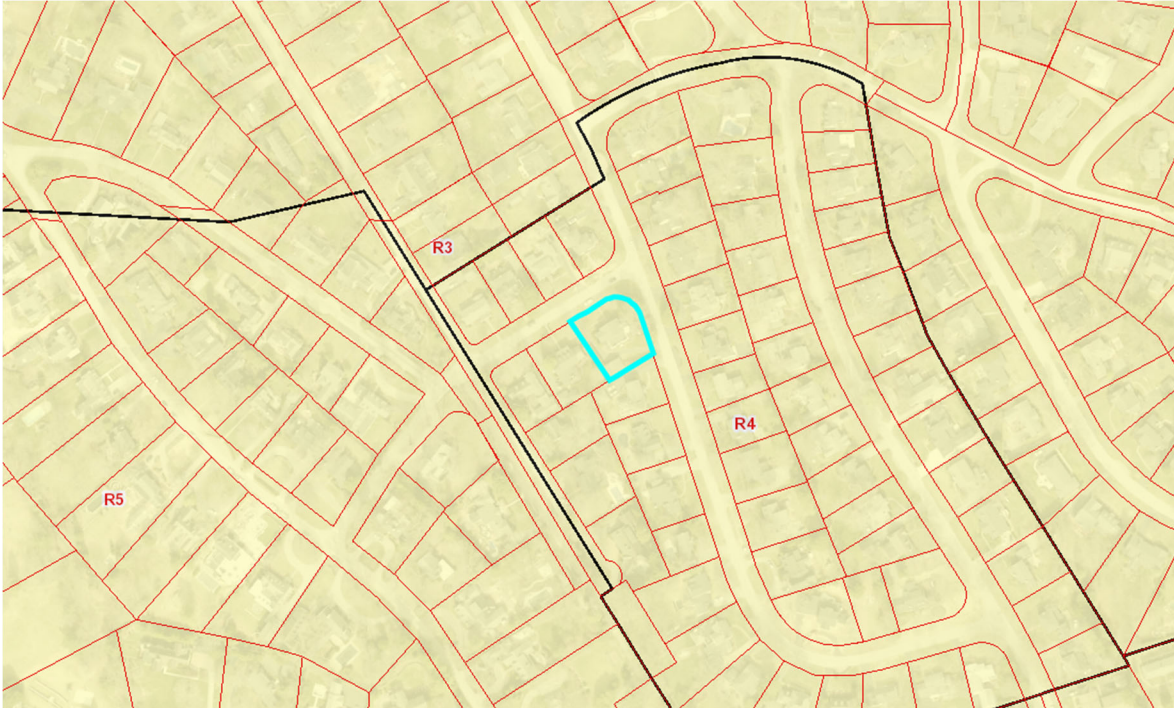
NOTIFICATION

Date	Purpose of Notice	Recipients
06/12/2023	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 16
06/12/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



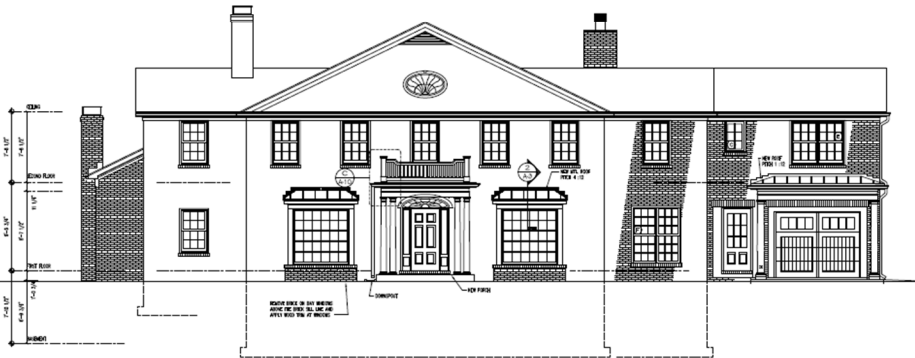
4. Elevations



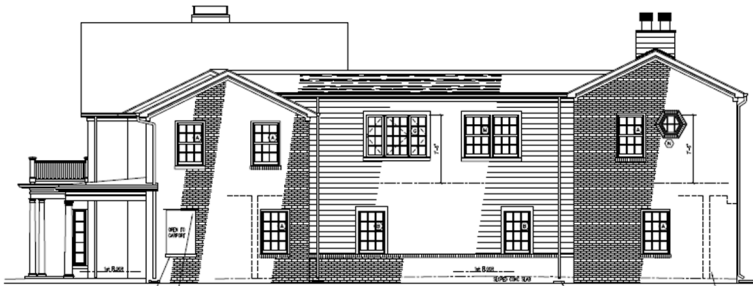
REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

View of Variance Request Area



Property to the left.



Google Street View: May 2019

Property to the right



Properties across the street.



Google Street View: May 2019



Google Street View: May 2019