

Board of Zoning Adjustment

Staff Report

January 9, 2018



Case No:	17VARIANCE1099
Project Name:	940 Ellison Avenue Addition
Location:	940 Ellison Avenue
Owner(s):	Welch & Morley LLC
Applicant:	James K Morley
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	3 feet	1 foot	2 feet

CASE SUMMARY/BACKGROUND

The subject property is located in the Germantown neighborhood, and currently contains one-story single-family residence with a detached garage. The lot is 30 feet wide by 155 feet deep. The applicant proposes to construct a new one-story addition onto the rear of the existing principal structure, with the same setback from the side property line as the existing structure. The existing setback is 1 foot from the side property line, encroaching into the required side yard setback by 2 feet. The applicant proposes the addition to encroach into the side yard setback by 2 feet to remain in-line with the existing principal structure.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets 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 established in the Land Development Code from table 5.2.2 to allow a structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

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 as the addition is proposed to be in-line with the existing principal structure, which has caused no known adverse effects.

- (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 reduced setbacks are common in the immediate 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 as the addition is proposed to be in-line with the existing principal structure, which has caused no known hazard or nuisance.

- (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 proposed addition will encroach into the required side yard setback to the same degree as the existing principal structure.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and of a similar size to other lots in the general vicinity.

2. The strict application of the provisions of the regulation would not 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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the addition could be set back an additional two feet.

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.

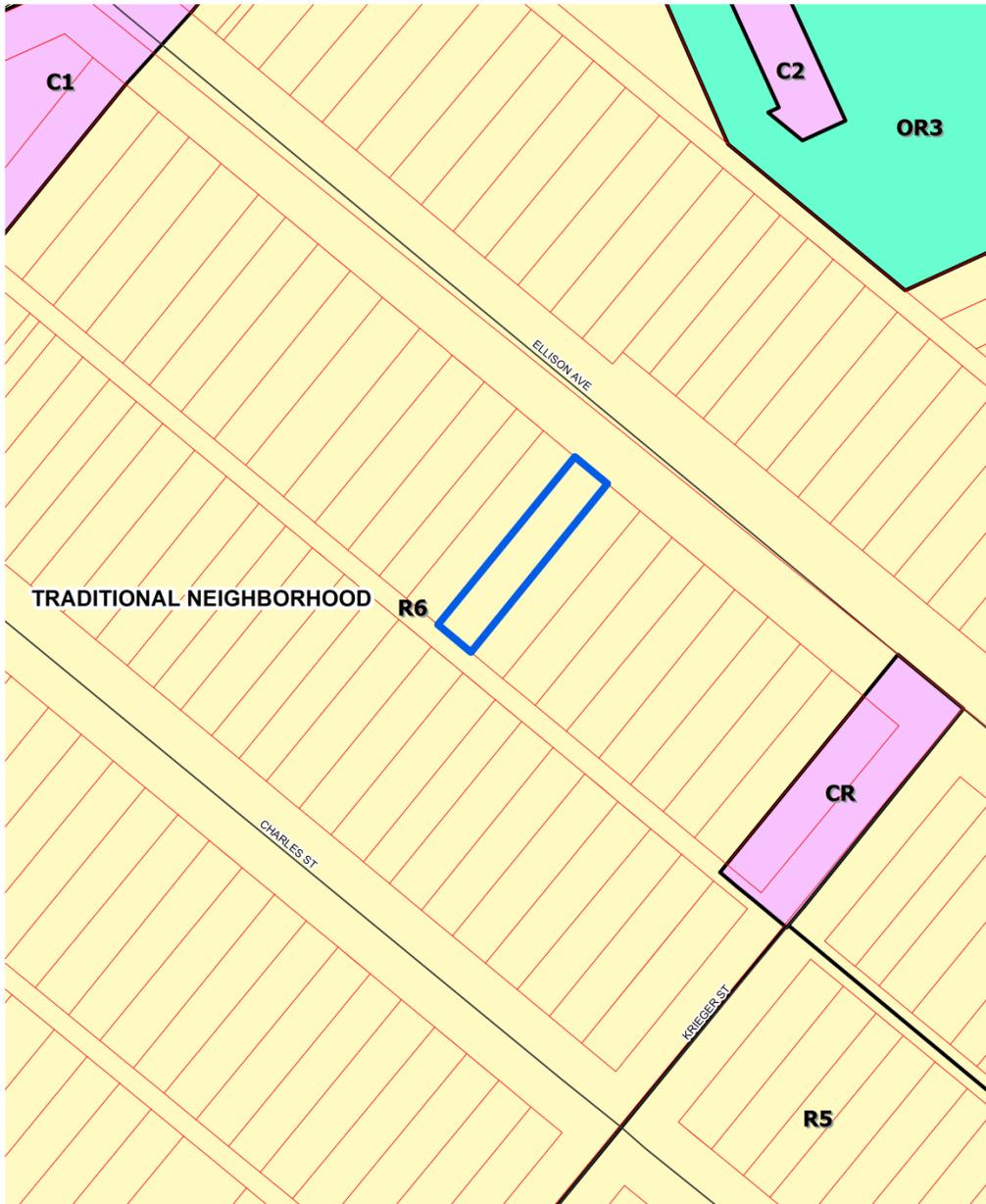
NOTIFICATION

Date	Purpose of Notice	Recipients
12/15/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 10
12/22/2017	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



940 Ellison Avenue
feet

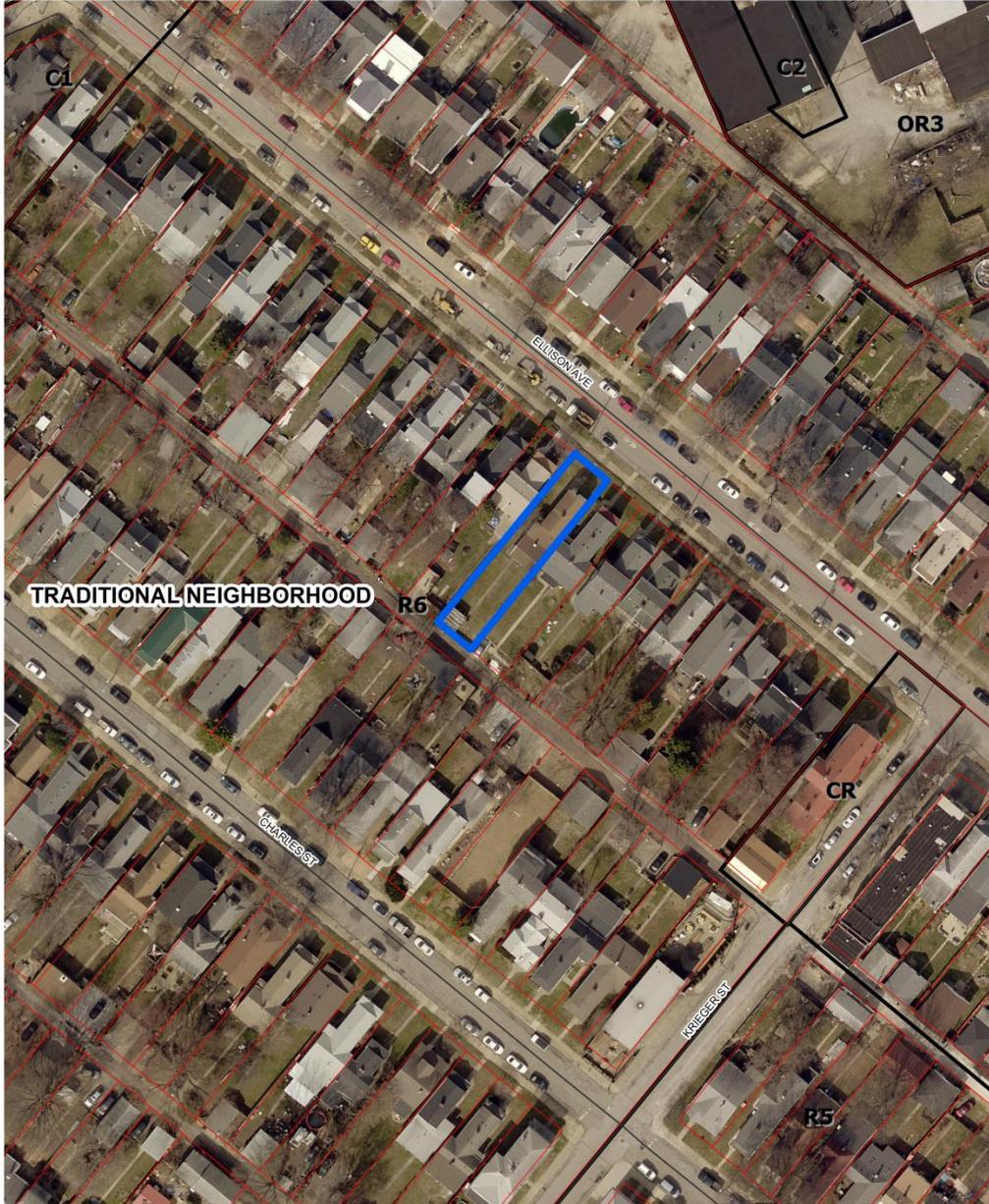
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Map Created: 12/28/2017



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2. Aerial Photograph



940 Ellison Avenue
feet

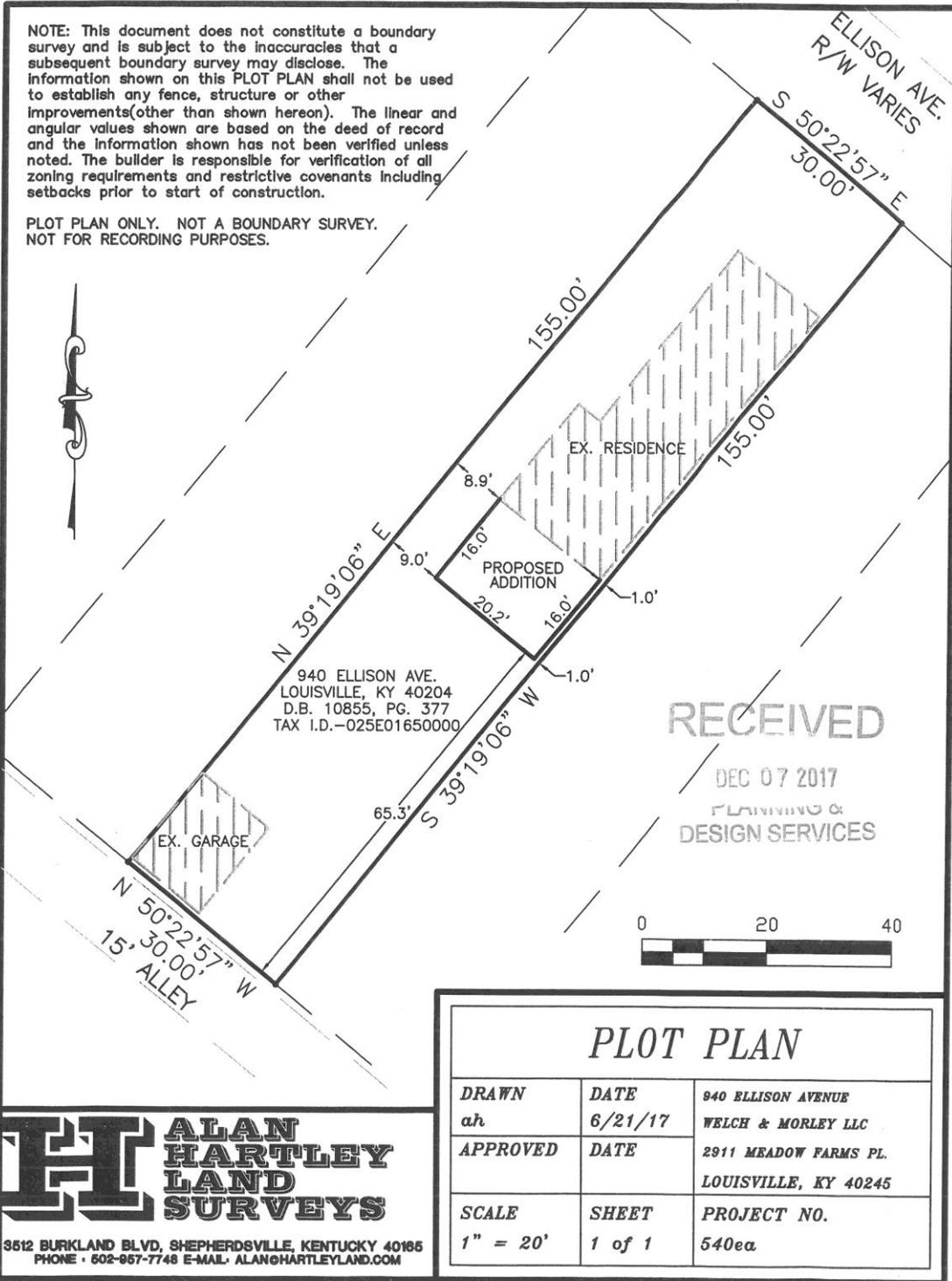
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3. Site Plan



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4. Elevations



5. Site Photos



The front of the subject property.



The property to the right of the subject property.



The property to the left of the subject property.



The properties across Ellison Avenue.



The rear of the existing structure where the addition is proposed to be constructed.



The location of the requested variance.



The separation between the existing structure and the neighboring residence.