

# Board of Zoning Adjustment Staff Report

April 20, 2015



<b>Case No:</b>	14VARIANCE1115
<b>Project Name:</b>	None (Residence)
<b>Location:</b>	726 East Kentucky Street
<b>Owner(s):</b>	Charles Phillip Richards
<b>Applicant(s):</b>	Charles Phillip Richards
<b>Representative(s):</b>	Charles Phillip Richards
<b>Project Area/Size:</b>	4,175 square feet
<b>Existing Zoning District:</b>	R-6, Residential Multifamily
<b>Existing Form District:</b>	Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Jon E. Crumbie, Planner II

**This case was continued from the February 16, 2015 docket due to the inclement weather.  
This case was moved from the April 6, 2015 hearing because the applicant could not be present.**

### REQUESTS

- Variances to allow the proposed detached 2 story garage to encroach into the required side yards.

Location	Requirement	Request	Variance
East Property Line	2'	0	2'
West Property Line	2'	1'	1'

### CASE SUMMARY

The applicant is proposing to build a 672 square foot detached garage toward the rear of the property. The garage will be approximately 22' -1" in height. The applicant has not determined what type of siding will be used.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential	R-6	TN
<b>Proposed</b>	Residential	R-6	TN
<b>Surrounding Properties</b>			
<b>North</b>	Residential	UN	TN
<b>South</b>	Residential	R-6	TN
<b>East</b>	Residential	R-6	TN
<b>West</b>	Residential	R-6	TN

### SITE CONTEXT

The site is rectangular in shape and located on the south site of East Kentucky Street near the intersection of East Kentucky Street and South Shelby Street. The property has alley access to the east and south. Residential uses are located to the north, south, east, and west of the site.

### PREVIOUS CASES ON SITE

There are no previous cases on the site.

### INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

### APPLICABLE PLANS AND POLICIES

Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (East Property Line)

(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 sight distance will not be compromised from either alley.

(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 because there are numerous detached garages in the area. The garage will be an improvement to the area.

(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 proper building permit will be obtained and both the house and garage will have matching siding.

(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 because there are numerous encroachments of this type throughout the general vicinity.

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 site has access to an alley to the east and south which may be considered a special circumstance.

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 garage would need to be reduced in size.

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 owner is responsible for the size and placement of the garage.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE  
(West Property Line)**

(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 sight distance will not be compromised from either alley.

(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 because there are numerous detached garages in the area.

(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 proper building permit will be obtained and both the house and garage will have matching siding.

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STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the garage would need to be reduced in size.

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 owner is responsible for the size and placement of the garage.

### TECHNICAL REVIEW

The applicant will need to explain where the gutters/downspouts will be located.

### STAFF CONCLUSIONS

The new structure is an accessory use to the residence and will be compatible with the surrounding residential neighborhood. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variances established in the Land Development Code.

### NOTIFICATION

Date	Purpose of Notice	Recipients
01/30/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
01/30/2015	Sign Posting	Subject Property Owner

### ATTACHMENTS

1. Zoning Map



## 2. Aerial Photograph



### 3. Justification Statements

**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

Property lines to the East and to the South on Alley lines - Area is substandard + a new garage with be an asset to the area

2. Explain how the variance will not alter the essential character of the general vicinity.

Would be a marked improvement to the area

3. Explain how the variance will not cause a hazard or a nuisance to the public.

It will be totally contained to the owners property

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

I want to build on the line to best utilize the property

*Additional consideration:*

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Two sides are abutted to 2 alleys

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Just Desirable - the lots are narrow

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

NO

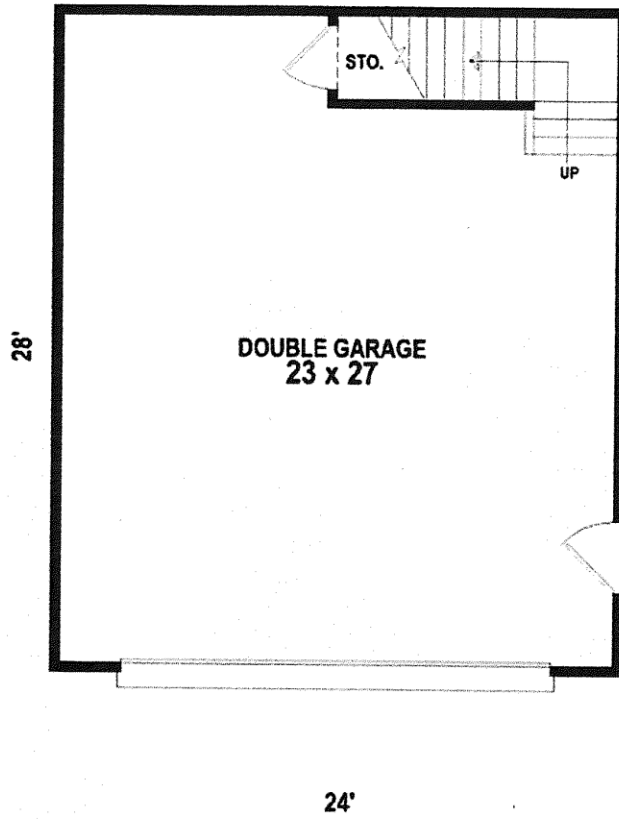
RECEIVED

DEC 23 2011

PLANNING &

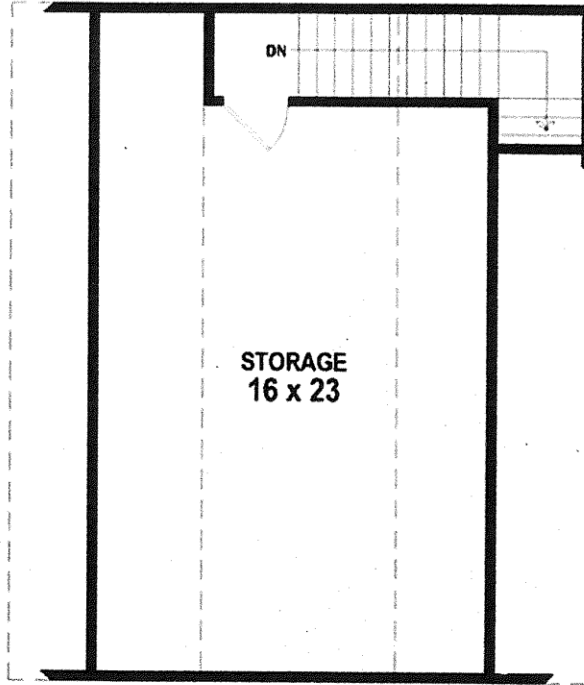
DESIGN SERVICES APPR: JINCE1115

726 E- 64  
GARAGE Footprint





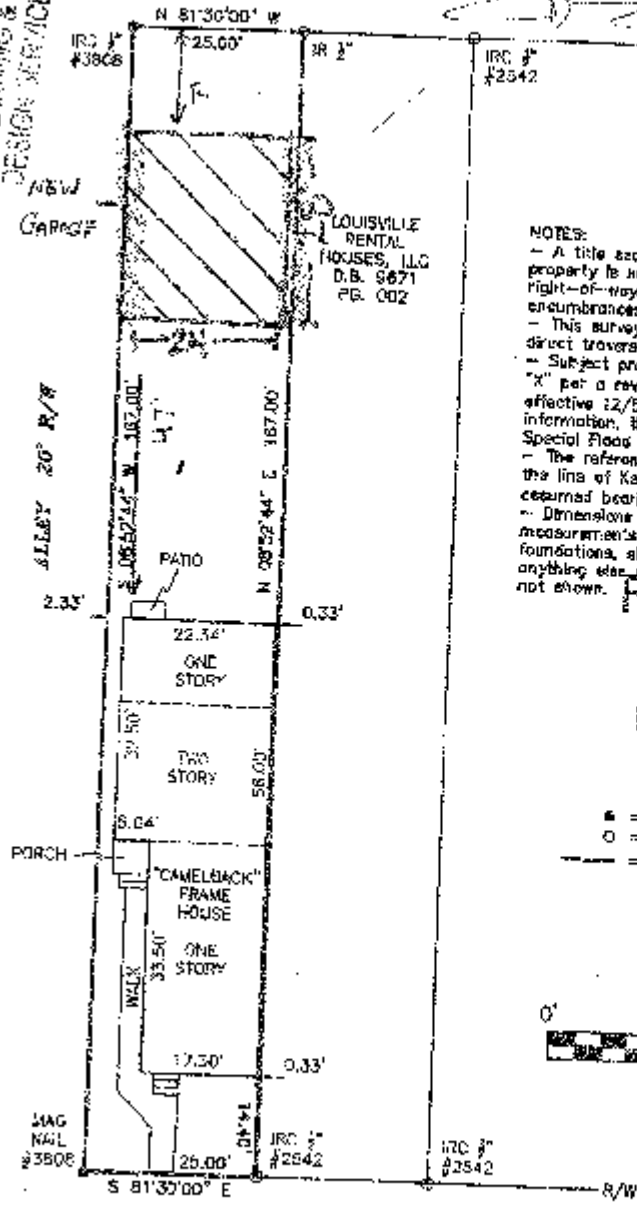
726 E. KY  
GARAGE Footprint



RECEIVED

FEB 1 2014  
PLANNING &  
DESIGN SERVICES

Phillip Richards



NOTES:

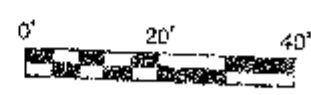
- A title search was not provided and this property is subject to all easements, right-of-ways, covenants, liens, and encumbrances, whether shown hereon or not.
- This survey was conducted by method of direct traverse and has no closure.
- Subject property is located in Flood Zone "X" per a review of FIRM #211100042E, effective 12/5/06. Based on the above information, this property is not located in a Special Flood Hazard Area.
- The reference meridian for this survey is the line of Kentucky Street, having an assumed bearing of S 81°30'00" E.
- Dimensions and area are from measurements near ground level. Gutters, foundations, sills, porches, meters, or anything else protruding above or below are not shown.

RECEIVED

JAN 21 2014  
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LEGEND

- = SET MONUMENT
- = FOUND MONUMENT
- = BOUNDARY LINE



E KENTUCKY ST 60' R/W

14VARIANCE1115  
BOUNDARY SURVEY  
FOR PHILLIP RICHARDS COMPANY