

Board of Zoning Adjustment
Staff Report
 March 20, 2023



Case No:	23-VARIANCE-0011
Project Name:	Garland Avenue Garage
Location:	4344 Garland Avenue
Owner:	Jeffery and Natalie Hancox
Applicant :	Jeffery Hancox
Jurisdiction:	Louisville Metro
Council District:	5-Donna Purvis
Case Manager:	Amy Brooks, Planner I

REQUEST:

Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

Location	Requirement	Request	Variance
Private Yard Area	2160 sq. ft.	594 sq. ft.	1566 sq. ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 in the Traditional Neighborhood Form District on the southern side of Garland Avenue in the Chickasaw neighborhood. The property is currently developed with a one-story single-family home. The applicant is proposing to erect a 24-foot tall, 1200 square foot accessory structure that will contain a two-car garage. However, as proposed, the new accessory structure will reduce the private yard area to less than the required 30% of the area of the lot.

STAFF FINDINGS

The Private Yard Area variance is 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 established in the Land Development Code.

TECHNICAL REVIEW

No outstanding technical comments.

INTERESTED PARTY COMMENTS

No interested party comments

RELATED CASES

None

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.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, including fire 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 proposed private yard area reduction will not alter the essential character of the general vicinity as many properties in the area seemingly have reduced private yard areas to accommodate for the fact there that there is no alley access for several properties in the Bon Adventure Subdivision. Therefore, any garage that located in the accessory use area would require a private yard area reduction because driveway access would increase impervious area while limiting the required amount of open space.

- (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 proposed accessory structure will comply with all other regulations, except where relief is requested, and there are other properties on Garland Avenue and 44th Street that have seemingly reduced open space between the principal and accessory use areas.

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 proposed detached garage could be modified to

preserve open space by moving it forward into the principal structure area, where detached garages are allowed, by right, when there is no alley access.

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. The applicant has not started construction on the garage and has requested 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
2/27/2023	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 5
03/6/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

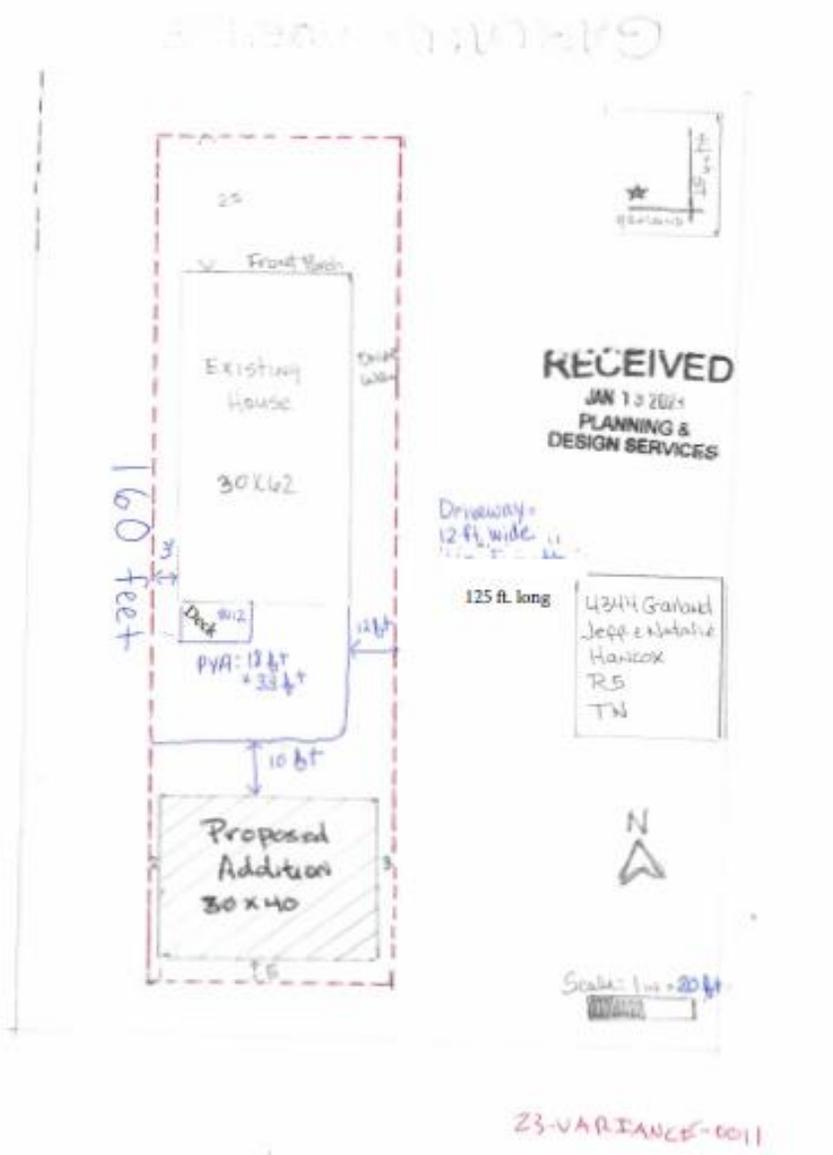
1. Zoning Map



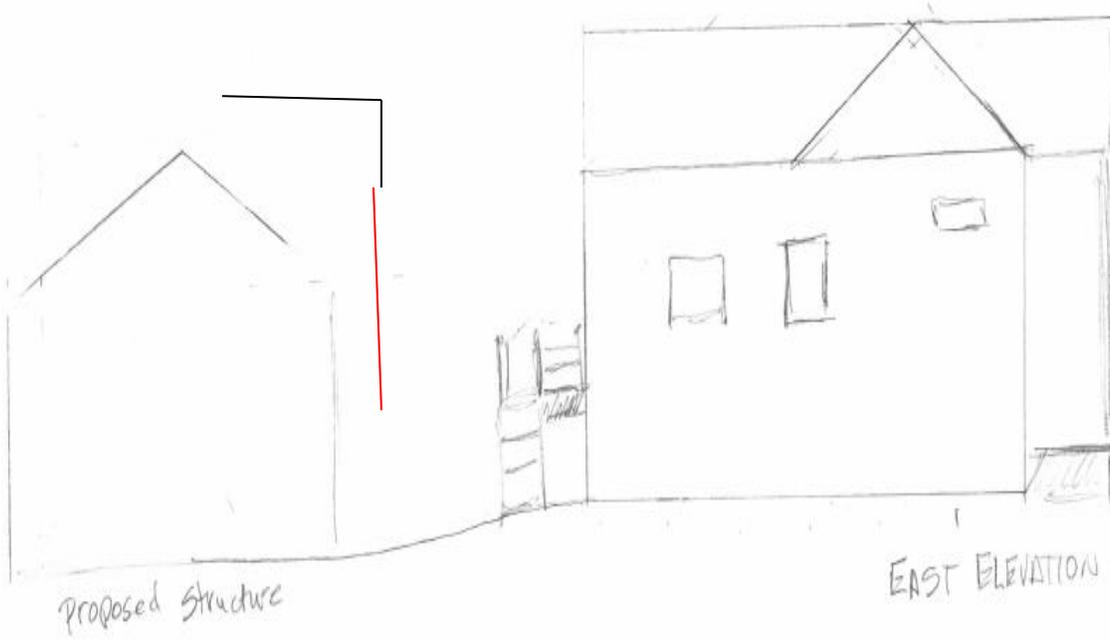
2. Aerial Photograph



3. Site Plan



4. Elevations



5. Site Photos



Front of subject property.



Right of the subject property.



Across the street from subject property.



View of Accessory Use Area.



View of Private Yard Area



View of driveway from Garland Ave and to the left of subject property.



Deck on rear of home.