

Board of Zoning Adjustment

Staff Report

June 5, 2023



Case No: 23-VARIANCE-0072
Project Name: East Jefferson Street Variance
Location: 1010 E. Jefferson St.
Owner: Kyle Roshberg
Applicant: Matt Eldridge
Jurisdiction: Louisville Metro
Council District: 4- Jecorey Arthur
Case Manager: Amy Brooks, Planner I

REQUEST:

Variance from the Land Development Code Section 5.1.12. A. 2.a to allow a principal structure to exceed the maximum front yard setback as established by infill regulations.

Location	Requirement	Request	Variance
Infill Front Yard Setback	8 feet	11 feet	3 feet

CASE SUMMARY/BACKGROUND

The subject site is zoned OR-2 Office Residential in the Traditional Neighborhood Form District. The property is located on the southern side of East Jefferson Street in the Phoenix Hill Neighborhood. The applicant is proposing to construct a two-story single-family home on the vacant lot.

This site is subject to the infill regulations as specified by 5.1.12 of the Land Development Code. The proposed building must be constructed within the established front yard setback range of the two closest principal structures which is approximately eight feet.

The applicant's original request did meet infill standards, but the NULU Overlay Committee conditioned their approval of the Overlay permit, on the applicant modifying the site plan to bring the second-floor balcony into line with the adjacent properties. This design request modification moved the front façade of the building three feet beyond the established maximum setback.

STAFF FINDINGS

Staff finds that the requested variance to exceed the infill maximum Front Yard meets the standard of review as established by the Land Development Code. Therefore, staff recommends that the Board approve the variance request.

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

None

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES:

23-OVERLAY-0015

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 as the proposed maximum setback does not interfere with the safe movement of people or vehicles along the street or right of way.

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

STAFF: The structure will not alter the essential character of the general vicinity. While the structure will exceed the maximum setback, the NULU Overlay Committee felt that the design alteration that aligned the balcony with the adjoining properties would better reinforce the cadence of the block. The traditional pattern of this block has two-story shotgun houses where the second story is recessed further from the property line.

- (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 will need to adhere to the regulations set forth in the Land Development Code.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will allow not an unreasonable circumvention of the zoning regulations. The proposed setback stills preserve the basic feel of the streetscape that has been established within the block.

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 generally 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 create an unnecessary hardship on the applicant because the NULU Overlay Committee has already approved the design. It was this condition of approval to change the design that triggered the need for a variance from infill 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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

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.

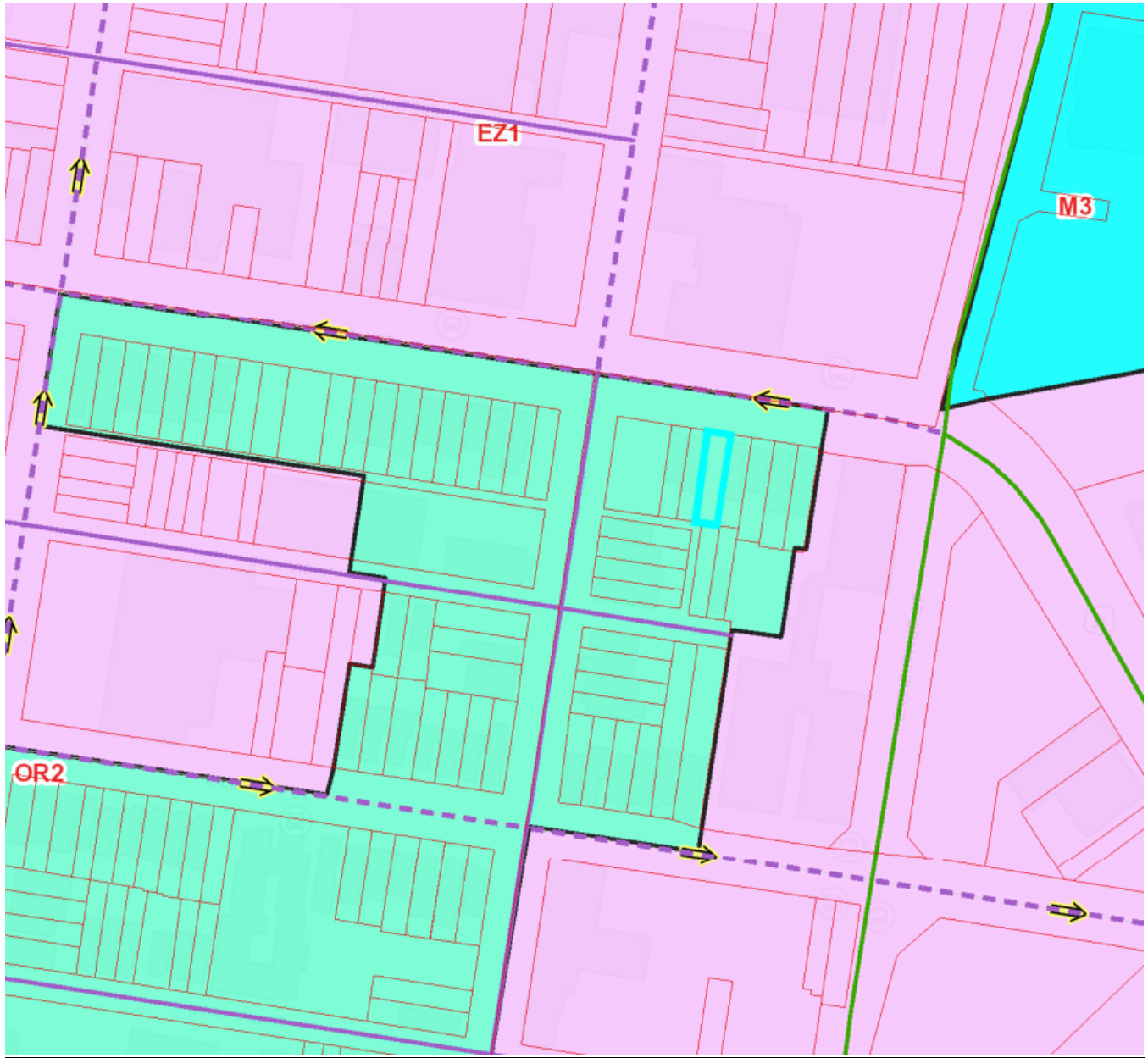
NOTIFICATION

Date	Purpose of Notice	Recipients
06/05/2023	Hearing before BOZA	1 st tier adjoining property owners
05/11/2023		Registered Neighborhood Groups in Council District 4
5/22/2023	Hearing before BOZA	Notice posted on property

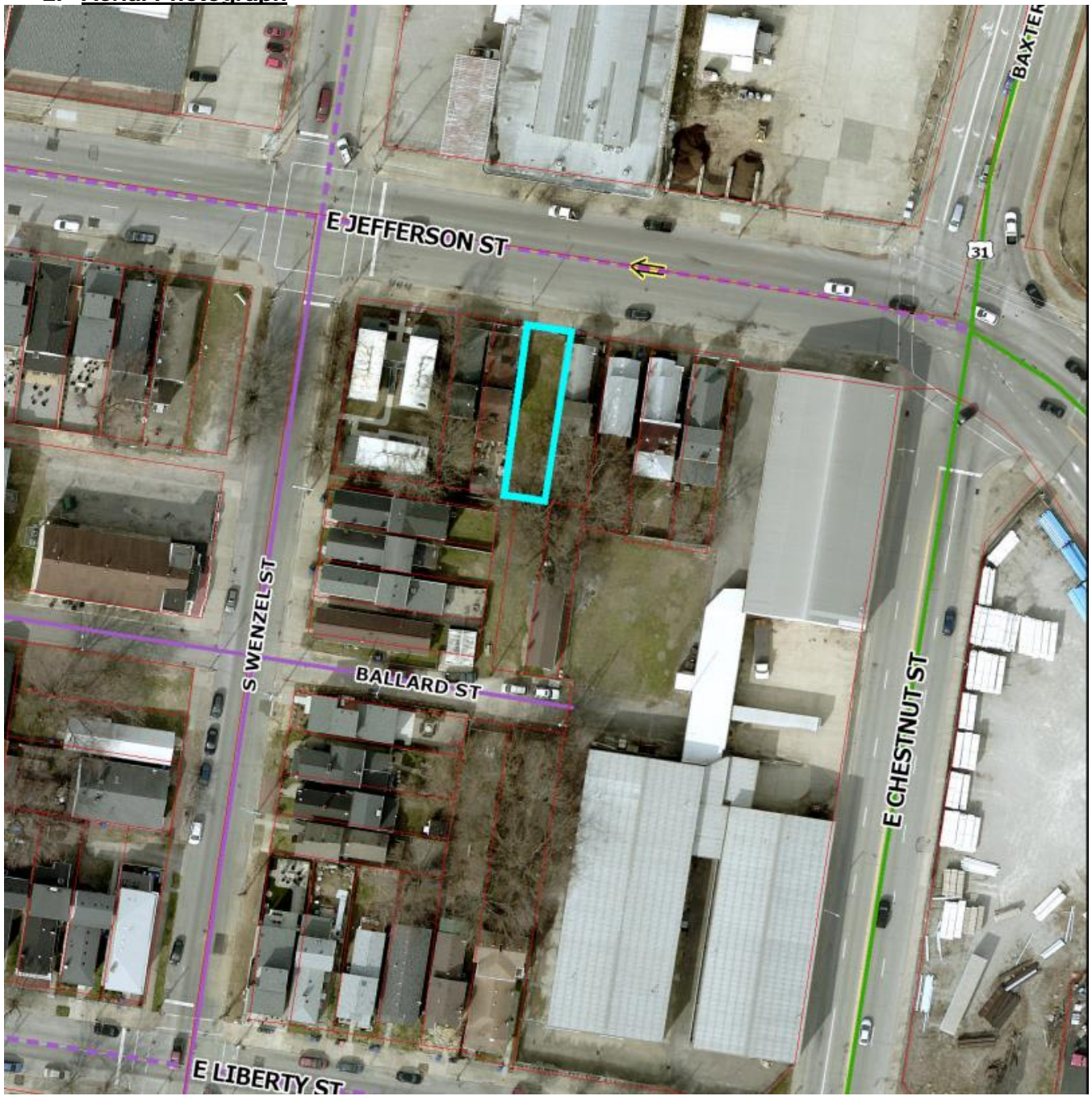
ATTACHMENTS

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

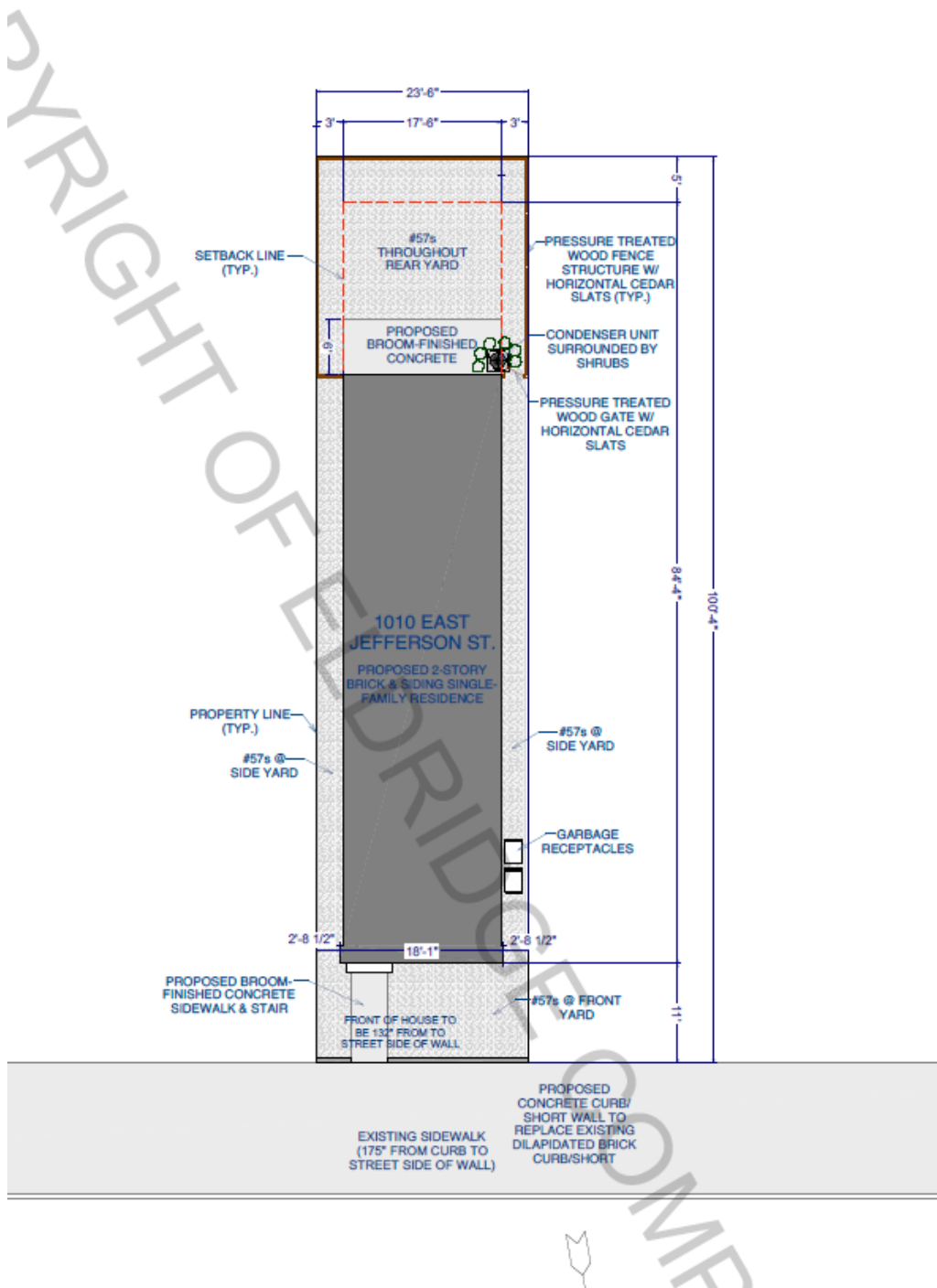
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Elevations



EXTERIOR RENDERINGS -
ARTISTIC REPRESENTATION ONLY

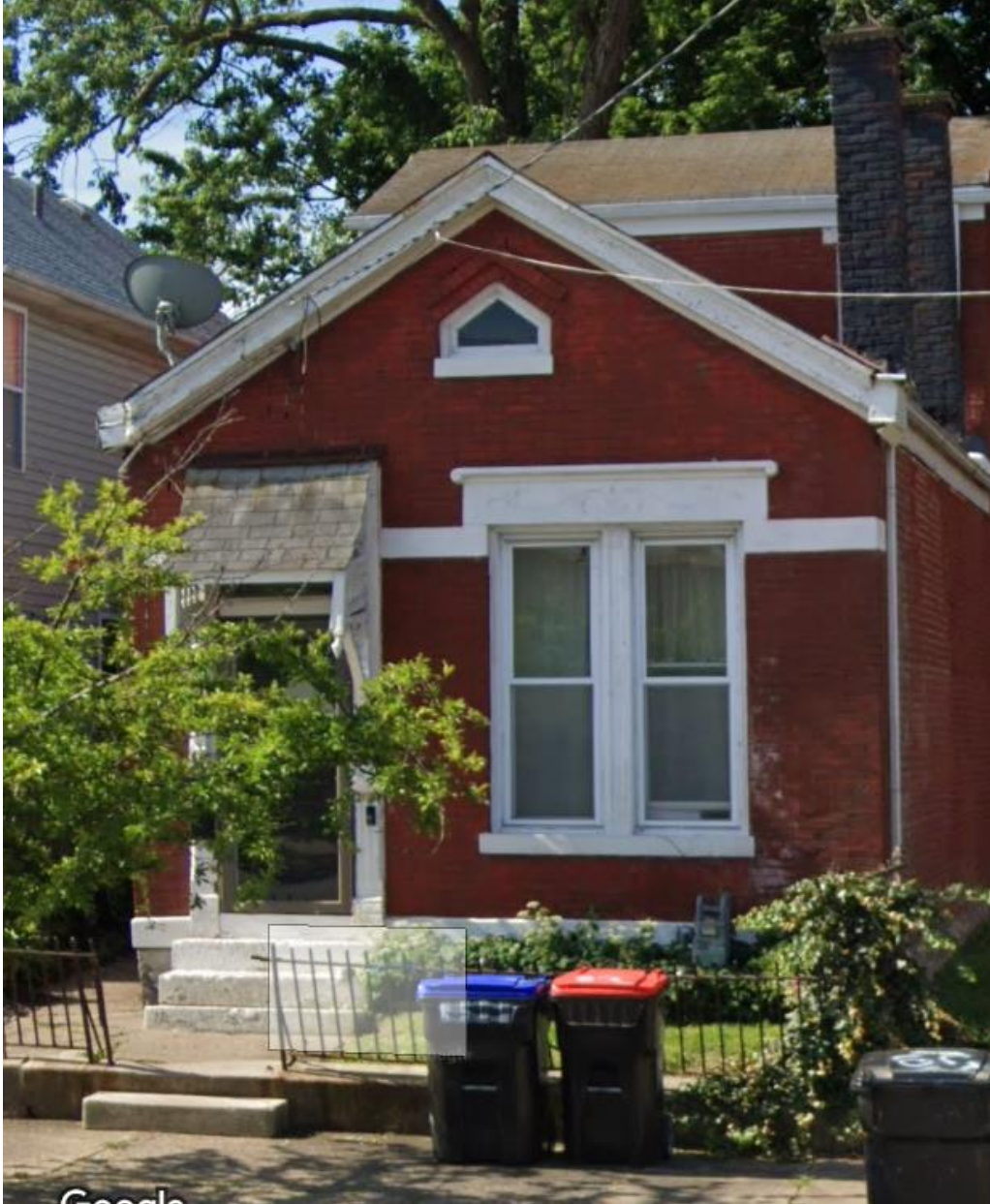
5. Site Photos



Front of subject property.



Right of subject site. Google street view, 2022.



Left of subject site. Google street view, 2022.



Across the street from subject property.