

Board of Zoning Adjustment
Staff Report
 August 31, 2020



Case No:	20-VARIANCE-0072
Project Name:	Windsor Place Variance
Location:	1629 Windsor Place
Owner(s):	Danatta & David Levine
Applicant:	Charlie Williams – Charlie Williams Design, Inc.
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code section 5.4.1.E to allow an addition to an accessory structure to encroach into the required side and rear yard setbacks.

Location	Requirement	Request	Variance
Side Yard	2 ft.	1.81 ft.	0.19 ft.
Rear Yard	5 ft.	1.78 ft.	3.22 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 Residential Single-Family in the Traditional Neighborhood Form District. It is a single-family structure located in the Windsor Place subdivision. The proposed addition is a carport that will be attached to the existing garage, which will encroach into the required side and rear yard setbacks. The garage and the other garages on the alley already encroach into the rear yard setback.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

STAFF FINDINGS

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 section 5.4.1.E to allow an accessory structure to encroach into the required side and rear yard setbacks.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.E

- (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 proposed addition must be constructed to comply with all building codes, including fire codes.

- (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, the structure will be similar in size and scale compared to surrounding structures.

- (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 addition 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 addition will be constructed the same distance from the property lines as other structures.

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 not generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape as 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 carport could be constructed to meet setback requirements if it were slightly less wide and set back further from the rear property line. However, if the carport were pushed back from the rear property line it would not match the setback of the existing garage.

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 is requesting the variance and has not begun construction.

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.

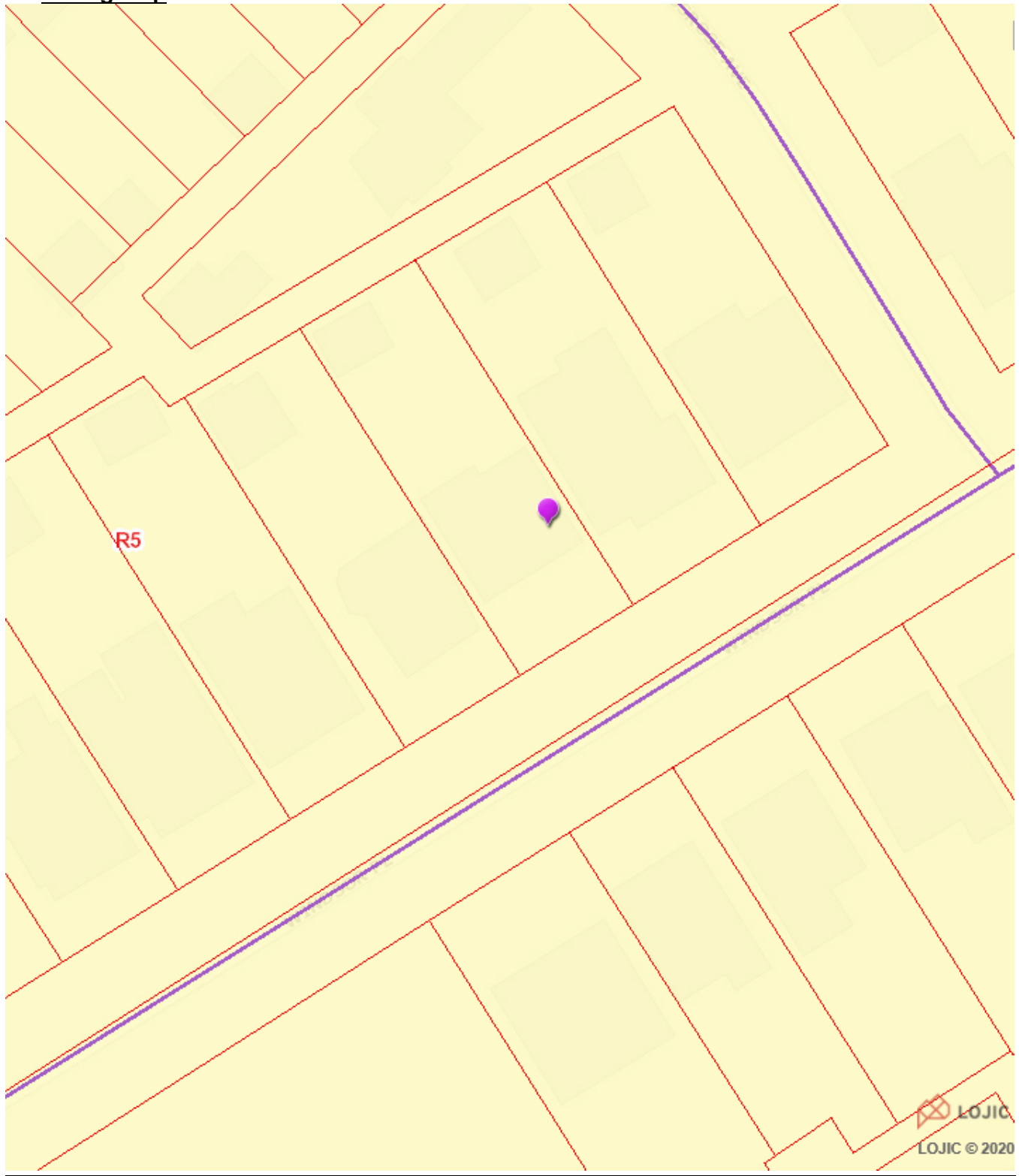
NOTIFICATION

Date	Purpose of Notice	Recipients
N/A	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
N/A	Hearing before BOZA	Notice posted on property

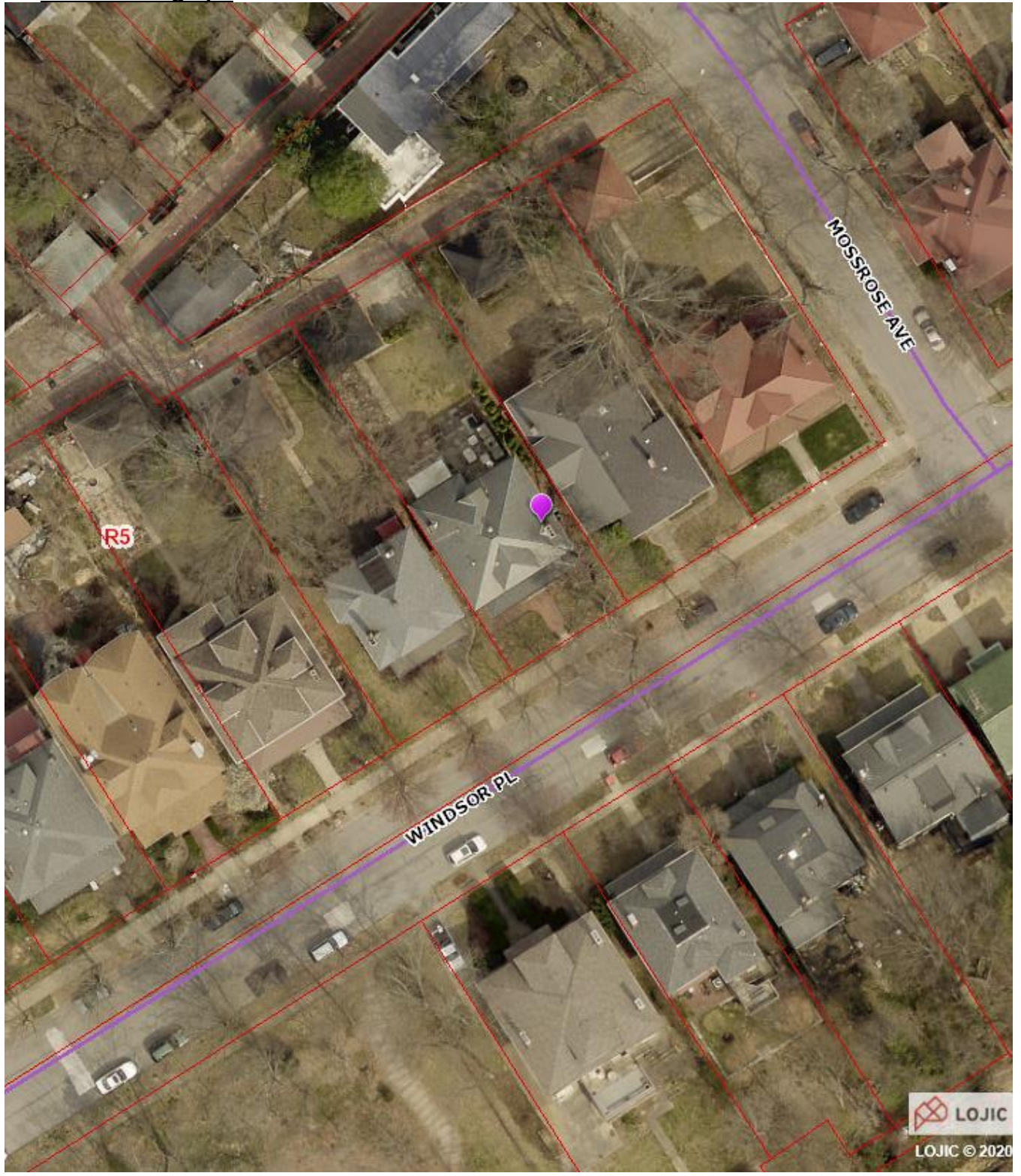
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map



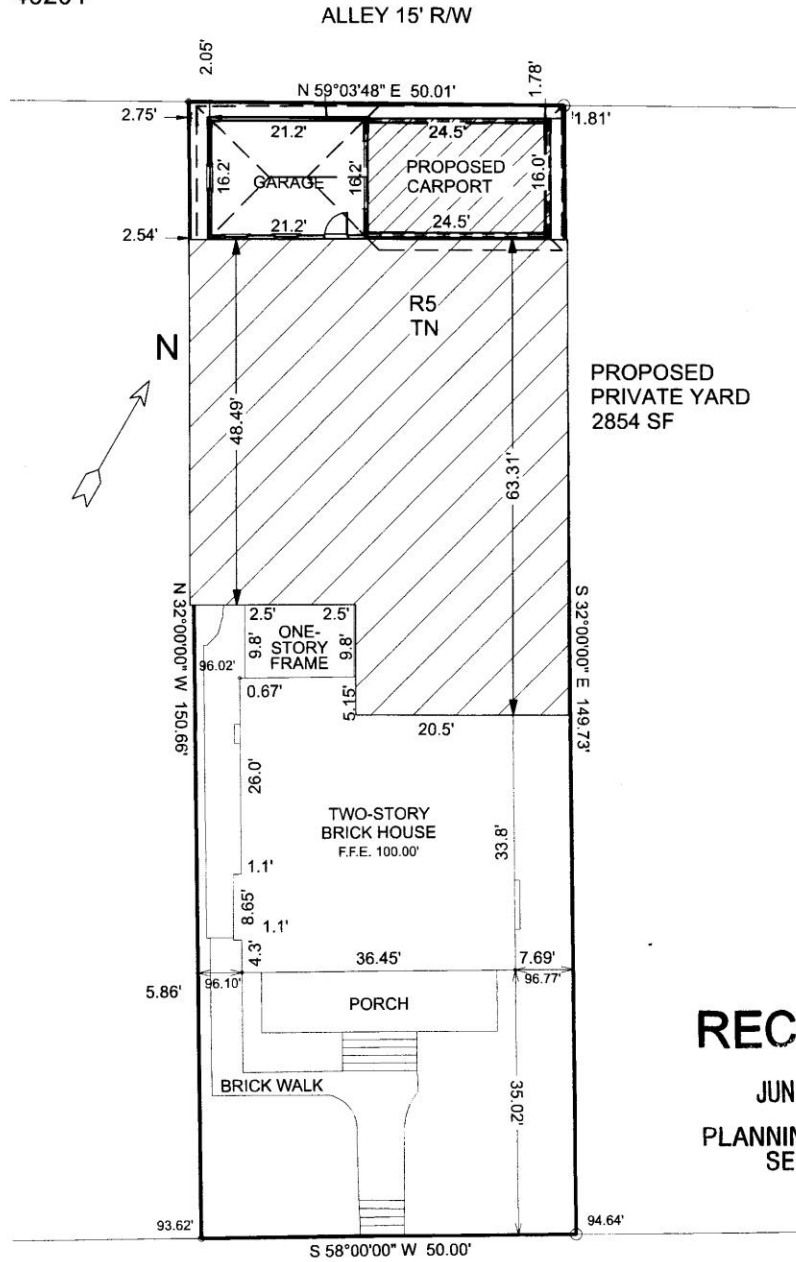
2. Aerial Photograph



3. Site Plan

1629 WINDSOR PLACE
LOUISVILLE, KY 40204

6-14-20



RECEIVED
JUN 29 2020
PLANNING & DESIGN
SERVICES

PROPOSED SITE PLAN

WINDSOR PLACE 60' RW

SCALE 1"=20'



CHARLIE WILLIAMS DESIGN
1626 WINDSOR PLACE
LOUISVILLE, KY 40204

20 - VARIANCE - 0072