

**Board of Zoning Adjustment
Staff Report**
March 16, 2014



Case No:	14Variance1105
Project Name:	None (carport)
Location:	123 E. Amherst Ave.
Owner(s):	Truc-Mai T. Tran
Applicant:	Think Nguyen
Representative(s):	Same
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Latondra Yates, Planner II

REQUEST

- Variance of Sec. 5.4.1.E.6 of the Land Development Code (LDC) to allow a carport to encroach into the required 2-foot side yard. The requested setback is 1 foot, 6 inches, a variance of 6 inches.

Variance

Location	Requirement	Request	Variance
Side yard (west property line)	2 ft.	1 ft., 6 in.	6 in.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The variance is for construction of a carport. This case was originally heard December 15, 2014. It was continued to February 2 to allow the applicant to work with the adjoining property owner on an alternative design. The case was then continued to the February 16 meeting to allow more time. The meeting was then continued to the March 2 meeting due to inclement weather.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-5 in the Traditional Neighborhood Form District (TNFD). It is surrounded by residential property zoned R-5 in the TNFD.

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-family residential	R-5	TNFD
Proposed	Carport	R-5	TNFD
Surrounding Properties			
North	Single-family residential	R-5	TNFD
South	Single-family residential	R-5	TNFD
East	Single-family residential	R-5	TNFD
West	Single-family residential	R-5	TNFD

PREVIOUS CASES ON SITE

The site is part of St. Leo Place Subdivision, recorded in Plat Book 38, Page 04.

INTERESTED PARTY COMMENTS

Staff has received a phone call and e-mail of opposition from an adjacent property owner.

APPLICABLE PLANS AND POLICIES

Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR
VARIANCES**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance may adversely affect the public health, safety or welfare because the close proximity of the carport to the adjacent property; and close proximity of the adjacent house may create an issue with overhang and runoff.

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

STAFF: The variance may alter the essential character of the general vicinity given the close proximity and depth of the carport to the property line.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance may cause a hazard or nuisance to the public because the close proximity of the carport to the adjacent property may create an issue with overhang and runoff.

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

STAFF: The variance may allow an unreasonable circumvention of the zoning regulations because of the close proximity of the carport to the neighboring property.

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 variance arises from the request to install a carport.

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 provision 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 applicant could possibly examine other options for placement of the carport.

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 the result of the request for installation of the carport.

TECHNICAL REVIEW

1. The applicant should clarify whether the proposed carport will create runoff onto adjacent property. The adjacent property to the west is approximately 3.8 ft. from its east property line.

STAFF CONCLUSIONS

Staff's analysis of the standards of review supports the granting of the variance.

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 standards for granting a variance as established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/26/2014	BOZA Hearing	1 st and 2 nd tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Applicant's Justification Statement

1. Zoning Map



2. Aerial Photo



R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN, RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN, EMP. CEN.	



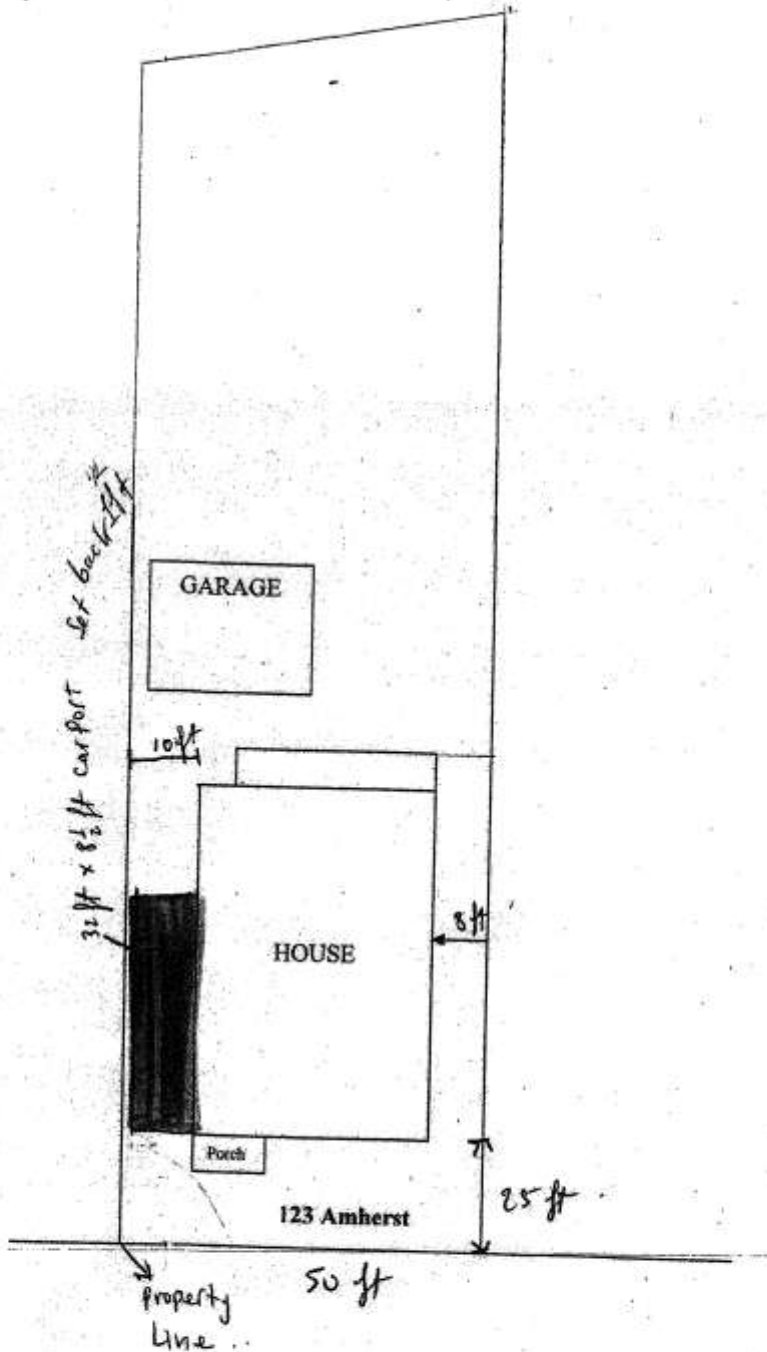
Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

**14VAR1105
 VARIANCE**

Scale: 1:699 Date: 11/24/2014



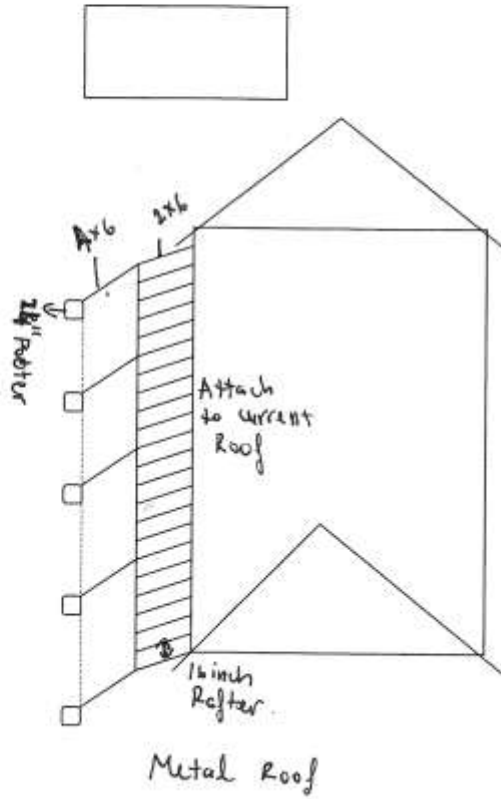
3. Site Plan



1" = 20 ft

Site plan

4. Elevations



Elevation.

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5. Applicant's Justification Statement

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.

carport build for 86 yrs old handicap man. He had a really difficulty each time he accessed from the house to the car.

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

Each time the weather is bad the old 86 yrs man needed someone helping him to bring him in the car.

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

car port will be open for EMS, or any other public service to access to the property.

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

carport will be upto code requirements.

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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).

carport is going to build to close the property line.

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.

The 86 yrs handicap old man definitely need to have a carport to help him each time he needs to get in the car

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

Do on my own.

14VAPR1105