

**Board of Zoning Adjustment
Staff Report**
March 7, 2016



Case No:	16VARIANCE1004
Request:	Variance from a side yard setback.
Project Name:	1784 Mellwood Ave.
Location:	1784 Mellwood Ave.
Owner:	Jason and Betty Nunn
Applicant:	Stefan Rumancik
Representative:	Stefan Rumancik
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from LDC section 5.2.2 table 5.2.2 Dimensional Standards – Traditional Neighborhood, for a side yard setback on the North and South side of a proposed rear addition to the principal structure to encroach into the required 3 feet setback.

Variance #	Location	Requirement	Request	Variance
#1	Side Yard Setback (North Side)	3' ft.	1' ft. 11" in.	1' ft. 1" in.
#2	Side Yard Setback (South Side)	3' ft.	2' ft. 10" in.	2" in.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to build a new addition onto the rear of the principal structure. The current principal structure has a setback less than the three feet side yard requirement as required by the LDC for Traditional Neighborhood form district. The new rear addition would span roughly 18 feet in length and have a width of 24.5' feet but as proposed would match the setback as found on the existing structure of 2 feet 10 inches on the south side and 1 foot 11 inches on the north side rather than the required 3 feet as required by LDC table 5.2.2 for the Traditional Neighborhood Form District.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Multi Family	R-6	Traditional Neighborhood (TN)
Proposed	Residential Multi Family	R-6	Traditional Neighborhood (TN)
Surrounding Properties			
North	Residential Multi Family	R-6	Traditional Neighborhood (TN)
South	Residential Multi Family	R-6	Traditional Neighborhood (TN)
East	Residential Multi Family	R-6	Traditional Neighborhood (TN)
West	Residential Multi Family	R-6	Traditional Neighborhood (TN)

PREVIOUS CASES ON SITE

No previous cases associated with the subject property.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

Variance #1 Side Yard Setback (North Side of Proposed Rear Principal Structure Addition)

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

STAFF: The requested variance would not adversely affect the public health, safety or welfare since the proposed rear addition would be attached to the existing principal structure which currently has a setback of one foot eleven inches of the three foot minimum as required by LDC 5.2.2.

- (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 since homes in the vicinity have rear additions that are currently larger than that proposed by the applicant and vary from a one story addition (on the abutting northern property) and a two story addition (on the southern abutting property).

- (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 since the applicant is requesting one foot one inch which the principal structure sits at currently. As a result of the new addition being constructed at an equal setback will require the one foot one inch for uniformity.

- (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 since the intent of the setback is to allow uniformity in the form district.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the applicant's home sits in between two abutting properties that have rear additions.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the abutting properties have rear additions and the uniformity of the proposed addition will be within the spirit and intent of the form district, seeking uniformity.

3. 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.

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 since neither the applicant or the representative have constructed any of the proposed rear addition to date.

Variance #2 Side Yard Setback (South Side of the Proposed Rear Principal Structure Addition)

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

STAFF: The requested variance would not adversely affect the public health, safety or welfare since the proposed rear addition would be attached to the existing principal structure which currently has a setback of two feet ten inches.

- (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 since homes in the vicinity have rear additions that are larger than that proposed by the applicant and vary from a one story addition which is found on the abutting northern property and a two story addition as found on the southern abutting property.

- (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 since the applicant is requesting two inches which the principal structure sits at currently. As a result of the new addition being constructed at an equal setback will require the two inches for uniformity.

- (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 since the intent of the setback is to allow uniformity in the form district.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the applicant's home sits in between two abutting properties that have rear additions.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the abutting properties have rear additions and the uniformity of the proposed addition will be within the spirit and intent of the form district seeking uniformity.

3. 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.

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 since neither the applicant nor the representative have constructed any of the proposed rear addition to date.

TECHNICAL REVIEW

- No comments at this time.

STAFF CONCLUSIONS

The applicant is proposing to construct a two story addition on the rear of the principal structure. For the applicant to construct in uniformity with the existing structure requires less than the three foot setback, as defined in LDC section 5.2.2 table 5.2.2 Dimensional Standards – Traditional Neighborhood, the north side of the proposed addition to the rear of the principal structure would allow only 1 foot 1 inch of space from the property line while the same addition would allow only 2 feet 10 inches of space on the south side from the property line.

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 established in the Land Development Code from sections 5.2.2 Table 5.2.2 for the side yard setbacks.

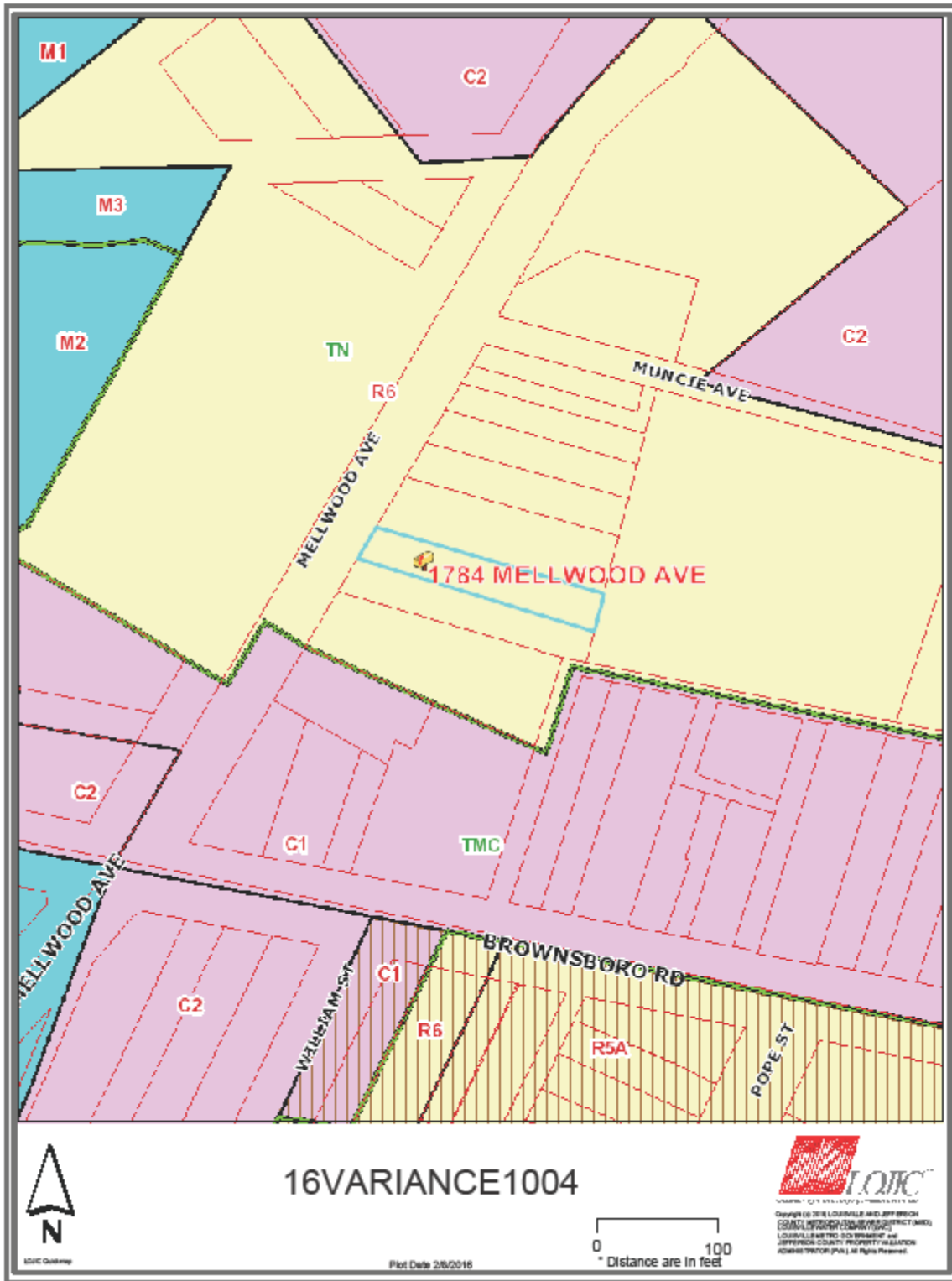
NOTIFICATION

Date	Purpose of Notice	Recipients
Feb. 19, 2016	Hearing before BOZA	1 st tier adjoining property owners Neighborhood notification recipients
Feb. 19, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Inspection Photos

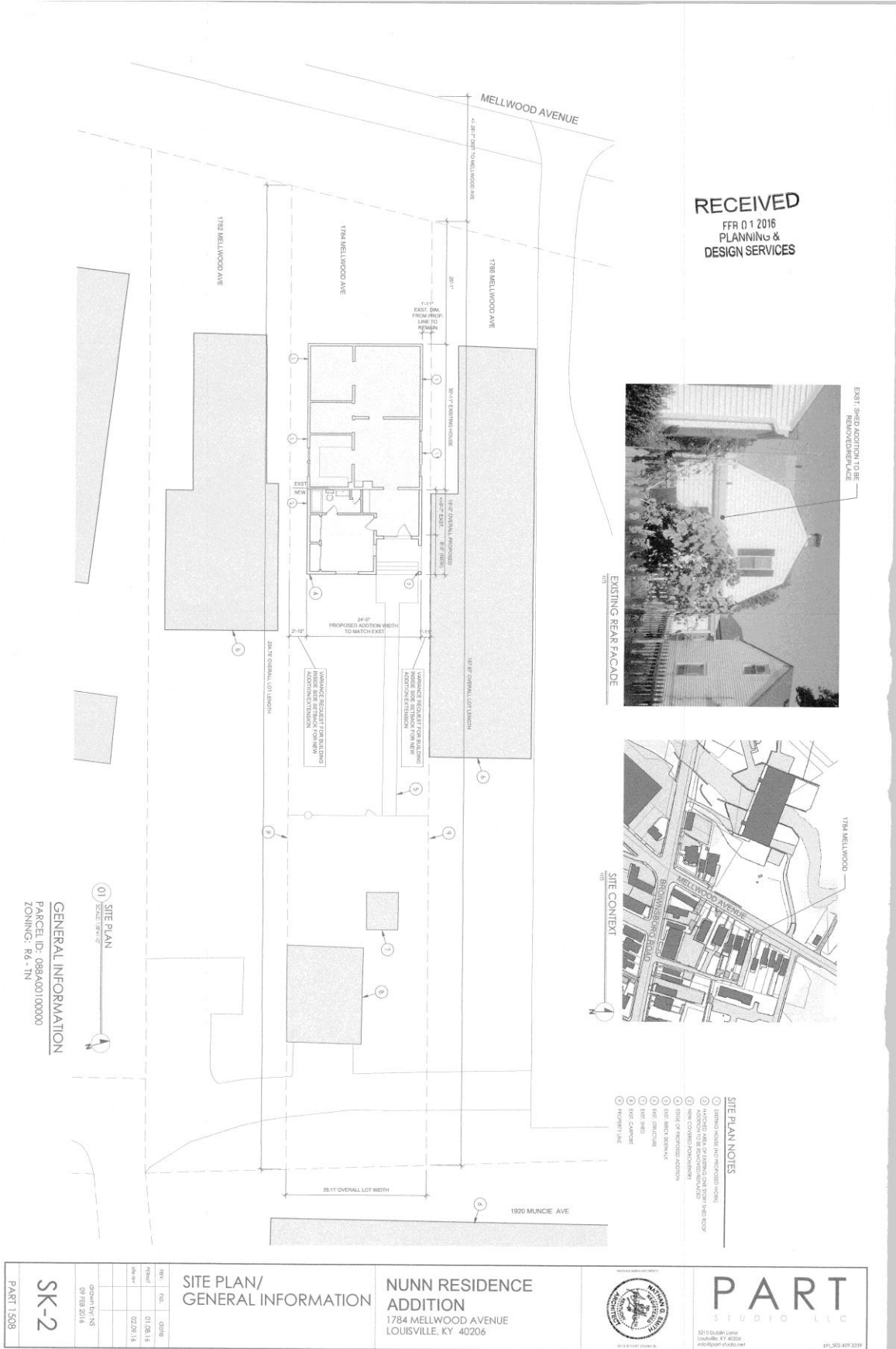
1. Zoning Map



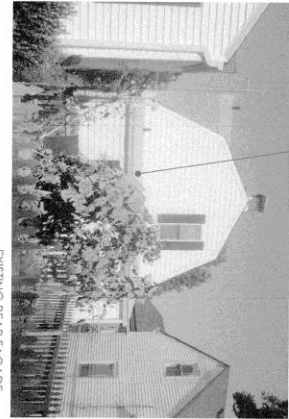
2. Aerial Photograph



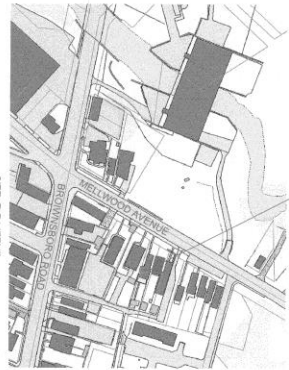
3. Site Plan



RECEIVED
 FFR 01 2016
 PLANNING &
 DESIGN SERVICES



EXISTING REAR FACADE



SITE CONTEXT

- SITE PLAN NOTES**
- 1) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 2) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 3) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 4) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 5) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 6) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 7) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 8) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 9) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 10) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 11) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 12) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 13) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 14) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 15) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 16) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 17) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 18) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 19) EXISTING HOUSE (NOT PROPOSED) HOUSE
 - 20) EXISTING HOUSE (NOT PROPOSED) HOUSE

01 SITE PLAN
 SCALE: 1/8" = 1'-0"
 GENERAL INFORMATION
 PARCEL ID: 089A00100000
 ZONING: R6-TN

REV.	NO.	DATE
1	1	01/08/16
2	1	02/26/16

designed by: NS
 07/28/2016

SK-2
 PART 1008

**SITE PLAN/
 GENERAL INFORMATION**

**NUNN RESIDENCE
 ADDITION**
 1784 MELLWOOD AVENUE
 LOUISVILLE, KY 40206



PART
 STUDIO LLC

3310 DuPont Lane
 Louisville, KY 40220
 502.961.1010
 info@part-studio.net

EP1_2016_A01-2016

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4. Site Inspection Photos



Looking due East at the front of the home along the southern side of the property.



Looking due East on northern side of the home.



Looking due West at the rear of the home along the southern side of the property.



Looking due West at the rear of the home along the northern side of the property.