

# Board of Zoning Adjustment

## Staff Report

July 22, 2019



<b>Case No:</b>	19VARIANCE1053
<b>Project Name:</b>	Meadow Road Variance
<b>Location:</b>	2509 Meadow Road
<b>Owner:</b>	Judith Spring Gallagher
<b>Applicant:</b>	Beverly D. Baker – Architect, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code section 5.4.2.C.3.a to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	2 ft.	1.27 ft.	0.73 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is zoned R-5 and is located in the Broadmeade subdivision in the City of Seneca Gardens and contains a two-story single-family residence. The applicant is proposing to replace an existing detached garage with a new detached garage. The proposed garage will be the same distance from the side property line as the existing garage.

**STAFF FINDING**

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 standard of granting a variance established in the Land Development Code from section 5.4.2.C.3.a to allow a detached garage to encroach into the required side yard setback.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.2.C.3.a**

- (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 structure will need to 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 proposed garage is setback the same distance as the existing structure.

- (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 as the proposed garage is setback the same distance as the existing structure.

- (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 encroachment is the same as the existing side yard setback.

**ADDITIONAL CONSIDERATIONS:**

1. The requested variance does arise 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 land in the general vicinity or the same zone as the subject property is similar in size and shape to 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 as the driveway would need to be altered in order to use the garage.

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 as the applicant is requesting the variance and has not begun construction.

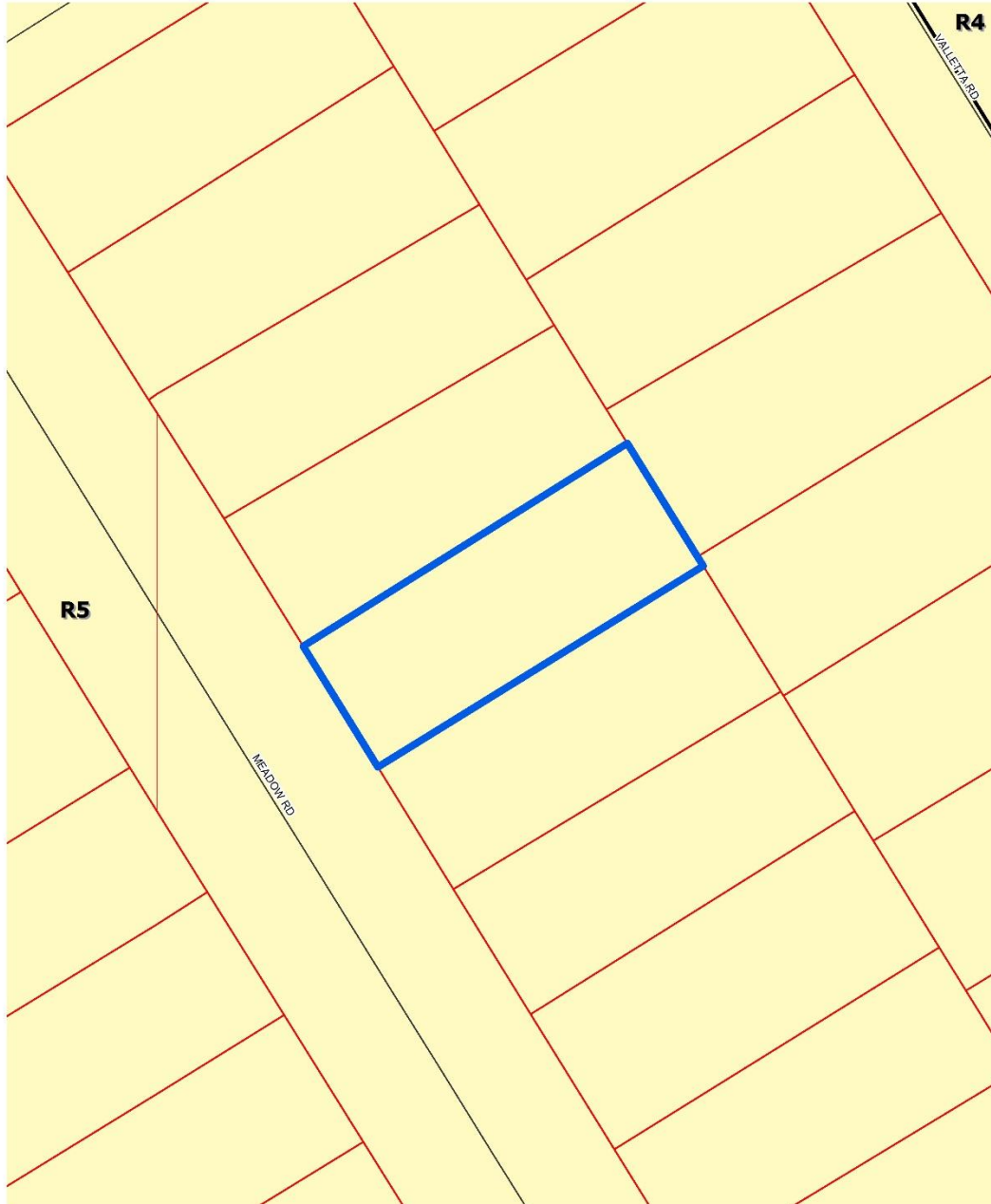
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>06/05/2019</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
<b>07/08/2019</b>	Hearing before BOZA	Notice posted on property

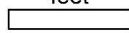
**ATTACHMENTS**

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

1. **Zoning Map**



2509 Meadow Road  
feet



40

Map Created: 7/15/2019

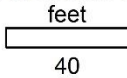


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2. Aerial Photograph



2509 Meadow Road

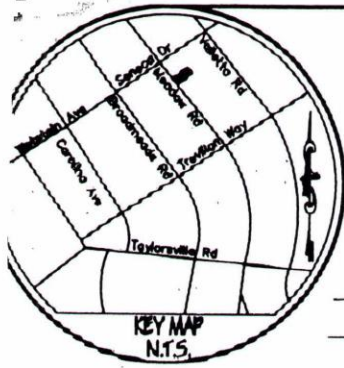


Map Created: 7/15/2019



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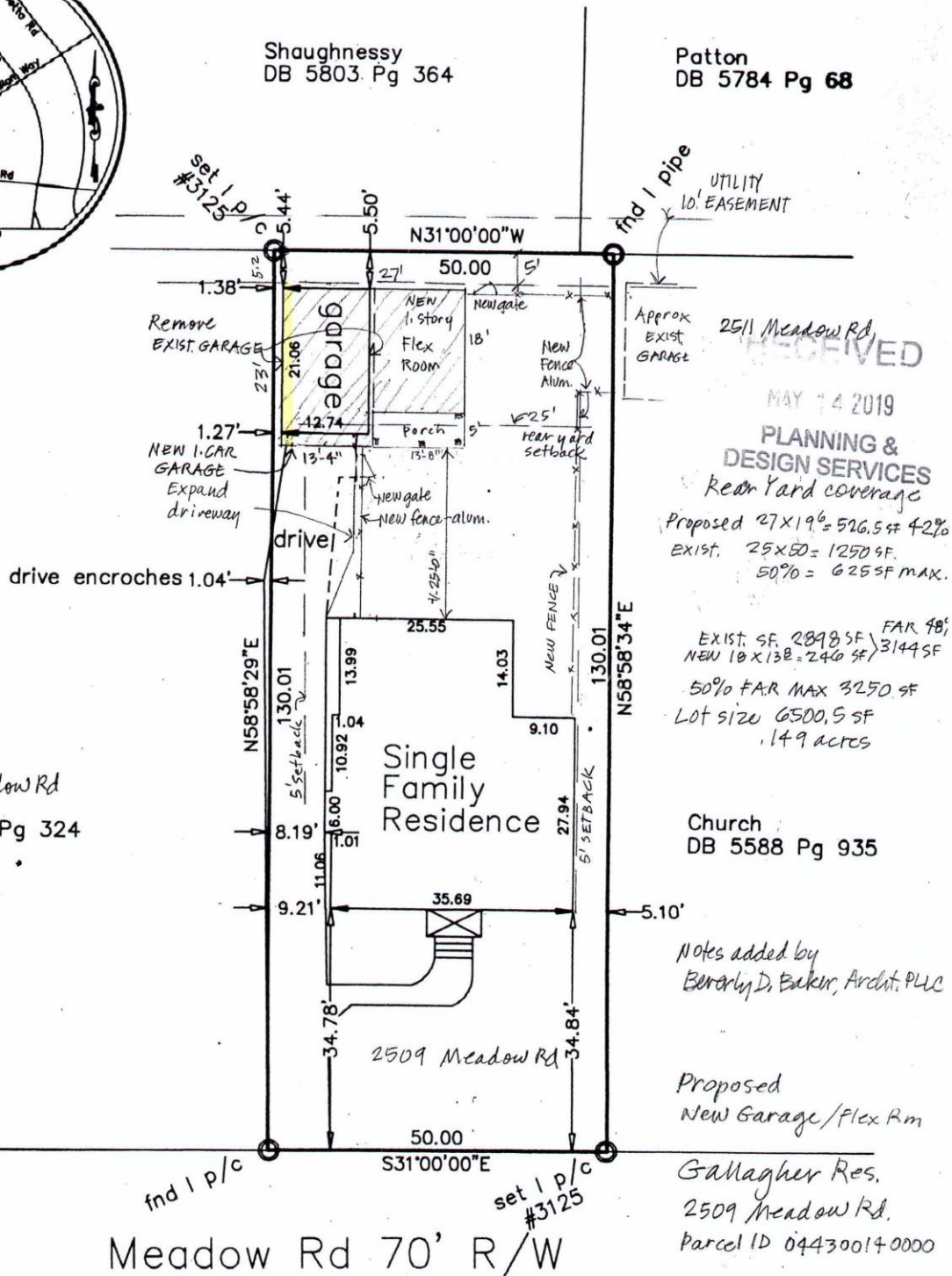
3. Site Plan



Shaughnessy  
DB 5803 Pg 364

Patton  
DB 5784 Pg 68

2607 Meadows Rd  
Simon  
DB 7882 Pg 324



RECEIVED  
MAY 14 2019  
PLANNING & DESIGN SERVICES  
Rear Yard coverage  
Proposed 27x19' = 513 SF @ 42%  
EXIST. 25x50 = 1250 SF  
50% = 625 SF MAX.

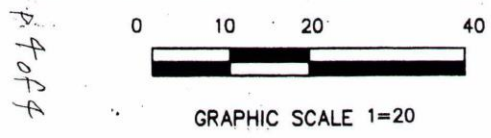
EXIST. SF 2898 SF FAR 48%  
NEW 10x13 = 240 SF 3144 SF  
50% FAR MAX 3250 SF  
Lot size 6500.5 SF  
.149 acres

Church  
DB 5588 Pg 935

Notes added by  
Beverly D. Baker, Architect, PLLC

Proposed  
New Garage/Flex Rm

Gallagher Res.  
2509 Meadows Rd.  
Parcel ID 044300140000



MIKE SFEELY & ASSOCIATES

4. Site Photos



The front of the subject property.



Property to the right.





Property to the left.



Existing garage and proposed side yard setback.