

Board of Zoning Adjustment

Staff Report

April 16, 2018



Case No:	18VARIANCE1025
Project Name:	941 E Oak Street Addition
Location:	941 E Oak Street
Owner(s):	Kenneth Frizzle
Applicant:	Jason Weiss – Halcyon Ventures LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	3 ft.	1.25 ft.	1.75 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Germantown neighborhood and currently contains a one-story single-family residence. The applicant proposes to enclose an existing rear porch to extend the structure’s livable space and create a new master bedroom and bath. The side of the addition is proposed to extend the existing wall, which encroaches into the side yard setback. A variance is being requested for the proposed additional encroachment.

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 standards for granting a variance established in the Land Development Code from table 5.2.2 to allow a structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 all construction will have to be performed in compliance with building 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 encroachments into side yard setbacks are common in Germantown.

- (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 and neighboring properties as the separation between the new structure and the existing neighboring structure is not proposed to be changed from the current condition.

- (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 follows an existing encroachment into the side yard setback by the existing structure.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not 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 not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and of similar size to neighboring lots, and such encroachments are common in the vicinity.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the applicant would be prevented from adding a second bedroom onto an existing small shotgun-style house.

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.

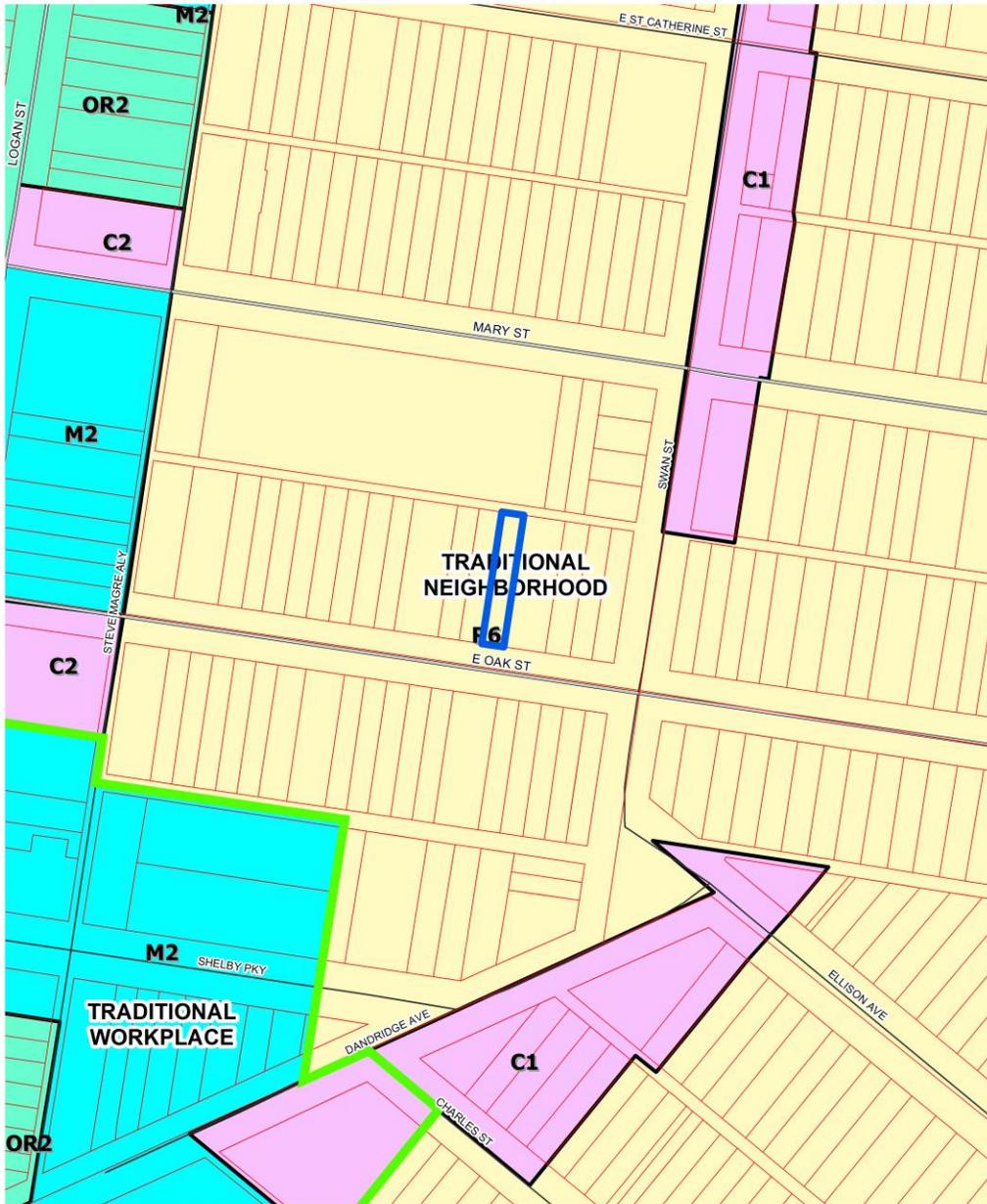
NOTIFICATION

Date	Purpose of Notice	Recipients
03/27/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
03/30/2018	Hearing before BOZA	Notice posted on property

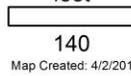
ATTACHMENTS

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

1. Zoning Map



941 E Oak Street
feet

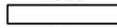


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2. Aerial Photograph



941 E Oak Street
feet



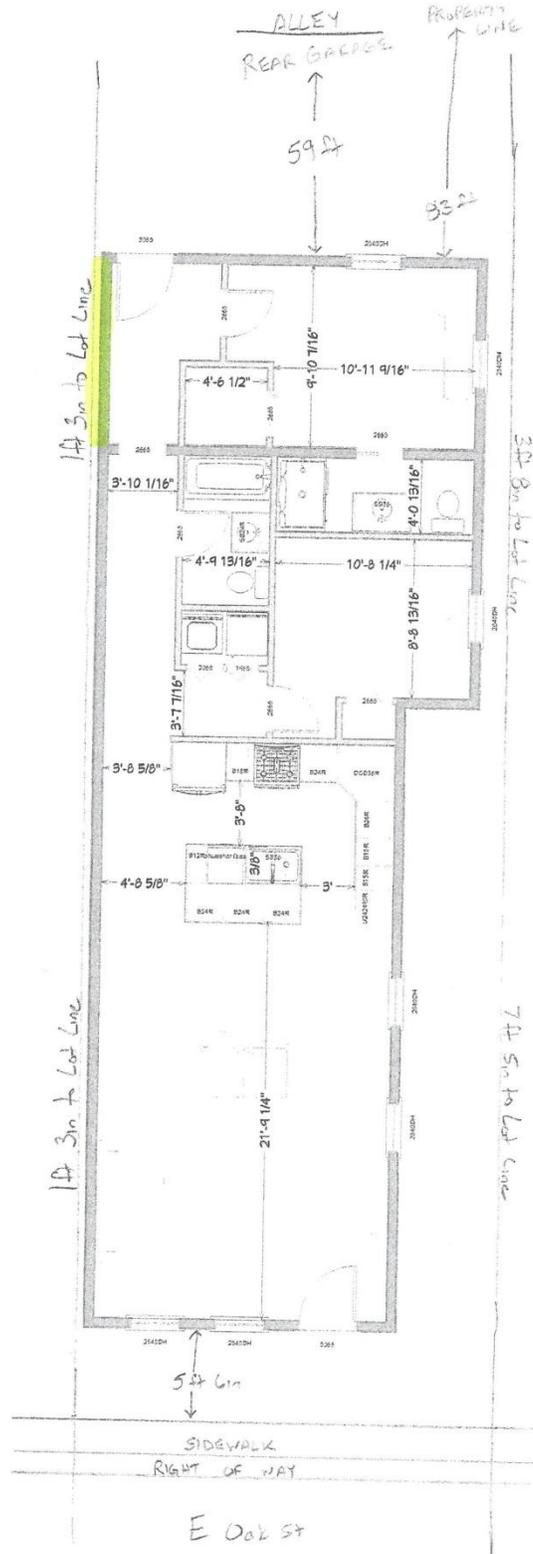
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Map Created: 4/2/2018

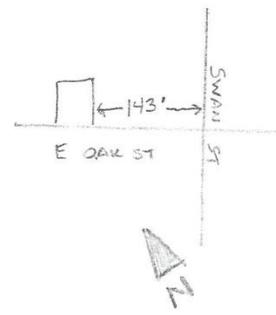


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3. Site Plan



941 E Oak St
 $\frac{1}{8} \text{ in} = 1 \text{ ft}$



VARIANCE REQUEST

Finish covered rear porch to add additional sq footage at rear left w loss

RECEIVED

MAR 19 2018

PLANNING & DESIGN SERVICES

18 VARIANCE 1025

4. Elevation

RECEIVED
MAR 19 2018
PLANNING &
DESIGN SERVICES



941 E Oak St
VIEW FROM EAST
Proposed finished property

18 VARIANCE 1025

5. Site Photos



The front of the subject property.



The property to the right of the subject property.



The property to the left of the subject property.



The properties across E Oak Street.



The separation between the two structures.



The porch to be enclosed.