

Board of Zoning Adjustment

Staff Report

April 16, 2018



Case No.	18VARIANCE1027
Project Name	107 N. Jane Street
Location	107 N. Jane Street
Owner	David Coyte
Applicant	David Coyte
Jurisdiction	Louisville Metro
Council District	9 – Bill Hollander
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Variance to permit a structure to encroach into the required side yard setback along the north property line (LDC Table 5.2.2)

Location	Requirement	Request	Variance
Side yard setback	3 ft	1 ft	2 ft

CASE SUMMARY / BACKGROUND

The site is located on the east side of N. Jane Street Dixon Avenue between Sycamore and Frankfort Avenues and is served by an alley. It and all adjoining properties are zoned R-5 within a Traditional Neighborhood and are single-family residential in use.

The applicant is proposing renovations of an existing single-family residence. An existing rear single-story addition in poor condition will be razed and rebuilt as two stories after improvement of existing foundation problems. The renovations will not increase the footprint of the structure on the site. The applicant was issued a Certificate of Appropriateness (COA) for the proposal on February 14, 2018.

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, 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 to permit a structure to encroach into the required side yard setback along the north property line (LDC Table 5.2.2.).

TECHNICAL REVIEW

No technical review comments remain to be resolved.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)

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

STAFF: The requested reduction of the required side yard will not adversely affect the public health, safety or welfare as it is the result of a replacement of a portion of an existing structure.

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

STAFF: The proposal will not alter the existing side yard and will not be out of character for the neighborhood, where narrow side yards are common.

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

STAFF: The proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

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

STAFF: The requested variance is not unreasonable as it will result in development of the property consistent with development in the vicinity.

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 proposed construction follows the footprint of an existing structure.

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 application of the regulation may create an unnecessary hardship in that the proposed construction follows the footprint of the existing structure.

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 existing residence was in place prior to the zoning regulation from which relief is being sought.

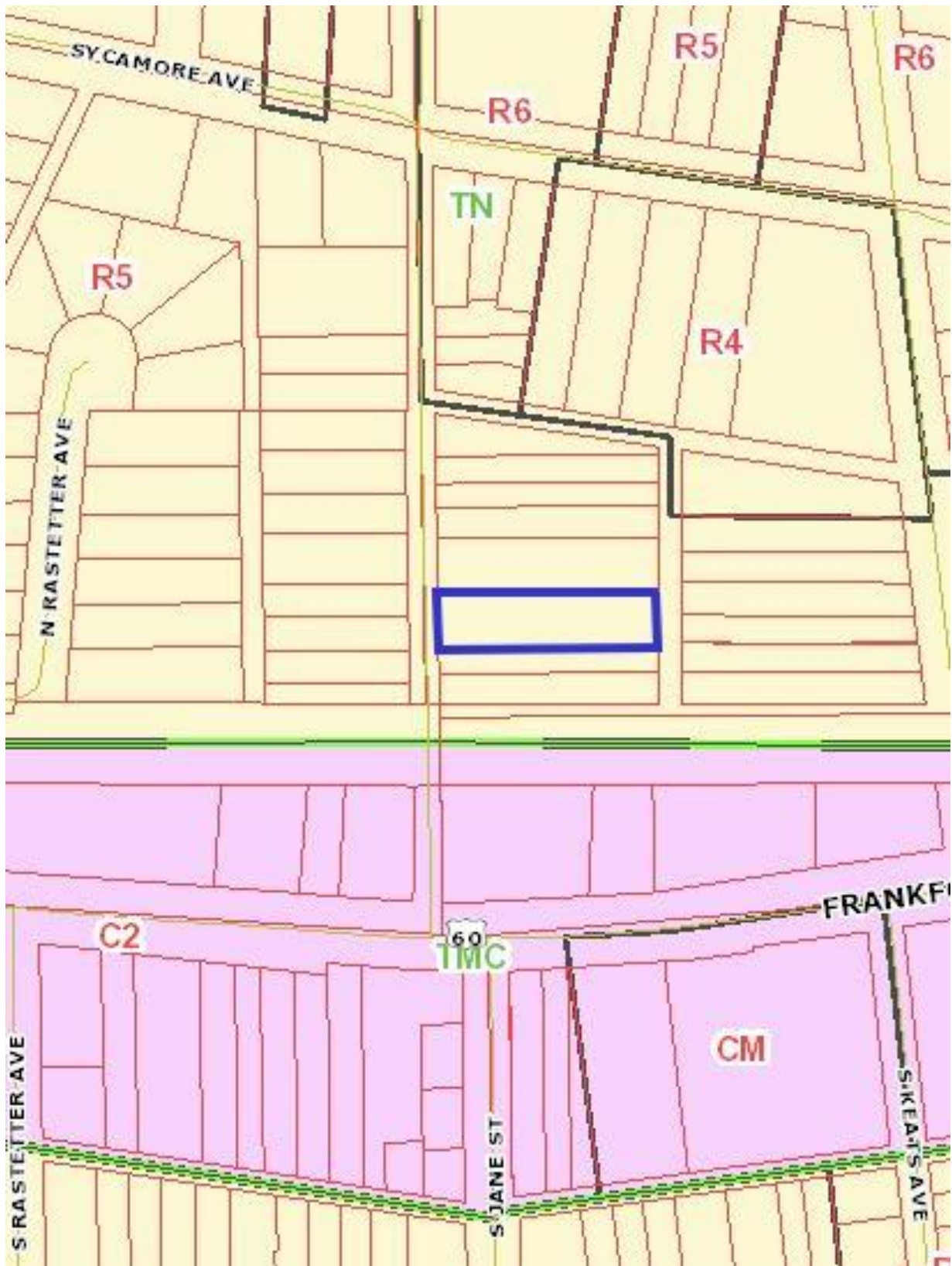
NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 9 Sign Posting

ATTACHMENTS

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

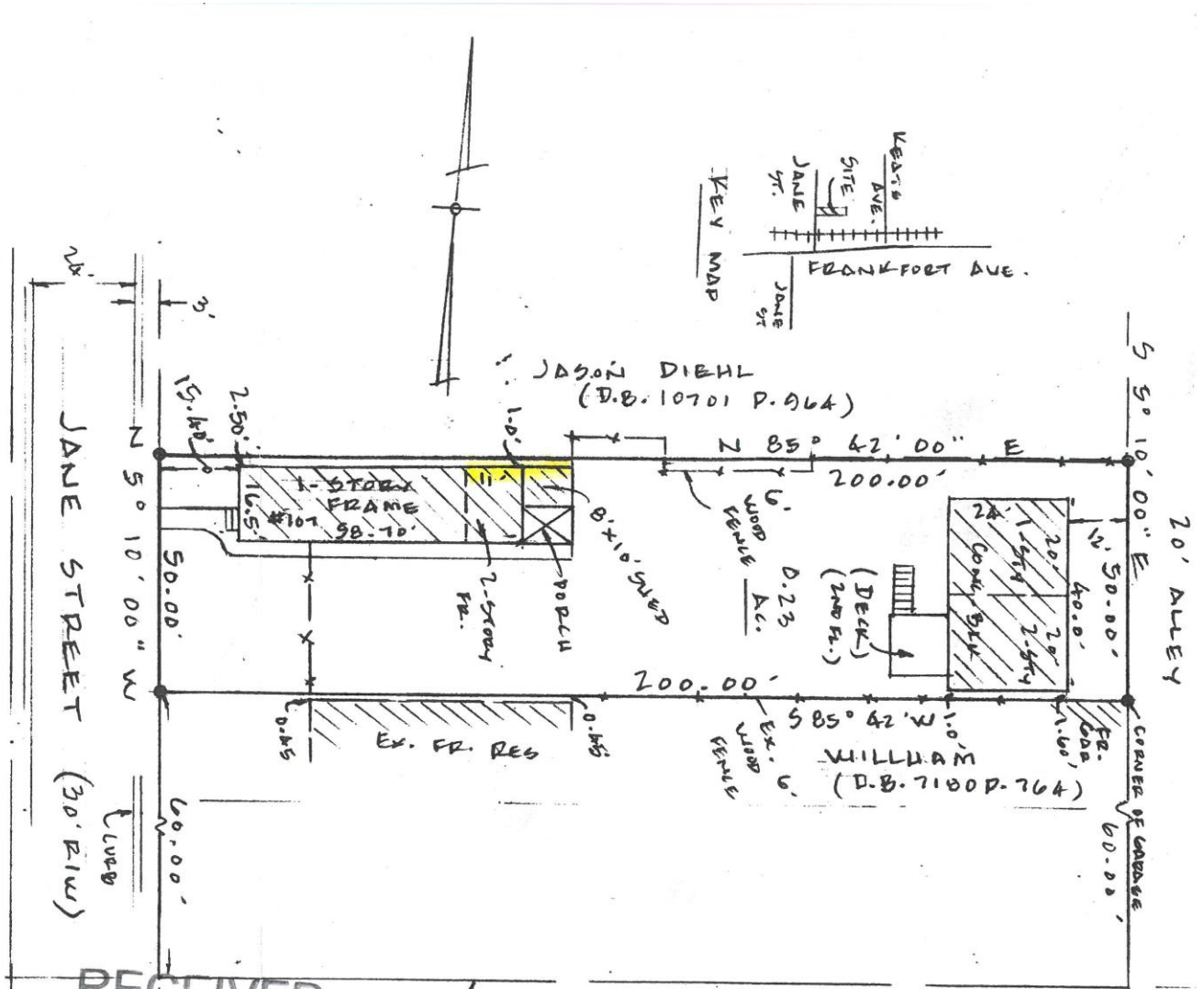
1. Zoning Map



2. Aerial Photograph



3. Site Plan



RECEIVED

MAR 19 2018
 PLANNING &
 DESIGN SERVICES

NORTH LINE
 OF
 CINN. / LEX R.R.