

# Board of Zoning Adjustment Staff Report

June 16, 2014



<b>Case No:</b>	<b>14VARIANCE1000/1001</b>
<b>Request:</b>	<b>Variance to allow an existing garage and house to encroach into the required rear and front yard setbacks</b>
<b>Project Name:</b>	<b>French Minor Plat</b>
<b>Location:</b>	<b>4240 River Park Dr</b>
<b>Owner:</b>	<b>Anthony French</b>
<b>Applicant:</b>	<b>Anthony French</b>
<b>Representative:</b>	<b>Renaissance Design Build Inc.</b>
<b>Jurisdiction:</b>	<b>Louisville</b>
<b>Council District:</b>	<b>5 – Cheri Bryant Hamilton</b>
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

## REQUEST

- Variance #1: Variance from Chapter 5.2.2.C of the Land Development Code to allow an existing garage on Lot 1 to encroach into the required rear yard setback
- Variance #2: Variance from Chapter 5.2.2.C of the Land Development Code to allow an existing house on Lot 2 to encroach into the required front yard infill setback

## Variances

Location	Requirement	Request	Variance
Rear yard – Lot 1	5'	4.44'	.66'
Front yard – Lot 2	58'	40'	18'

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to create 2 lots from 3. The existing garage on Lot 1 encroaches .66' into the required 5' rear yard along the proposed property line. No conditions will change on the site. The existing residence on Lot 2 will encroach into the required 58' infill front yard setback by 18'. The residence will not have any changes made to the structure. The variance is a result of the proposed lot line. The minor plat allows the two residences to each be on separate lots. A minor plat for the site was previously approved but never recorded.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single family residential	R-5	N
<b>Proposed</b>	Single family residential lots	R-5	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single family residential	R-5	N
<b>South</b>	Single family residential	R-5	N
<b>East</b>	Single family residential	R-5	N
<b>West</b>	Single family residential	R-5	N

## PREVIOUS CASES ON SITE

12397: Minor plat with waivers was approved for the site by staff and Development Review Committee. Plat was never recorded for the property.

## INTERESTED PARTY COMMENTS

Staff has not received any comments.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
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 requested variance will not adversely affect the public health, safety or welfare since the existing conditions of the same will remain the same.

- (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 the properties will follow the pattern of varying setbacks within the general vicinity of the subject site.

- (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 existing conditions of the same will remain the same.

- (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 structures of encroachment existed prior to the creation of the plat and the setback regulations under the current code.

## 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 property is one lot with two residencies and associated accessory detached structures currently on the subject site.

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 by not allowing them to create a separate lot for each residence with garage on Lot 1 associated with its principal 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 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 the structures existed prior to the current code.

### **TECHNICAL REVIEW**

The minor subdivision plat is in order and has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Public Health and Wellness, and the Louisville Metro Division #1 Fire Department. The Development Review Committee approved required waivers on June 4<sup>th</sup>, 2014.

### **STAFF CONCLUSIONS**

The proposed variances appear to be adequately justified based on staff analysis in the staff report. It will allow the existing conditions of the lots to be maintained and create one house per lot rather than the existing two houses on one lot. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for approving the variances.

### **NOTIFICATION**

Date	Purpose of Notice	Recipients
6/2/14	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 5 Notification of Development Proposals
5/30/14	Hearing before PC / BOZA	Sign Posting on property

### **ATTACHMENTS**

1. Zoning Map
2. Aerial

1. Zoning Map





2. Aerial

