

# Board of Zoning Adjustment Staff Report

February 15, 2016



<b>Case No:</b>	15VARIANCE1089
<b>Project Name:</b>	Two L Properties, LLC.
<b>Location:</b>	1662 W. Kentucky St.
<b>Owner(s):</b>	Two L Properties, LLC.
<b>Applicant(s):</b>	Two L Properties, LLC
<b>Representative(s):</b>	Bert M. Edwards
<b>Project Area/Size:</b>	4,450 SF (0.1 acres)
<b>Existing Zoning District:</b>	R-7, Multi-Family Residential
<b>Existing Form District:</b>	TN, Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Joel P. Dock, Planner I

## REQUEST

- **Variance** from the Land Development Code (LDC), section 5.4.1.D to allow a reduction in the private yards of the resultant lots of minor subdivision case 15MINORPLAT1057.

Location	Requirement	Request	Variance
Private Yard (Tract 1)	440 sq. ft. (20%)	424 sq. ft.	16 sq. ft.
Private Yard (Tract 2)	450 sq. ft. (20%)	260 sq. ft.	190 sq. ft.

## CASE SUMMARY

The applicant proposed to the Development Review Committee (DRC) on February 3, 2016 under case 15MINORPLAT1057 to create two substandard tracts from one tract at the intersection of W. Kentucky St. and 17Th Street. The request was reviewed and approved in accordance with LDC 7.1.85. The current lot has two structures on 4,450 square feet (SF) lot. Each structure contains one single-family unit. The applicant proposed two single-family lots, one being 2,200 SF and the other 2,250 SF. Resultant lots do not meet the minimum area (20% of total lot area) required for private yards in the Traditional Neighborhood form district. Therefore, the applicant is requesting a variance for each lot as specified in the table above.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The subject site is in the R-7, multi-family residential zoning district and TN, Traditional Neighborhood form district. It contains two multi-family units. The subject site is adjacent on all sides to R-7, multi-family residential zoning districts, TN, Traditional Neighborhood form district, and single- and multi-family homes.

## PREVIOUS CASES ON SITE

15MINORPLAT1057: Minor subdivision to create two substandard tracts (approved by DRC 2/3/16)

## INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

## APPLICABLE PLANS AND POLICIES

Land Development Code (revised December 2015)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 no new structures are being proposed in this request that will alter the existing conditions. Additionally, DRC found that the proposal to create each lot will promote the public health, safety, or welfare by facilitating development or rehabilitation compatible with the surrounding neighborhood as the creation of these lots provides options for both sale or rent and for the parcels to be either owner-occupied or renter-occupied .

- (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 no structures are being proposed and existing conditions with respect to the total size of yard or green space is unchanged from the current lot to the resultant lots. DRC found that the resultant lots will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood

- (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 no structures are being proposed and neither pedestrian or vehicular mobility is not impacted.

- (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 two units on the property are in compliance with all other applicable regulations and the resultant lots have been reviewed and approved by DRC.

### 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 variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the density of the current lot allows the two units which exist. A special circumstance does arise when considering the resultant lots created, however.

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 as DRC found that the creation of Tracts 1 and 2 allows options for either sale or rent and for the parcels to be either owner-occupied or renter-occupied which promotes the public health, safety, or welfare by facilitating development or rehabilitation compatible with the surrounding neighborhood

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.

### TECHNICAL REVIEW

The request has no outstanding Technical Review items at this time.

### STAFF CONCLUSIONS

The variance request appears to be 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 standard for granting a variance established in the Land Development Code.

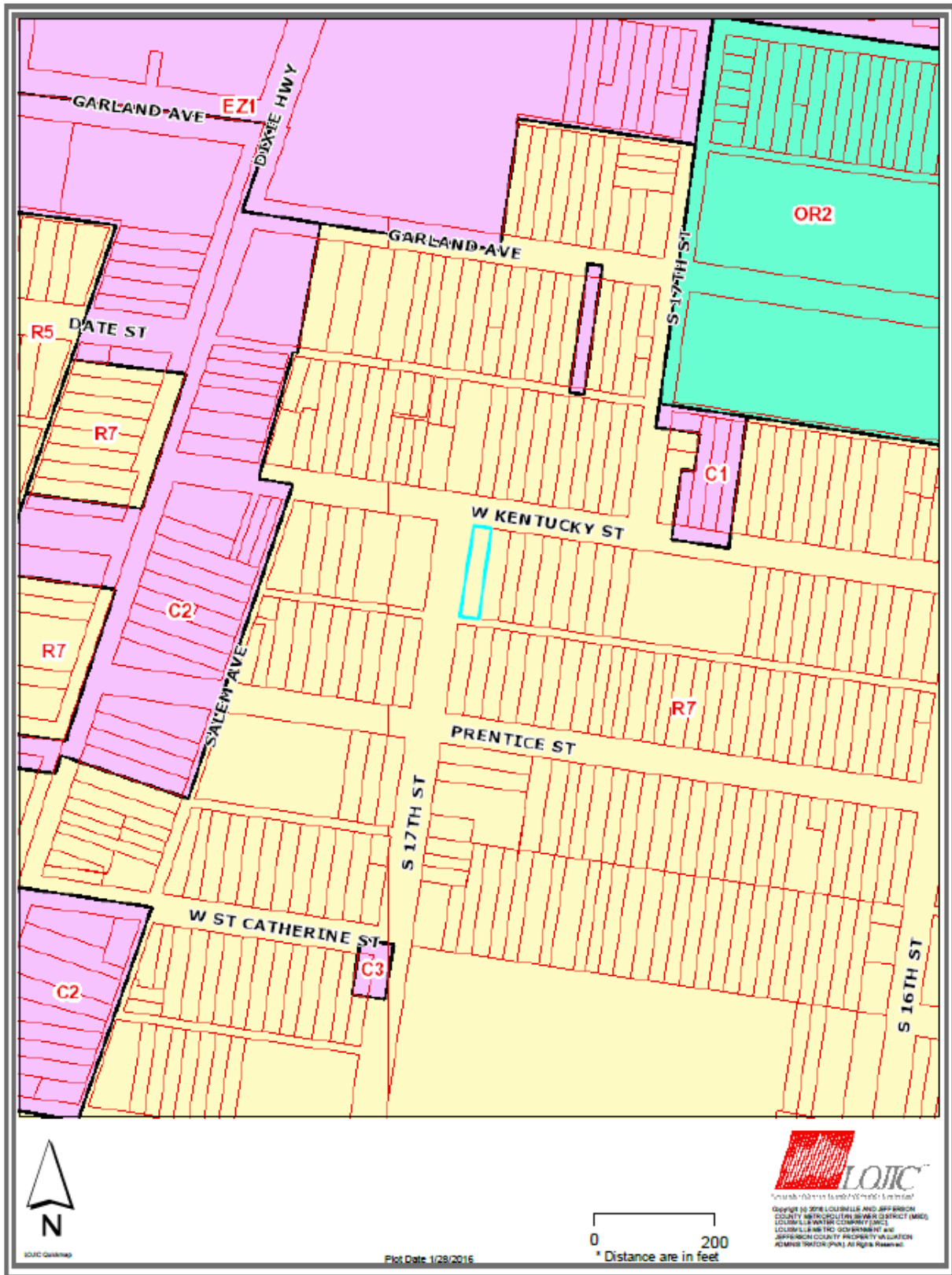
### NOTIFICATION

Date	Purpose of Notice	Recipients
1/21/16	BOZA	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 6.

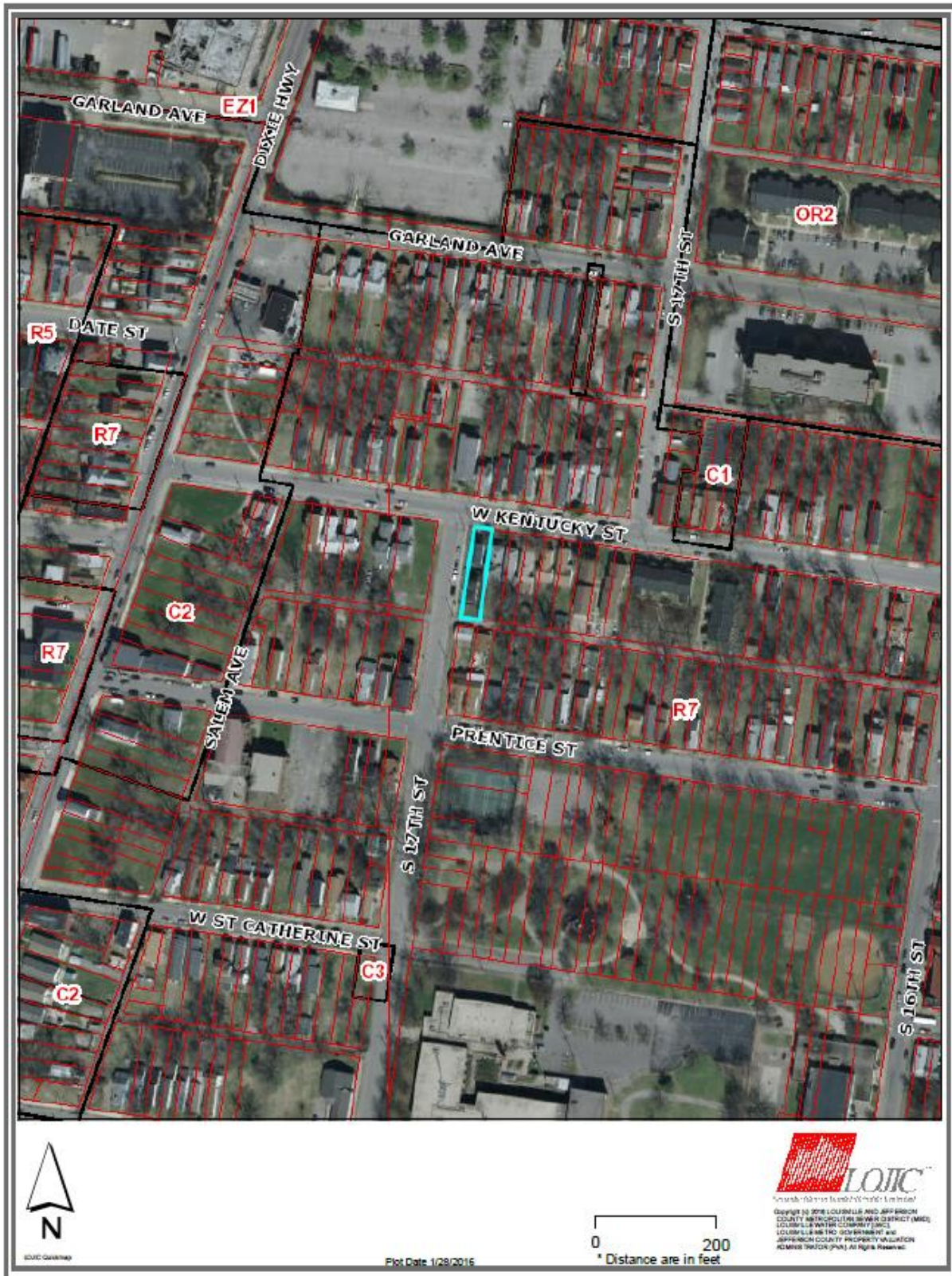
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Aerial of Subject Site

1. **Zoning Map**



2. Aerial Photograph





3. Aerial of Subject Site

