

Board of Zoning Adjustment
Staff Report
August 29, 2016



Case No:	16VARIANCE1059
Request:	To allow proposed garage and attached unenclosed patio to encroach into the front yard setback on a double frontage lot.
Project Name:	302 McCready Ave. Variance
Location:	302 McCready Ave.
Area:	0.13740
Owner:	Marie White
Applicant:	Joe Willis – Louisville Room Addition
Representative:	Joe Willis – Louisville Room Addition
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variance:** from the Land Development Code section 5.1.7.D to allow an existing garage and unenclosed concrete patio to encroach into the front yard setback on a double frontage lot.

Location	Requirement	Request	Variance
Front Yard Setback	15 feet	1 foot	14 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant has begun construction on a garage and attached unenclosed concrete patio on a parcel located in an R-5 zoning district within a Traditional Neighborhood Form District. The construction of a 440 sf. garage with an attached unenclosed concrete patio of approximately 180 sf. was placed to the rear of the principal structure off of Crabbs Lane. During construction the applicant had constructed the garage approximately 2.5 feet into the right of way off of Crabbs Lane and has stated that the structure would be reduced to the dimensions as shown on the site plan. The subject site is located between McCready Ave., the principal structure faces McCready Ave., and Crabbs Lane, also considered frontage. As a result of both streets classified as local roads, the parcel has double frontage with a minimum front yard setback of 15 feet from the property line along both McCready Ave. and Crabbs Lane.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	Traditional Neighborhood
Proposed	Residential Single Family	R-5	Traditional Neighborhood
Surrounding Properties			
North	Residential Single Family	R-5	Traditional Neighborhood
South	Residential Single Family	R-5	Traditional Neighborhood
East	Residential Single Family	R-5	Traditional Neighborhood
West	Public and Semi-Public	R-5	Campus

PREVIOUS CASES ON SITE

No other cases are associated with the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens. All signatures were obtained from adjacent property owners for the non-public hearing.

APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

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 since the proposed garage is one foot off the property line in the rear with an approximate 6 foot verge of concrete off of Crabbs Lane. The variance will allow for the private yard area to remain behind the existing fence and allow access from Crabbs Lane.

- (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 seven other garages have access from Crabbs lane along the same block.

- (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 proposed partially existing garage is located approximately 14 feet from the edge of pavement from Crabbs Lane.

- (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 required setback of 15 feet is a result of double frontage on Crabbs and McCready Ave. Crabbs Lane is classified as a local road even though it abuts the rear of properties along McCready Ave. Several other homes in the same block have garages that front Crabbs Lane allowing for rear access.

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 a large public easement was deeded to each of the property owners on August 14, 2009, this specific address was allowed an additional 16.8 feet per the Commissioner's Deed, allowing for more space at the rear where the garage is partially constructed.

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, resulting in a reduction in the private yard area and further distance from a rear access along Crabbs Lane.

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 applicant had obtained a permit (#BL987683) issued on 06/07/2016 to construct the garage.

TECHNICAL REVIEW

- None

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 of review for granting variances as established in the Land Development Code from sections 5.1.7.D to allow an partially constructed garage and attached unenclosed concrete patio to encroach into the minimum front yard setback of 15 feet by approximately 14 feet into the frontage along Crabbs Lane.

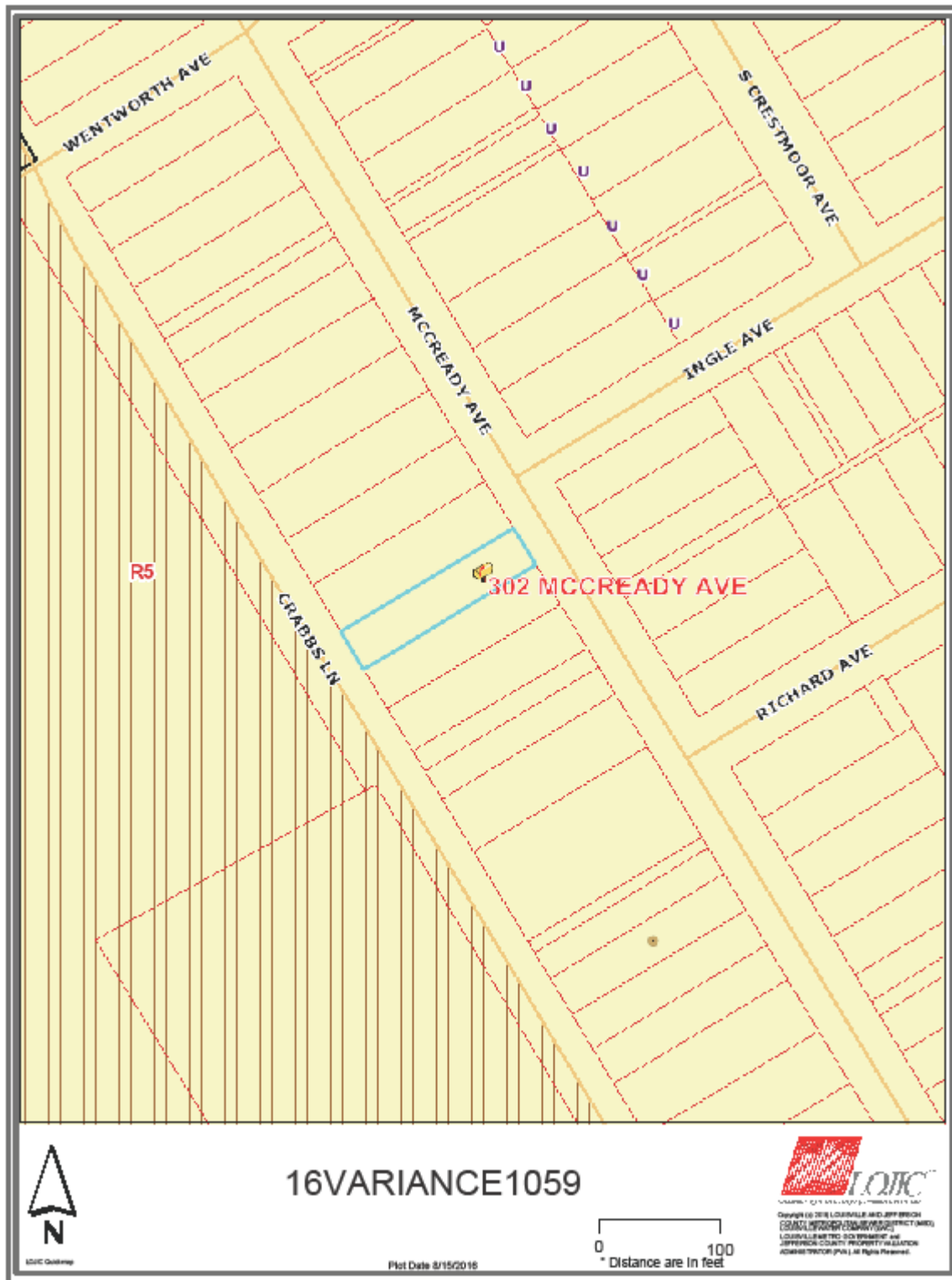
NOTIFICATION

Date	Purpose of Notice	Recipients
August 12, 2016	Non-public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

