

Board of Zoning Adjustment Staff Report

May 2, 2016



Case No:	16VARIANCE1019
Request:	Variance from the required 30% minimum private yard area requirement due to a rear addition to the principal structure.
Project Name:	2201 Boulevard Napoleon
Location:	2201 Boulevard Napoleon
Area:	.19290 acres
Owner:	Andrew and Meredith Koon
Applicant:	Meredith Koon
Representative:	Meredith Koon
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from LDC section 5.4.1.D.3 to allow the private yard area to be less than the required 30% of the overall lot size in a Traditional Neighborhood form District.

Location	Requirement	Request	Variance
Private Yard Area (Backyard)	2415 sq. ft. (30%)	2003 sq. ft. (25%)	412 sq. ft. (5%)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 656 square foot single story addition to the rear of the principal structure. The proposed addition would reduce the private yard area to less than the required 30% of the total lot area (8050 sf). The private yard area would be reduced by roughly 5% leaving a total of 2003 square feet which is 5% less than the required minimum of 30% (2,415 sf.).

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	Traditional Neighborhood (TN)
Proposed	Residential Single Family	R-5	Traditional Neighborhood (TN)
Surrounding Properties			
North	Residential Single Family	R-5	Traditional Neighborhood (TN)
South	Residential Single Family	R-5	Traditional Neighborhood (TN); Neighborhood (N)
East	Residential Single Family	R-5	Traditional Neighborhood (TN)
West	Residential Single Family	R-5	Traditional Neighborhood (TN)

PREVIOUS CASES ON SITE

No previous cases associated with the subject property.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

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 private yard area after the addition would be roughly 412 square feet less than the required 30%. Furthermore, neither the addition nor the reduction in private yard area pose a public health, safety or welfare issue since the private yard area is enclosed by a fence.

- (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 several homes in the general vicinity seem to have less than the required private yard area minimum requirements met.

- (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 rear addition and the reduction in the private yard area are to be enclosed with an existing fence which minimizes the visual impact on adjacent property owners.

- (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 reduction in private yard area by approximately 412 square feet has no impact upon the general vicinity or the R-5 zoning district.

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 does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since several homes in the general vicinity have less than the required private yard area.

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 since the private yard area and proposed addition are both enclosed by a fence and within the setbacks as required by the LDC for the Traditional neighborhood form district.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the applicant is requesting the variance and has not constructed any addition to date.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 established in the Land Development Code from section 5.4.1.D.3 allowing the private yard area to be less than the required minimum of 30% as the result of an addition to the rear of the principal structure.

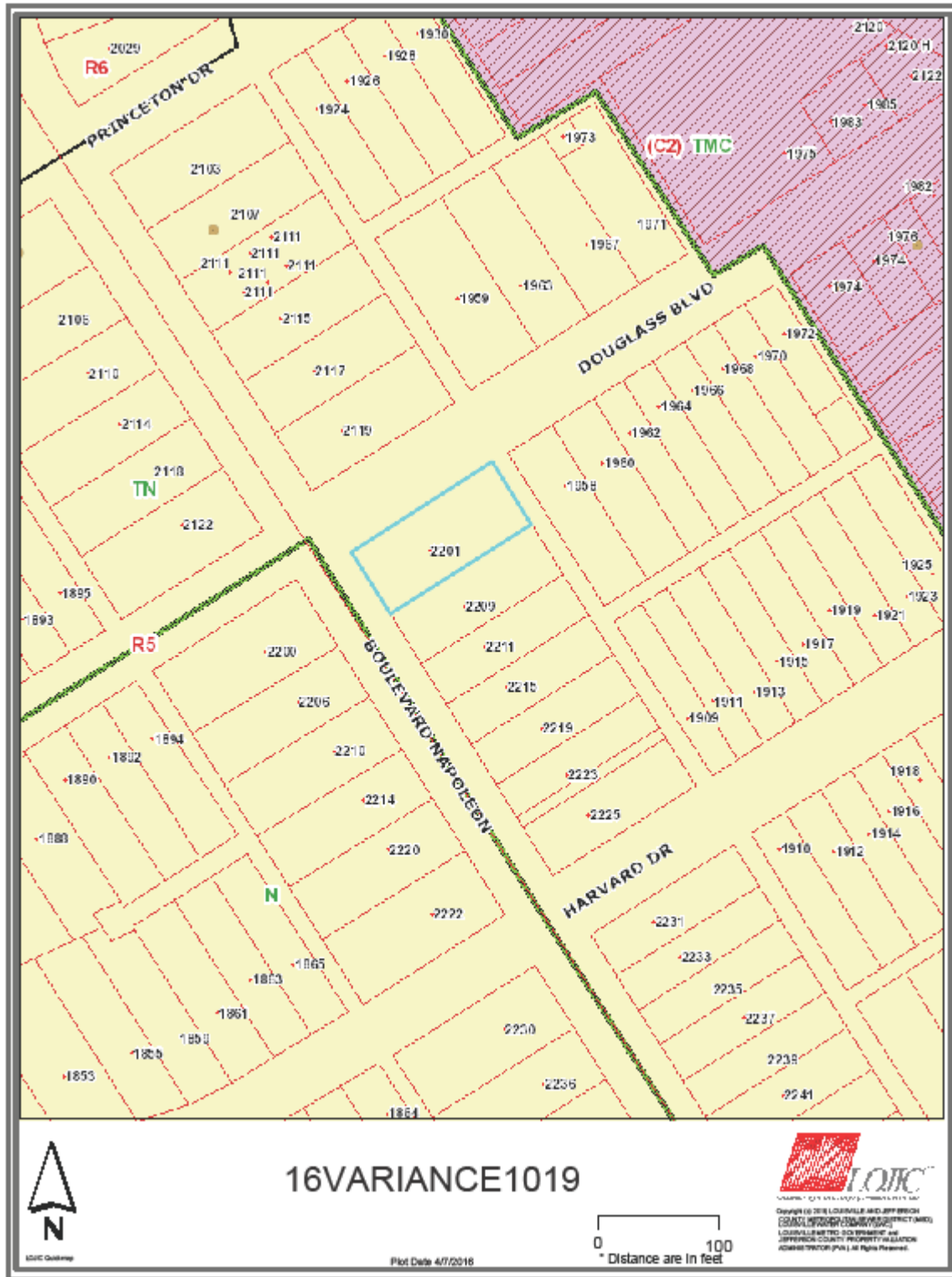
NOTIFICATION

Date	Purpose of Notice	Recipients
April 15, 2016	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District __ Notification of Development Proposals
April 15, 2016	Sign Posting for BOZA	Sign Posting on property

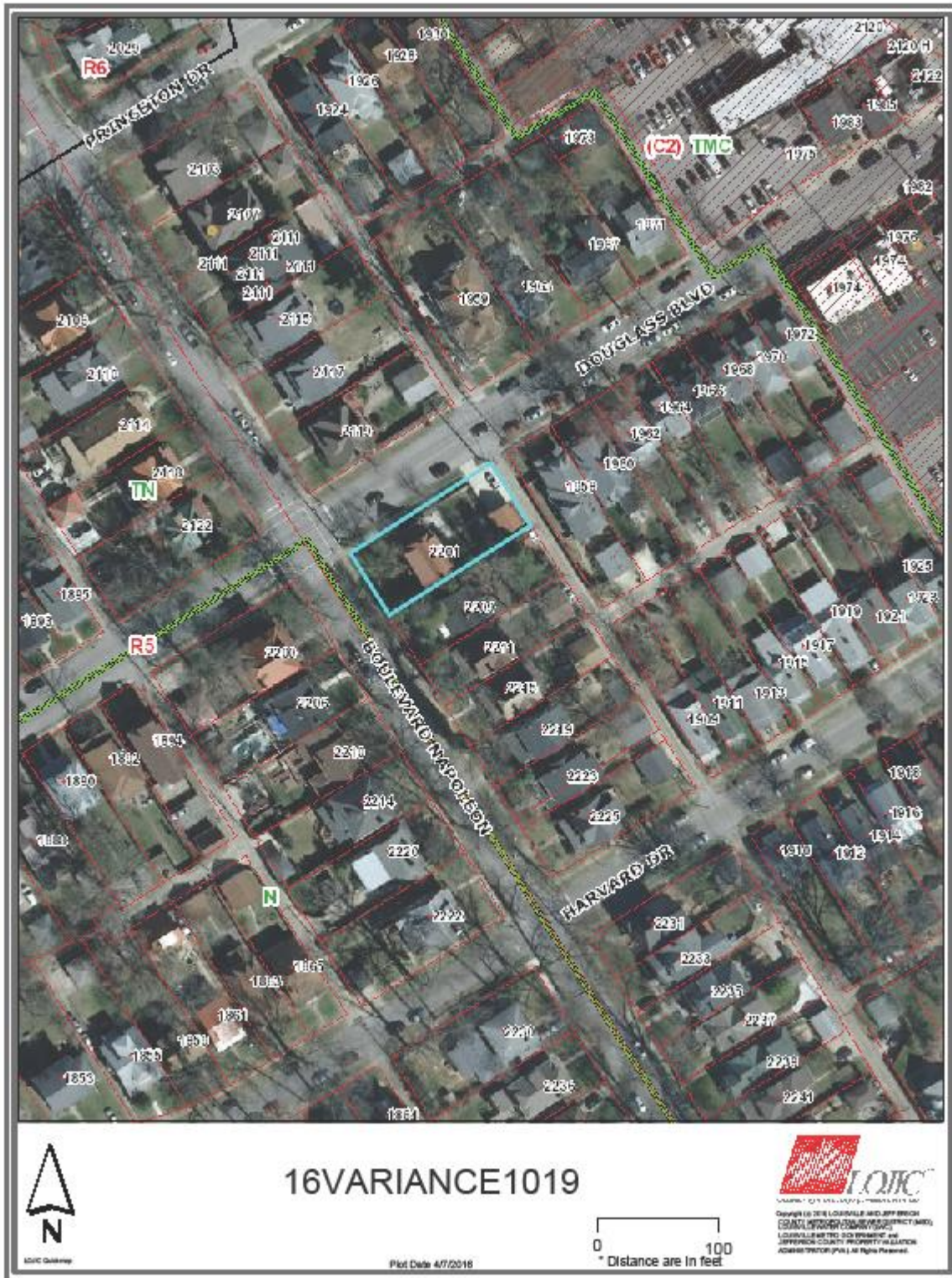
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Inspection Report

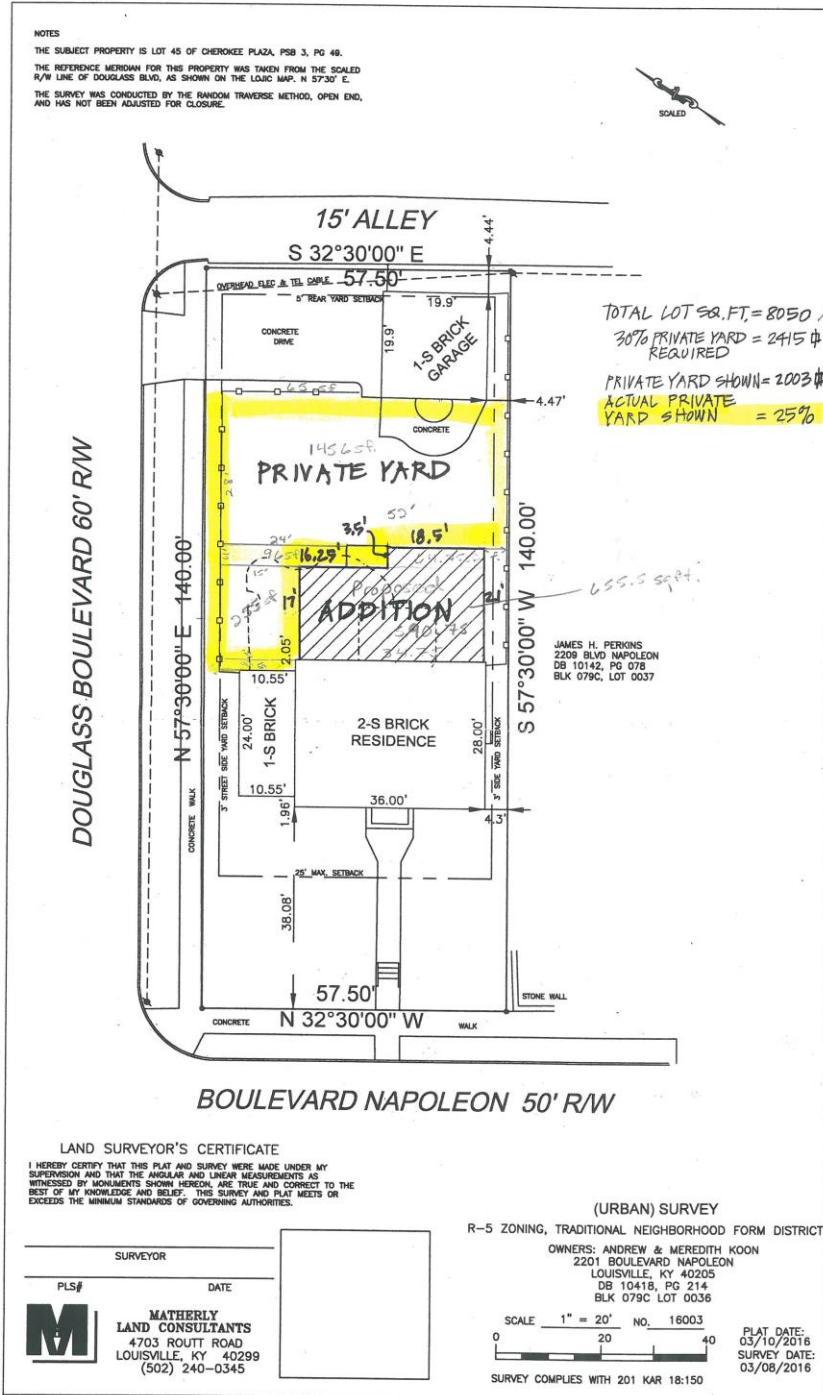
1. Zoning Map



2. Aerial Photograph



3. Site Plan



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4. Elevations

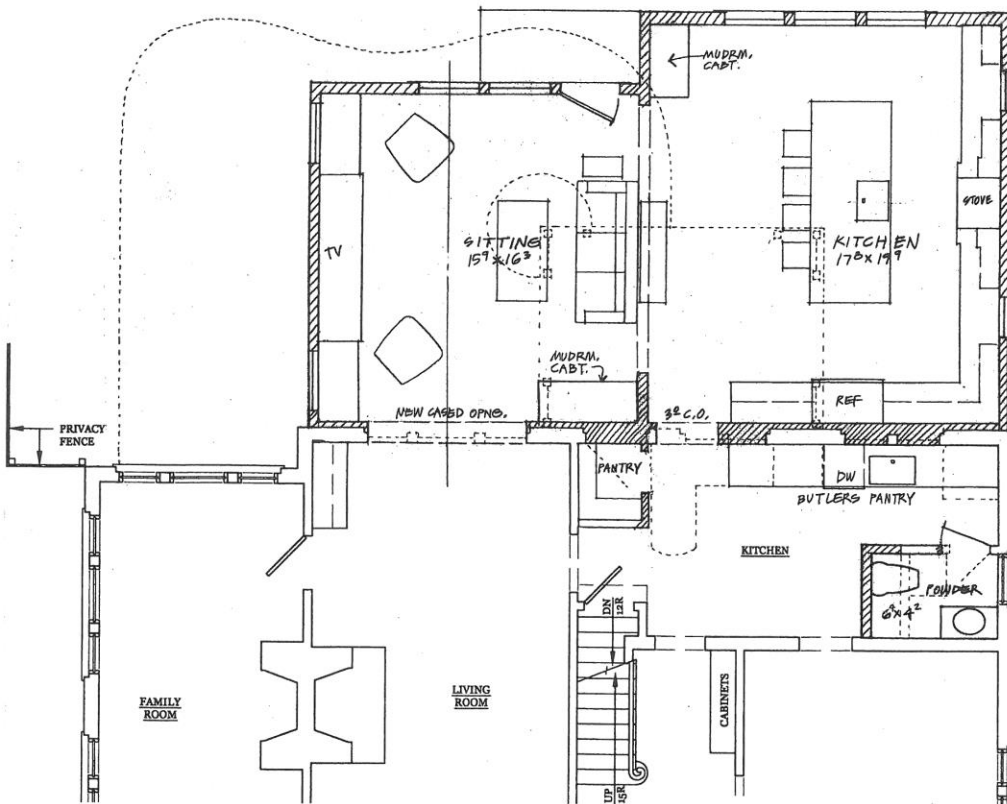
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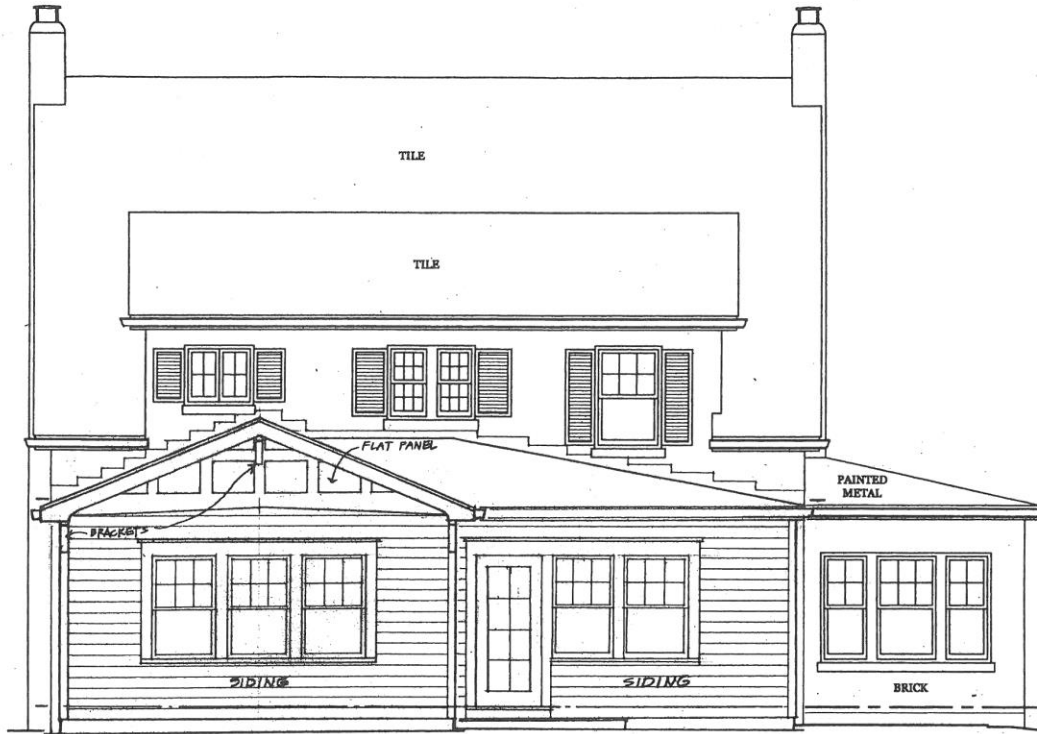


LEFT SIDE ELEVATION - NORTHWEST
SCALE: 1/4"=1'-0"

DOUGLASS BLVD.
SIDE



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REAR ELEVATION - NORTHEAST

SCALE: 1/4"=1'-0"

REAR VIEW - LOOKING FROM
GARAGE TO HOME

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5. **Site Inspection Report**



Looking at the interior of the fenced rear yard area where the proposed addition would be added to the principal structure.

Site Inspection Report Continued



Looking at the rear of the principal structure where the proposed addition would be added.