

# Board of Zoning Adjustment

## Staff Report

July 22, 2019



<b>Case No:</b>	19VARIANCE1054
<b>Project Name:</b>	Birchwood Avenue Variance
<b>Location:</b>	112 N. Birchwood Avenue
<b>Owner:</b>	Claire Anton & John Goebel
<b>Applicant:</b>	Donald Reinhardt – R.A.D. Const. & Dev., LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	3 ft.	0 ft.	3 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Crescent Hill neighborhood and contains a one-story single-family residence. The applicant is proposing to add an addition on the western side of the first story. This single-story addition will encroach into the northern side yard setback at the same distance as the existing structure.

**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, and 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 table 5.2.2 to allow a structure to encroach into the required side yard setback.

**Condition of Approval:**

#1) A survey of the southern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2**

- (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 the structure will be constructed to comply with all building codes, including fire codes.

- (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 the proposed addition will be the same distance from the side property line as the existing structure.

- (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 the proposed addition will be the same distance from the side property line as the existing structure.

- (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 proposed addition will be the same distance from the side property line as the existing structure.

### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise 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 generally apply to land in the general vicinity or the same zone because the lot is similar in size and shape as surrounding properties.

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 create an unnecessary hardship on the applicant by preventing the applicant from constructing an addition that is the same distance from the side property line as the existing structure.

3. 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.

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 as the applicant is requesting the variance and has not begun construction.

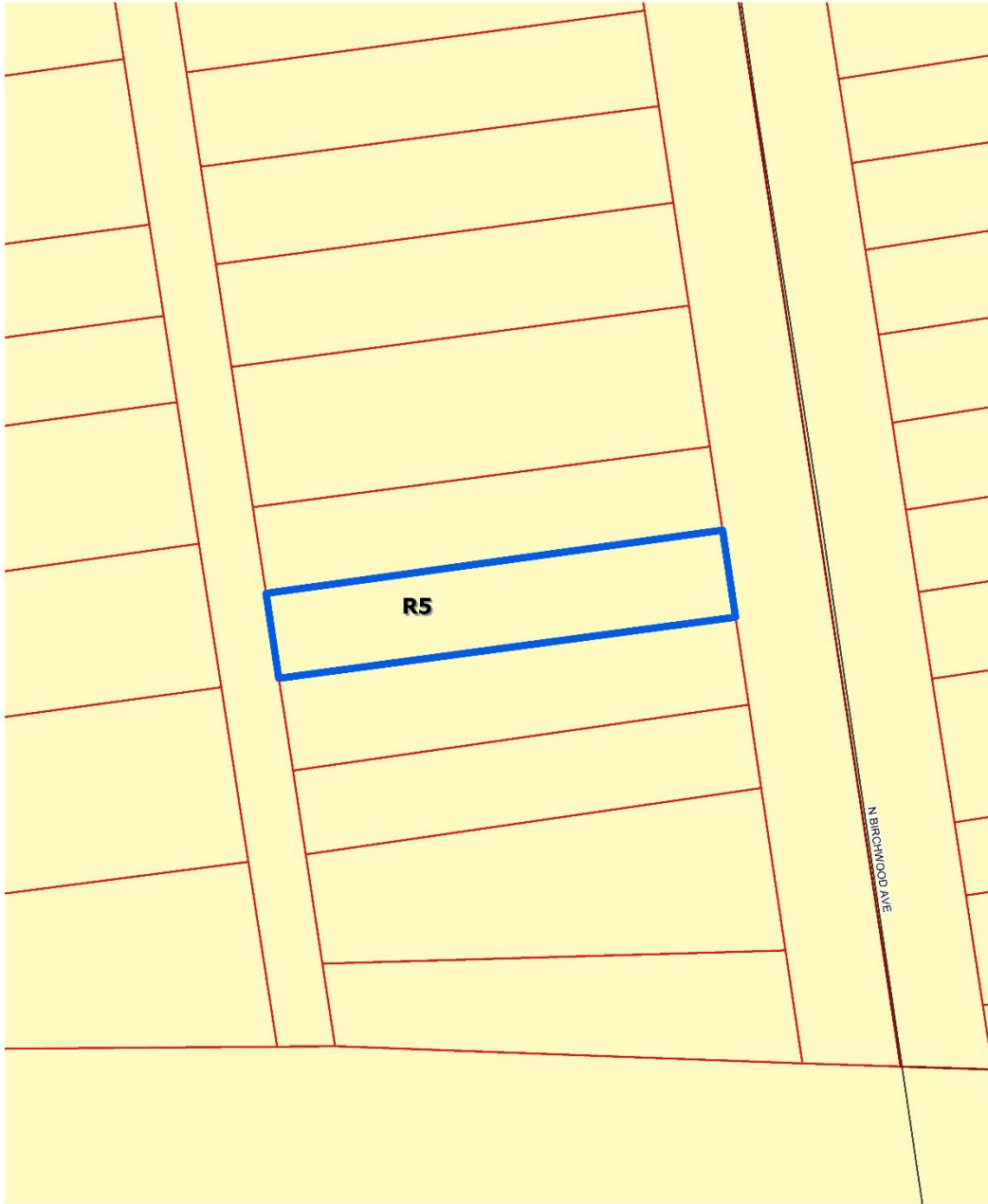
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>06/05/2019</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9
<b>07/08/2019</b>	Hearing before BOZA	Notice posted on property

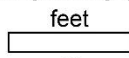
**ATTACHMENTS**

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

1. **Zoning Map**



112 N. Birchwood Avenue

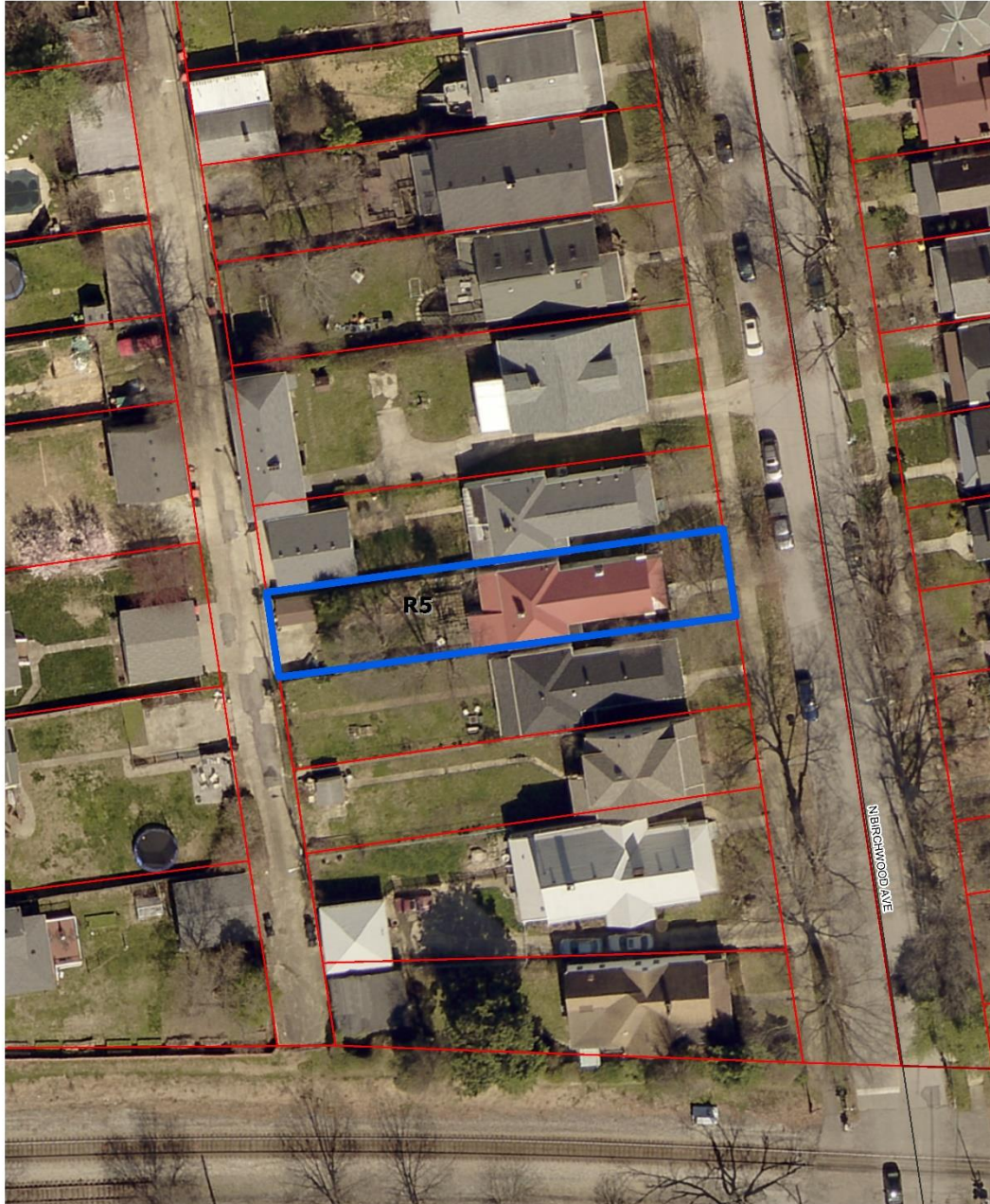


Map Created: 7/15/2019



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2. Aerial Photograph



112 N. Birchwood Avenue

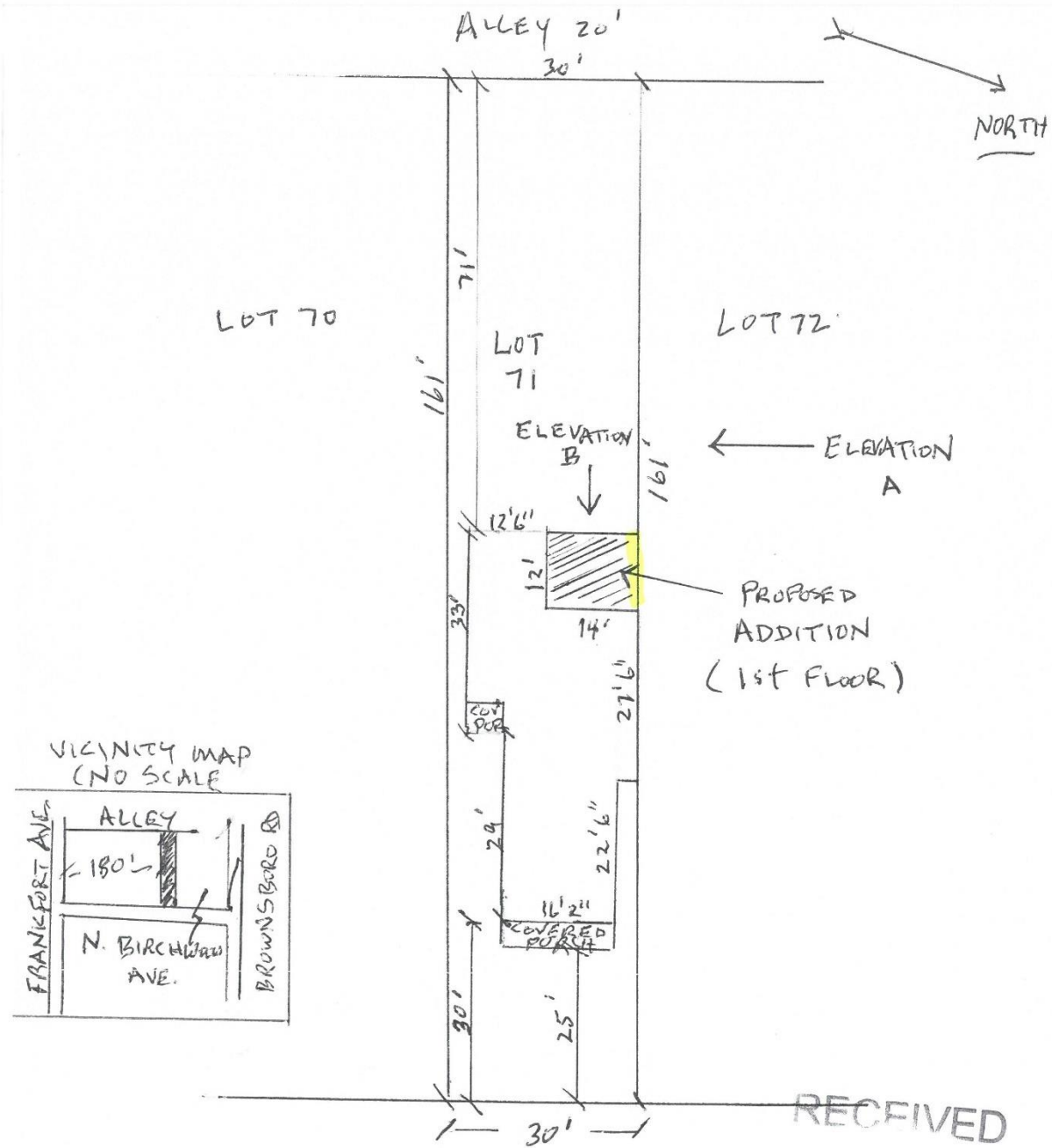
feet  
40

Map Created: 7/15/2019



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3. Site Plan



RECEIVED

112 N. BIRCHWOOD AVE.

MAY 20 2019  
 60' ...  
 DESIGN SERVICES  
 79 W. VANCE 1054  
 PARCEL

SCALE 1" = 20'0"

SITE PLAN

072E00710000



4. Site Photos



Front of the subject property.





Property to the right.





Property to the left.





Variance area.