

Board of Zoning Adjustment

Staff Report

December 18, 2017



Case No:	17VARIANCE1098
Project Name:	New Garage
Location:	2167 Millvale Road
Owner(s):	Benjamin A Coode & Sarah E
Applicant:	Benjamin A Coode
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Stephen A. Lutz, AICP, Planning Coordinator

REQUEST

- **Variance** from Land Development Code section 5.3.1.C.2. to allow a structure (garage) to encroach into the required Moyle Hill Road street side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	19.15 feet	15.0 feet	4.15 feet

CASE SUMMARY/BACKGROUND

The subject property is located at the intersection of three public streets, Millvale Road, Park Boundary Road and Moyle Hill Road. It currently contains a one-story single family residential structure. The applicant requested and received a permit to construct a new one-story, 1,080 square foot garage in area behind the house, with access to Moyle Hill Road. This permit was issued in error, as any structure on Moyle Hill Road is required to maintain a street side consistent with the established setback line (19.15 feet). The garage is 15 feet from the Moyle Hill Road property line; therefore a variance of 4.15 feet is required. The proposed garage will be enclosed entirely by the metal fence and heavy vegetation.

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 section 5.3.1.C.2. to allow a structure to encroach into the required Moyle Hill Road street side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.3.1.C.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 garage will be enclosed by an existing fence, with vegetation between the fence and the garage. In addition, the garage is slightly below the grade of Moyle Hill Road.

- (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 Moyle Hill Road functionally serves as alley access, with many garages that access it.

- (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 garage will be constructed according to building code and is not in conflict with any public right of way or utility services.

- (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 garage will be largely concealed by the existing fence, vegetation and grade change. The fact that this is a triple frontage lot is an unusual circumstance.

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 because this lot has frontage of three public streets and Moyle Hill functions as an alley. Moyle Hill Road has only 30-feet of right of way and is used by all the lots on it for accessory structure access.

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 the garage.

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 not responsible for the fact that this site is a triple frontage lot.

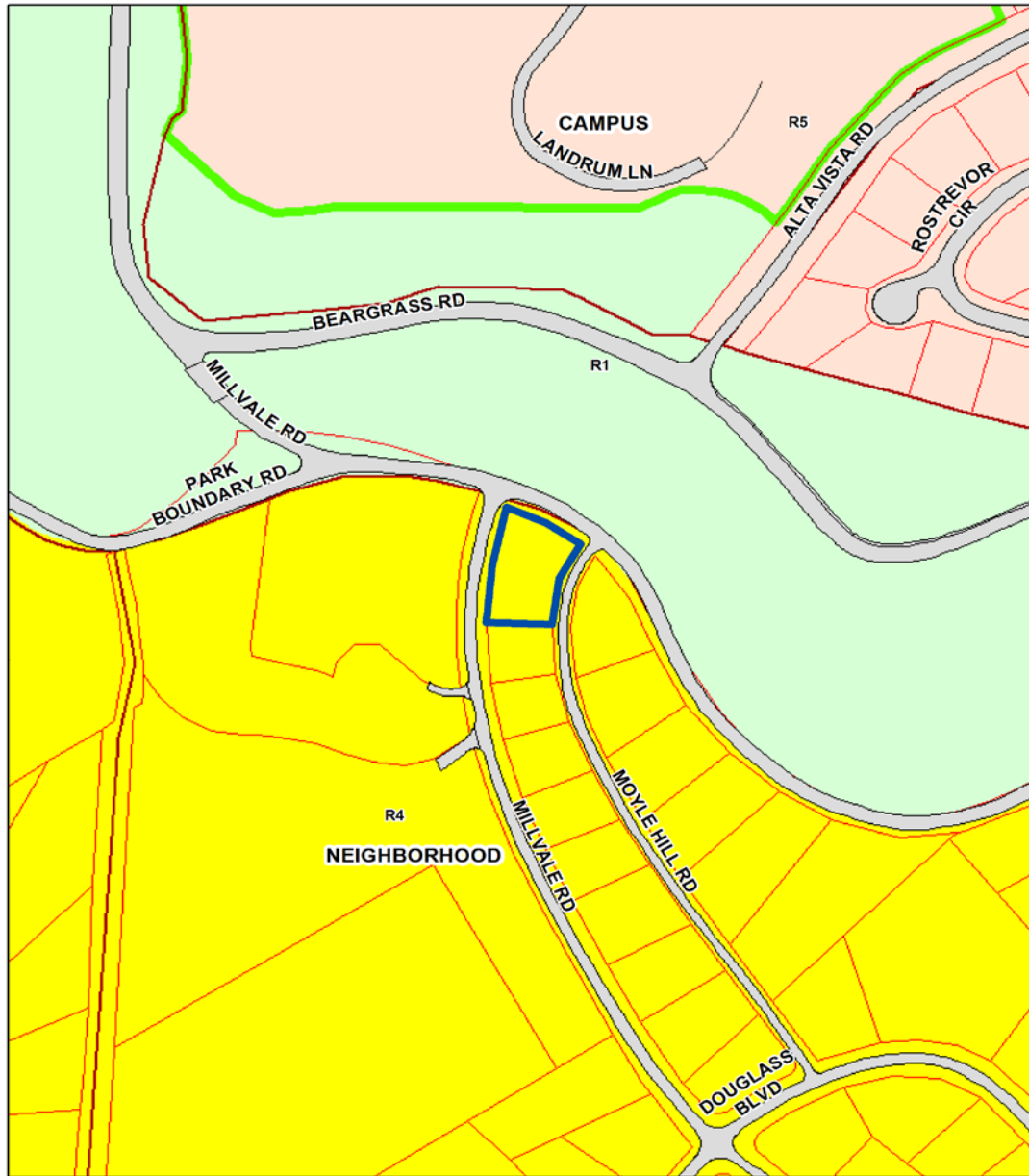
NOTIFICATION

Date	Purpose of Notice	Recipients
12/4/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 14
12/8/2017	Hearing before BOZA	Notice posted on property

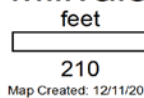
ATTACHMENTS

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

1. Zoning Map



2167 Millvale Road



Map Created: 12/11/2017

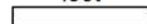


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2. Aerial Photograph



2167 Millvale Rd
feet



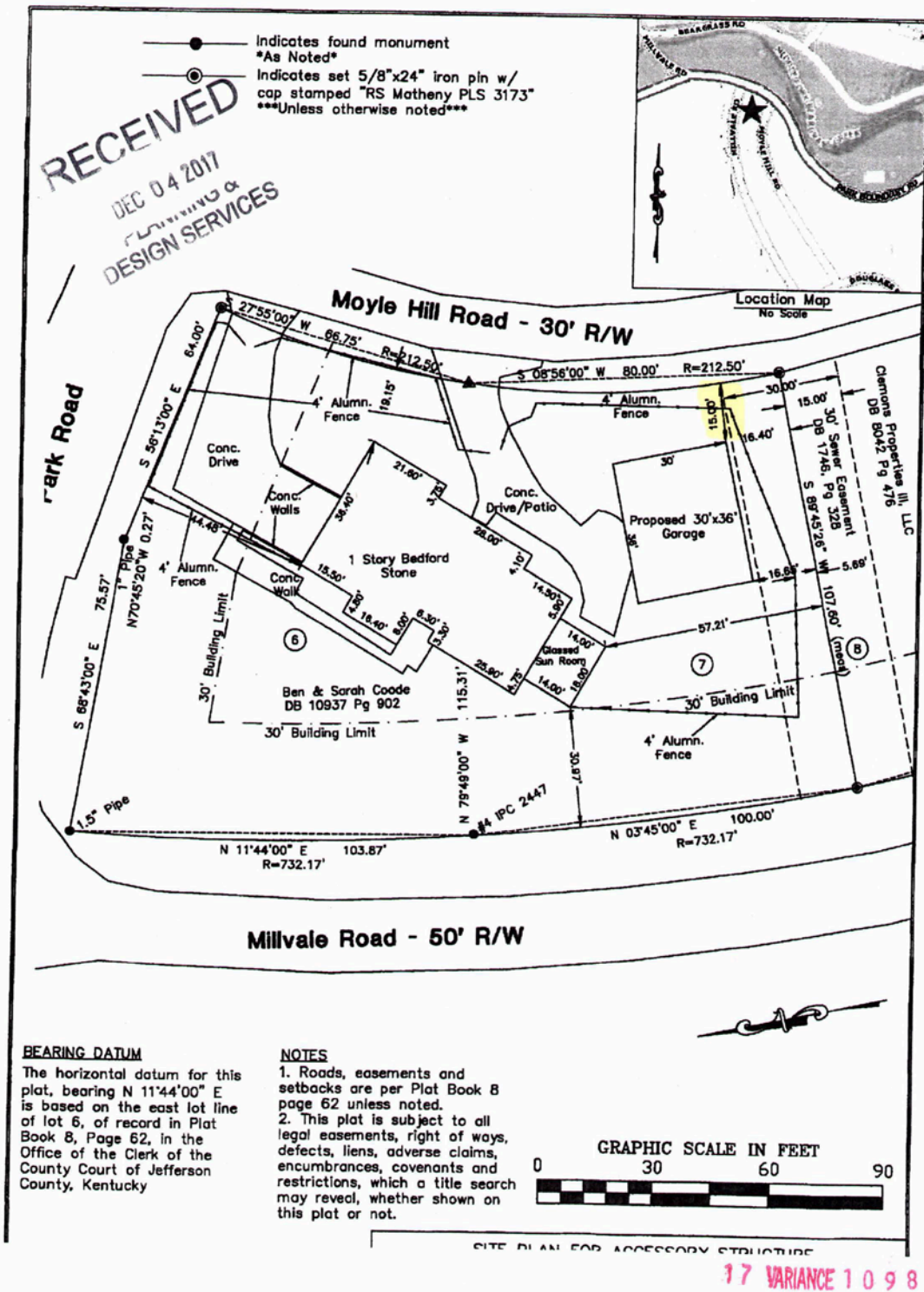
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Map Created: 12/11/2017

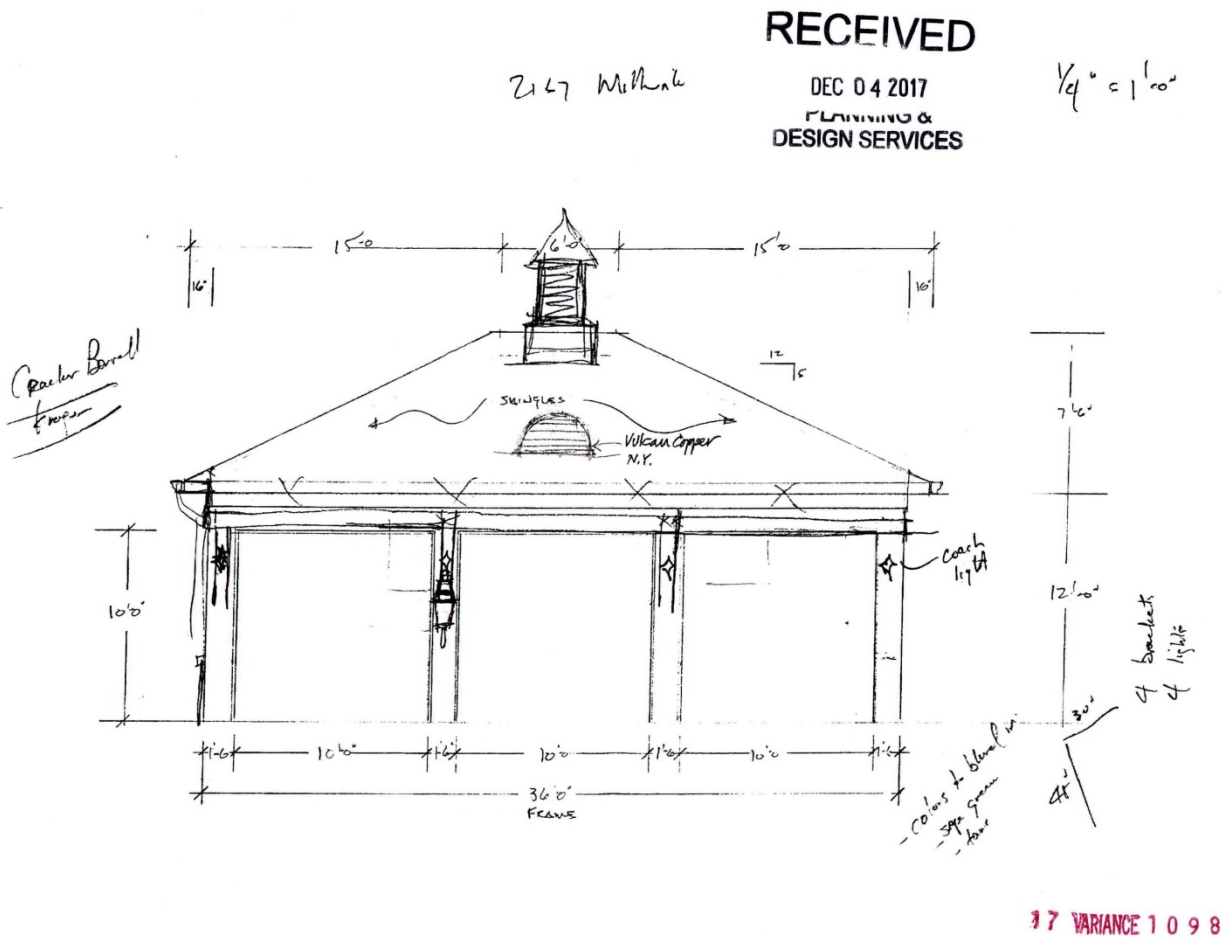


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3. Site Plan



4. Elevation



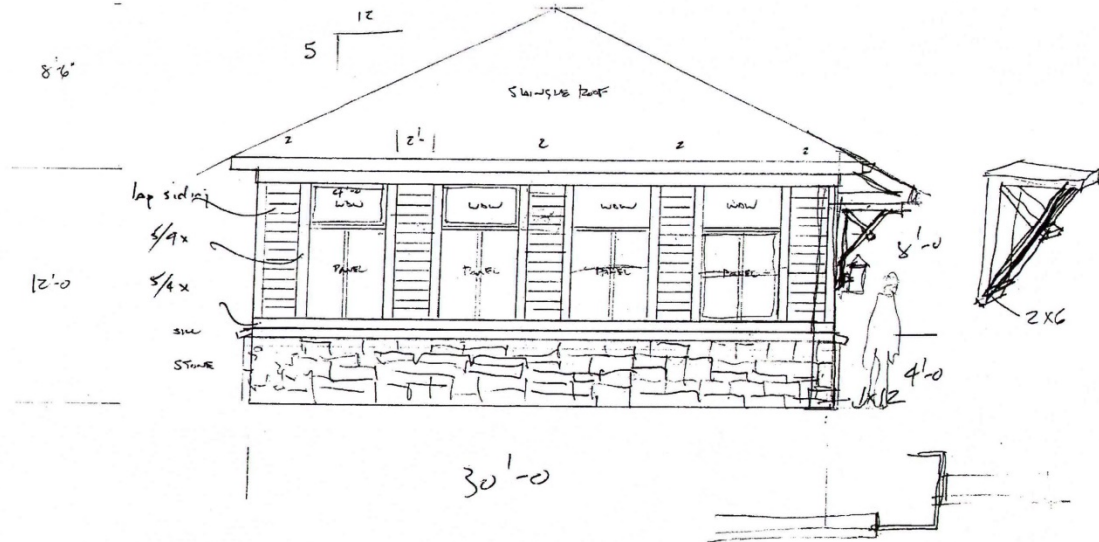
RECEIVED

DEC 04 2017
PLANNING &
DESIGN SERVICES

Side elevation
back simulation, 30'-0"

SCALE
1/4" = 1'-0"

2167 Mohawk



17 VARIANCE 1098

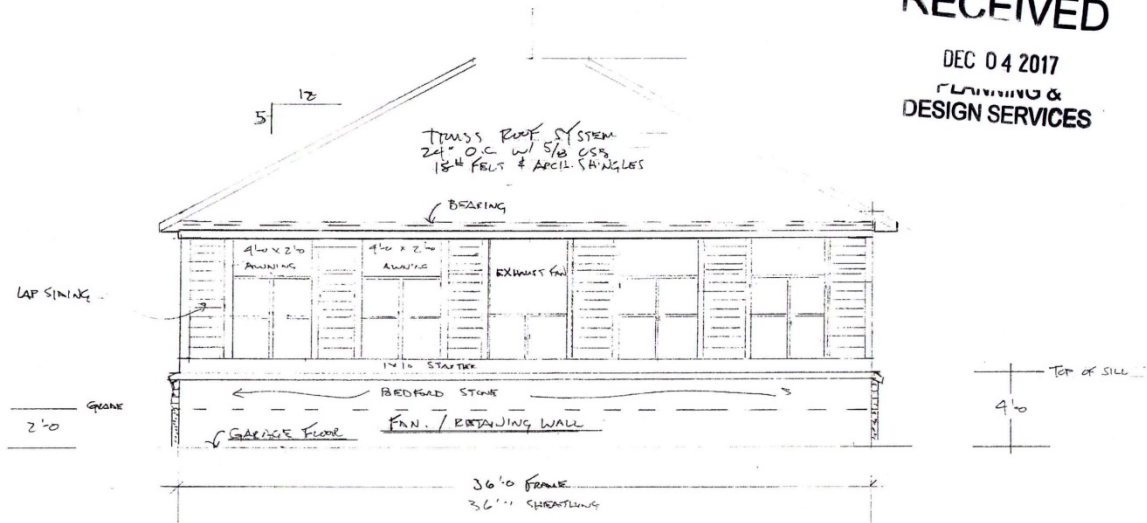
MILLVALE GARAGE - EXIST. ELEVATION

1/4" = 1'-0"

RECEIVED

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PLANNING &
DESIGN SERVICES



17 VARIANCE 1098

5. Site Photos



The garage under construction from Moyle Hill.



View of garage from Millvale Road.



View of house from Millvale Road.



View of garage from Moyle Hill Road.



A view looking at the garage from the adjacent property on Moyle Hill Road.



The view down Moyle Hill Road with the fence and the elevation change.



A different garage located on Moyle Hill Road.



Another garage on Moyle Hill Road with a fence, a similar grade change and an existing garage.