

Board of Zoning Adjustment

Staff Report

October 1, 2018



Case No:	18VARIANCE1071
Project Name:	Woodbourne Avenue Variance
Location:	1900 Woodbourne Avenue
Owner:	David Franck
Applicant:	Anne Del Prince
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.4.1.E.2 to allow a structure to encroach into the required rear yard setback.

Location	Requirement	Request	Variance
Rear Yard	5 ft.	0 ft.	5 ft.

CASE SUMMARY/BACKGROUND

The subject property is lot 30 of the Sils Addition subdivision, which had been previously subdivided. It contains a 1 ½ story single-family residence with an existing detached carport. The applicant is proposing to remove the carport and construct a new detached two-car garage that would be built to the rear property line.

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 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.E.2 to allow a structure to encroach into the required rear yard setback.

Condition of Approval:

#1) A survey of the eastern 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.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

Staff received an email on September 15, 2018 inquiring about the variance request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.E.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 there are many detached two-car garages in the area.

- (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 structure will be in the same area as the existing carport.

- (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 location of the garage is restricted due to the configuration of the lot and would be utilizing an existing curb cut, which will be widened.

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 arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property does not have alley access and there is an existing curb cut in the location of the proposed garage.

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 a new 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 requesting the variance and has not begun construction.

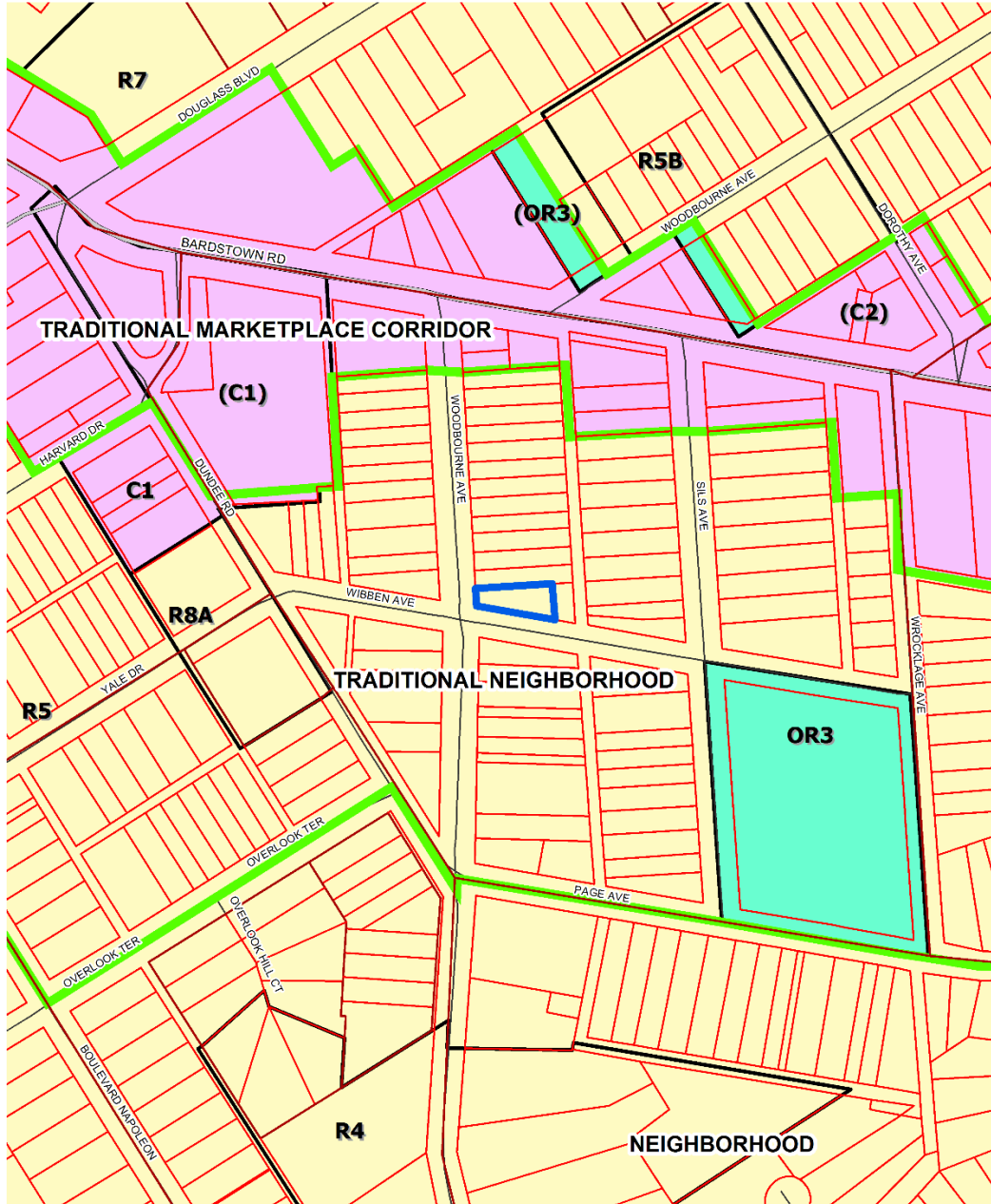
NOTIFICATION

Date	Purpose of Notice	Recipients
09/14/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 10
09/14/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

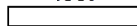
1. Zoning Map
2. Aerial Photograph
3. Site Plan/Elevations
4. Site Photos

1. Zoning Map



1900 Woodbourne Avenue

feet



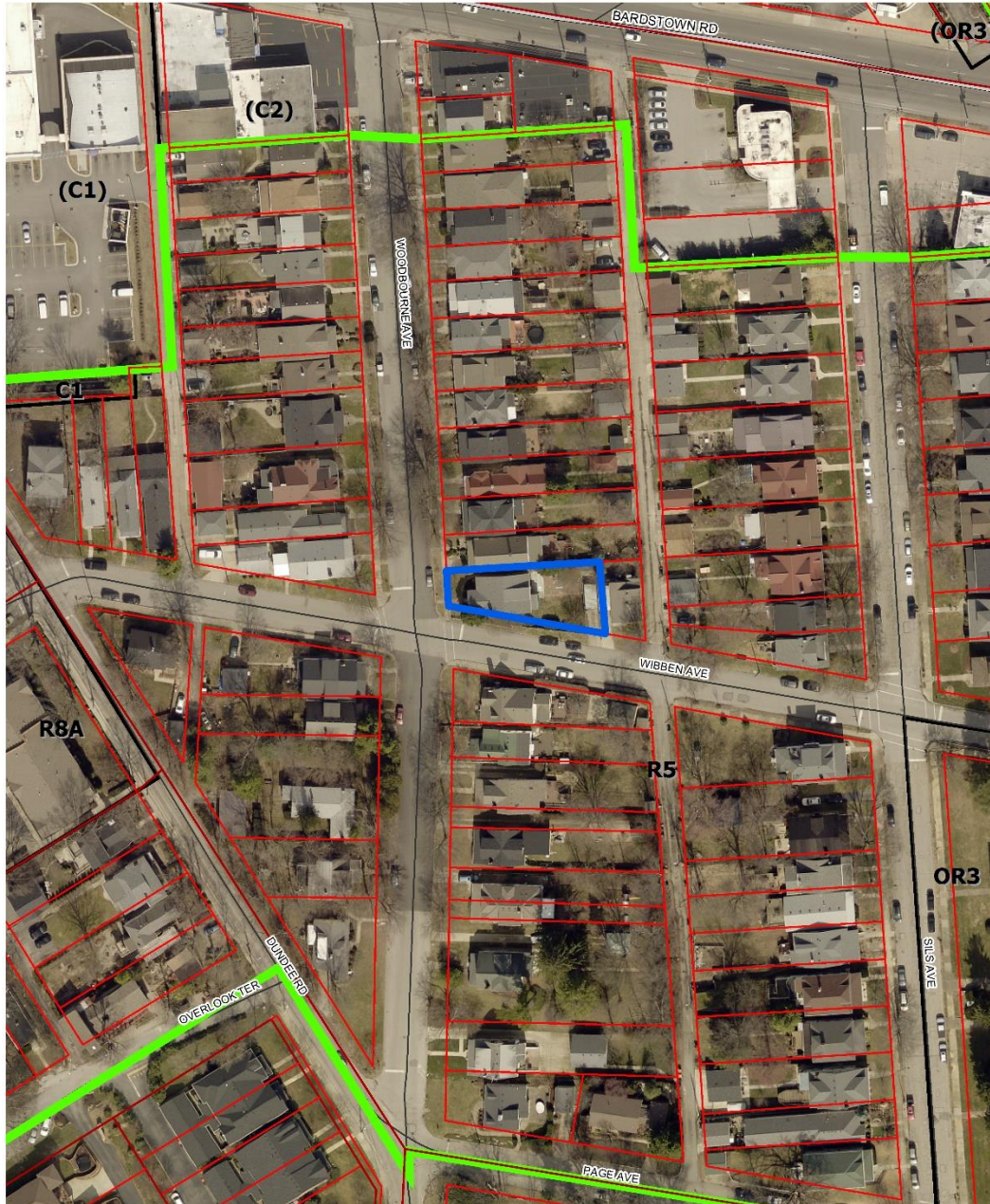
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Map Created: 9/12/2018



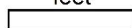
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2. Aerial Photograph



1900 Woodbourne Avenue

feet



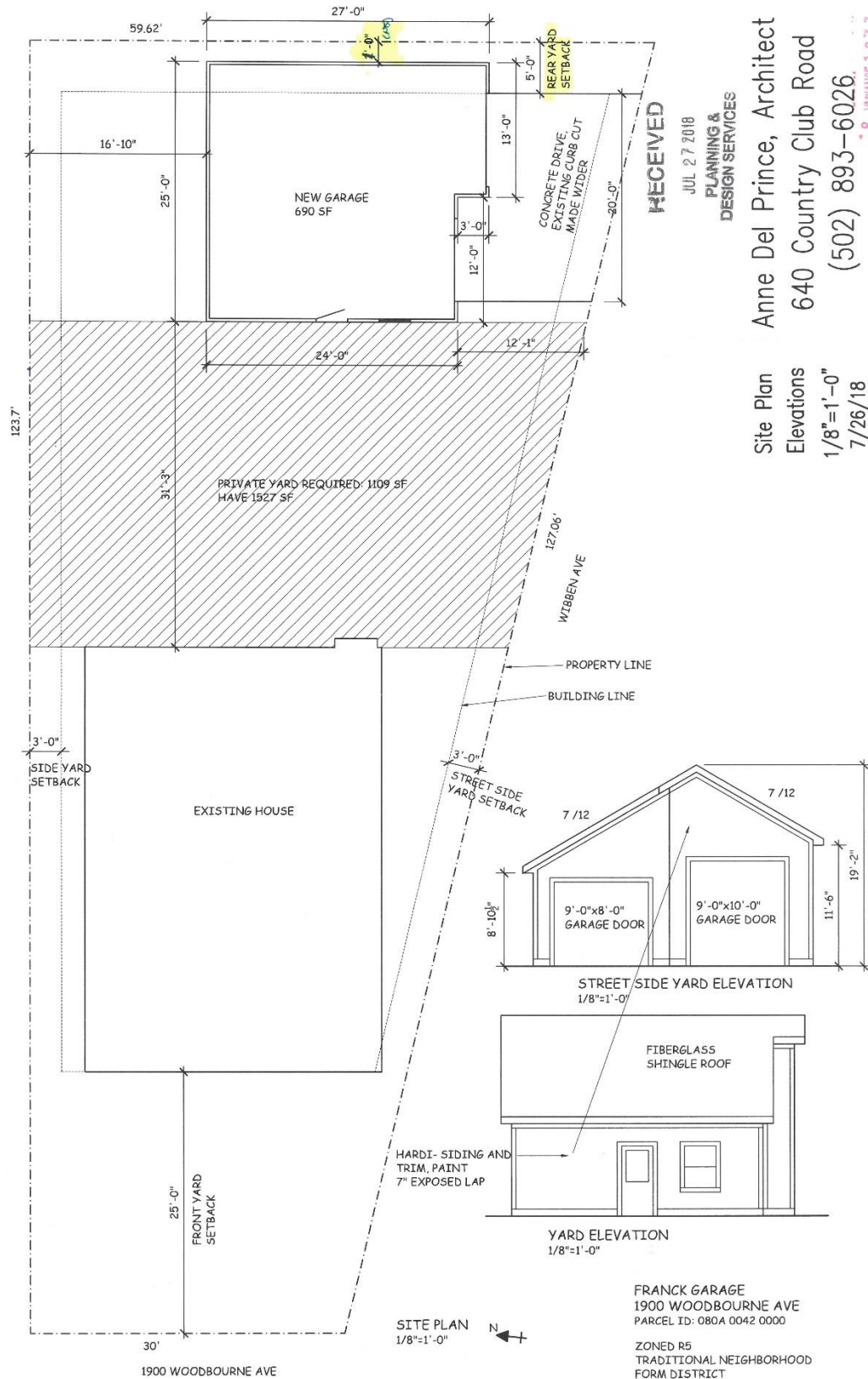
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3. Site Plan/Elevations



4. Site Photos



Front of subject property.



Property to the left of subject property.



Property across Woodbourne Avenue from subject property.



Existing curb cut and carport on subject property.



Property across Wibben Avenue from subject property.



Notice of public hearing sign.