

Board of Zoning Adjustment

Staff Report

June 18, 2018



Case No: 18VARIANCE1045
Project Name: Quadrant Avenue Addition
Location: 1548 Quadrant Avenue
Owner(s): Kathleen Kronauer
Applicant: Anne Del Prince
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot.

Location	Requirement	Request	Variance
Private Yard Area	30% (1,830 sf)	22.1% (1,348 sf)	7.9% (482 sf)

CASE SUMMARY/BACKGROUND

The subject property is located in the Deer Park neighborhood, and currently contains a two-story single-family residence. The lot has rear alley access. The applicant proposes to construct a new 1 ½ story addition onto the rear of the existing principal structure, and to demolish the existing accessory structure and construct a new 576 sf garage abutting the alley. The construction of the addition and garage will reduce the private yard area below the required 30% of the area of the lot, and the applicant therefore requests a variance.

The property is included in the Deer Park Neighborhood Plan, adopted in 2016. This neighborhood plan does not address private yard areas.

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 section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot.

TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.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 reduction in private yard area will not impact the public.

- (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 reduction in private yard area is relatively small and will not be apparent at the right-of-way.

- (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 reduction in private yard area is relatively small.

- (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 addition is of a reasonable size and the garage has standard dimensions, necessitating a relatively small reduction in private yard area.

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 not generally apply to land in the general vicinity or the same zone because the lot is similar in width to other nearby lots in the front, and widens to the rear which provides more potential private yard area than other nearby lots.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to construct a less useable addition or forego a garage in order to provide the full required private yard area.

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
05/28/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
06/01/2018	Hearing before BOZA	Notice posted on property

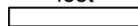
ATTACHMENTS

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

1. Zoning Map



1548 Quadrant Avenue
feet

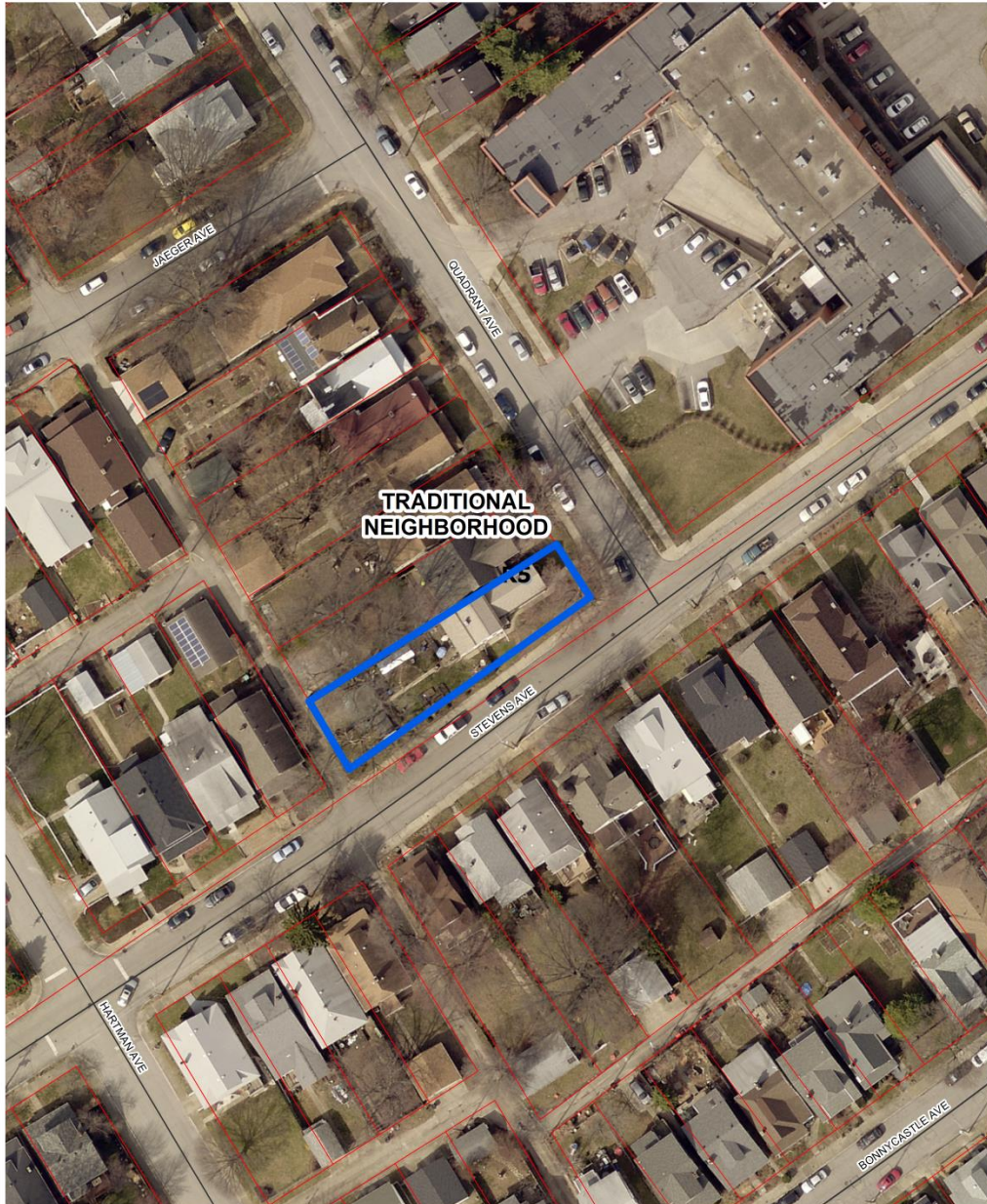


140
Map Created: 6/6/2018

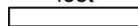


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2. Aerial Photograph



1548 Quadrant Avenue
feet

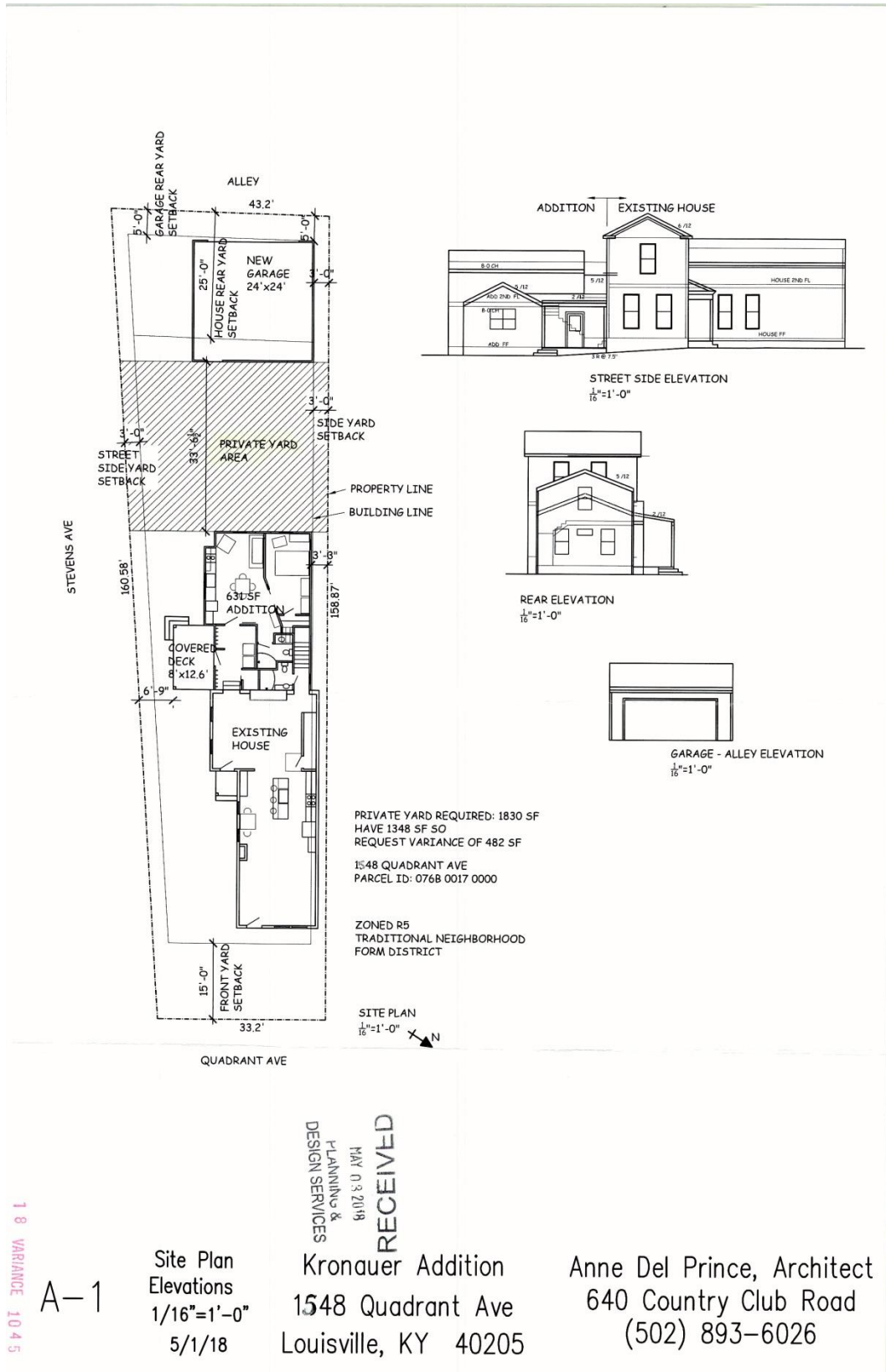


Map Created: 6/6/2018



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3. Site Plan & Elevations



4. Site Photos



The front of the subject property.



The property to the right of the subject property.



The Highlands Health and Rehabilitation Center is across Quadrant Avenue.



The properties to the left of the subject property across Stevens Avenue.



The existing private yard area.



The existing accessory structure/use area where the garage is to be constructed.