

Board of Zoning Adjustment Staff Report

April 4, 2016



Case No:	16VARIANCE1014
Request:	Variance from a side yard setback.
Project Name:	2705 Chickasaw Ave.
Location:	2705 Chickasaw Ave.
Owner:	Frank Homan
Applicant:	David Beach – Beach Properties LLC
Representative:	David Beach – Beach Properties LLC
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from LDC section 5.3.1 table 5.3.2 Dimensional Standards – Residential Development. The applicant is requesting to have a setback of less than 5 feet as required by LDC on a property zoned R-5, in a Neighborhood Form District located at 2705 Chickasaw Avenue.

Location	Requirement	Request	Variance
Side Yard Setback	5' ft.	2' 6" in.	2' 6" in.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a variance from the LDC section 5.3.1, table 5.3.1 to have a side yard setback of 2 feet 6 inches as shown on the applicant's survey. The applicant is proposing to build a two story home with a building footprint of 630 square feet, located on a parcel zoned R-5 and within a Neighborhood Form District. The property has an alley that is bounded by Pryor Ave. on the northeast and Hite Ave. to the southwest. The proposed structure would be constructed on a lot with a width of 20 feet and a length of +/- 259 feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant Property	R-5	Neighborhood (N)
Proposed	Single Family Home	R-5	Neighborhood (N)
<i>Surrounding Properties</i>			
North	Single Family Home	R-5	Neighborhood (N)
South	Apartment Complex	R-7	Neighborhood (N)
East	Single Family Home	R-5	Neighborhood (N)
West	Single Family Home	R-5	Neighborhood (N)

PREVIOUS CASES ON SITE

No previous cases associated with the subject property.

INTERESTED PARTY COMMENTS

Staff received a call on March 25, 2016 at 8:43am from a concerned citizen at 417 North Hite Ave. stating that she is in opposition to the proposed construction as a result of issues from congestion of cars in the alley. Letter of opposition on pages 11 and 12.

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 applicant is requesting a variance to construct a 15 foot wide by 42 foot long two story structure reusing a currently vacant lot. Furthermore, the lot that directly abuts the subject site on the northeastern side is vacant.

- (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 homes located on the block with 20 to 23 foot wide lots sit in close proximity to each other. The nature of the new addition is negligible when the existing structures in the general vicinity are considered.

- (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 3 inch encroachment into the setback is still within the applicant's property line and does not encroach upon the adjacent property.

- (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 setbacks are established to provide consistent building placement, 3 inches is negligible on the eastern side of the home while the western side has a setback greater than the three feet by 2.4 inches.

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 since the applicant's lot was platted well before zoning came into effect per plat book 08- page 35A. Side yard setbacks of less than five feet are common in the 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 or create an unnecessary hardship on the applicant since five foot setbacks would only allow a structure of ten foot width to be built on the parcel/lot.

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 no construction nor ground disturbance has occurred at the subject site at 2705 Chickasaw Ave.

TECHNICAL REVIEW

- No Technical review items.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. 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 sections 5.3.1, table 5.3.2 for setbacks to encroach 2 feet 6 inches into the side yard setback of a required five feet.

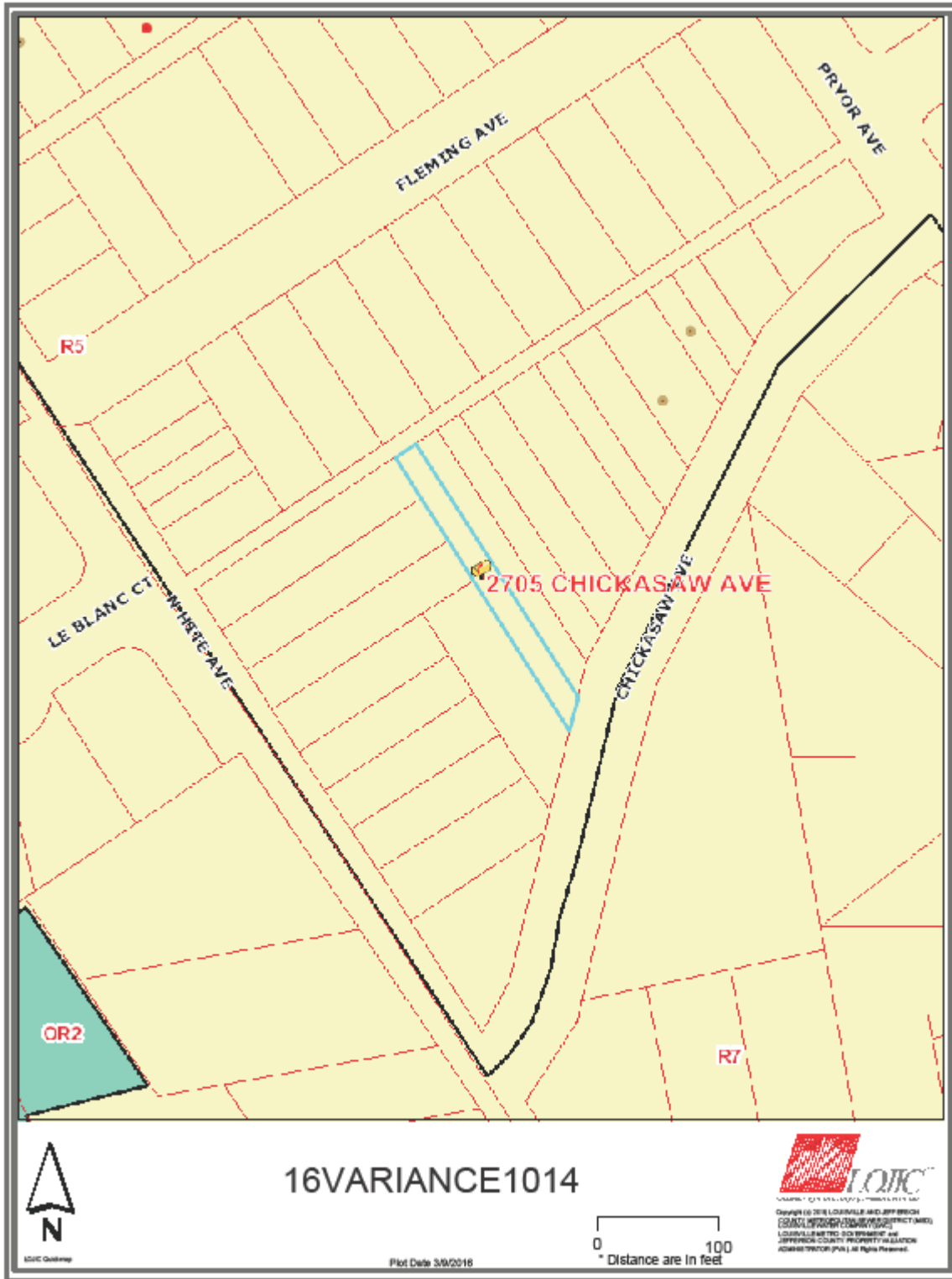
NOTIFICATION

Date	Purpose of Notice	Recipients
	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
	Sign Posting for BOZA	Sign Posting on property

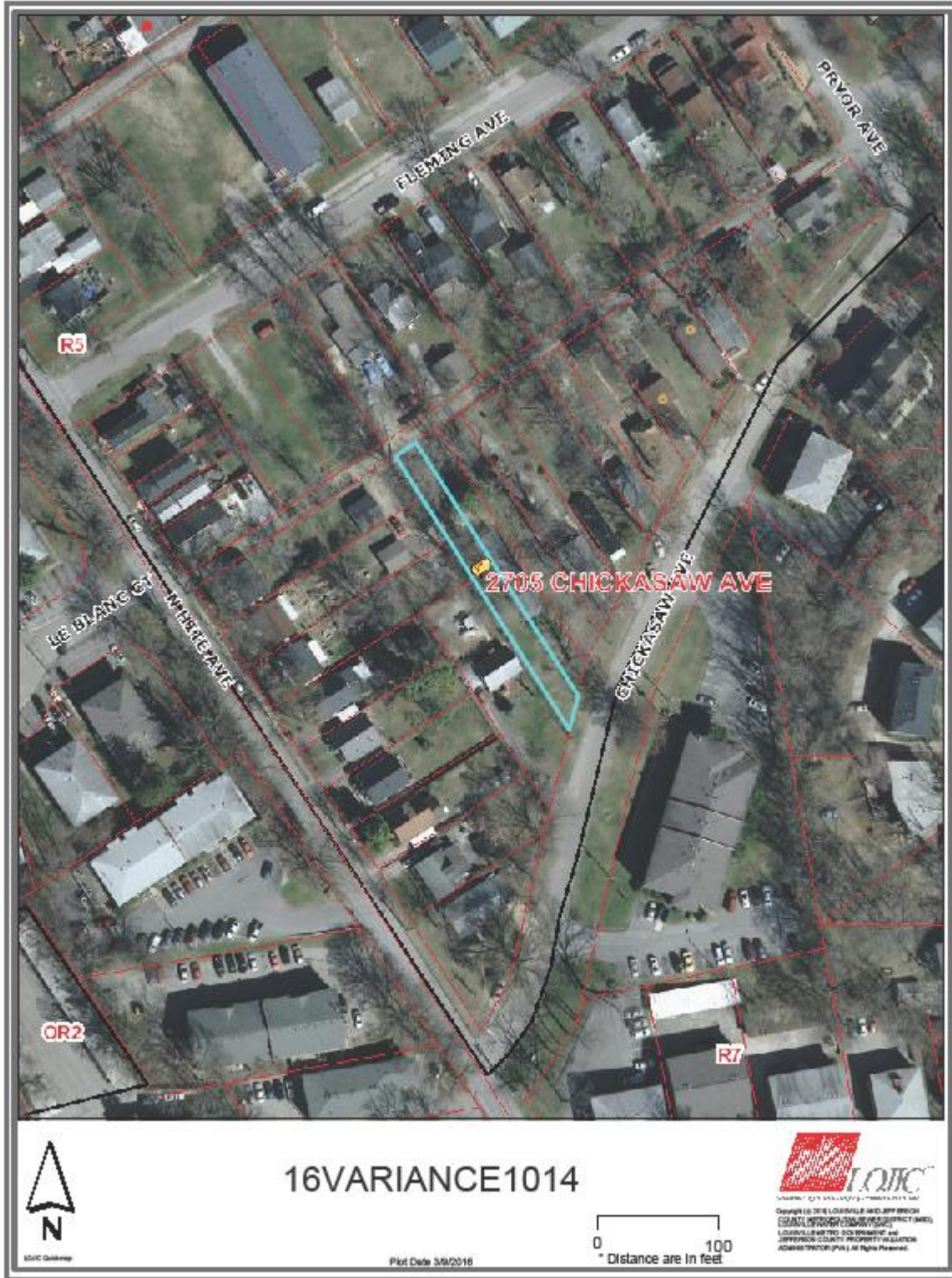
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Inspection Report
6. Letter of Opposition

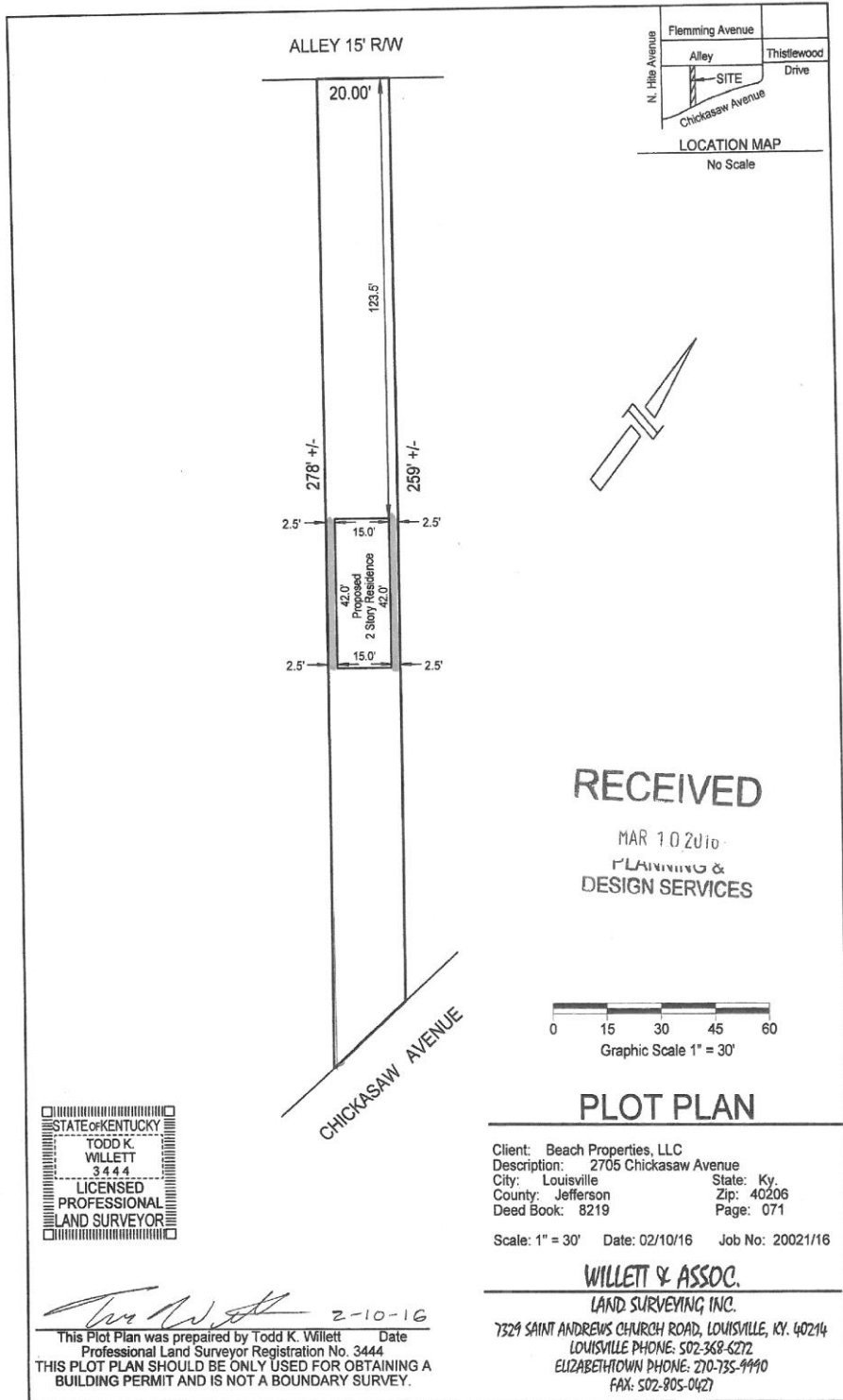
1. Zoning Map



2. Aerial Photograph

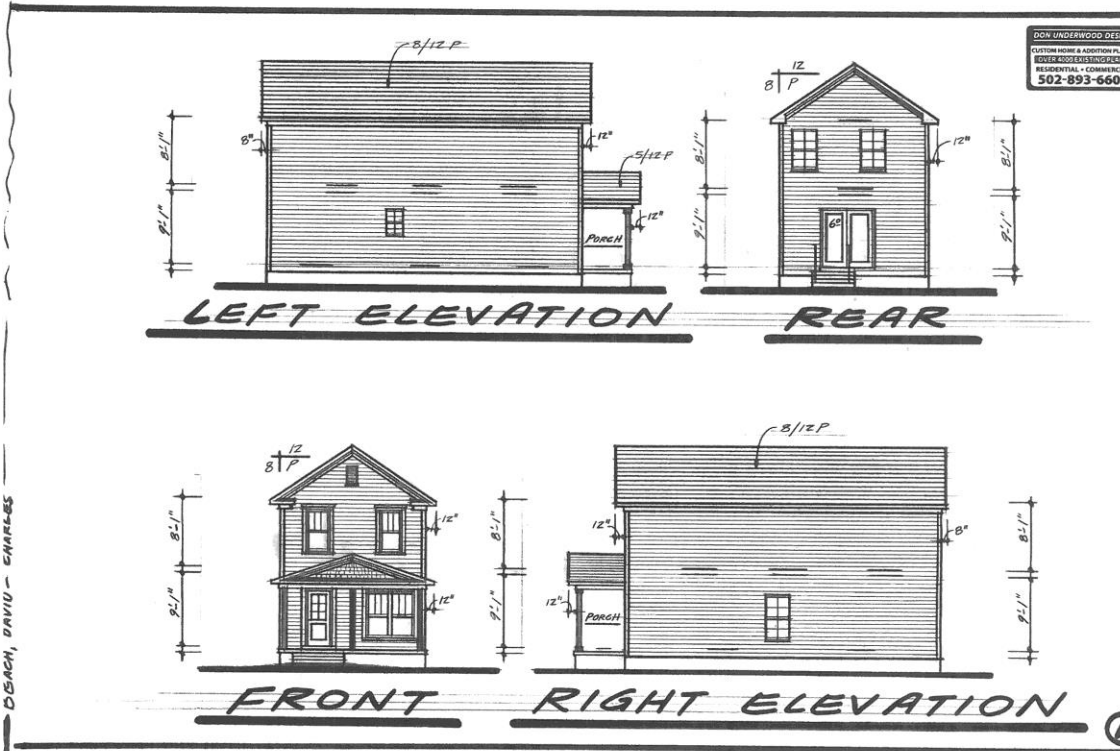


3. Site Plan



4. Elevation

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5. Site Inspection Report



Looking at the front of the property at 2705 Chickasaw Ave., the lot has a width of 20 feet.

Site Inspection Report



Looking along the western edge of the property line.

Site Inspection Report



Looking from the rear of the property towards Chickasaw Ave. (south)

6. Letter of Opposition

243 Cleveland Blvd
Louisville, Ky 40206

March 28, 2016

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Ross Allen
444 S. 5th St.
Louisville, Ky.
40202

SUBJECT: OPPOSITION TO:
16 Variance 1014
2705 Chickasaw Ave

I'm in total agreement with the concept that the city of Louisville must have more green space, for aesthetic and health advantages. Therefore, I disagree with the motion to amend the existing code variance to allow a house to be built, with less side yard, at 2705 Chickasaw Ave. If the Board Adjustments allows houses to be erected, by builders for profit, on every available plot of land, then our neighborhood will experience limited greenspace; but, we will experience an increase in houses and people congestion.

There are two vacant lots to the immediate east of 2705 Chickasaw (2707 & 2709), that previously had houses but were demolished. If and when homes are rebuilt on those lots, along with the house in question, the result will be less green space and certainly more congestion.

16 VARIANCE 1014

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Congestion will also occur on the limited parking area behind residences 415, 417, and 419 N. Hite Ave. Limited space will cause difficulty in maneuvering vehicles in that area.

Hopefully, you will consider my concerns when making your decision to allow the side yard at 2705 to be less than the minimum required to build a house.

Thank you,
Laura a Martin, property
owner at 417 N. Hite Av.

Dail and Stacy
Martin 417 N. Hite
Ave

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