

Board of Zoning Adjustment Staff Report

Decemebr 5, 2016



Case No:	16VARIANCE1087
Request:	Variance to reduce the five foot setback to a 0 foot setback.
Project Name:	1508 West Broadway Variance
Location:	1508 West Broadway
Area:	.57990 acres
Owner:	Najeh Latifalia
Applicant:	Najeh Latifalia
Representative:	Najeh Latifalia
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variance:** from the Land Development Code section 5.2.3.D.3.c to allow a proposed addition to an existing structure to encroach into the five foot rear yard setback.

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

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 39.28' by 19.49' (765.567 sf.) addition to the rear of the existing structure. The addition would be flush with the existing structure which currently has a rear setback of zero feet along the alley to the rear of the subject site. The addition will allow more space for the car repair shop the applicant owns and operates. The site is bounded by West Broadway to the North, South 15th Street to the East, a commercially zoned property to the West, and a 20 foot wide alley to the South (rear) of the property.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial	C-2	Traditional Marketplace Corridor
Proposed	Commercial	C-2	Traditional Marketplace Corridor
Surrounding Properties			
North	Commercial	C-2	Traditional Marketplace Corridor
South	Residential Single Family/Vacant	EZ-1	Traditional Workplace
East	Commercial	EZ-1	Traditional Workplace
West	Commercial	C-2	Traditional Marketplace Corridor

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code (Oct. 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 existing structure currently is encroaching into the rear yard setback and this is where the applicant is proposing to construct the addition which will be flush with the existing structure.

- (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 a structure along the same alley, closer to South 16th Street has a detached structure which is at an approximate rear setback of zero feet.

- (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 alley is 20 feet in width, the standard alley right of way width.

- (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 because the existing structure encroaches into the rear setback and the addition being flush with that structure would encroach. Furthermore, the alley has the standard alley right of way width of 20 feet meaning the structure would not encroach into the right of way but be built up to the right of way.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do 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 since another structure found near the corner of the alley and South 16th Street has an approximate rear setback of zero feet.

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 since the applicant has stated that the intent of the addition is to prevent illegal dumping on his sight from the alley. The existing structure is perpendicular to the alley and West Broadway allowing this small area to be used as an illegal dumping site as it is adjacent to an alley.

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 since the current structure, the current structure without the addition, has encroached into the rear yard setback adjacent to the alley for an unknown amount of time.

TECHNICAL REVIEW

- None

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 standard of review for granting a variance as established in the Land Development Code (Oct. 2016) from section 5.2.3.D.3.C to allow a an 39.28' x 19.49' addition on to an existing building to reduce the rear setback from 5 ft. to 0 ft.

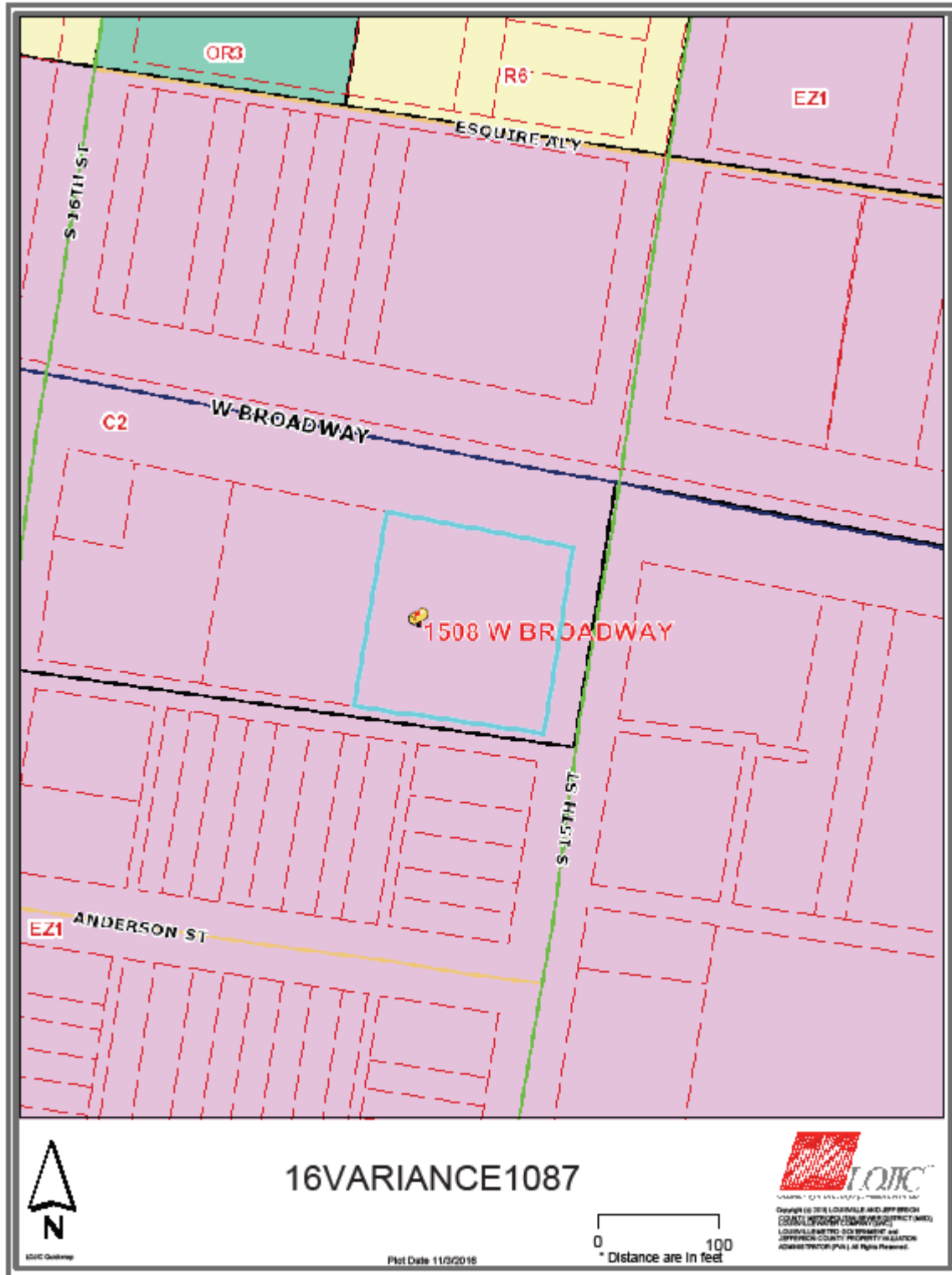
NOTIFICATION

Date	Purpose of Notice	Recipients
November 18, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
November 18, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

