

**Board of Zoning Adjustment**  
**Staff Report**  
September 14, 2020



<b>Case No:</b>	20-VARIANCE-0075
<b>Project Name:</b>	Cooper Variance
<b>Location:</b>	509 Cooper Street
<b>Owner/Applicant:</b>	Jamie Barnes
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Nia Holt, Planner I

**REQUESTS:**

**Variance** from Land Development Code Section 5.1.10.F to allow a principal structure to encroach into the required side yard setback.

<b>Location</b>	<b>Requirement</b>	<b>Request</b>	<b>Variance</b>
<b>South Side Yard</b>	<b>2.25 ft</b>	<b>0 ft.</b>	<b>2.25 ft</b>

**CASE SUMMARY/BACKGROUND**

The subject site is zoned R6 Multi-family Residential in the Traditional Neighborhood Form District. The property is in the Irish Hill neighborhood and has an existing single-family structure on the site. The applicant is proposing to construct a second-story addition which will align with the existing footprint. The proposal also includes the construction of a second-floor deck at the front and rear.

The subject property is 22.5 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setback is therefore 2.25 feet.

**STAFF FINDINGS**

Staff finds that the requested variances are adequately justified and meet 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 5.1.10.F to allow a principal structure to encroach into the required side yard setback.

**TECHNICAL REVIEW**

No Technical Review needed.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this proposal.

## **RELATED CASES**

None.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.1.0.F**

- (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, because the proposed addition must be constructed to comply with all building codes, including fire codes. The applicant has obtained a letter from the affected adjacent property owner, because construction and maintenance of the structure may require encroachment onto the neighboring property.

- (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 proposed addition will be of similar design to other structures 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 because the structure must be constructed to comply with all building codes.

- (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 proposed addition will be a same distance from the side property lines as the existing structure.

## **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 does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the subject property is similar in size and shape to surrounding properties.

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 as the proposed second story addition will be the same distance from the side property lines as the existing footprint of the existing.

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 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.

**VARIANCE PLAN REQUIREMENT**

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

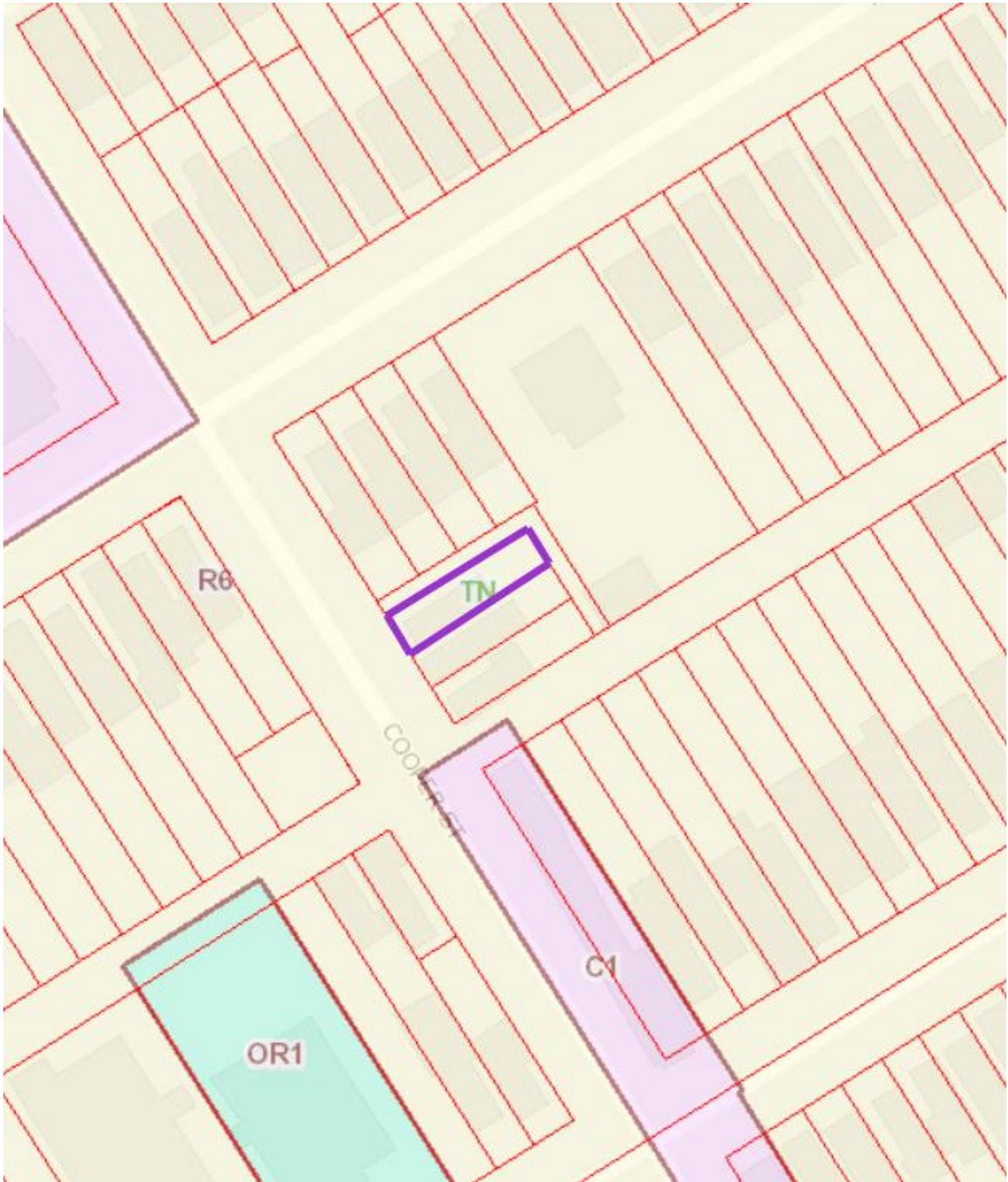
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8/27/2020	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
8/31/2020	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

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

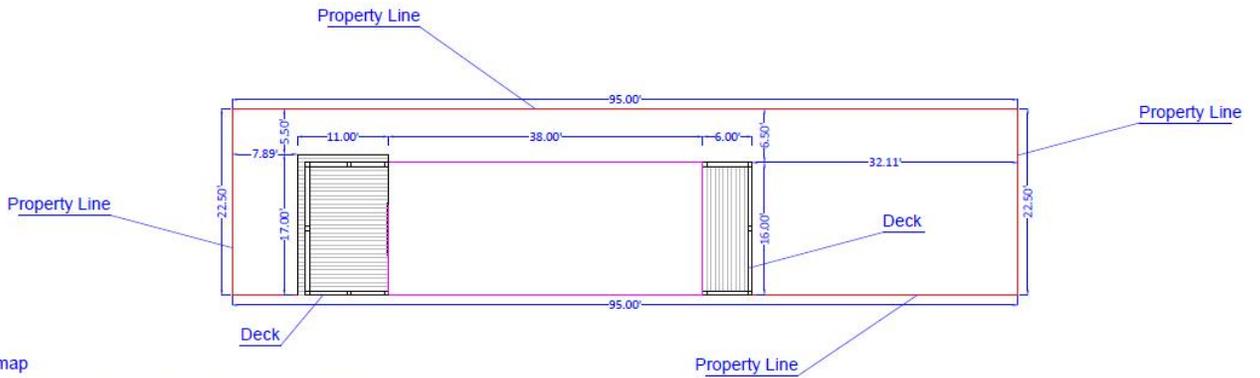
1. Zoning Map



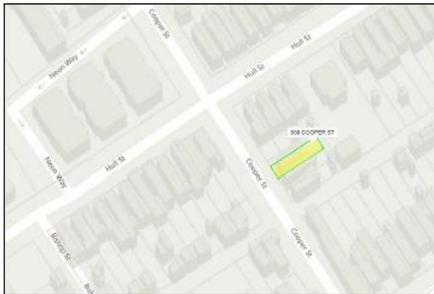
2. Aerial Photograph



### 3. Site Plan

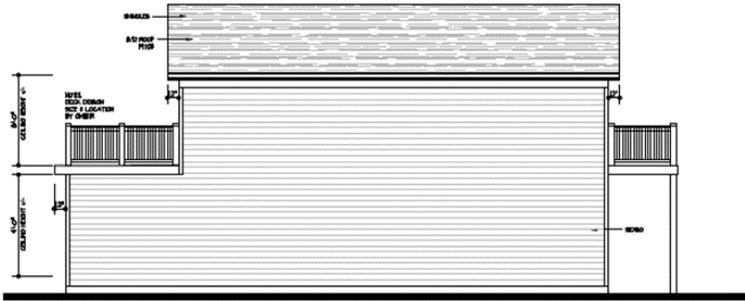


Vicinity map



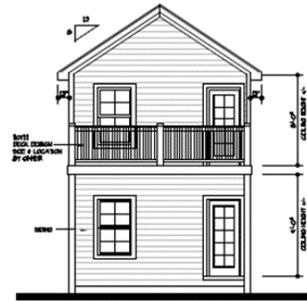
509 Cooper St  
Louisville, KY 40204  
Scale: 1"=10'

# 4. Elevations



RIGHT SIDE

SCALE: 1/4"=1'-0"



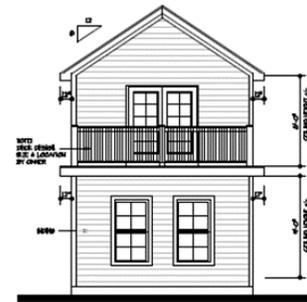
REAR ELEVATION

SCALE: 1/4"=1'-0"



LEFT SIDE

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"