

Board of Zoning Adjustment

Staff Report

February 19, 2018



Case No:	18VARIANCE1002
Project Name:	2335 Lindsey Drive Garage
Location:	2335 Lindsey Drive
Owner(s):	Erika Renee Young
Applicant:	Erika Young
Jurisdiction:	City of Shively
Council District:	3 – Mary Woolridge
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from City of Shively Land Development Code table 5.3.1 to allow a structure to encroach into the required street side yard setback

Location	Requirement	Request	Variance
Street Side Yard	25 ft.	3 ft.	22 ft.

CASE SUMMARY/BACKGROUND

The subject property is a corner lot located in the City of Shively, at the intersection of Lindsey Drive and Quinn Drive. The applicant proposes to construct a new detached garage at the end of the existing driveway. The garage is proposed to encroach into the required street side yard setback, and the applicant requests a variance to allow the encroachment.

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 City of Shively Land Development Code from table 5.3.1 to allow a structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 proposed garage is set back from the corner and will not create an unsafe situation.

- (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 detached garages are common in the neighborhood.

- (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 position of the garage will not create a hazard for drivers at the corner.

- (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 garage is proposed to be placed at the end of an existing driveway, and another location in the yard would be infeasible due to the location of the driveway.

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 because the driveway which is proposed to lead to the new garage is existing.

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 create an unnecessary hardship on the applicant by requiring the applicant to build the garage at a location other than at the end of the existing driveway.

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
02/01/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 3
02/02/2018	Hearing before BOZA	Notice posted on property

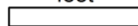
ATTACHMENTS

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

1. **Zoning Map**



2335 Lindsey Drive
feet



140
Map Created: 2/7/2018

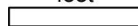


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2. Aerial Photograph



2335 Lindsey Drive
feet

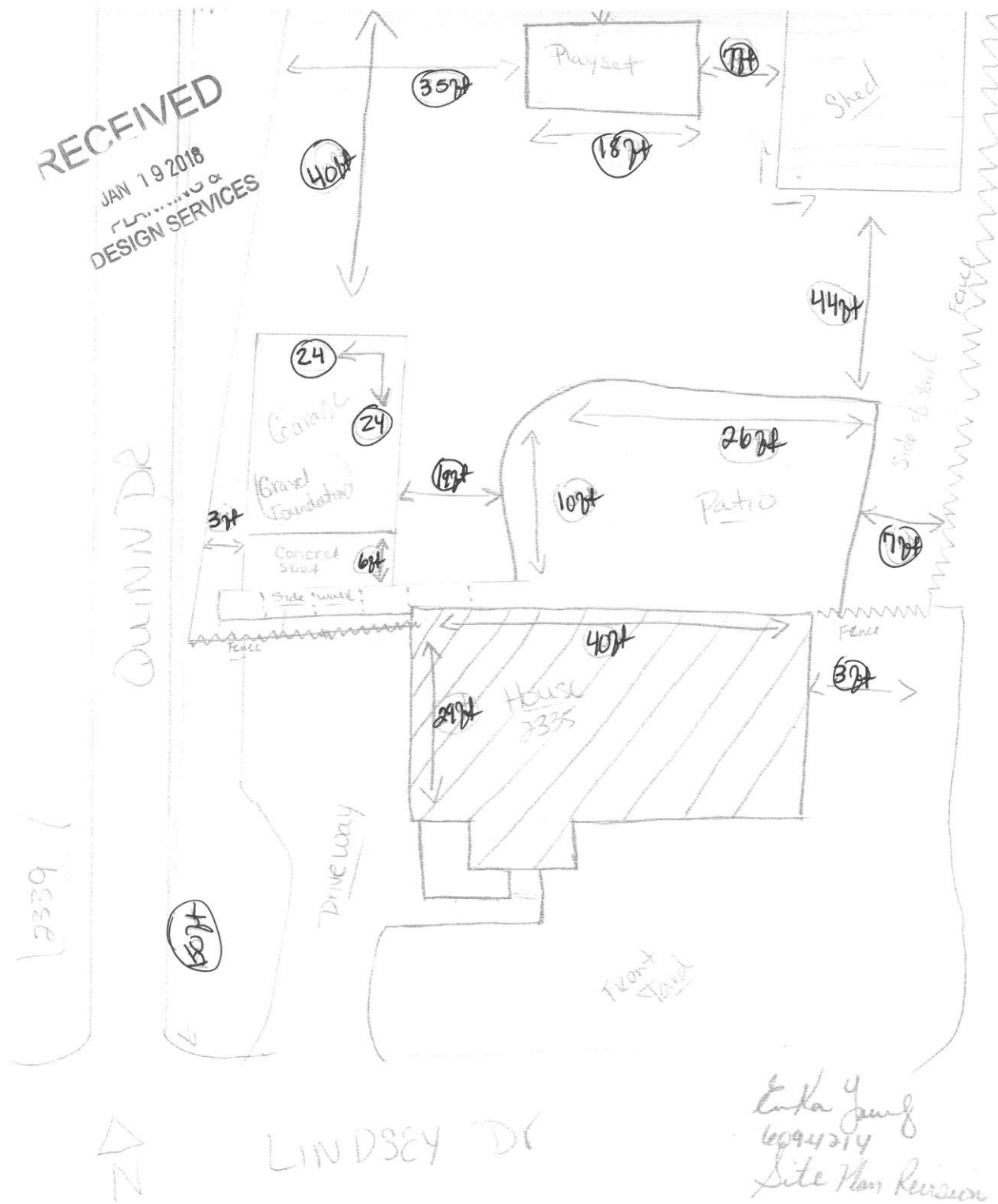


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3. Site Plan



2335 Lindsey dr.
18 VARIANCE 1002

4. **Site Photos**



The front of the subject property.



The property to the right of the subject property.



The property across Quinn Drive.



The property across Lindsey Drive.



The location of the proposed garage. The gravel for the foundation has been placed but no other construction has taken place.



The location of the requested variance.