

Board of Zoning Adjustment Staff Report

November 15th, 2021



Case No:	20-VARIANCE-0173
Project Name:	Lynn Street Variance
Location:	719 Lynn Street
Owner:	Swiss Village, LLC
Applicant:	John Campbell, Heritage Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Molly Clark, Planner I

REQUESTS

- **Variance** from Land Development Code Table 5.2.2 to allow a proposed garage to encroach into the required 5 ft rear yard setback.

Location	Requirement	Request	Variance
20-VARIANCE-0173	5 FT	1.5 FT	3.5 FT

CASE SUMMARY/BACKGROUND

The applicant is proposing to change a covered parking area into a 7 car garage that will be encroaching into the required rear yard setback. The site is zoned R-6 within the Traditional Neighborhood Form District. This case is related to a revised detailed district development plan under case number 21-DDP-0002. The proposed garage will not be located within the sight triangle for the existing alley and Lynn Street.

STAFF FINDING

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 Land Development Code table 5.2.2. to allow a proposed rear addition to encroach into the 10 ft side yard setback as shown on the development plan.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval. There are no outstanding technical issues associated with this review.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

RELATED CASES

21-DDP-0002 – A Revised Detailed District Development Plan to add a garage and underground detention.
19ZONE1015 – Change in Zoning from R-5 to R-6 for a multi-family development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.2.2 to allow a proposed garage to encroach into the required 5 FT setback.

- (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 garage will not be located in the sight distance triangle within the existing alley or Lynn Street.

- (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 because there are multiple houses in the area with detached garages located at the alley.

- (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 proposed garage is being located outside of the sight distance triangle for the existing alley and Lynn Street. It is also being located off an alley where all the other detached garages in the area are located.

- (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 original approved plan had covered parking located in this portion of the development. The applicant is just proposing garages instead of a carport 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 strict application of the provisions would cause the applicant to have cars parked outdoors rather than indoors. This would create an unnecessary hardship on the applicant as well as future tenants to this multi-family development.

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 would cause the applicant to store materials outdoors rather than indoors. This would create an unnecessary hardship on the applicant as well as adjoining residential property owners.

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: No, the applicant has not begun construction in the area that the proposed garage is to be located in.

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.

REQUIRED ACTION:

APPROVE or **DENY** the **VARIANCE** to allow a proposed garage to encroach into the required 5 ft rear yard setback.

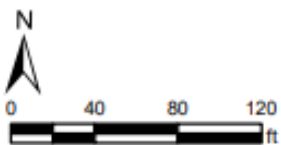
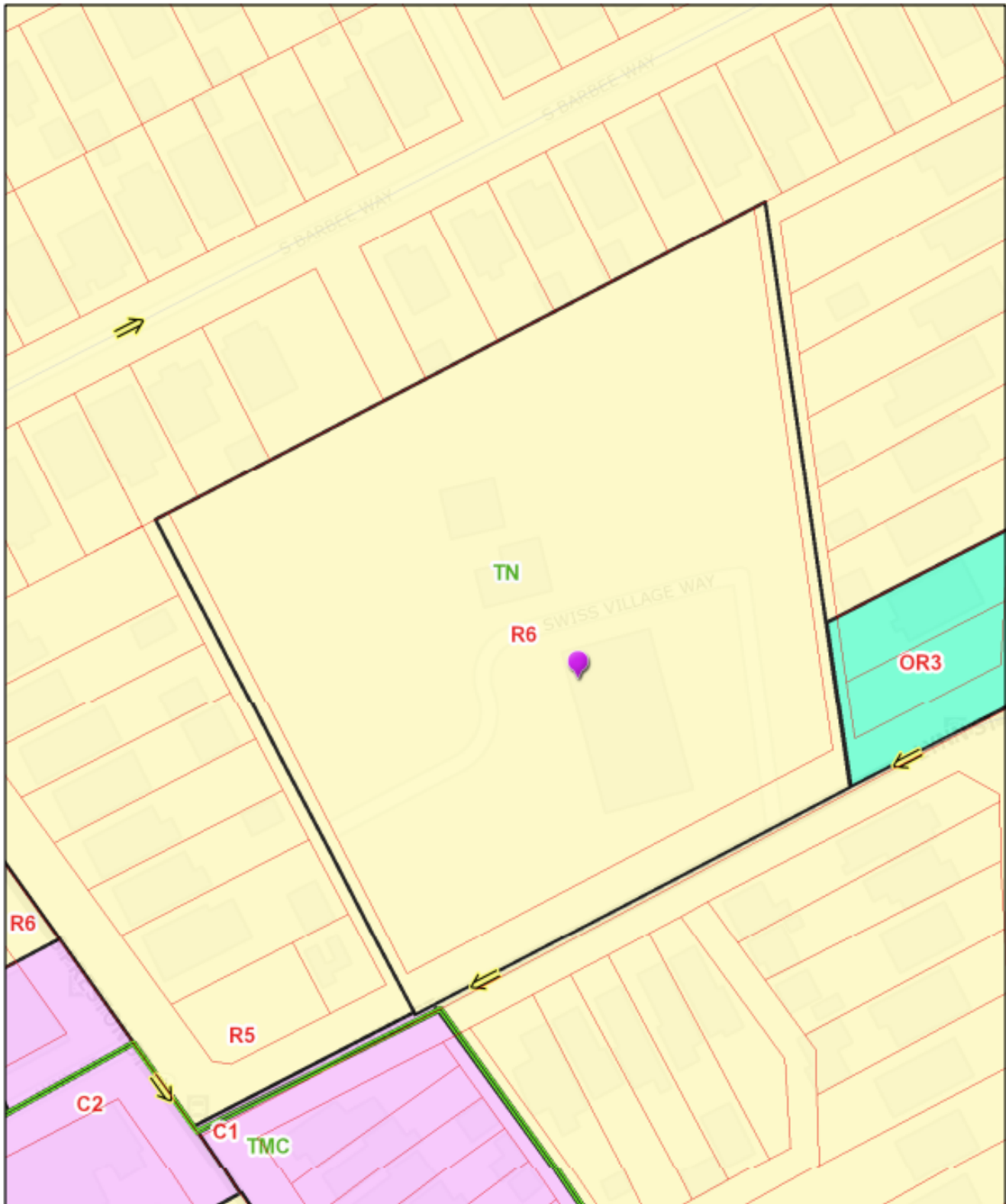
NOTIFICATION

Date	Purpose of Notice	Recipients
November 1st, 2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District #15
October 29th, 2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Renderings/Elevations
5. Site Photos
6. Conditions of Approval (if necessary)

1. **Zoning Map**



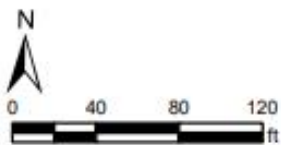
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2. Aerial Photograph



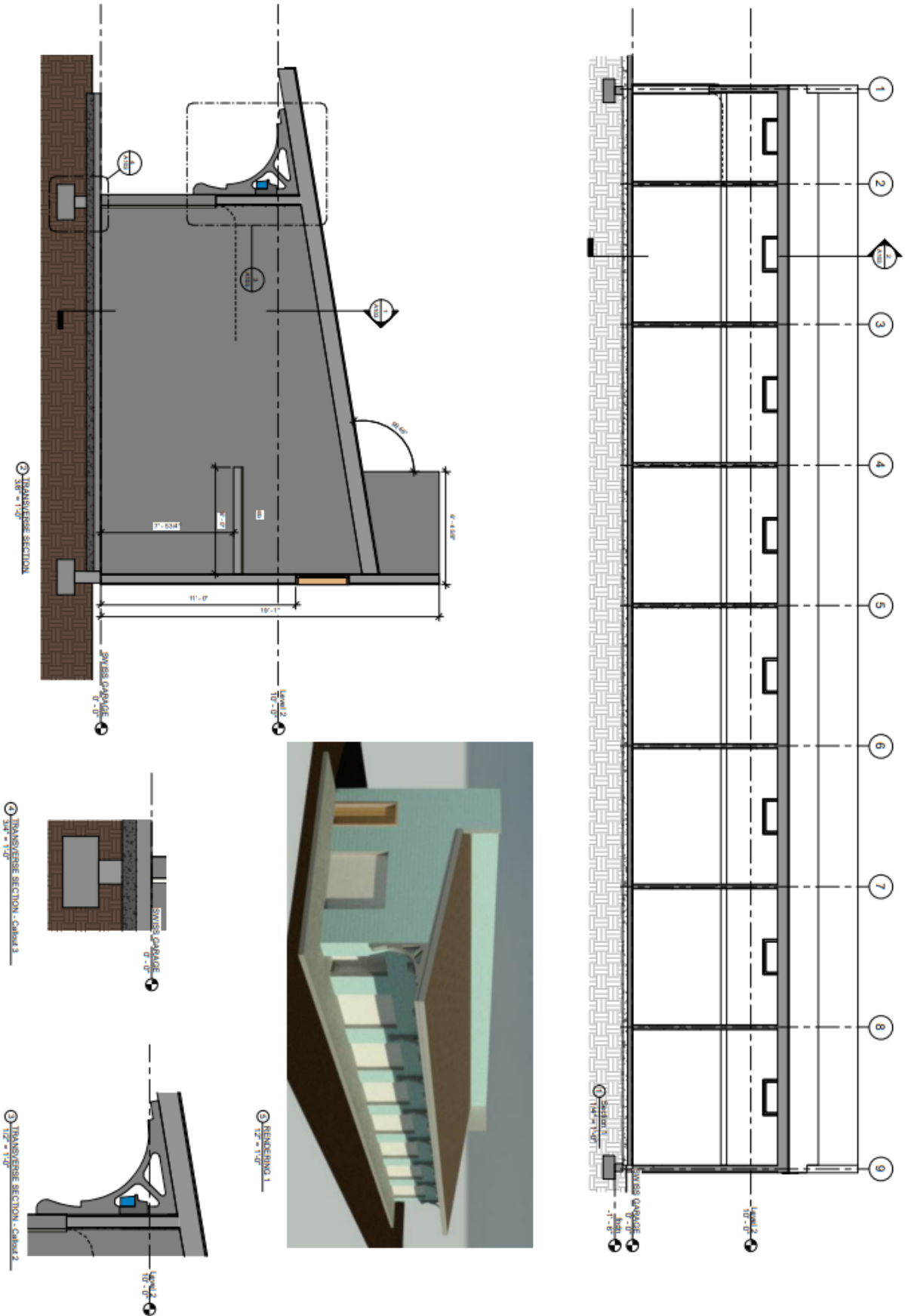
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4. Renderings



5. Site Photos



6. Condition(s) of Approval

Approved on condition that the Revised Detailed District Development Plan under case number 21 -DDP-0002 is approved at the November 17th, 2021 Development Review Committee.