

# Board of Zoning Adjustment Staff Report

December 5, 2016



<b>Case No:</b>	16VARIANCE1083
<b>Request:</b>	Variance to allow a proposed detached garage to encroach into the Side Yard setback by approximately 2 feet.
<b>Project Name:</b>	432 West Ormsby Ave. Variance
<b>Location:</b>	432 West Ormsby Ave.
<b>Area:</b>	.28700 acres
<b>Owner:</b>	Philip Bevins
<b>Applicant:</b>	Joe Willis – Bluegrass Garage Builders
<b>Representative:</b>	Joe Willis – Bluegrass Garage Builders
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Ross Allen, Planner I

## REQUEST

- **Variance:** from the Land Development Code section 5.4.1.E.5 to allow a proposed detached garage to encroach into the Side Yard setback by approximately 2 feet along the western property line.

Location	Requirement	Request	Variance
Minimum Side Yard Setback	2 feet	0 feet	2 feet

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 30' x 28' (840 sf.) detached garage with a height of 19' at the rear of the property with a five foot setback from the rear property line (adjacent to an alley with a 20' width) located in the TNZD (Old Louisville) within a Traditional Neighborhood Form District. The garage is to be constructed of concrete board siding with a two car 16' x 8' foot garage door and another 8' x 8' overhead door from the rear alley. Facing the private yard area there will be an 8' x 8' overhead door, an entry door 3' x 8', and a 3' x 3' wood clad window (facing the principal structure). The apron for the garage off of the alley will be historic aggregate concrete. There is an LG&E electrical easement found directly to the east of the proposed garage which is not being encroached upon by the applicant's proposed garage. The garage has obtained a 16COA1259 (Certificate of Appropriateness) from the Urban Design Team, dated 10/21/2016.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Single Family	TNZD	Traditional Neighborhood
<b>Proposed</b>	Residential Single Family	TNZD	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential Multi-Family/Commercial	TNZD	Traditional Neighborhood
<b>South</b>	Residential Multi-Family/Commercial	TNZD	Traditional Neighborhood
<b>East</b>	Residential Multi-Family	TNZD	Traditional Neighborhood
<b>West</b>	Residential Single Family	TNZD	Traditional Neighborhood

## 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 detached garage is at the rear adjacent to the alley and the alley dead ends into the rear of properties facing South Sixth Street. The garage is accessible from an alley entrance from Park Ave which goes North for approximately 205 feet then takes a 90 degree turn in a Westerly direction for approximately 540 feet, ending at the rear of a property facing South Sixth 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 since at least two other properties in the same block face have rear detached garages and several have rear parking areas.

- (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 garage is encroaching into the side yard setback along the western property line. The western property line is adjacent to a parking area for 500 West Ormsby Ave. which has no other structures within an approximate distance of 14 feet (northwesterly).

- (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 parcel and principal structure pre-date any zoning regulations. The detached garage as proposed will meet all other applicable LDC requirements if the variance for the side yard setback is approved.

### 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 arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since the applicant's parcel has an LG&E easement in the rear of the yard, adjacent to the alley, forcing the applicant to move the garage to the western property line.

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 garage would either need to be reduced in size or construction could not occur. The applicant states in their justification that the garage will help with parking and with the addition of the garage will maintain the use of the private yard area.

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 applicant is seeking to come into compliance with the required variance for the side yard setback.

### 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 5.4.1.E.5 to allow an proposed detached garage to encroach 2 feet into the side yard setback on the western property line.

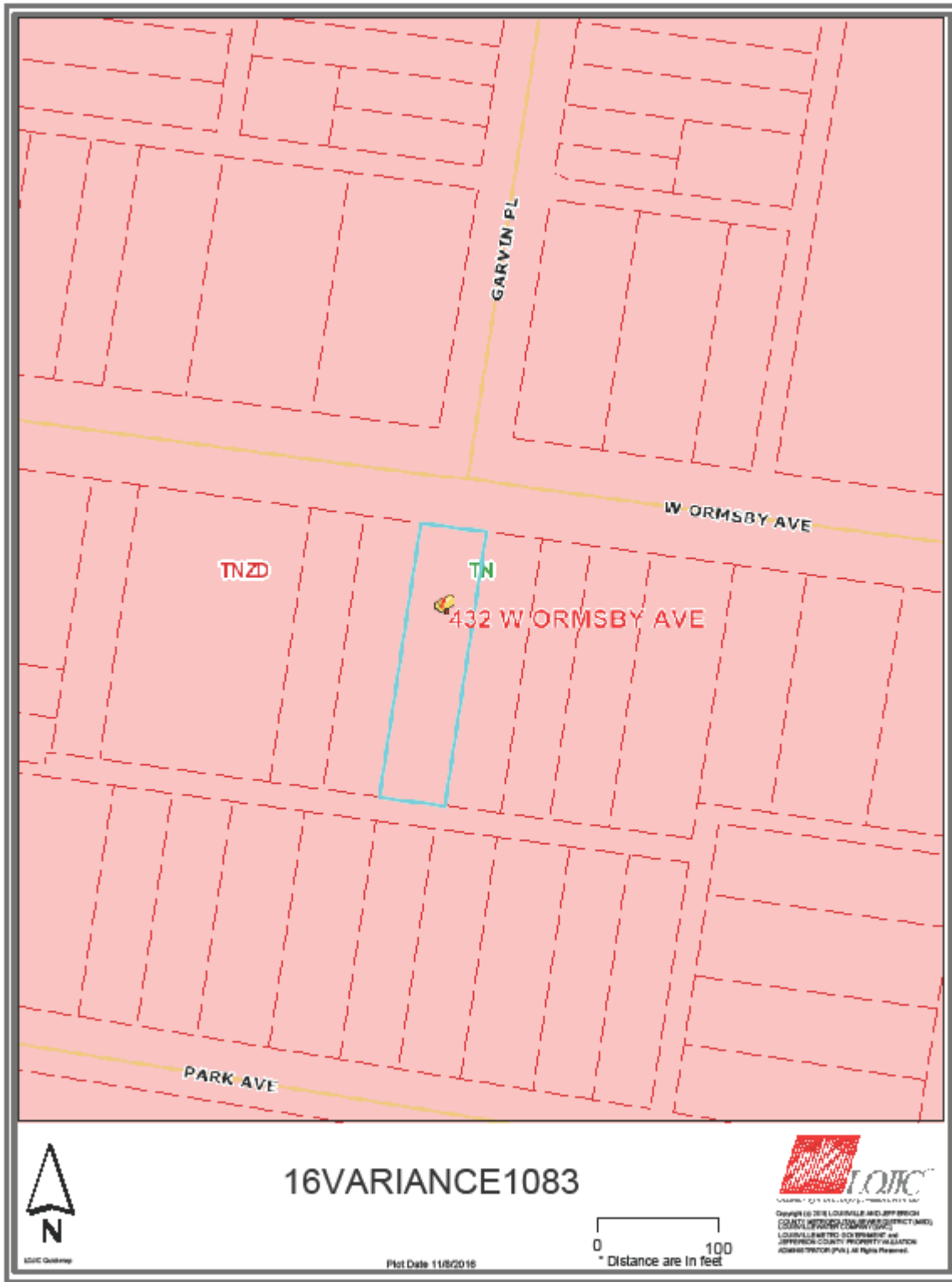
### NOTIFICATION

Date	Purpose of Notice	Recipients
November 18, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 6 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

