

Board of Zoning Adjustment
Staff Report
 June 3, 2019



Case No:	19VARIANCE1035
Project Name:	Miami Avenue Variance
Location:	3817 Miami Avenue
Owner:	Floyd S. Hester
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

Location	Requirement	Request	Variance
Private yard area	666 sq. ft.	600 sq. ft.	66 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is in the Westview Terrace subdivision, and currently contains a 1-½-story single-family structure. The applicant proposes to construct a new garage, which will reduce the private yard area to be less than 20% of the total area of the lot.

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 standard of granting a variance established in the Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

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 SECTION 5.4.1.D.3

- (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 addition will be constructed to comply with all building codes, including fire codes.

- (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 accessory structure will be similar in scale 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 as the structure will be constructed to comply with 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 majority of the required private yard area will still be intact.

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 because the lot is similar in shape and size to other lots in the area.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because most of the private yard area will be intact.

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
05/03/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 5
05/23/2019	Hearing before BOZA	Notice posted on property

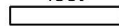
ATTACHMENTS

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

1. **Zoning Map**



3817 Miami Avenue
feet



Map Created: 5/22/2019

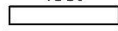


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2. **Aerial Photograph**



3817 Miami Avenue
feet

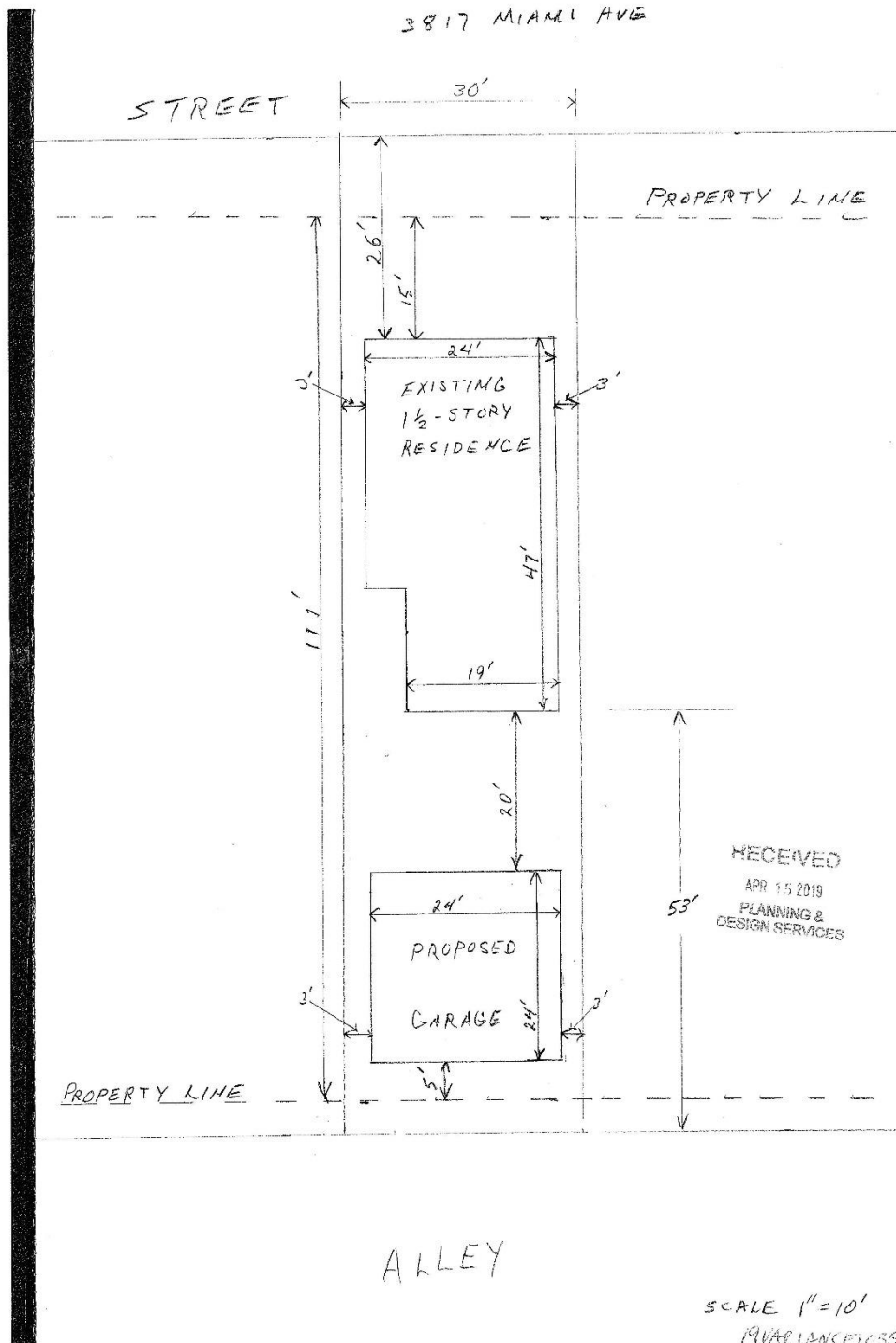


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Map Created: 5/22/2019



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3. Site Plan



4. Site Photos



The front of the subject property.



Location of the proposed garage and the private yard area.



Neighboring accessory structures and private yards