

**Board of Zoning Adjustment
Staff Report**
August 29, 2016



Case No:	16VARIANCE1064
Request:	To allow proposed attached and enclosed rear addition to encroach into the side yard setback.
Project Name:	1924 Harvard Drive
Location:	1924 Harvard Drive
Area:	.10260 acres
Owner:	Richard L. Morris – RLM Properties Inc.
Applicant:	Richard L. Morris – RLM Properties Inc.
Representative:	Richard L. Morris – RLM Properties Inc.
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variances:** from the Land Development Code section 5.2.2, table 5.2.2 to allow the rear attached and enclosed addition to the principal structure to encroach into the minimum side yard setbacks.

Location	Requirement	Request	Variance
Side Yard Setback (Eastern)	3 feet	1.21 feet	1.79 feet
Side Yard Setback (Eastern)	3 feet	2 feet	1 foot

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is located on a parcel in an R-5 zoning district within a Traditional Neighborhood Form District. The applicant is proposing to construct a new 624.3 sf. rear addition to the principal structure. The applicant is requesting the variance as a result of addition encroaching into both side yards setbacks along the eastern and western sides.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	Traditional Neighborhood
Proposed	Residential Single Family	R-5	Traditional Neighborhood
Surrounding Properties			
North	Residential Single Family	R-5	Traditional Neighborhood
South	Residential Single Family	R-5	Traditional Neighborhood
East	Residential Single Family	R-5	Traditional Neighborhood
West	Residential Single Family	R-5	Traditional Neighborhood

PREVIOUS CASES ON SITE

No other cases were associated with the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code (July 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 setback will be a continuance of the existing setback established when the original residence was constructed in 1922.

- (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 the setback on the existing principal structure is less than what is currently required by LDC and other homes in the vicinity have similar setbacks.

- (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 setbacks would have been present since the construction of the in 1922. The side yard setbacks are very narrow for all residences in the area for the existing structures.

- (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 since many homes in the general vicinity have similar setbacks.

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 since the home was constructed in 1922 which predate current LDC Traditional Neighborhood Form District setbacks.

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 deprive the applicant of the reasonable use of the land since the applicant is building an addition that is a continuance of the existing principal structure. Alteration of the proposed addition to meet the side yard setback of 3 feet would result in the addition being elongated and decreasing the private yard area.

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 since the home was constructed in 1922 and the setbacks required by LDC would not allow the rear addition, if flush with the principal structure.

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 variances as established in the Land Development Code from section 5.2.2 and table 5.2.2 to allow the rear attached and enclosed addition to encroach into the minimum side yard setback along the eastern and western property lines.

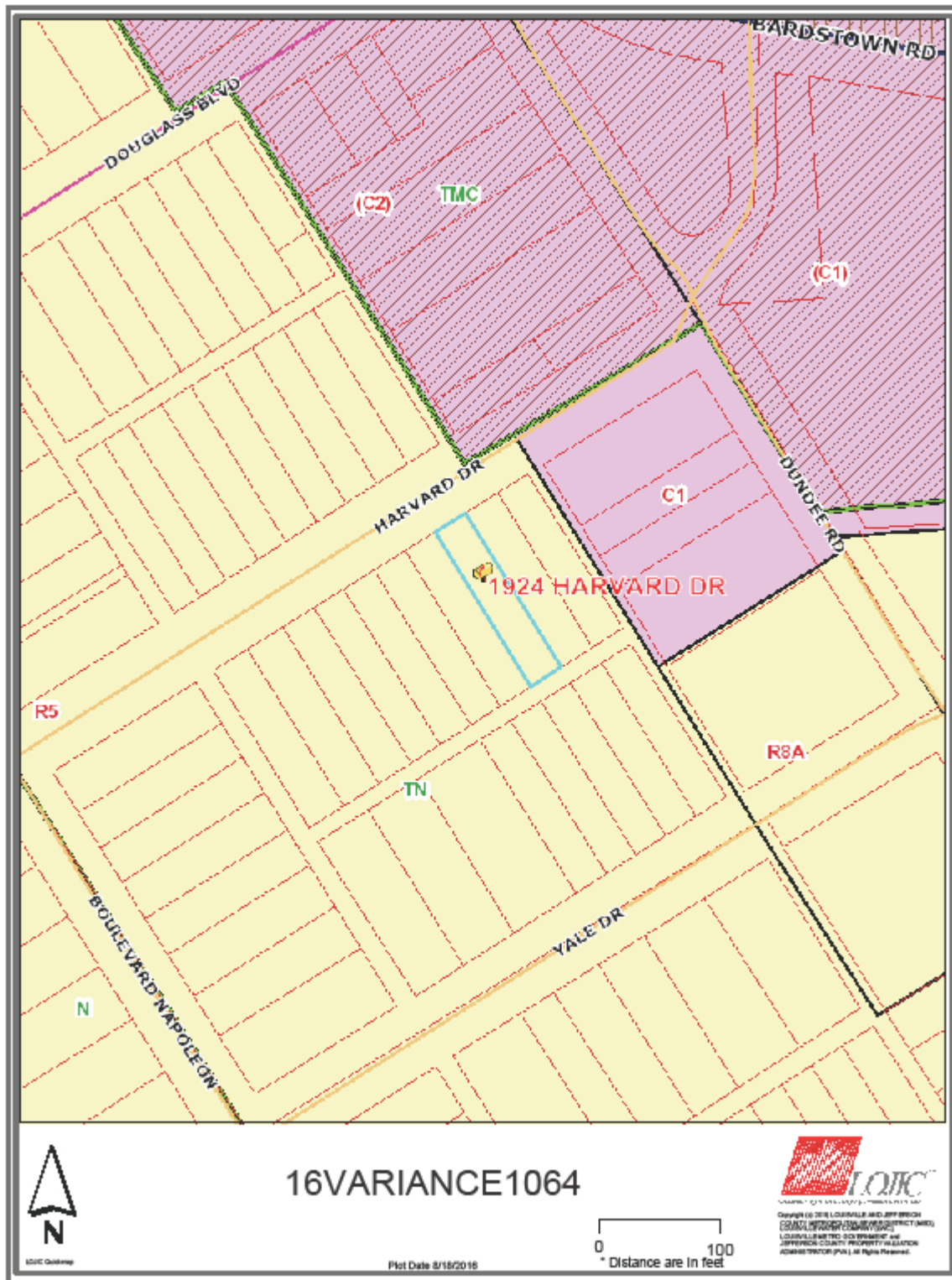
NOTIFICATION

Date	Purpose of Notice	Recipients
August 12, 2016	Non-public Hearing before BOZA	Not required - 1 st tier adjoining property owners Not required - Subscribers of Council District 8 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

