

**Board of Zoning Adjustment
Staff Report**
March 20, 2017



Case No:	16VARIANCE1100
Project Name:	221 Notting Hill Blvd
Location:	221 Notting Hill Blvd
Owner(s):	Lavon & Anissia Crayton
Applicant(s):	Lavon & Anissia Crayton
Representative(s):	Lavon & Anissia Crayton
Project Area/Size:	9,775 sq. ft.
Existing Zoning District:	R-4, Single-family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Variance** of Land Development Code (LDC), section 5.1.12.B.2.a.i.1 for encroachment into the infill established street side yard along Westbourne Grove Drive; a variance to allow a minimum setback of 22'
- **Variance** of LDC, section 5.3.1.C for encroachment into the required 5' side yard; a variance of 3.5'

CASE SUMMARY

The applicant proposes an attached five-hundred twenty-nine square foot single-story garage. The applicant indicated that the location of existing utility services and equipment along the Northeast façade of the building prevents the desired garage from being setback further from the Westbourne Grove Drive property line. As a result of the requested street side yard setback, the side yard setback also becomes impacted. The infill established street side yard setback is based on observations by staff and is roughly twenty-five to thirty feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The subject site is a single-family home in the R-5 zoning district, Neighborhood form district and is surrounded by the same.

PREVIOUS CASES ON SITE

No previous cases on the subject site

INTERESTED PARTY COMMENTS

Staff has not received any comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)

Section 5.1.12.B.2.a.i.1 for encroachment into the infill established street side yard

- (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 encroachment does not impact sight lines for vehicular or pedestrian traffic approaching the intersection of Notting Hill Blvd and Westbourne Grove Drive. All applicable permits pertaining to the construction of the garage and access to the public road will be required.

- (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 garage is attached to the primary residence and compatible building materials with the home and nearby residences will be used.

- (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 proposal is for a detached garage for a single-family home in a residential subdivision and does not impact the safe movement of people or significantly obstruct views which are ordinarily expected.

- (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 proposed setback of the garage is the result of utility services and equipment being located immediately to the rear of the proposed garage.

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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the proposed setback of the garage is the result of utility services and equipment being located immediately to the rear of the proposed garage.

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 as it does not appear that the proposal adversely affects the public health, safety, or welfare and no apparent nuisance or hazard would be created by the requested variance.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)

Section 5.3.1.C for encroachment into the required 5' side yard

- (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 encroachment does not impact sight lines for vehicular or pedestrian traffic approaching the intersection of Notting Hill Blvd and Westbourne Grove Drive. All applicable permits pertaining to the construction of the garage and access to the public road will be required.

- (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 garage is attached to the primary residence and compatible building materials with the home and nearby residences will be used.

- (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 proposal is for a detached garage for a single-family home in a residential subdivision and does not impact the safe movement of people or significantly obstruct views which are ordinarily expected.

- (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 proposed street side yard setback of the garage is the result of utility services and equipment being located immediately to the rear of the proposed garage. Due to the street side yard setback and location of the garage with respect to the angle of the side property line, the side yard setback is impacted. The dimension of the encroachment decreases as the garage wall moves to the rear. The rear corner (North) of the garage is 5' from the side property line.

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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the proposed setback of the garage is the result of utility services and equipment located immediately to the rear of the proposed garage.

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 as it does not appear that the proposal adversely affects the public health, safety, or welfare and no apparent nuisance or hazard would be created by the requested variance.

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.

TECHNICAL REVIEW

There are no technical review items to be discussed at this time.

STAFF CONCLUSIONS

The variances appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for approving a variance(s).

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variance** of LDC, section 5.1.12.B.2.a.i.1 for encroachment into the infill established street side yard along Westbourne Grove Drive; a variance to allow a minimum setback of 22'
- **APPROVE** or **DENY** the **Variance** of LDC section 5.3.1.C for encroachment into the required 5' side yard; a variance of 3.5'

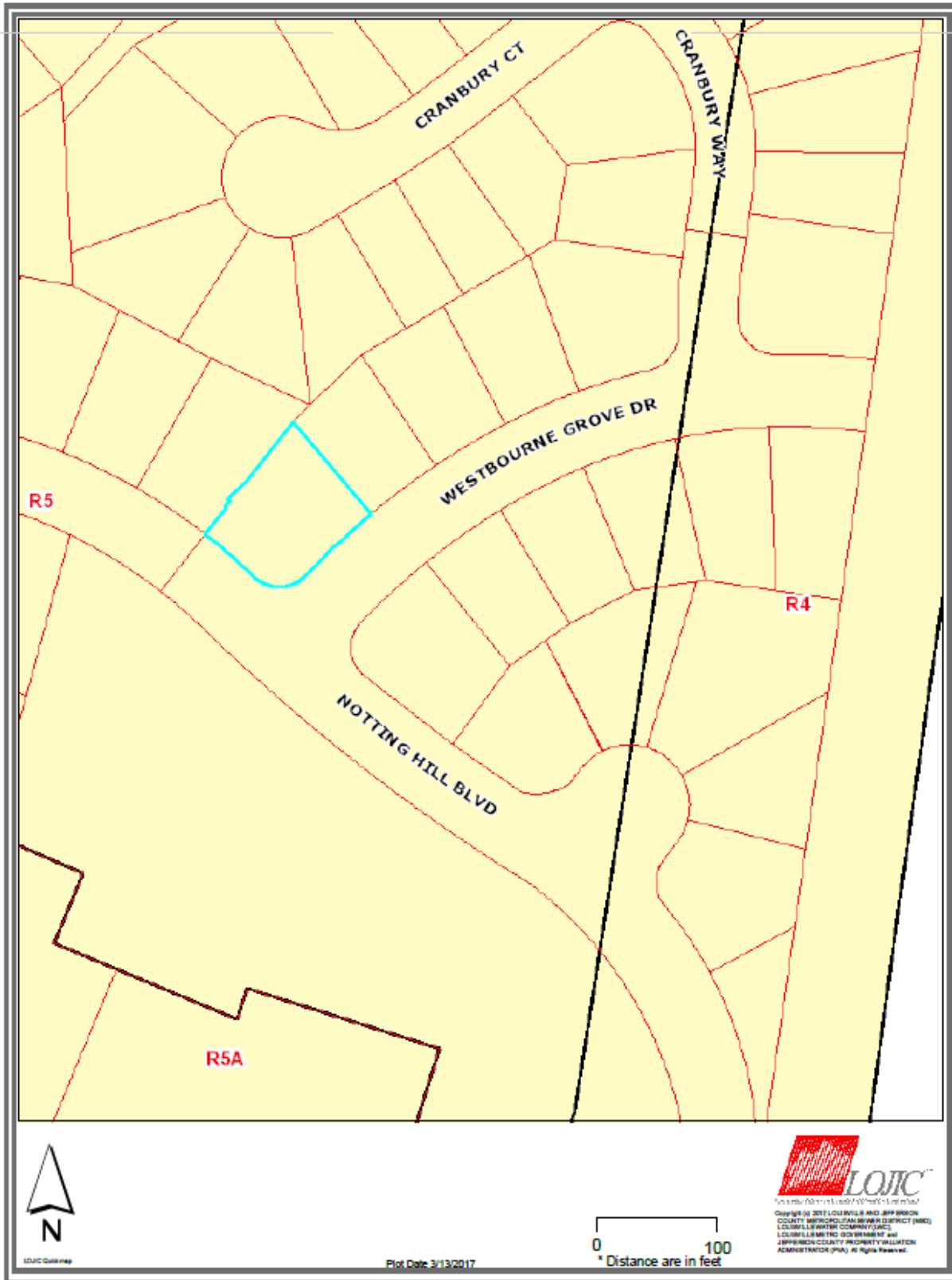
NOTIFICATION

Date	Purpose of Notice	Recipients
3/2/17	LD&T	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 19.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

