

# Board of Zoning Adjustment

## Staff Report

January 22, 2018



<b>Case No.</b>	17VARIANCE1100
<b>Project Name</b>	Two-Story Garage
<b>Location</b>	1313 E. Washington
<b>Owner</b>	Bruce McCann
<b>Applicant</b>	Bruce McCann
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	4 – Barbara Sexton Smith
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUESTS**

Variance to permit a structure to encroach into the required side yard setback along the east property line (LDC 5.4.1.E.5)

Location	Requirement	Request	Variance
Side yard setback	2 ft	0 ft	2 ft

**CASE SUMMARY / BACKGROUND**

The applicant proposes to construct a detached garage with a second story dwelling unit at the rear of an existing R-6 parcel in a Traditional Neighborhood form district. The site is currently developed with single-family residence. The proposed new structure will be accessed via Quincy Street at the rear of the property. It will consist of a two-car garage on the ground floor and a dwelling unit (approximately 702 sq ft) with an attached deck (approximately 180 sq ft) on a second floor. The requested variance will allow the deck to be wide enough to permit parking for an additional vehicle underneath it.

The property backs up to a floodwall and the requested variance will not have a visual impact on any adjoining properties to the rear. The property to the rear, on the far side of the floodwall, is zoned and developed M-3; the vacant property adjoining to the east is owned by the applicant. The remaining adjacent properties are developed with historic single-family residences similar to the subject property. The majority of the properties on the block also have a structure on Quincy Street, several of which appear to have little or no side yards.

The applicant submitted a Minor Subdivision Plat on 10/11/18 which moved the east lot line of the subject parcel to the east to create a 39 ft wide lot. The parcel dimensions as currently listed in LOJIC are correct but the square footage is incorrect. The site is large enough to meet density requirements.

**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, 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 to permit a structure to encroach into the required side yard setback along the east property line (LDC 5.4.1.E.5).

### **TECHNICAL REVIEW**

No technical review comments remain to be resolved.

### **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)**

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested reductions of the required side yard will not deprive the adjacent property or the public right-of-way of light, air or privacy.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The structure resulting from this variance request is consistent with garage placement on properties in the vicinity.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

(d) The requested variance will not allow an unreasonable circumvention of zoning regulations.

STAFF: The requested variance is not unreasonable as it will result in development of the property consistent with other development in the vicinity.

### **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: There are no special circumstances on the land in this site which would necessitate this variance request.

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 site could be developed with a building that would meet the side yard requirements.

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 zoning regulations from which relief is being sought were in place before the applicant proposed this development.

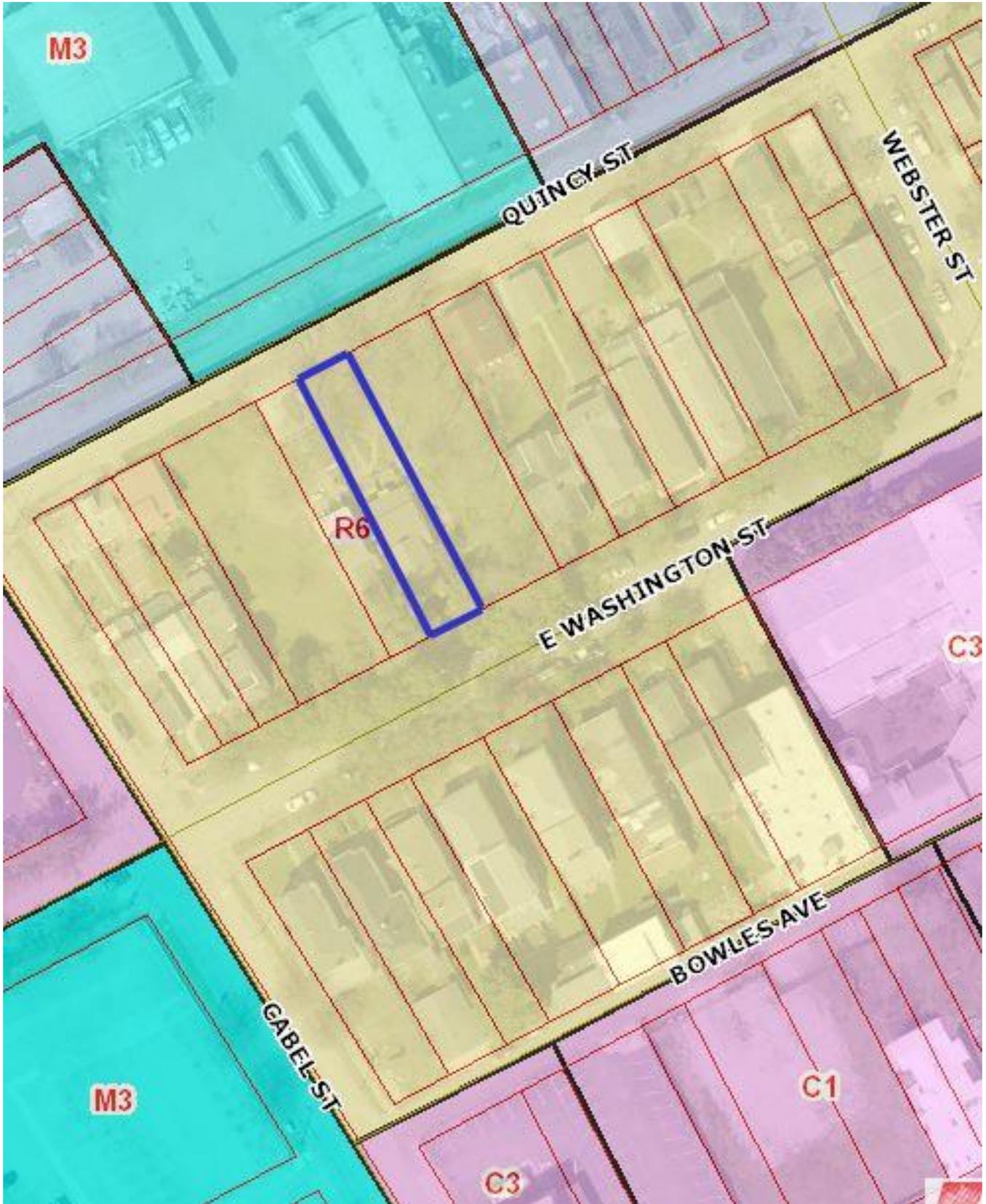
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1/4/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
1/5/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
		Sign Posting

**ATTACHMENTS**

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

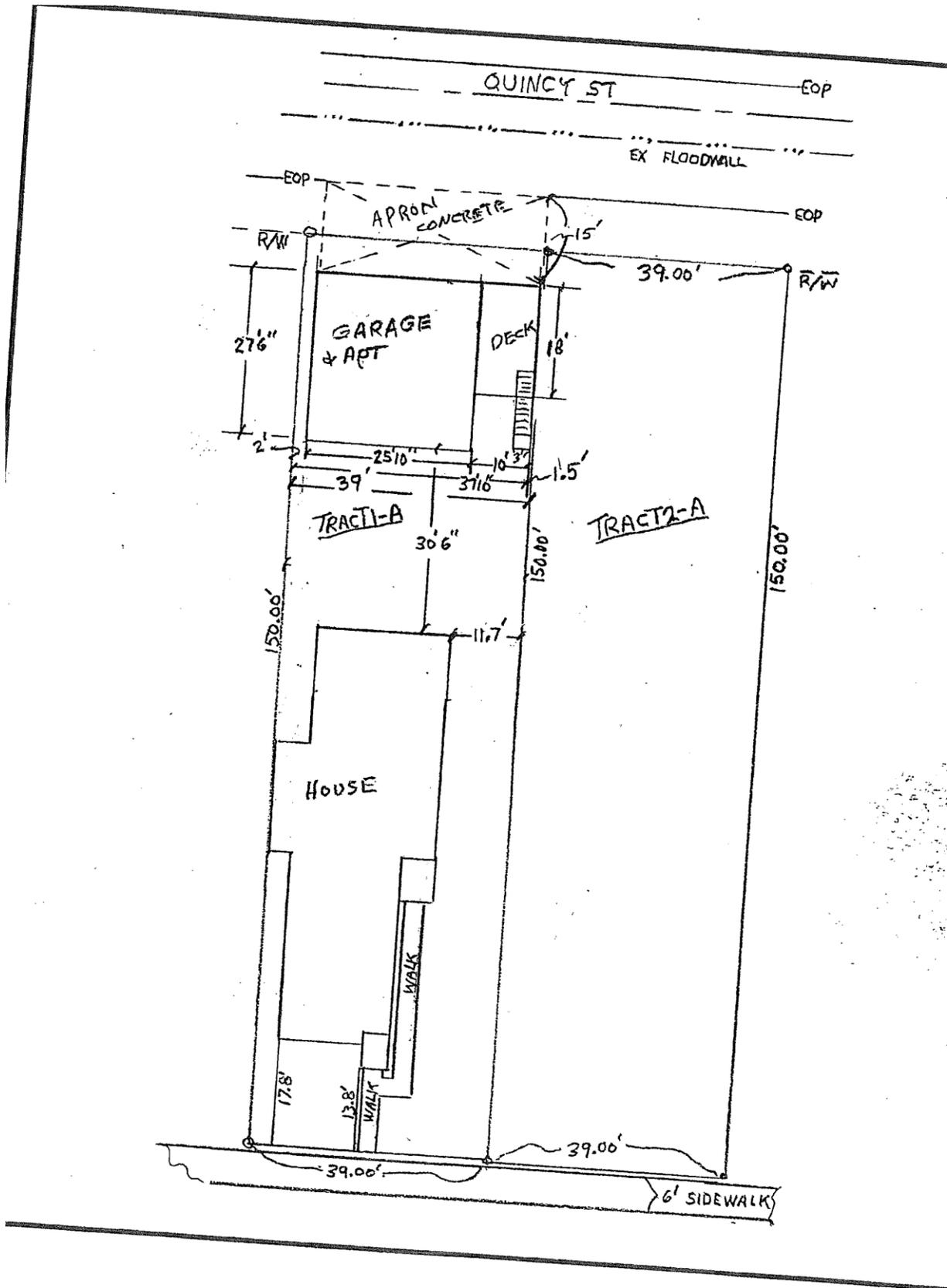
1. Zoning Map



2. Aerial Photograph

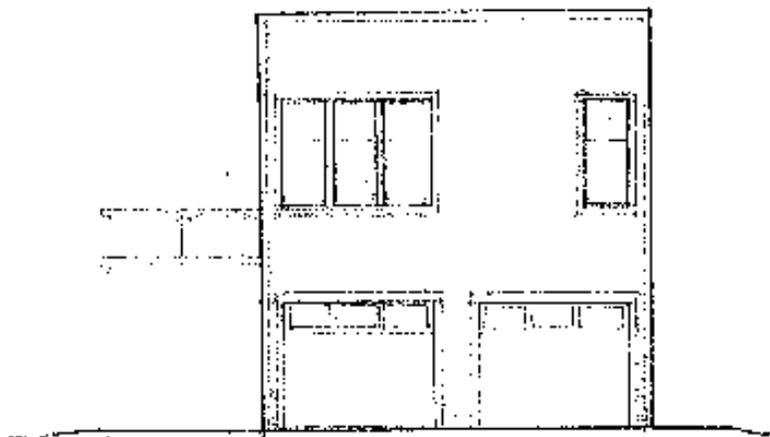


3. Site Plan



4. Elevations

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