

Board of Zoning Adjustment

Staff Report

December 18, 2017



Case No: 17VARIANCE1093
Project Name: 320 W Kenwood Way Garage
Location: 320 W Kenwood Way
Owner(s): Diane Moon
Applicant: Kevin Hoskins
Jurisdiction: Louisville Metro
Council District: 21 - Vacant
Case Manager: Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.D.2 to allow the private yard area on a lot greater than 6,000 square feet in area to be less than 30% of the area of the lot.

Location	Requirement	Request	Variance
Private Yard Area	2,025 sf (30%)	990 sf (14.7%)	1,035 sf (15.3%)

CASE SUMMARY/BACKGROUND

The subject property is located in the Beechmont neighborhood, and currently contains a one-story single-family residence. The structure was recently constructed and does not appear in LOJIC aerial photographs from 2016. The applicant proposes to construct a new one-story single-car garage with an attached carport to the rear of the property. The property is bordered by alleys to the rear (west) and side (north). The garage and carport are proposed to access the alley to the side. The construction of the garage and carport will reduce the private yard area below the required 30% of the area of the lot, and therefore the applicant requests a variance to allow the reduction.

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 standards for granting a variance established in the Land Development Code from section 5.4.1.D.2 to allow the private yard area to be less than 30% of the area of the 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.2

- (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 significant private yard area will remain, as well as green space in the front of the principal structure and beside the garage.

- (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 some other private yard areas of similar dimensions exist in the general vicinity.

- (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 significant open space will remain on the lot to manage rain events.

- (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 garage is of a relatively small size and in a suitable location for the form district and lot pattern.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is of a similar size as other lots in the general vicinity, and is regular in shape.

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 by preventing the applicant from constructing a garage.

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.

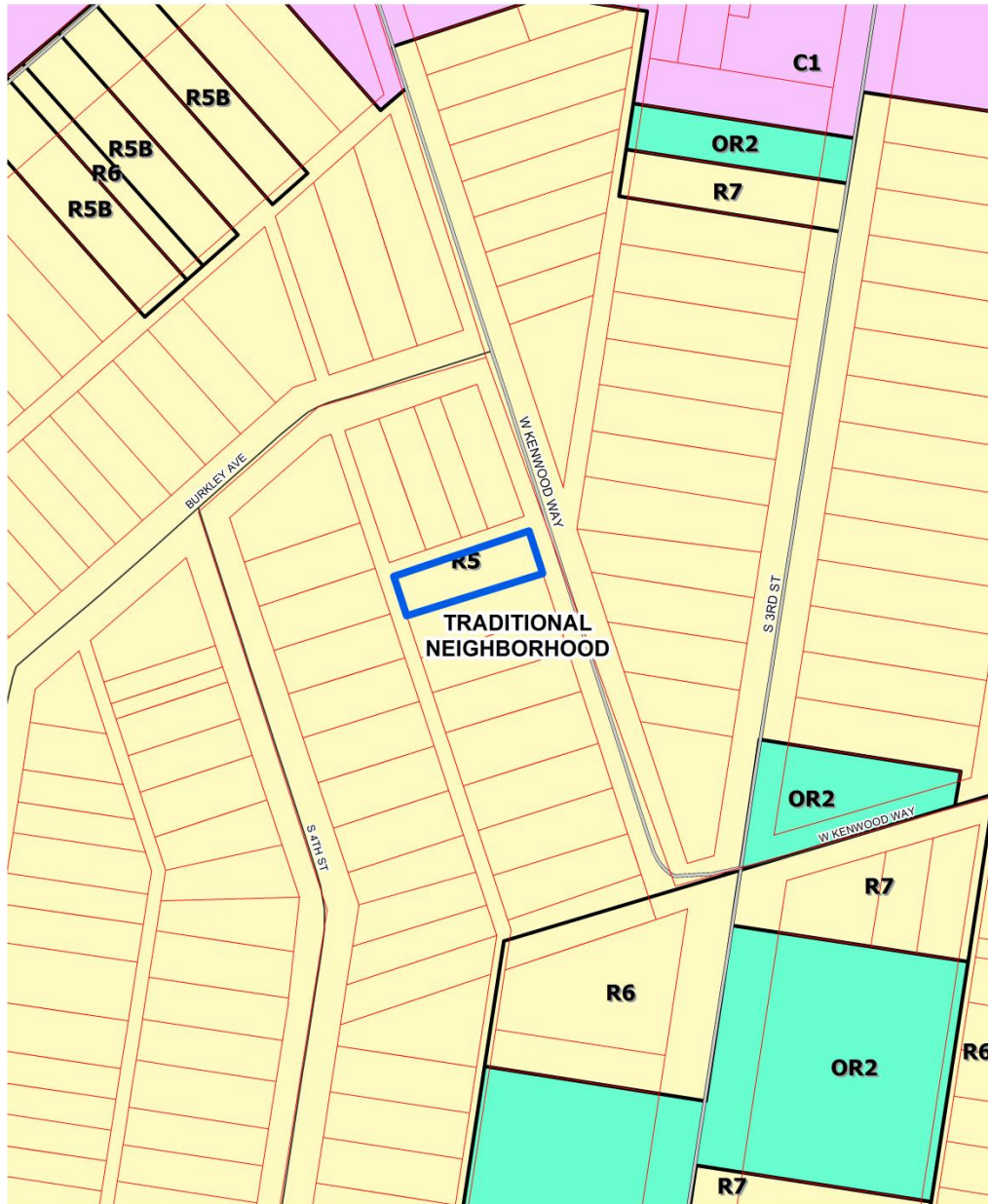
NOTIFICATION

Date	Purpose of Notice	Recipients
11/28/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 21
12/01/2017	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



320 W Kenwood Way

feet



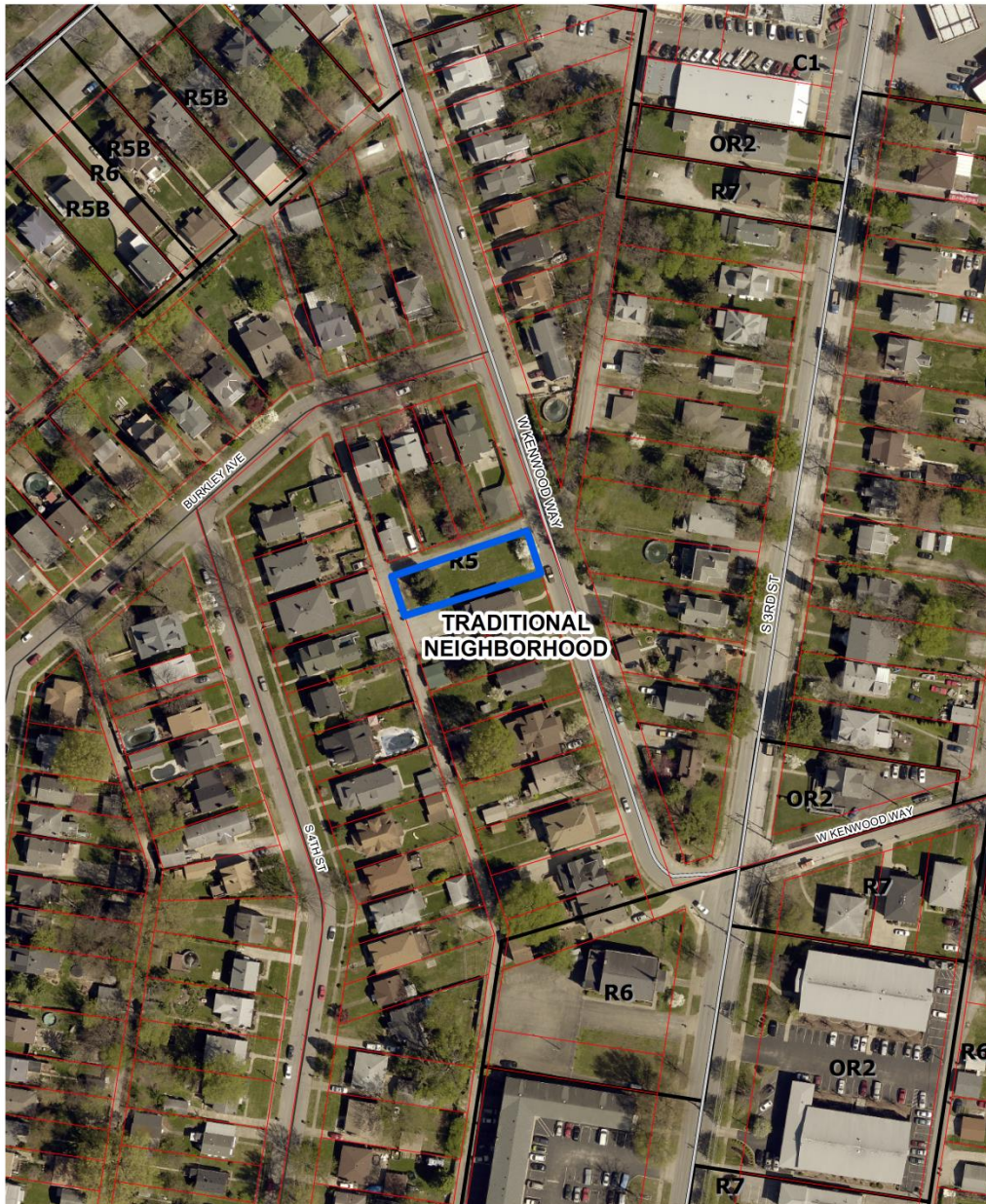
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Map Created: 12/7/2017

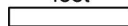


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2. Aerial Photograph



320 W Kenwood Way
feet

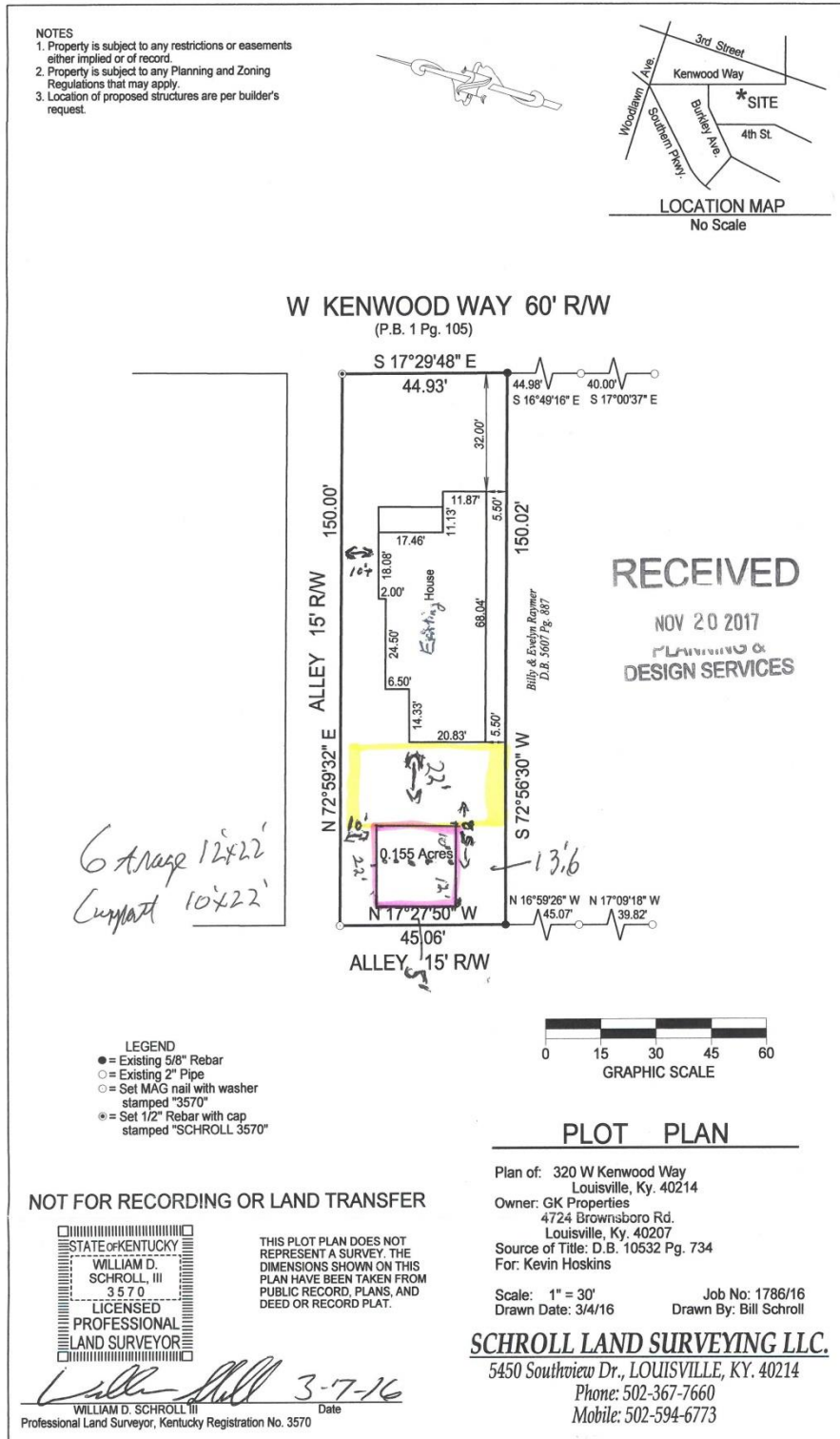


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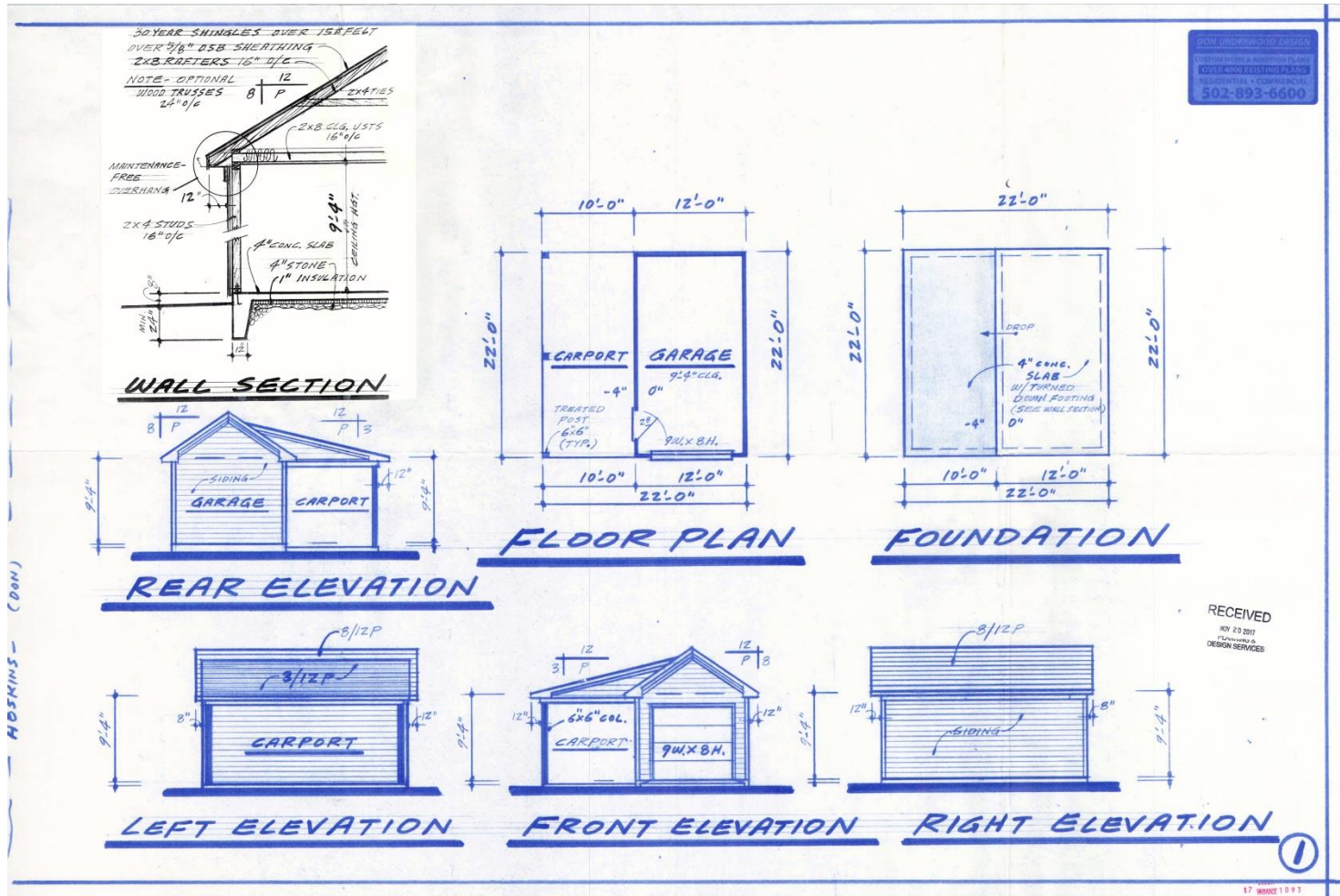


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3. Site Plan



4. Elevations



5. **Site Photos**



The front of the subject property.



The property to the left of the subject property.



The alley to the right of the subject property. The garage pictured belongs to another property.



The property across W Kenwood Way.



The existing private yard area.



The location of the proposed garage.



The location of the proposed garage.