

Board of Zoning Adjustment

Staff Report

January 10, 2022



Case No: 21-VARIANCE-0163
Project Name: Payne Street Variance
Location: 1120 Payne Street
Owner/Applicant: Stephanie Fish
Jurisdiction: Louisville Metro
Council District: 9– Bill Hollander
Case Manager: Heather Pollock, Planner I

REQUESTS:

Variance from the Land Development Code table 5.2.2 to allow a principal structure to encroach into the rear and side yard setbacks.

Location	Requirement	Request	Variance
Side Yard	2.5 ft.	1.5 ft.	1 ft.
Rear Yard	5 ft.	0 ft.	5 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-6 Multi-family Residential and is in the Traditional Neighborhood Form District. It is on the south side of the 1100 block of Payne St. in the Irish Hill Neighborhood. The site currently has a single-family residential structure and the applicant is proposing to build a 2 car carport off the rear alley.

The subject property is 25 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setback is therefore 2.5 feet.

STAFF FINDINGS

Staff finds that the requested variance is meets standards (b), (c), and (d), but staff is concerned that the variance request does not meet standard (a) because construction and maintenance of the addition may have an adverse impact on the adjoining property owner. Both adjacent properties have structures to the property line, the applicant plans to take this into consideration when constructing the carport.

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 Code to allow a principal structure to encroach into the side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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, because the proposed structure must be constructed to comply with all building codes, including fire codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the adjacent property.

- (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 structure will be in line with other accessory 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 because the structure must be constructed to comply with all 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 subject property is only 25 ft. in width and the carport will be designed to fit only 2 cars.

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 does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is similar in size and shape as the surrounding properties.

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 as the subject property is only 25 ft. in width. Additionally, the property has a slope that prevents the carport from being located further from the alley.

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 as the applicant has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

NOTIFICATION

Date	Purpose of Notice	Recipients
12/23/2021	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
12/23/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Plan



Distance from edge of back porch to start of projected location of carport (designated by red arrow) is 45 feet.



ELEVATION MAP

FRONT



LEFT SIDE



BACK



RIGHT SIDE



BUILD #			DISCLAIMER
CUSTOMER			If building does not meet proper compliance and verification for wind/snow rating, your request will be screened by our team and you will be made aware of the necessary changes.
DEALER ID #	PHONE #		
STATE	ZIP CODE		

4. Site Photos



Front of subject property.



Variance area.



Garage on property to the left.



Garage on property to the right.



View of variance area along alley.