

**Board of Zoning Adjustment**  
**Staff Report**  
**August 3, 2020**



<b>Case No:</b>	20-Variance-0055
<b>Project Name:</b>	Street Side and Rear Yard Setbacks
<b>Location:</b>	2222 Boulevard Napoleon
<b>Owner:</b>	Melissa & Corey Koellner
<b>Applicant:</b>	Anne Del Prince
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 –Brandon Coan
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

**REQUESTS:**

**Variance** from Land Development Code Section 5.4.2.C.3.a. to allow a proposed garage to encroach into the required street side and rear yard setbacks.

Location	Requirement	Request	Variance
Street Side Yard (Harvard Drive)	25 feet	6 feet	19 feet
Rear Yard	5 feet	3 feet , 5 inches	1 foot, 5 inches

The subject 0.20 acre property is located in the Belknap neighborhood and contains a single-family residence with a one car garage. The owner proposes removing the existing garage and replacing with a new two car garage.

**STAFF FINDING**

Staff finds that the requested variance are adequately justified and meet 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 table 5.3.1 to allow a structure to encroach into the required street side yard and rear yard setbacks.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

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

STAFF: The requested variances will not adversely affect the public health, safety or welfare, since the garage will be approximately 18 feet from the Harvard Drive pavement.

- (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 proposal replaces an existing garage.

- (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 proposal replaces an existing garage and staff has not received any concerns.

- (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 the proposal will replace an existing 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 requested variance arises from special circumstances which do generally apply to land in the general vicinity or the same zone, since the property is on a corner lot with an alley at the rear.

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, since the proposed two car garage could not be constructed.

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 variances and has not begun construction.

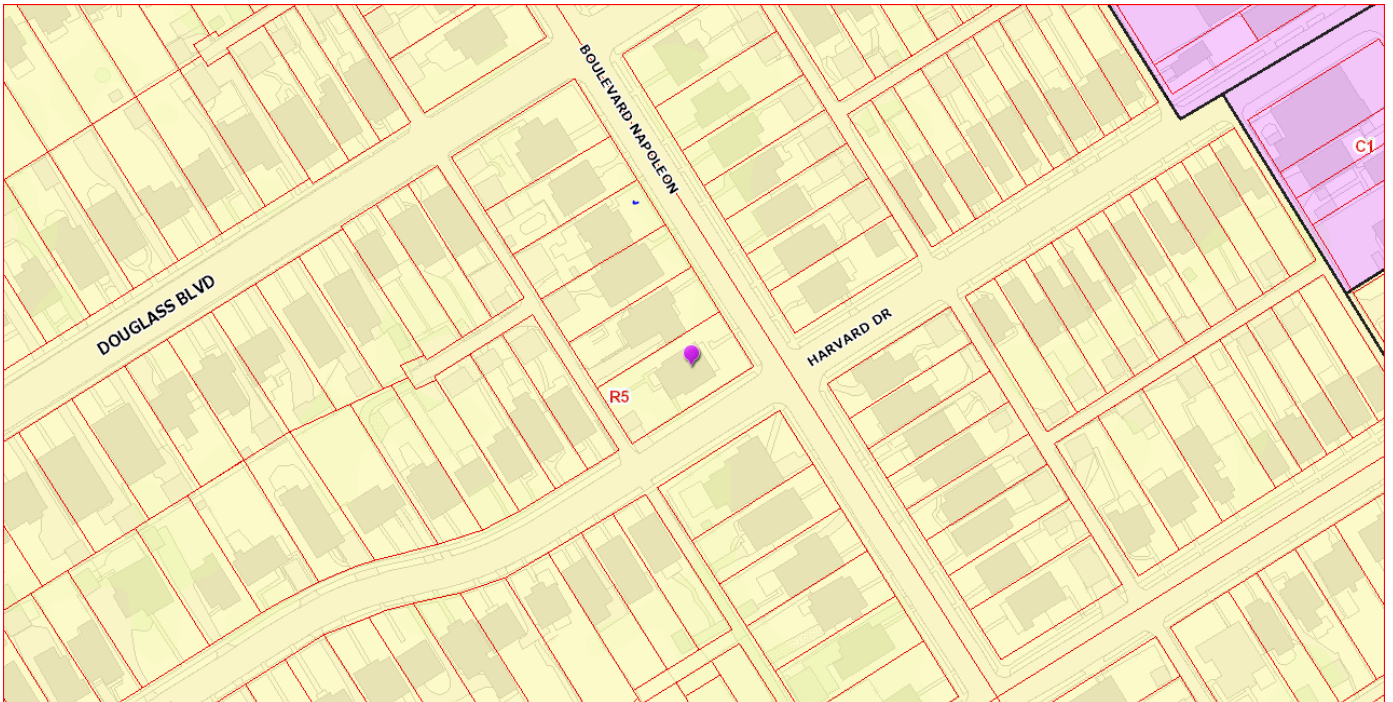
**NOTIFICATION**

Date	Purpose of Notice	Recipients
07/21/2020 07/22/2020	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District # 6
07/21/2020	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

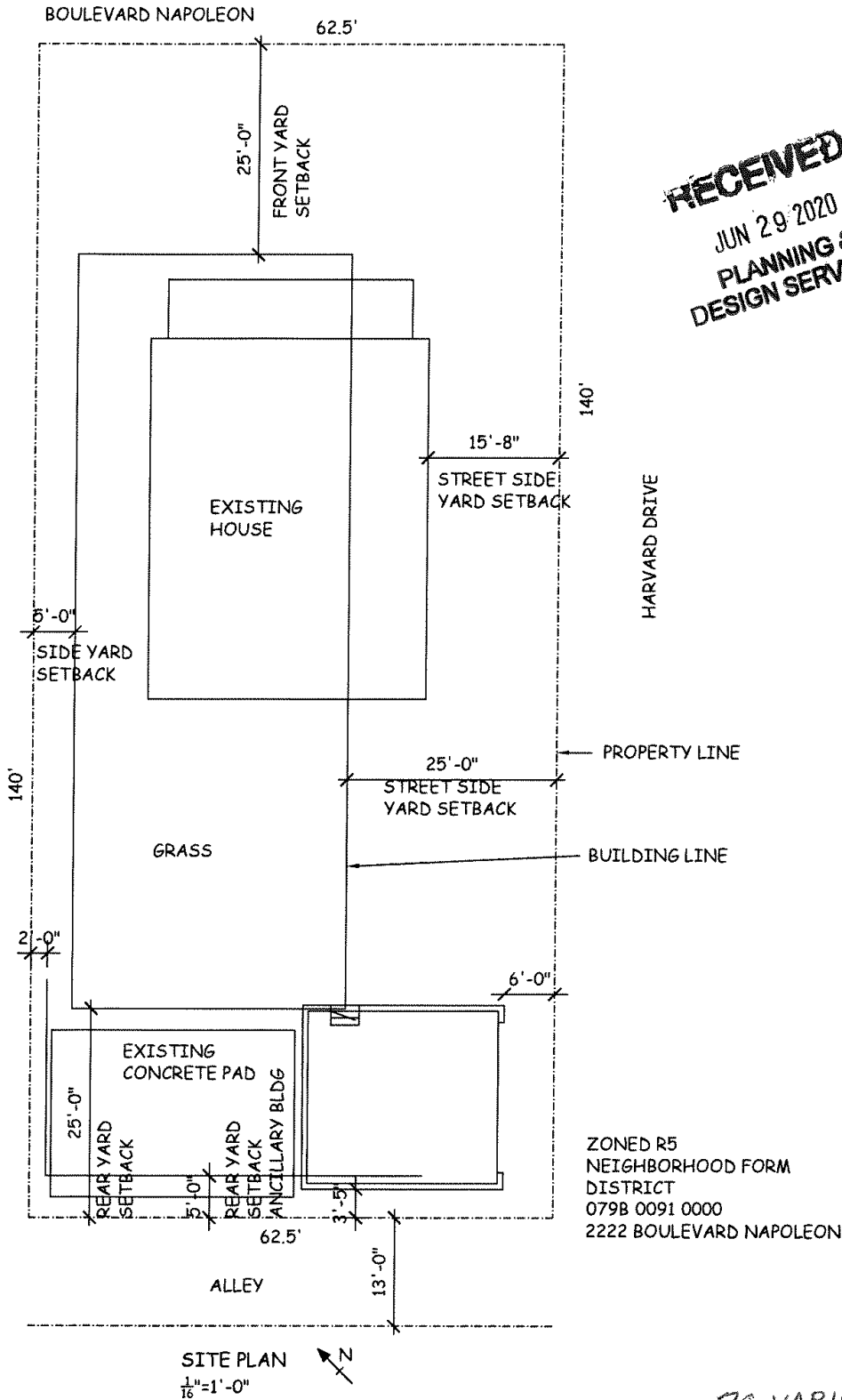
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Picture of existing garage

1. **Zoning Map**



2. Aerial Photograph





**RECEIVED**  
 JUN 29 2020  
 PLANNING &  
 DESIGN SERVICES

ZONED R5  
 NEIGHBORHOOD FORM  
 DISTRICT  
 079B 0091 0000  
 2222 BOULEVARD NAPOLEON

20-VARIANCE-0055



**Existing Garage**

