

Board of Zoning Adjustment

Staff Report

January 22, 2018



Case No:	17VARIANCE1105
Project Name:	3214 Dublin Lane Screened Porch
Location:	3214 Dublin Lane
Owner(s):	Maureen Ranney Kirk
Applicant:	Mary Herd Jackson
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required street side yard setback

Location	Requirement	Request	Variance
Street Side Yard Setback	25 feet	7.5 feet	17.5 feet

CASE SUMMARY/BACKGROUND

The subject property is a corner lot located in the Rockcreek Lexington Road neighborhood, at the intersection of Dublin Lane and Dover Road, and currently contains a two-story single-family residential structure. The applicant proposes to construct a new 336 square foot screened porch on the side of the residence, encroaching into the street side yard setback by 17.5 feet at its point of greatest encroachment. The applicant requests a variance from Land Development Code table 5.3.1 to allow the encroachment.

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 table 5.3.1 to allow a structure to encroach into the required street side yard setback.

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 TABLE 5.3.1

- (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 structure will not obstruct views or sight lines for motorists at the corner.

- (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 principal structure on this property is significantly older than the other principal structures in the general vicinity and is already unusual in its design and scale.

- (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 proposed screened porch will not create a hazard at the corner.

- (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 a screened porch is an appropriate type of addition to this structure, and there are constraints in the rear yard which limit the applicant's ability to place the screened porch in any other location.

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 not generally apply to land in the general vicinity or the same zone because the principal structure is significantly older than other structures in the vicinity.

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 may create an unnecessary hardship on the applicant by requiring the applicant to construct the screened porch off of the kitchen in the rear, rather than off the parlor and dining room at the side of the residence.

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.

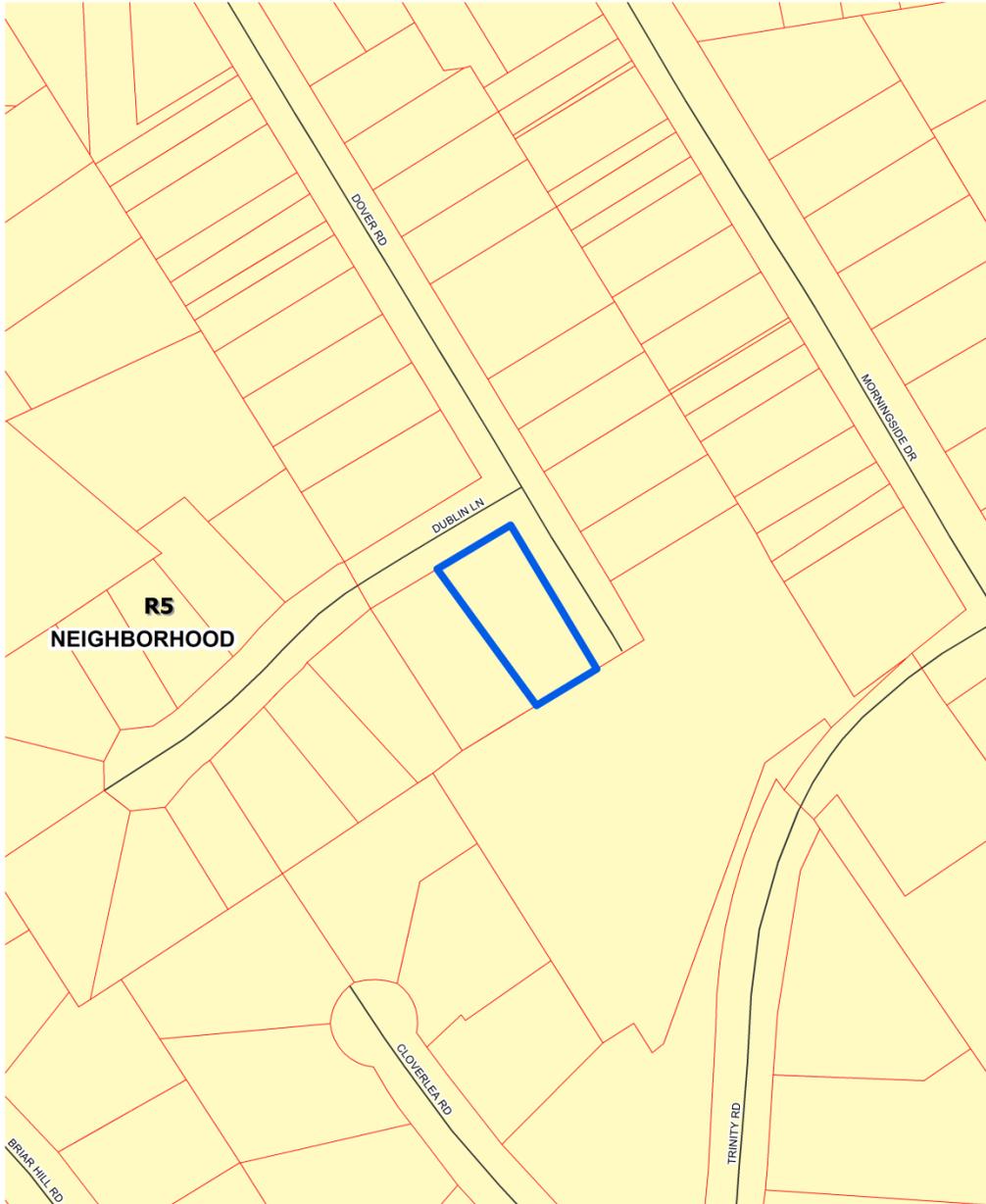
NOTIFICATION

Date	Purpose of Notice	Recipients
01/05/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
01/05/2018	Hearing before BOZA	Notice posted on property

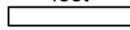
ATTACHMENTS

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

1. Zoning Map



3214 Dublin Lane
feet



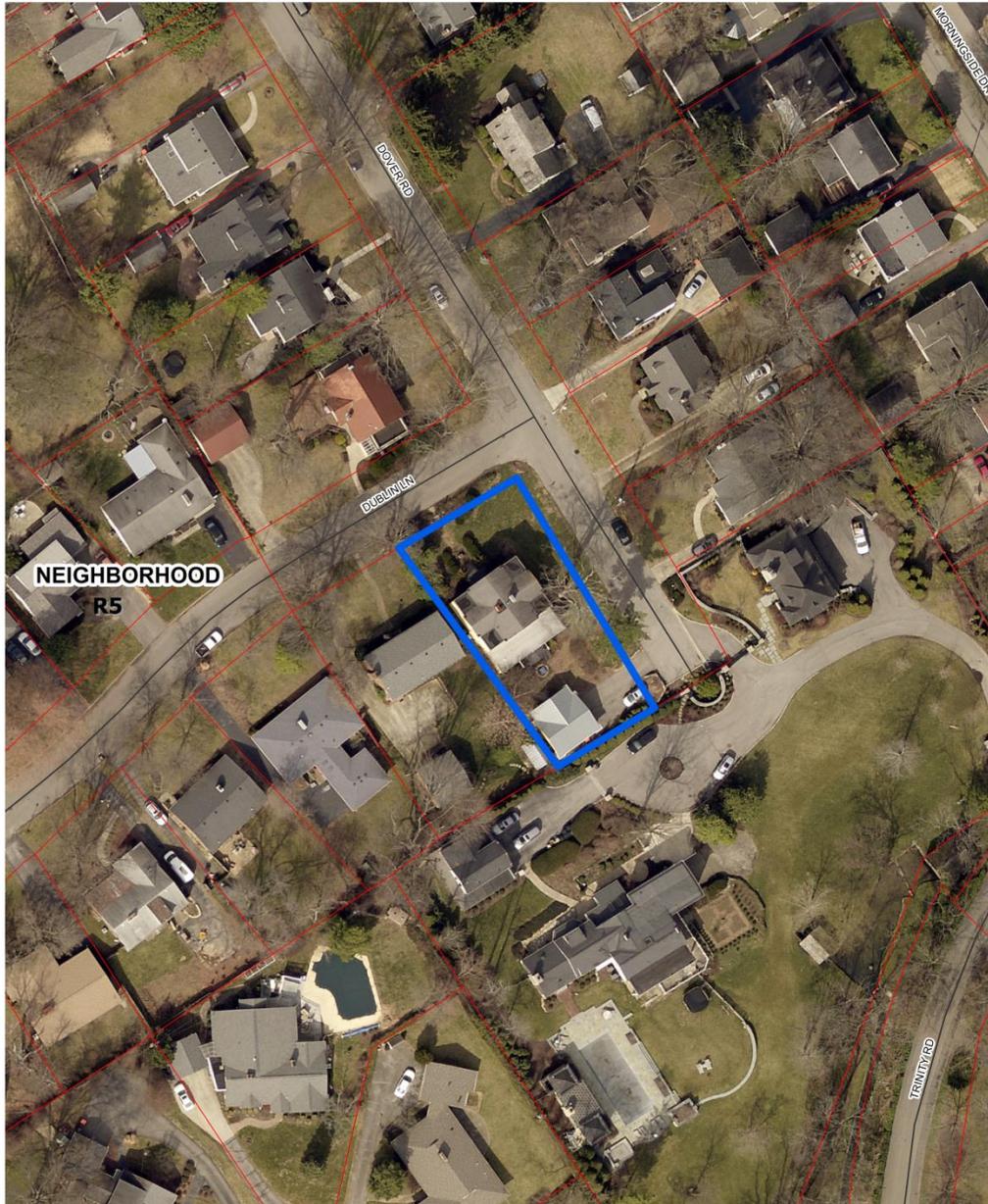
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Map Created: 1/11/2018



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2. Aerial Photograph



3214 Dublin Lane
feet



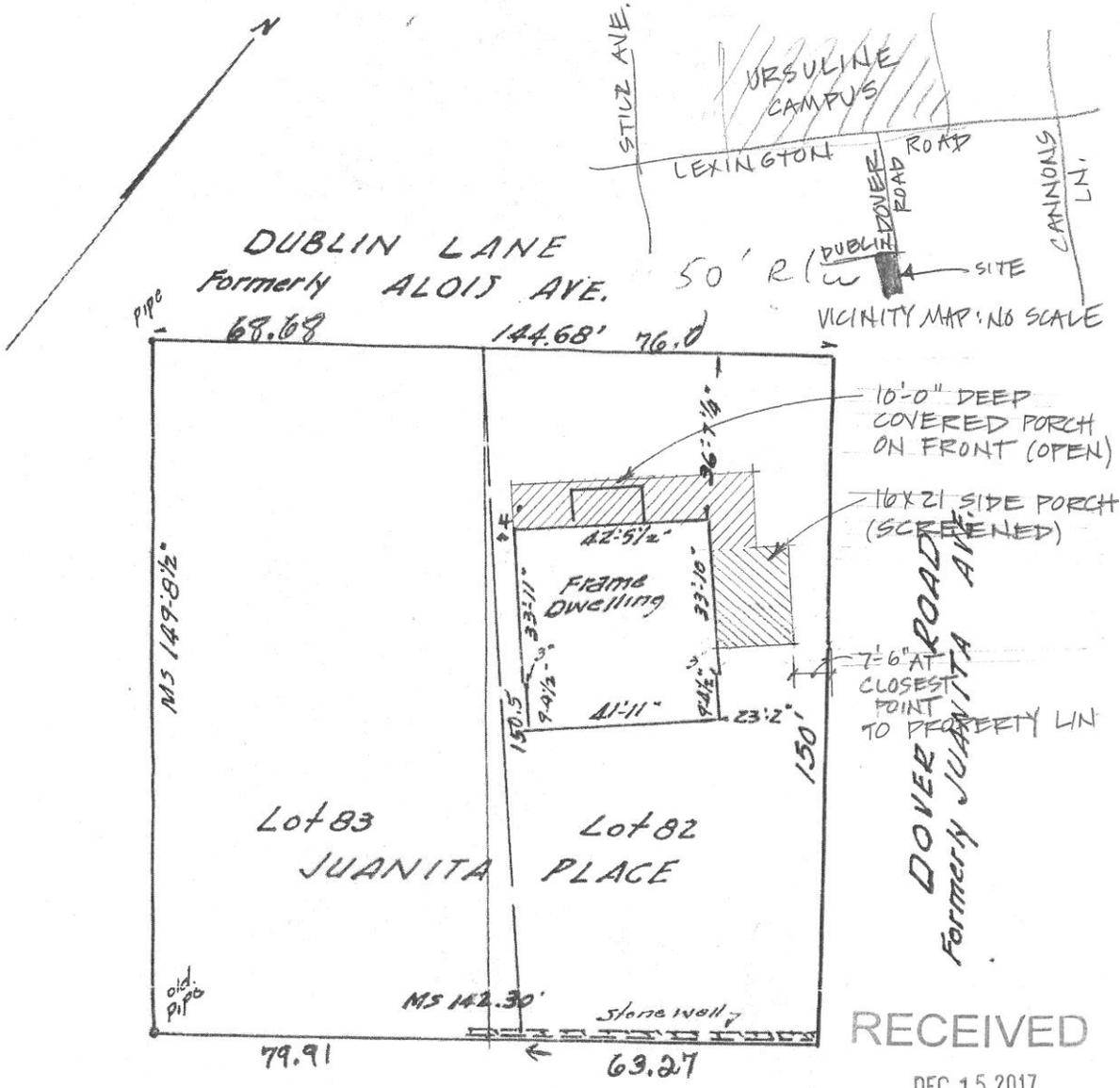
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Map Created: 1/11/2018



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3. Site Plan



RECEIVED
 DEC 15 2017
 PLANNING &
 DESIGN SERVICES

SITE PLAN
 SCALE 1" = 30'-0"

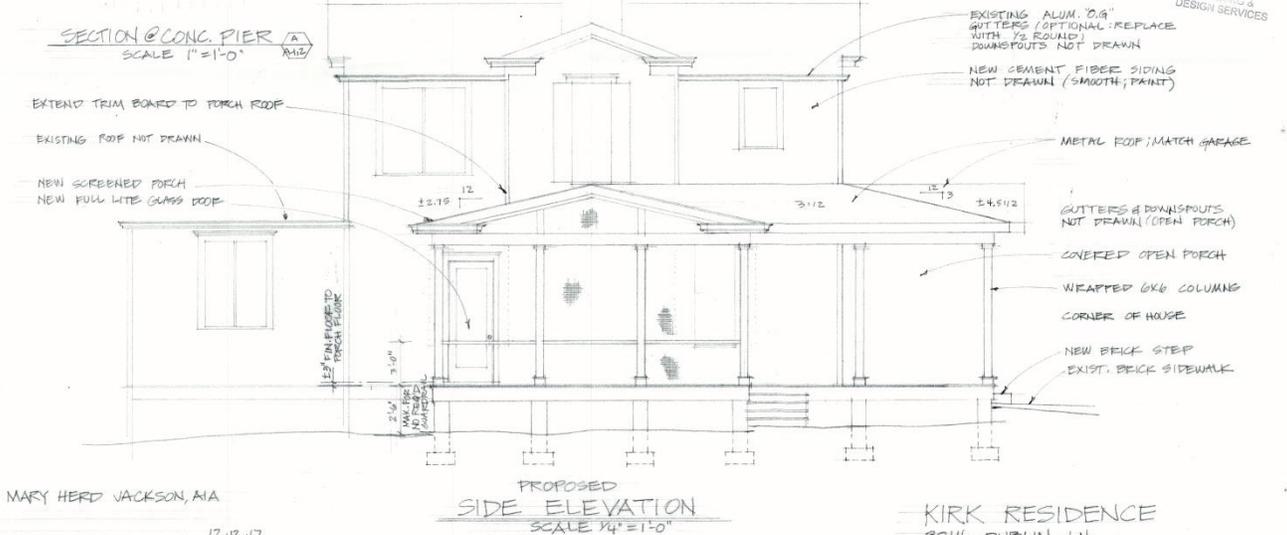
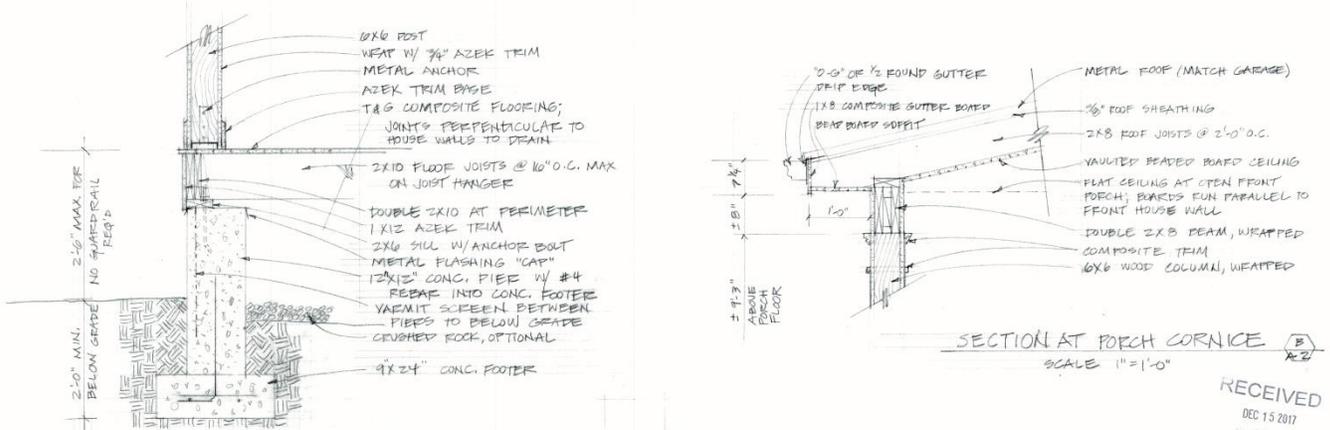
NOTES BY MARY HERD JACKSON, AIA
 12.12.17

KIRK RESIDENCE
 3214 DUBLIN LANE
 LOUISVILLE, KY

APR. PARCEL I.D.
 074400090000

Randy Stull
 903-9007
 -9003
 STONESTREET & FORD, SURVEYORS & ENGINEERS
 SUITE--311 LOUISVILLE TRUST BLDG.
 SURVEY FOR James H Pence Co
 DESCRIPTION FROM "584-3521"
 HOUSE NO.
 LOUISVILLE, KY. 6-7- 18 6/ BY dl
 17 VARIANCE 1105

4. **Elevation**



KIRK RESIDENCE
3214 DUBLIN LN.
LOUISVILLE, KY

SHT. A-6 OF 6
17 VARIANCE 1109.18

5. Site Photos



The front of the subject property.



The property to the right of the subject property.



The property across Dublin Lane.



The property across Dover Road.



The location of the requested variance.



The location of the requested variance.