

Board of Zoning Adjustment Staff Report

June 20, 2016



Case No:	16VARIANCE1032
Request:	Proposed garage to encroach into the rear yard setback.
Project Name:	3614 Glencreek Lane
Location:	3614 Glencreek Lane
Area:	.17750 acres
Owner:	Joseph Neagli
Applicant:	Joseph Neagli
Representative:	Joseph Neagli
Jurisdiction:	Louisville Metro
Council District:	26 – Brent T. Ackerson
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from the Land Development Code section 5.4.2.C.3.a to allow a proposed garage to encroach into the 5' ft. required rear yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	5' ft.	3.50' ft.	1.5' ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct 26' ft. (length) by 24' ft. (width) two-car garage (total of 624 sf.) on an R-5 zoned parcel within a Neighborhood Form District. Applicant has obtained all 1st Tier Adjacent Property Owner's signatures for the requested variance.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Residential Single Family	R-5	Neighborhood
Proposed	Residential Single Family	R-5	Neighborhood
<i>Surrounding Properties</i>			
North	Residential Single Family	R-5	Neighborhood
South	Residential Single Family	R-5	Neighborhood
East	Residential Single Family	R-5	Neighborhood
West	Residential Single Family	R-4	Neighborhood

PREVIOUS CASES ON SITE

No related cases are associated with the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The requested variance will adversely affect the public health, safety or welfare since the proposed garage would be approximately 14' feet from the side yard of the northern neighbors fence, approximately 110' feet from the rear neighbors parking lot (Hike's Point Christian Church), and poses no issues other issues for the adjacent parcels on the south or east.

- (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 many homes in the general vicinity have attached garages, detached garages, car ports, and/or no 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 garage as situated at the rear of the property has distances of approximately 14' feet from the northern properties fence and approximately 110' feet from the Hikes Point Christian Church parking lot, to the west of the proposed garage.

- (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 proposed garage is situated on the applicants parcel to the rear and has approximate distances of 14' feet from the northern properties fence and approximately 110' feet from the western property's (Hike's Point Christian Church) parking lot.

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 since homes in the general vicinity have detached garages.

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 applicant is requesting the variance to comply with applicable Land development codes and would like additional storage space and space for vehicles.

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 since the applicant has taken no action to construct the proposed garage.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 established in the Land Development Code from section 5.4.2.C.3.a to allow the proposed 24' x 26' garage to encroach into 5' foot rear yard setback.

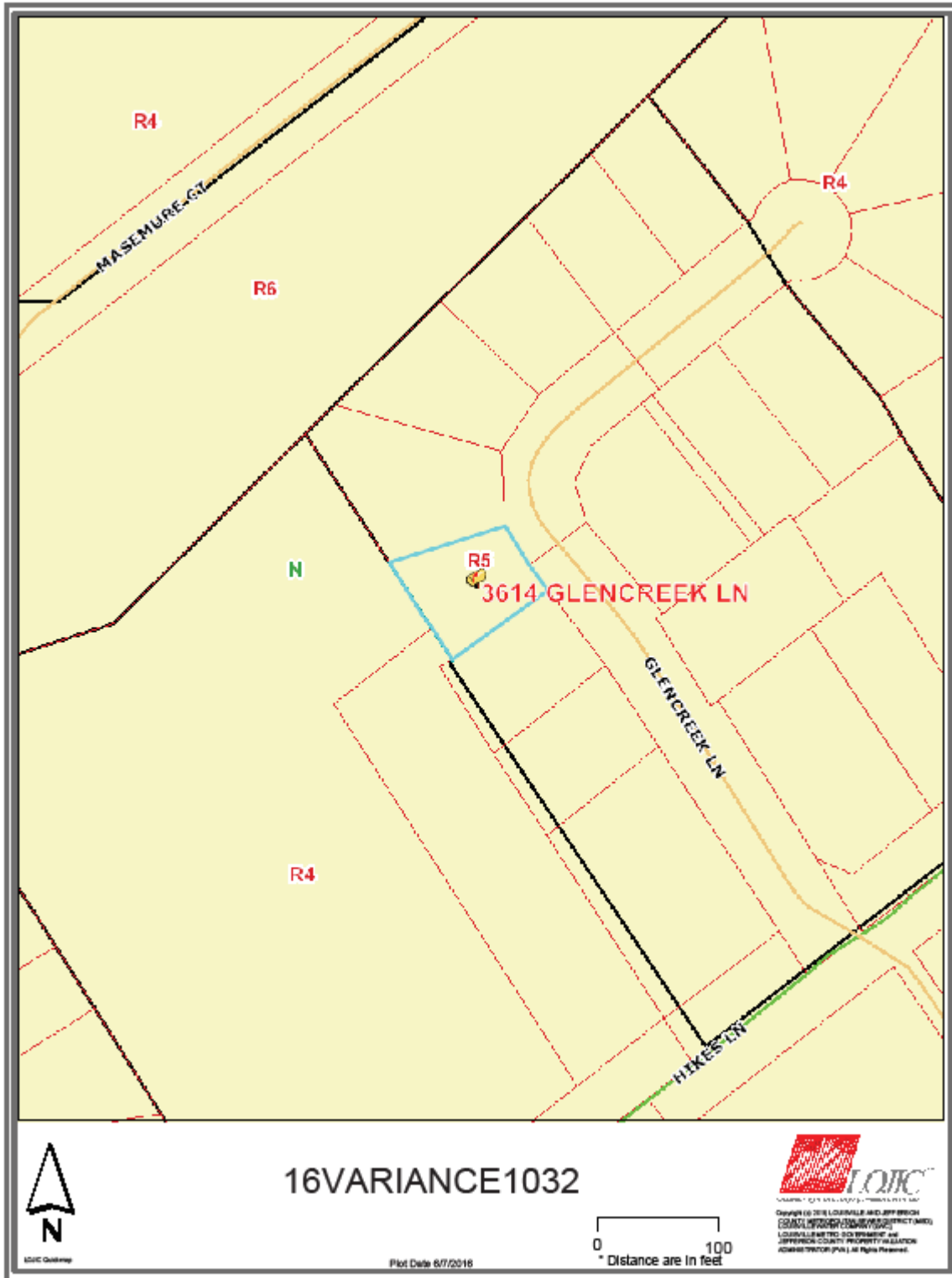
NOTIFICATION

Date	Purpose of Notice	Recipients
March 24, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 26 Notification of Development Proposals
March 24, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

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

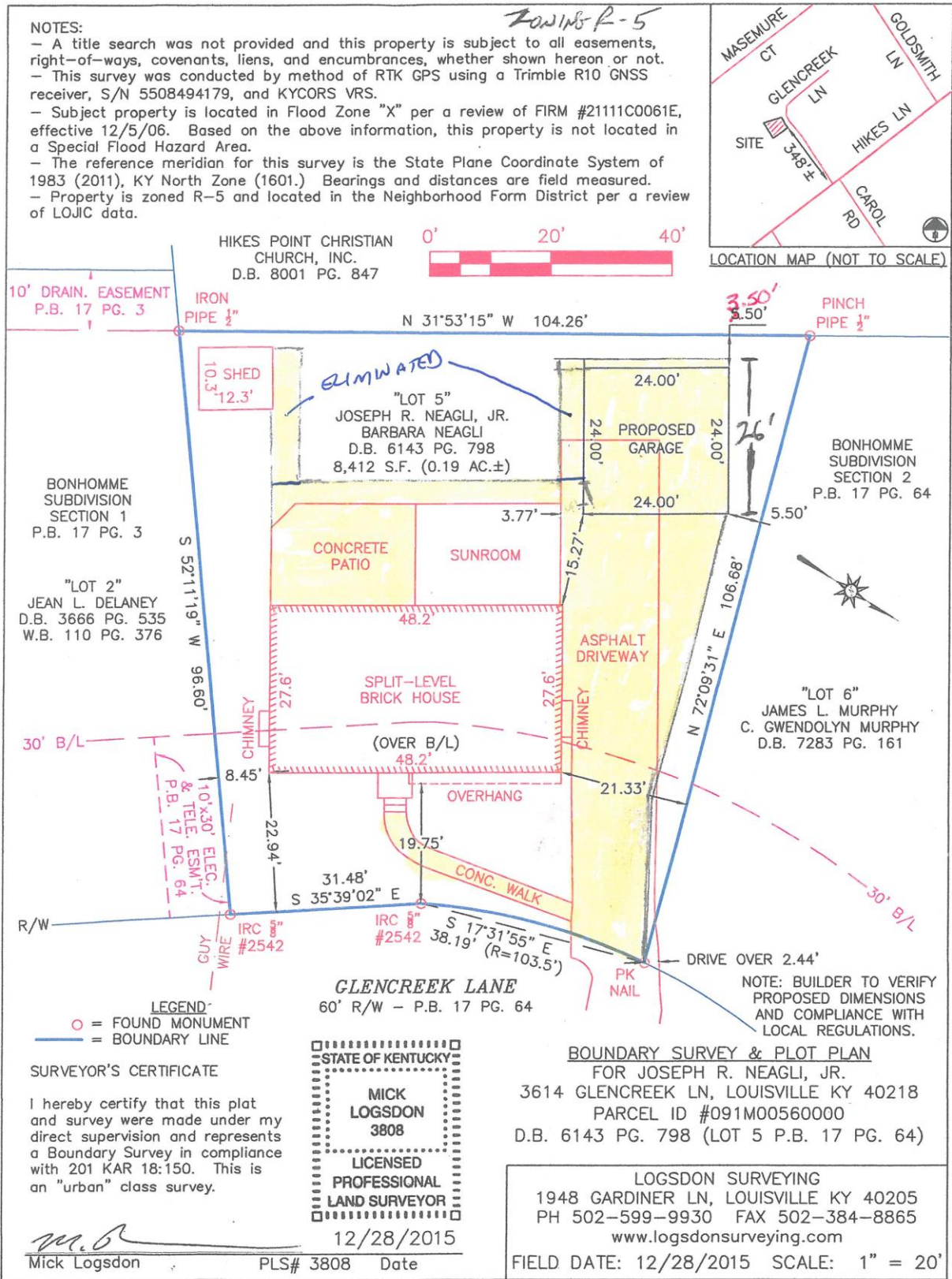
1. Zoning Map



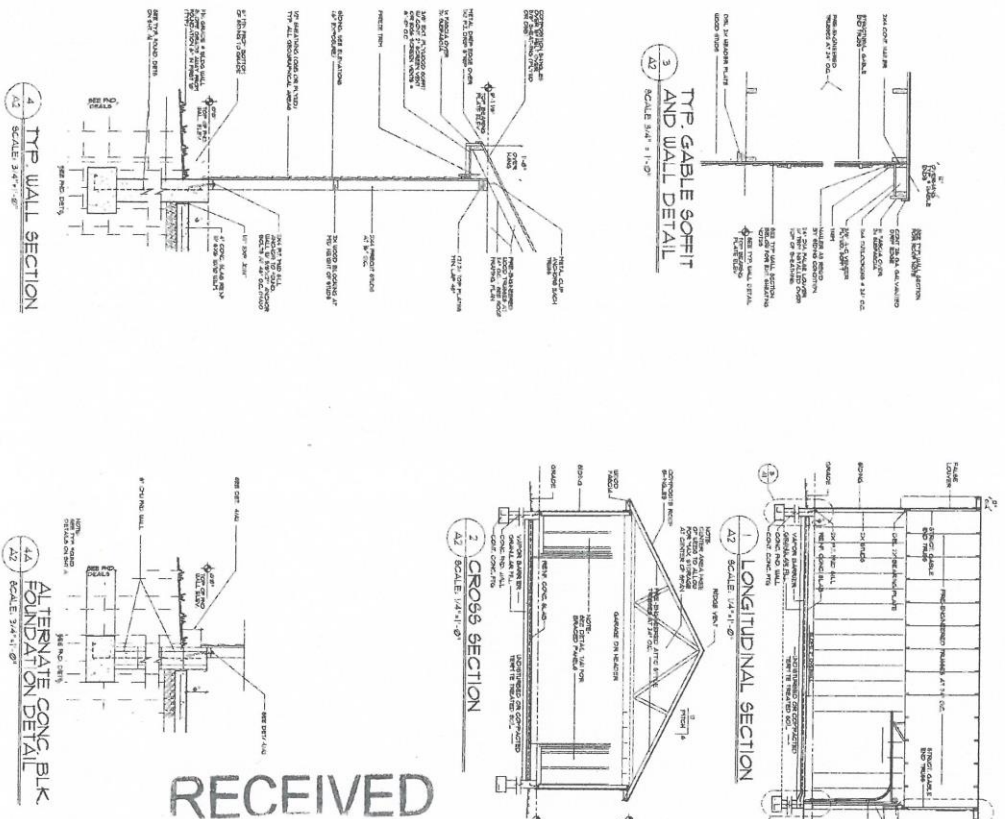
2. Aerial Photograph



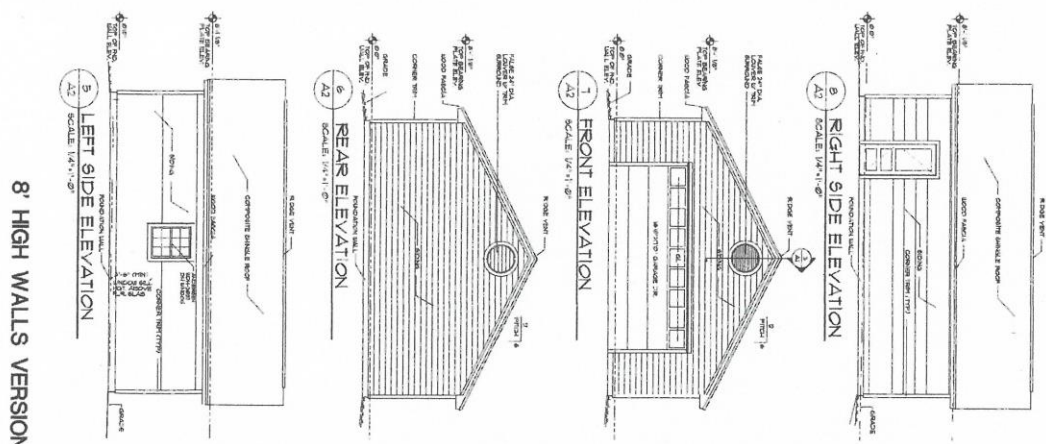
3. **Site Plan**



4. Garage Elevation



RECEIVED
 MAY 19 2016
 PLANNING &
 DESIGN SERVICES



8' HIGH WALLS VERSION

PLAN NO. 30001
 SHEET A2

THE GARLINGHOUSE CO.
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Owner: _____ Lot No. _____
 Address: _____
 Ref. No.: 908050

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