

Board of Zoning Adjustment
Staff Report
 October 2, 2017



Case No:	17VARIANCE1058
Project Name:	521 E St. Catherine Street Renovation
Location:	521 E St. Catherine Street
Owner(s):	Douglas Sharp
Applicant:	Douglas Sharp
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.1.10.F to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	2 ft.	0 ft.	2 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Shelby Park neighborhood, and currently contains a one-story single-family residence. The applicant is renovating the home, and has found that the rear room of the building is structurally unsound. As part of the renovation, the applicant proposes to demolish the rear room and reconstruct it in a structurally sound manner, using the same footprint as the existing building. The applicant therefore requests a variance to allow the new construction to encroach into the side yard setback.

The lot is 20 feet wide. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have side yard setbacks equal to 10% of the width of the lot. The required side yard setback is therefore 2 feet, and the requested variance is 2 feet.

Staff has received signatures from all adjoining property owners approving of the proposed construction.

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 5.1.10.F to allow a structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review undertaken.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.10.F

- (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 renovated section will be constructed to comply with all building codes, including fire codes.

- (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 renovated section will be constructed on the footprint of the existing structure, which is part of the essential character of the neighborhood.

- (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 renovation will be constructed according to 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 proposed renovation will replace the existing room on the existing footprint, with no change proposed to the footprint of the building.

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 as the renovated section of the house is proposed to be located on the same footprint as the existing, unsound section of the house to be replaced.

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 requiring the applicant to move the renovated section to the side of the existing footprint, a costly change to the house's design.

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.

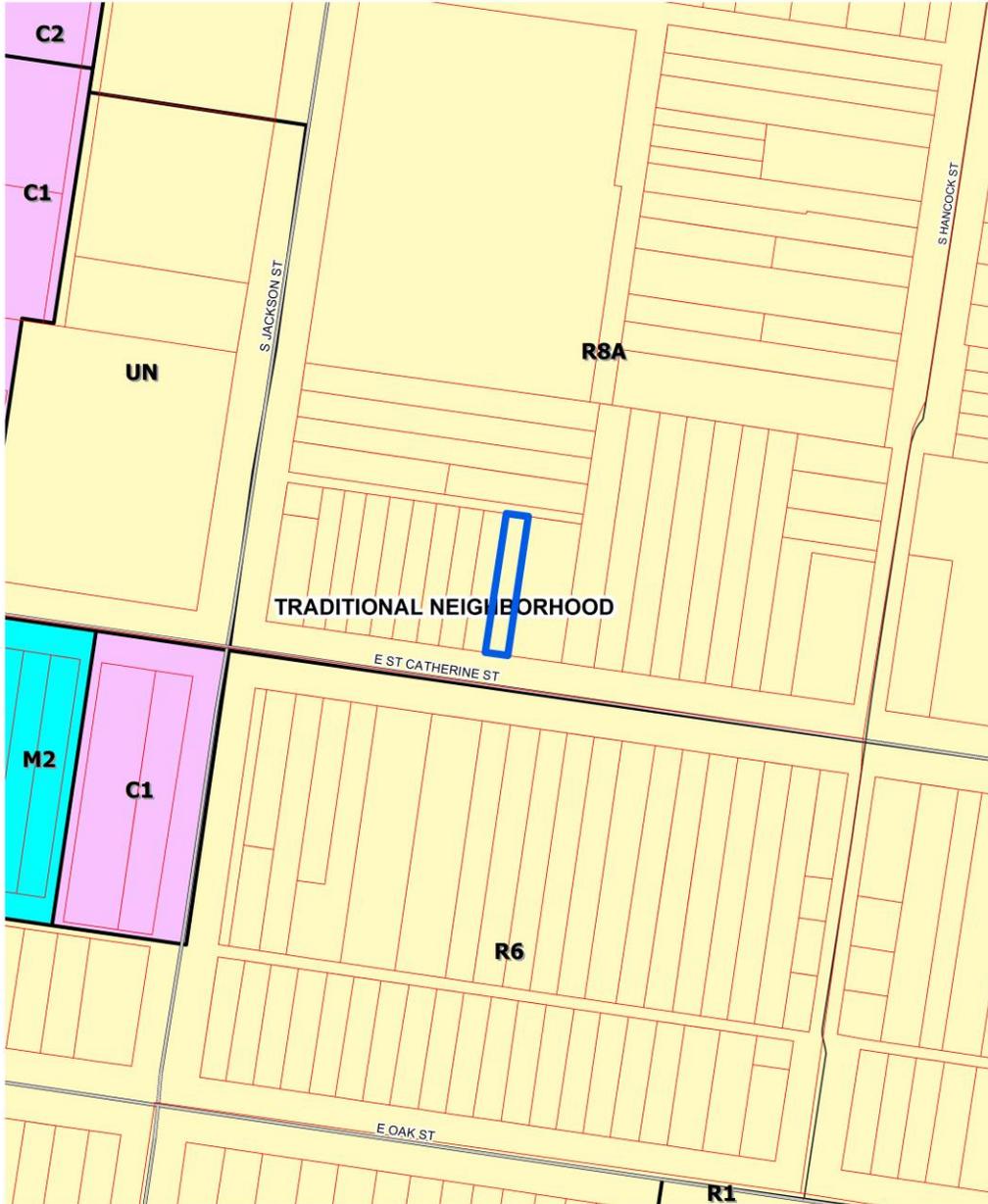
NOTIFICATION

Date	Purpose of Notice	Recipients
09/15/2017	Hearing before BOZA	Not Required for Business Session Item

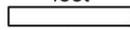
ATTACHMENTS

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

1. Zoning Map



521 E St. Catherine Street
feet



110

Map Created: 9/19/2017

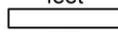


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2. Aerial Photograph



521 E St. Catherine Street
feet

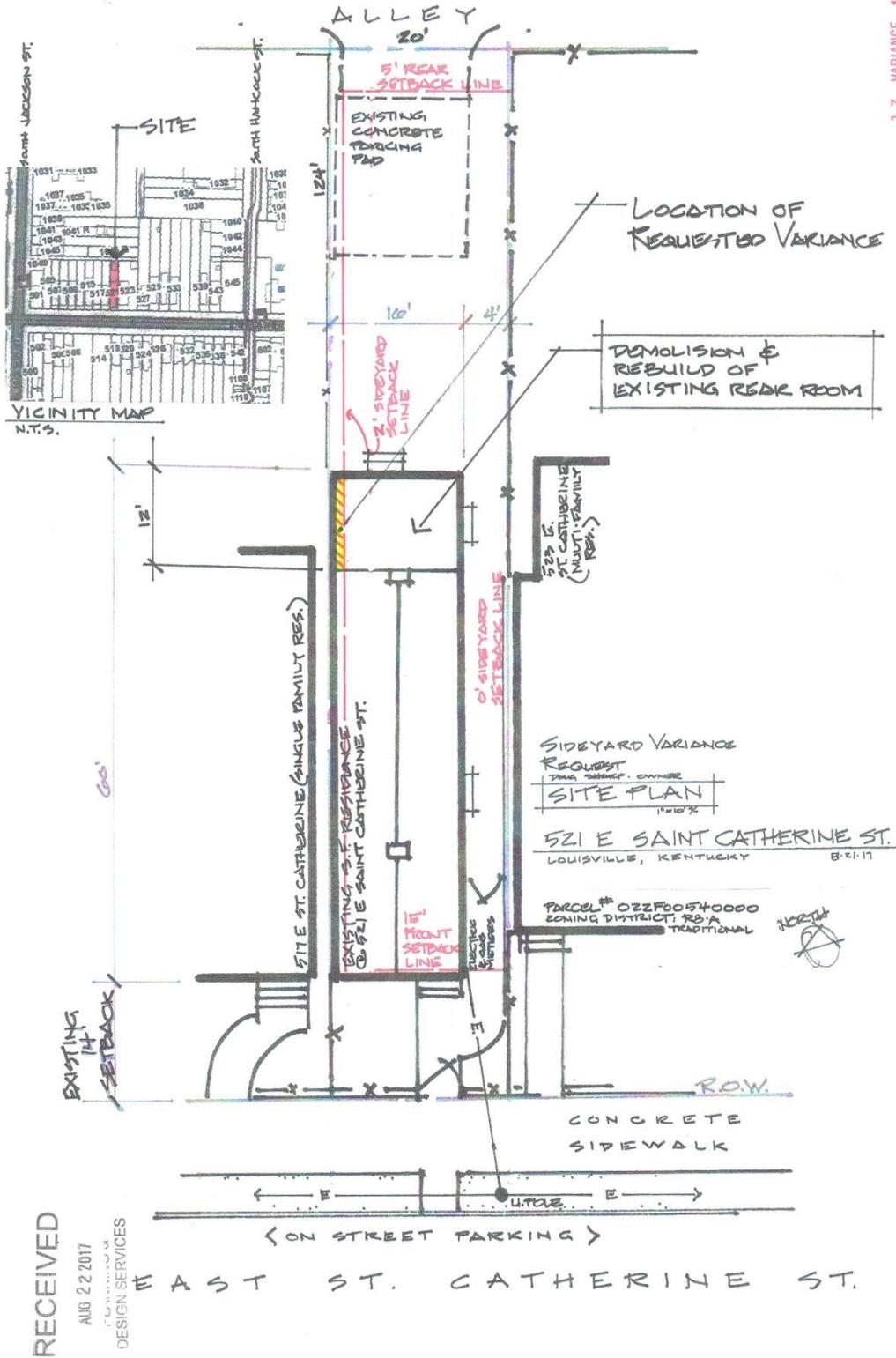


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Map Created: 9/19/2017



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3. Site Plan



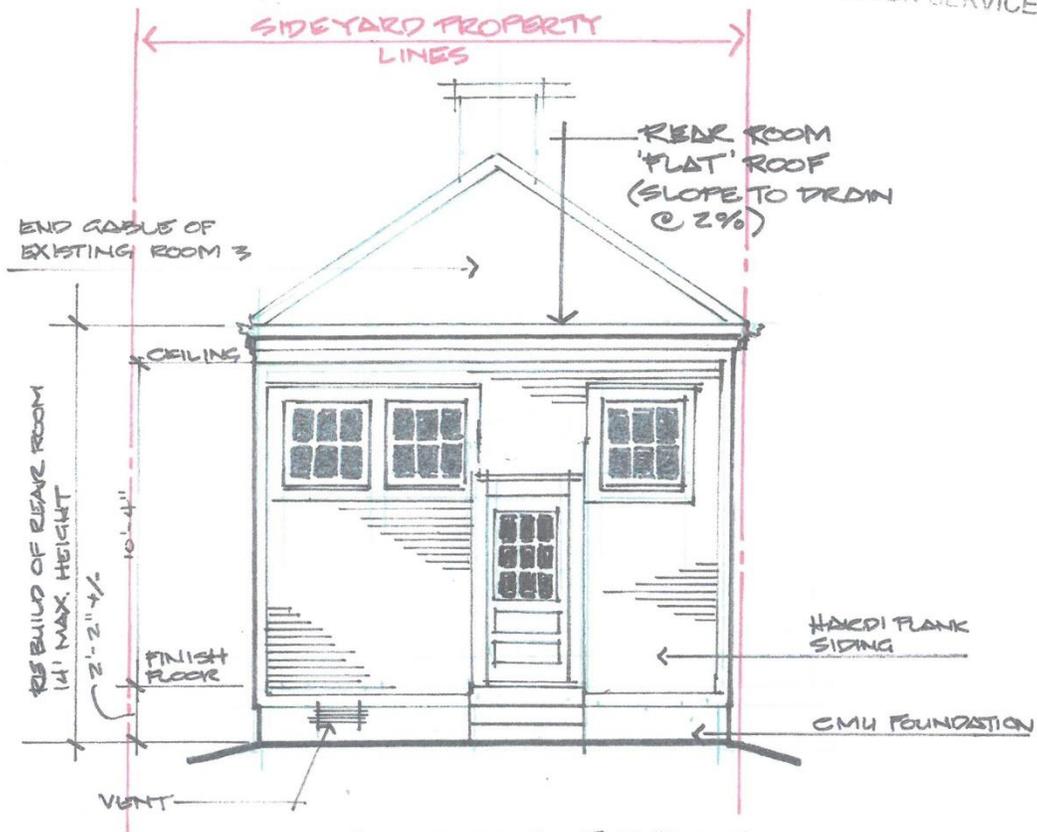
17 VARIANCE 1058

4. Elevations

RECEIVED

AUG 22 2017

DESIGN SERVICES



REPLACEMENT OF REAR ROOM
REAR
ELEVATION
1/4" = 1' 7-21-17

521 E SAINT CATHERINE
LOUISVILLE · KENTUCKY

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5. Site Photos



RECEIVED
AUG 22 2017
FLORIAN &
DESIGN SERVICES



17 VARIANCE 1058