

Board of Zoning Adjustment

Staff Report

January 31, 2019



Case No.	18VARIANCE1106
Project Name	Private Yard Variance
Location	2600 Frankfort Avenue
Owner/Applicant	Brian Clare
Jurisdiction	Louisville Metro
Council District	9 – Bill Hollander
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Variance to permit a residence to encroach on the required private yard in a Traditional Marketplace Corridor (TMC) form district (LDC 5.4.1.D.2.)

Location	Requirement	Request	Variance
Private yard	2,232 sq ft	920 sq ft	1,312 sq ft

CASE SUMMARY / BACKGROUND

The site is located on the south side of Frankfort Avenue at the intersection with S. Galt Avenue. It is developed with a two-story residential structure ca. 1900 and a three-vehicle garage accessed via a rear alley.

The site and the adjoining property to the east are zoned R-6 Multi-Family Residential and are in residential use. The property to the west, across Galt Avenue, is zoned C-1 Commercial and is in commercial use. Properties to the north, across Frankfort Avenue, are zoned R-5 Single-Family Residential and in residential use. Properties to the south are zoned R-5A Multi-Family Residential and are in residential use. Properties to the north and south are in the Traditional Neighborhood form district; to the east and west in a Traditional Marketplace Corridor.

The applicant proposes to construct front and rear additions to expand the existing two-unit principal structure and a second story over the existing garage to add a third dwelling unit to the site. The existing site development does not meet private yard requirements, while the front yard is well in excess of requirements.

The proposal will further reduce the private yard in the rear but will maintain a front yard in excess of requirements.

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, 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 to permit an encroachment on the required private yard in a Traditional Marketplace Corridor (TMC) form district (LDC Table 5.3.1).

TECHNICAL REVIEW

No technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)

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

STAFF: The variance will not interfere with public health, safety or welfare.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed variance is for the rear yard of the property, which will be enclosed with a privacy fence. Both additions affecting the privacy yard will be enclosed within the fence.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

(d) The requested variance will not allow an unreasonable circumvention of zoning regulations.

STAFF: Permitting the proposed variance is a reasonable circumvention of zoning regulations since the proposal for the site maintains a front yard in excess of requirements.

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 existing residence has a front yard in excess of requirements and in excess of the adjoining residential property. The front yard to be maintained will be consistent with development on the corridor and serve as mitigation for the smaller rear private yard.

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 application of the regulation would create an unnecessary hardship in that it is not out of character for the site or the area.

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 taken by the applicant in that the private yard area currently existing does not meet requirements.

NOTIFICATION

Date	Purpose of Notice	Recipients
1/18/2019	Hearing before BOZA	1st tier adjoining property owners Registered Neighborhood Groups in Council District 18 Sign Posting

ATTACHMENTS

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

1. Zoning Map



6 Multi-Family Resdi

2. Aerial Photograph



3. Site Plan

