

**Board of Zoning Adjustment**  
**Staff Report**  
 November 4, 2019



<b>Case No:</b>	19-VARIANCE-0044
<b>Project Name:</b>	Stevens Avenue Variance
<b>Location:</b>	1645 Stevens Avenue
<b>Owner:</b>	Jackie Green & Cindy Baker
<b>Applicant:</b>	Scott McGalliard – Inside Out Construction & Design, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

Location	Requirement	Request	Variance
Private Yard Area	831.2 sq. ft.	492 sq. ft.	339.2 sq. ft.

**CASE SUMMARY/BACKGROUND**

The subject property is zoned R-5 Single-Family in the Traditional Neighborhood Form District. It is located in the Deer Park neighborhood on the north side of Stevens Avenue and contains a 1 ½ -story single-family residence. The applicant is proposing a one-story addition on the rear of the house. This addition will reduce the private yard area to be less than the required 20% of the area of the lot.

**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 5.4.1.D.3 to allow a reduction in the private yard area.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3**

- (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 structure will need to 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 addition will not be visible from the public right-of-way.

- (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 addition will need to be constructed to comply with all building codes, including fire 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 subject property currently does not meet the private yard area requirements prior to the proposed addition and is relatively small in area.

#### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise 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 generally apply to land in the general vicinity or the same zone as the subject property is similar in size to surrounding properties.

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 because the property does not meet the regulation currently.

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.

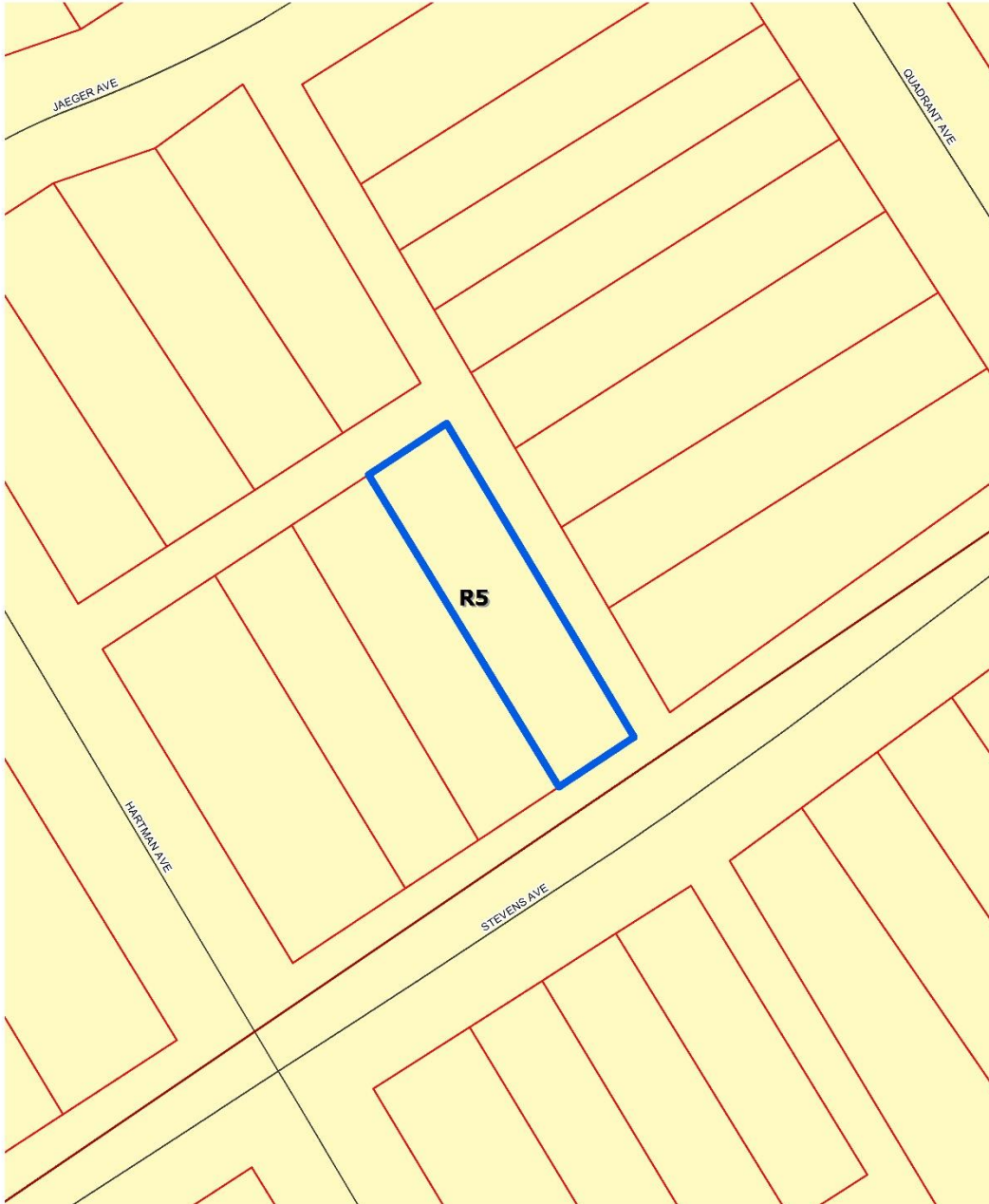
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>10/16/2019</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 6
<b>10/18/2019</b>	Hearing before BOZA	Notice posted on property

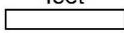
**ATTACHMENTS**

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

1. **Zoning Map**



1645 Stevens Avenue  
feet



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Map Created: 10/29/2019

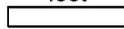


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2. Aerial Photograph



1645 Stevens Avenue  
feet



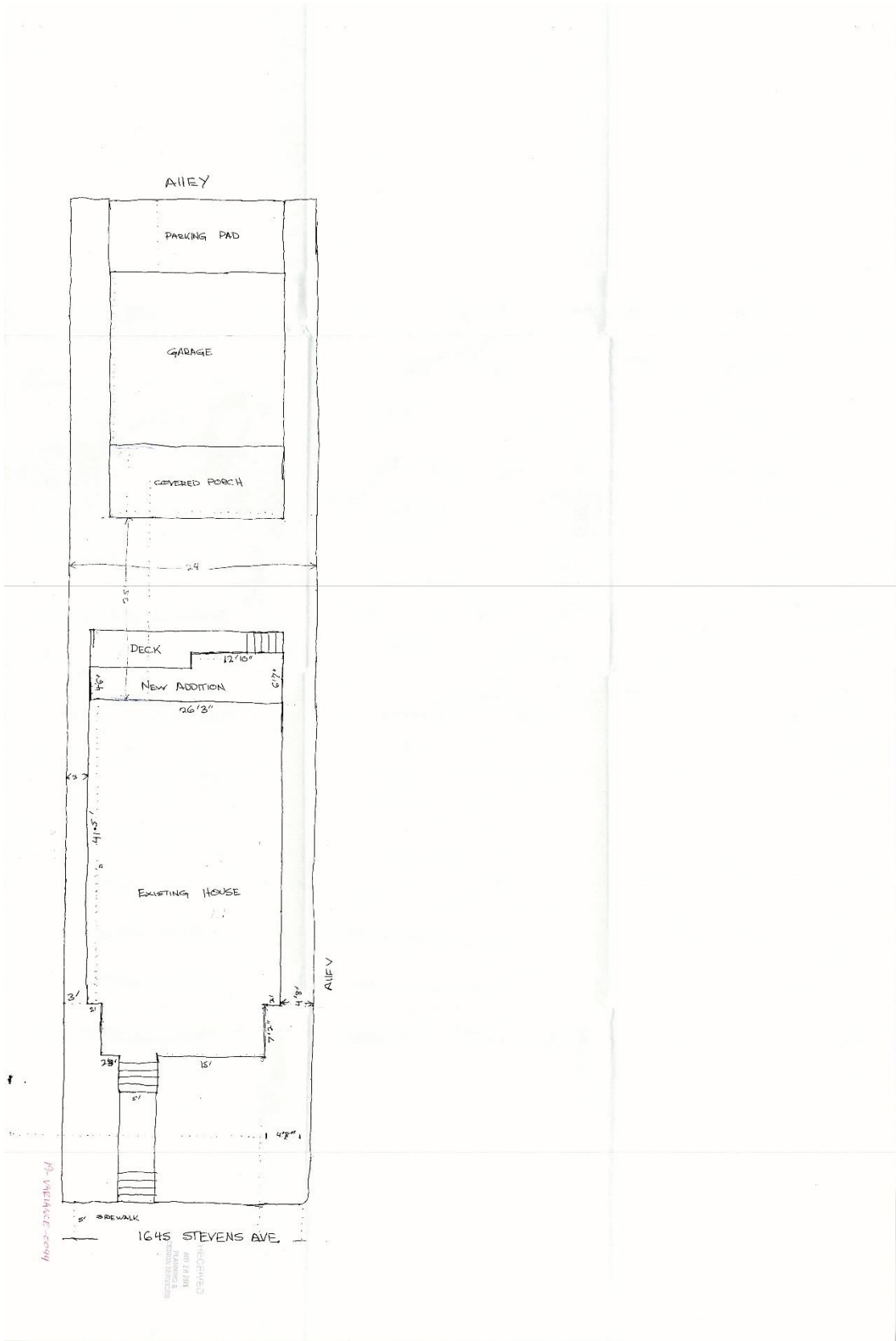
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Map Created: 10/29/2019



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3. Site Plan



4. Site Photos



Front of the subject property.



Property to the right.





Property to the left.



Properties across Stevens Avenue.



Existing private yard area.



Existing private yard area.