

Board of Zoning Adjustment

Staff Report

June 5, 2023



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| Case No: | 23-VARIANCE-0022 |
| Project Name: | 6024 Shean Court Variance |
| Location: | 6024 Shean Court |
| Owner(s): | Shean Court, LLC |
| Applicant: | Shean Court, LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 22 – Robin Engel |
| Case Manager: | John Michael Lawler, Planner I |

REQUEST(S)

- Variance from LDC Section 5.3.1 to reduce the rear yard setback from 25 feet to 15 feet for the construction of three townhomes (10' variance)

CASE SUMMARY/BACKGROUND

The applicant is proposing three townhomes on a 0.2072 acre lot in R-6 zoning and the Neighborhood form district. The applicant is requesting a reduction in the rear yard setback from 25 feet to 15 feet, a variance of 10 feet, to accommodate the proposed structure. On May 10, 2023, the Development Review Committee approved 23-MPLAT-0020, a record plat amendment to change the lot from non-buildable to buildable.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed structure's encroachment is at the back of the property, while still respecting the side yard setback for adjoining residential uses. The lot behind the subject site is over ten acres and is heavily wooded.

- (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 because the proposed structure will utilize similar materials and promote the general aesthetic of the existing neighborhood, including the form of the structures.

- (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 because the proposed structure's encroachment is located at the back of the lot, nearly 35 feet from the next nearest structure.

- (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 because the proposed structure is encroaching into only a small portion of the rear yard. A similarly sized and situated single-family home would be able to encroach the same amount without a variance.

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 any special circumstances. The applicant is expanding into the required rear yard with the proposed structure.

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 proposed structure would not be able to be built with the required off-street parking.

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.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

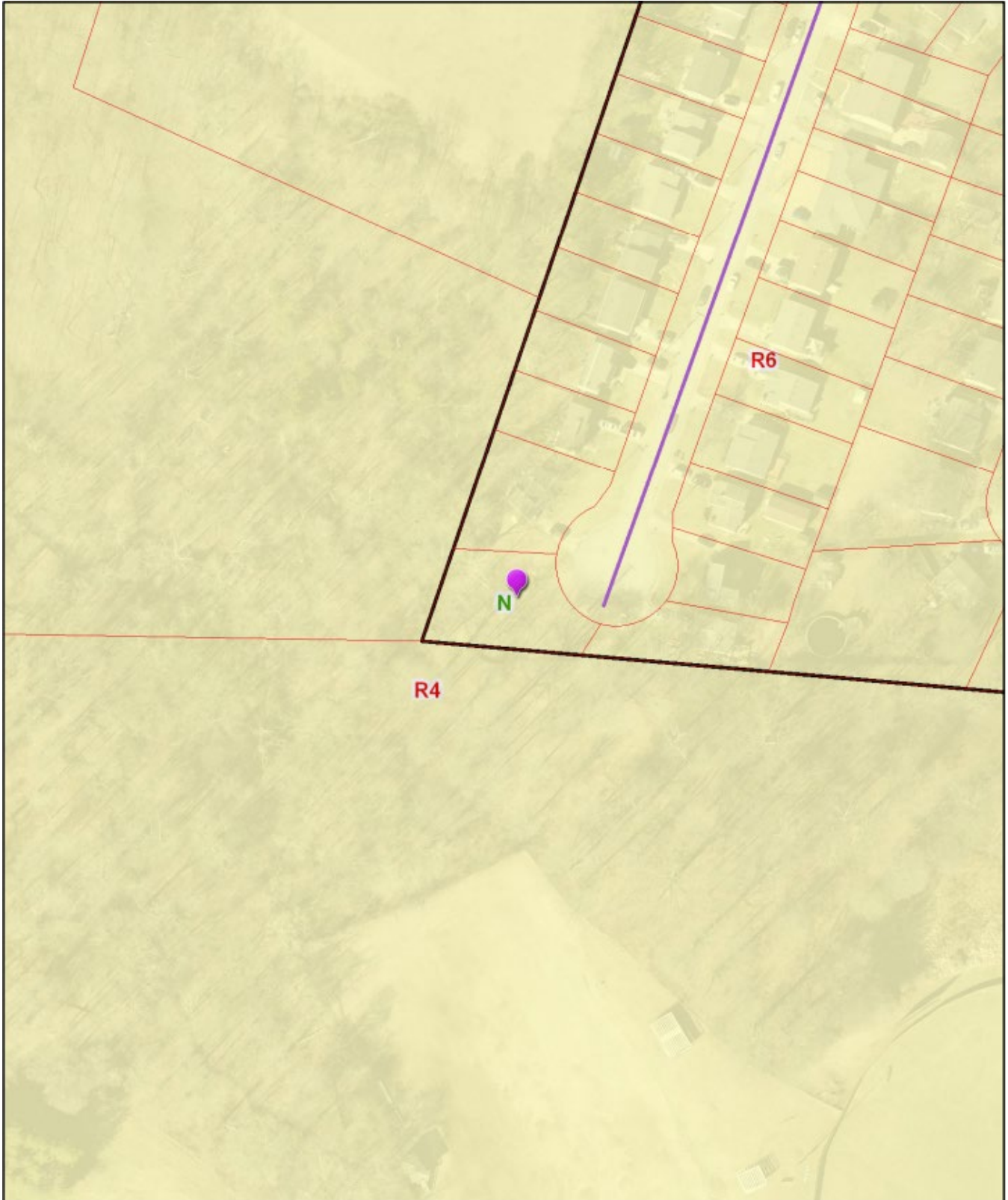
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------|-------------------------------------|---|
| 5/22/2023 | Hearing before BOZA on June 5, 2023 | 1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 22 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

