

# Board of Zoning Adjustment

## Staff Report

October 30, 2017



<b>Case No:</b>	17VARIANCE1069
<b>Project Name:</b>	321 Jarvis Lane
<b>Location:</b>	321 Jarvis Lane
<b>Owner(s):</b>	RFA Revocable Living Trust
<b>Applicant:</b>	Ryan W. Adams, Co-Trustee
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	5 ft.	3 ft.	2 ft.

### CASE SUMMARY/BACKGROUND

The subject property is located in the Jutte Subdivision, recorded in 1926 in plat book 6, page 52, and currently contains a two-story single-family residence with an attached garage. The applicant is renovating and widening the garage in order to accommodate larger vehicles. The applicant requests a variance to allow the renovated structure to encroach into the side yard setback.

Staff has received signatures from all adjoining property owners approving of the proposed construction and therefore a public hearing is not required.

### 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 table 5.3.1 to allow a structure to encroach into the required side yard setback.

### TECHNICAL REVIEW

- No technical review undertaken.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

- (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 garage 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, according to the applicant, the renovated garage will be constructed with the same materials and in the same design as the existing garage, 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 garage.

## **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 generally apply to land in the general vicinity or the same zone as the property is regular in shape and of a similar size to neighboring 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 by requiring the applicant to move the renovated garage further to the middle of the property, which would be an expensive change.

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.

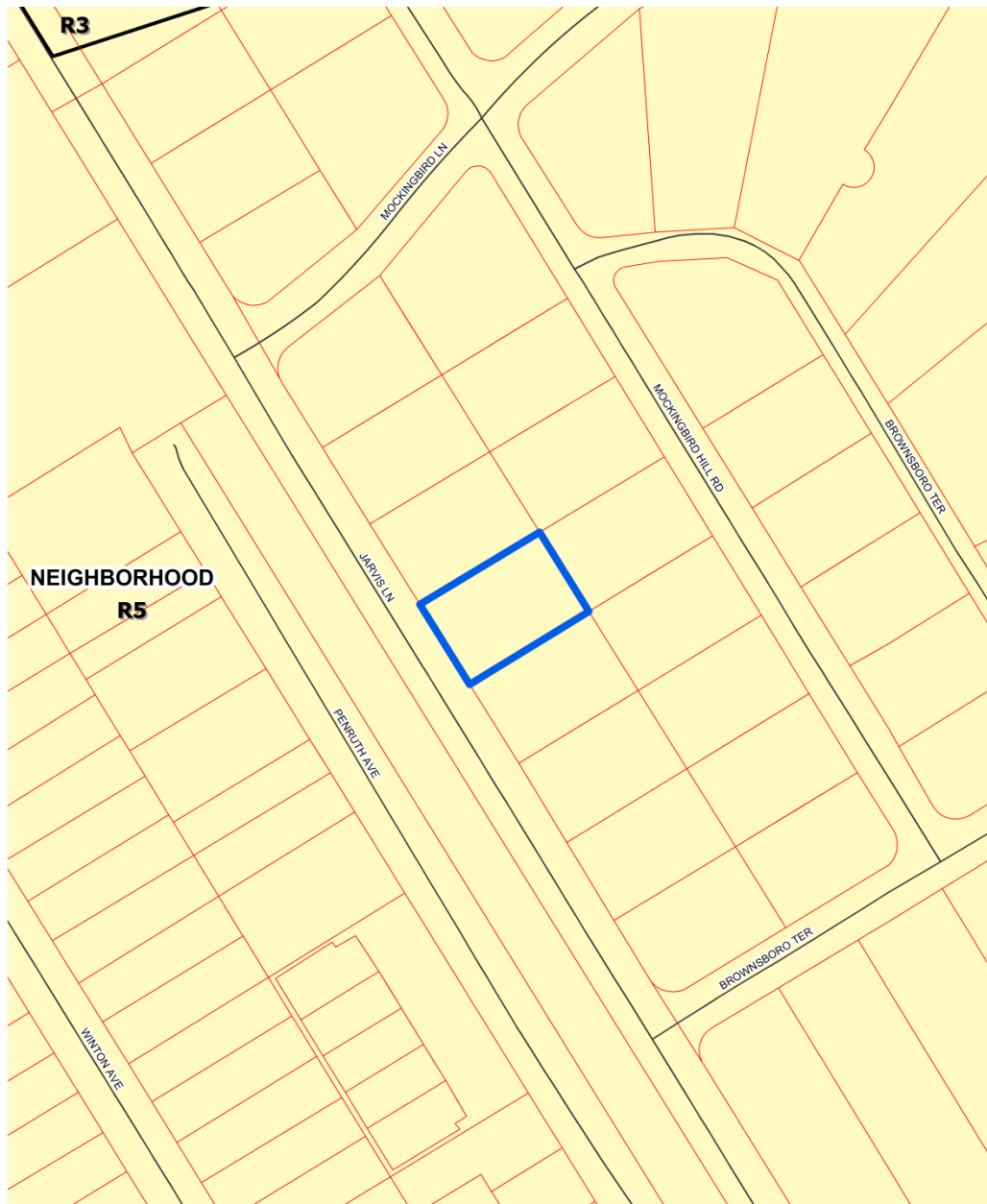
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/13/17	Hearing before BOZA	Not Required for Business Session Item

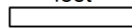
**ATTACHMENTS**

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

1. **Zoning Map**



321 Jarvis Lane  
feet

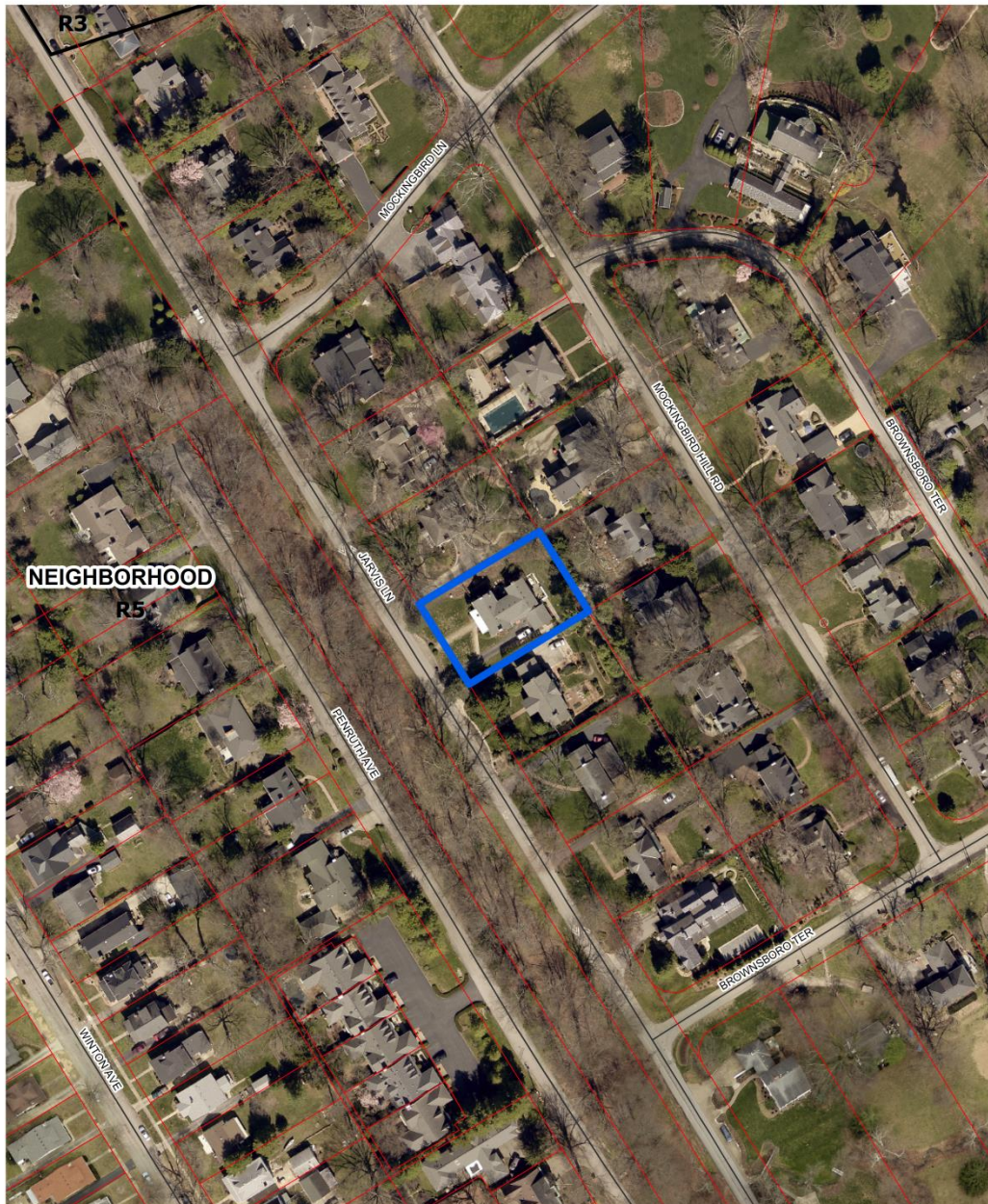


130  
Map Created: 10/5/2017

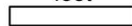


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2. Aerial Photograph



321 Jarvis Lane  
feet



130

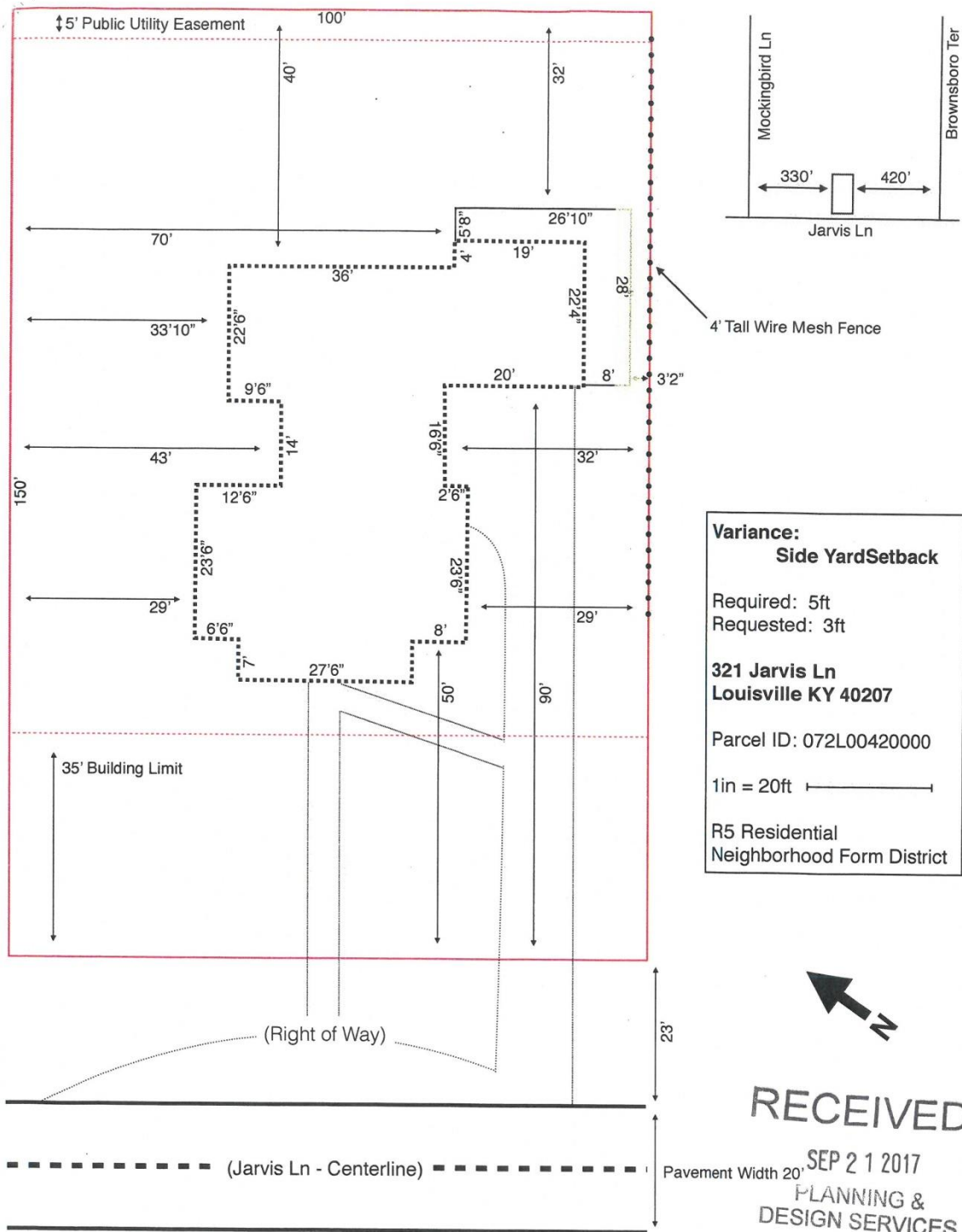
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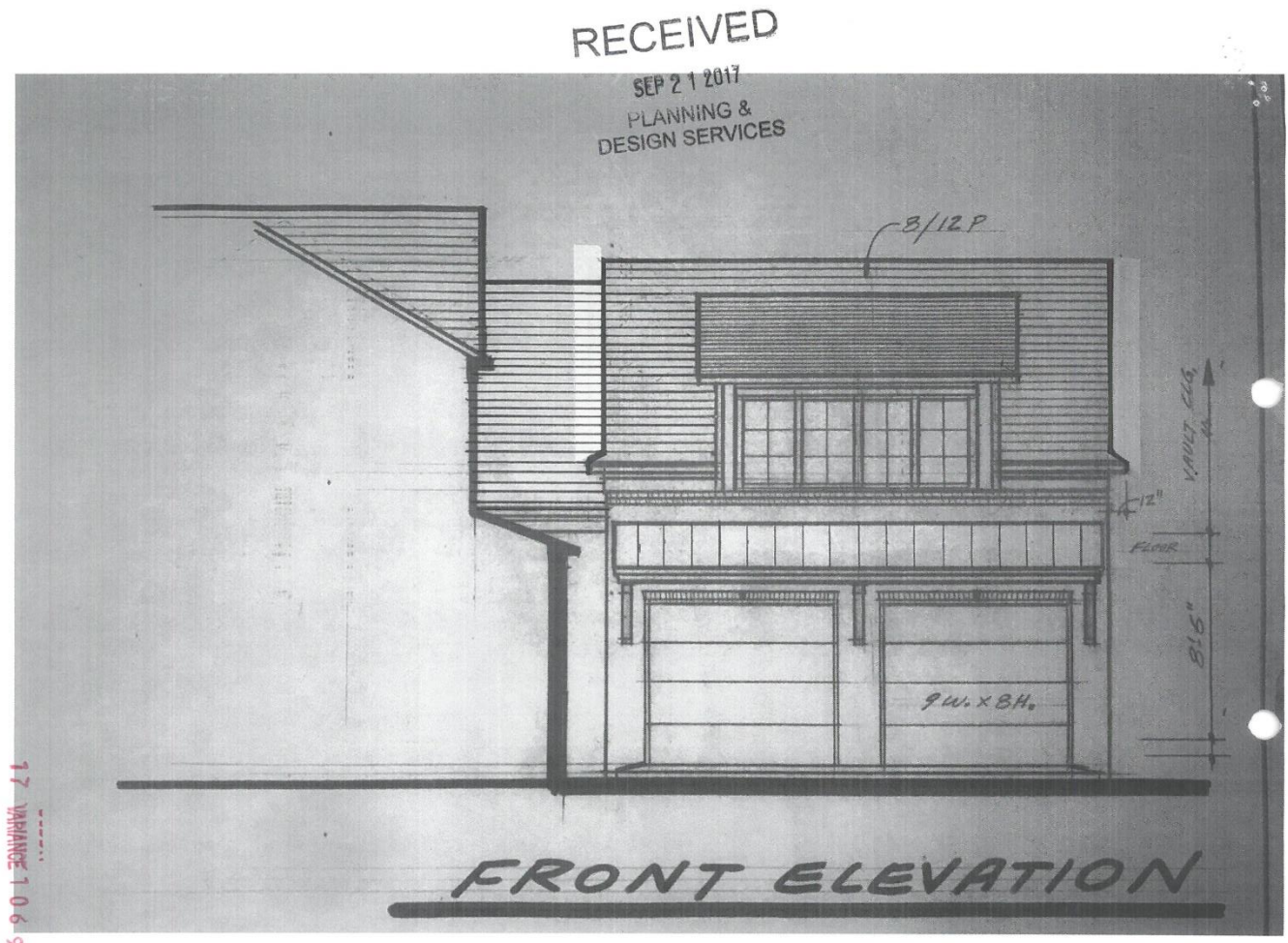
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### 3. Site Plan



4. Elevations



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5. Site Photos

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