

Board of Zoning Adjustment

Staff Report

November 20, 2017



Case No.	17VARIANCE1081
Project Name	Garage
Location	2634 Drayton Drive
Owner	David and Anne Douglas
Applicant	Wissing Contracting Co.
Jurisdiction	Louisville Metro
Council District	8 – Brandon Coan
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Variance to permit a structure to encroach into rear yard setback (LDC 5.4.2.C.3.b)

Variance to permit a structure to encroach into side yard setback (LDC 5.4.2.C.3.a)

Location	Requirement	Request	Variance
Rear yard setback	5 ft	3 ft	2 ft
Side yard setback	2 ft	1 ft	1 ft

CASE SUMMARY / BACKGROUND

The applicant proposes to construct a detached garage at the rear of an existing R-5 parcel in a Neighborhood form district. The site is currently developed with a single-family residence with a deck at the rear. As the applicant has obtained the agreement of all adjoining property owners, the case may be heard as a business item.

STAFF FINDING

Staff finds that the variances requested are adequately justified and meet 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 variances to permit a structure to encroach into side yard setback (LDC 5.4.2.C.3.a) and a rear yard setback (LDC 5.4.2.C.3.b).

TECHNICAL REVIEW

All technical review comments have been 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 requested reductions of the required rear and side yards will not deprive adjacent properties or the public right-of-way of light, air or privacy.

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

STAFF: The placement of the garage resulting from these variance requests is consistent with garage placement on properties in the vicinity.

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

STAFF: The proposed construction will meet current building codes and requirements and 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: The requested variances are not unreasonable as they will result in development of the property that is consistent with other development in the vicinity.

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: There are no special circumstances on the land in this site which would necessitate this variance request.

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 site could be developed with a building that would meet the side and rear yard requirements.

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 zoning regulations from which relief is being sought were in place before the applicant proposed this development.

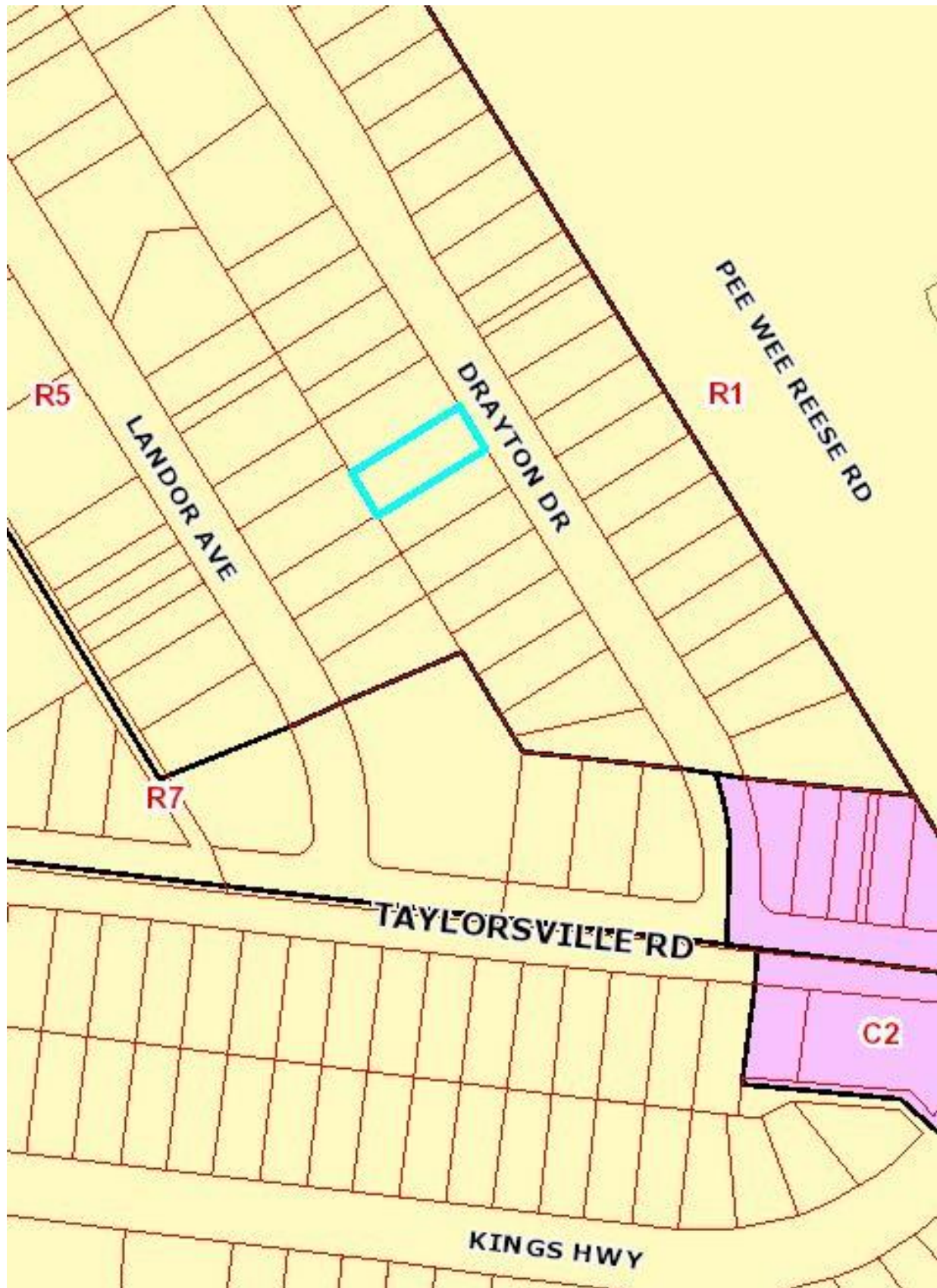
NOTIFICATION

Date	Purpose of Notice	Recipients
8/29/2017	Hearing before BOZA	Not required for Business Session items

ATTACHMENTS

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

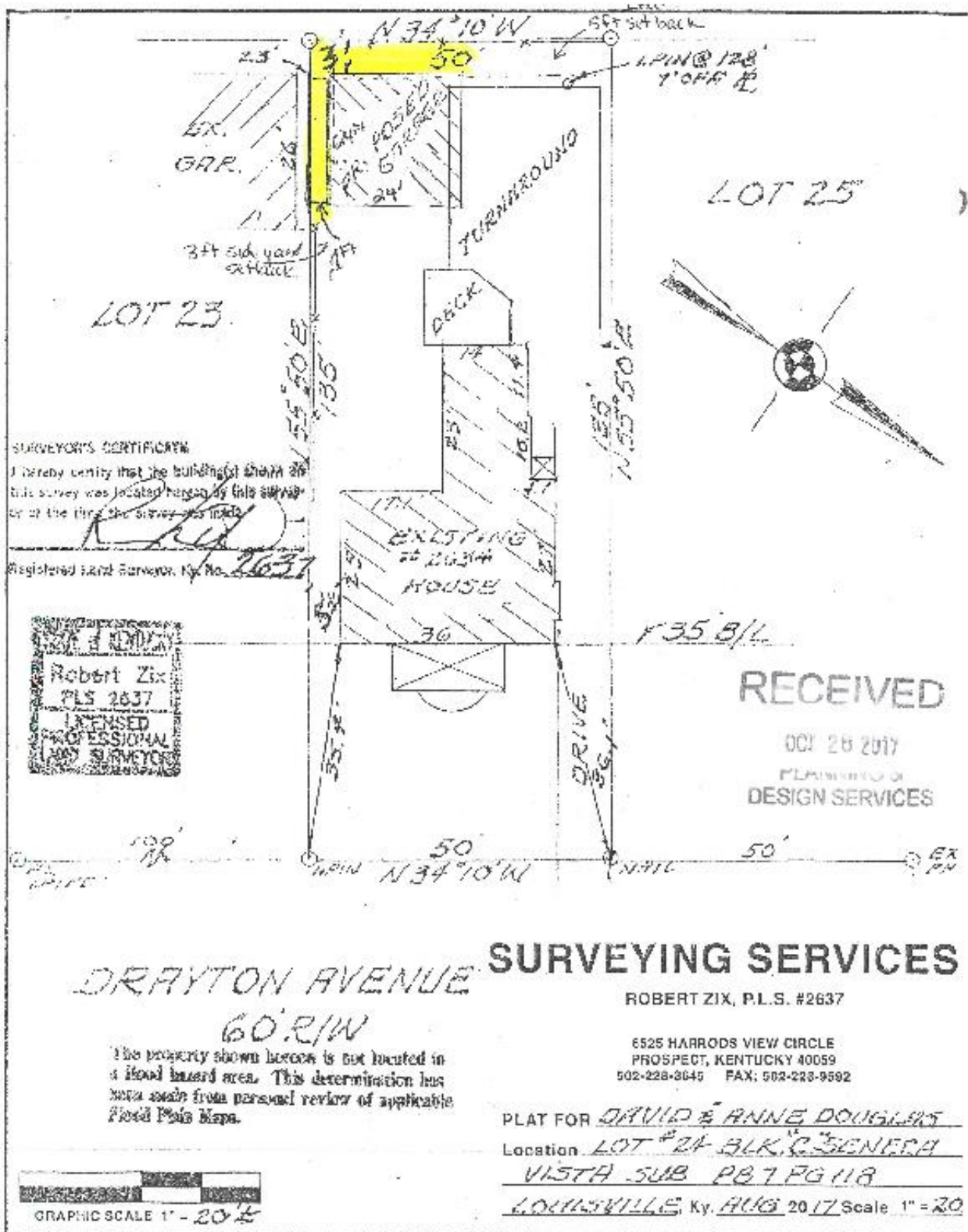
1. Zoning Map



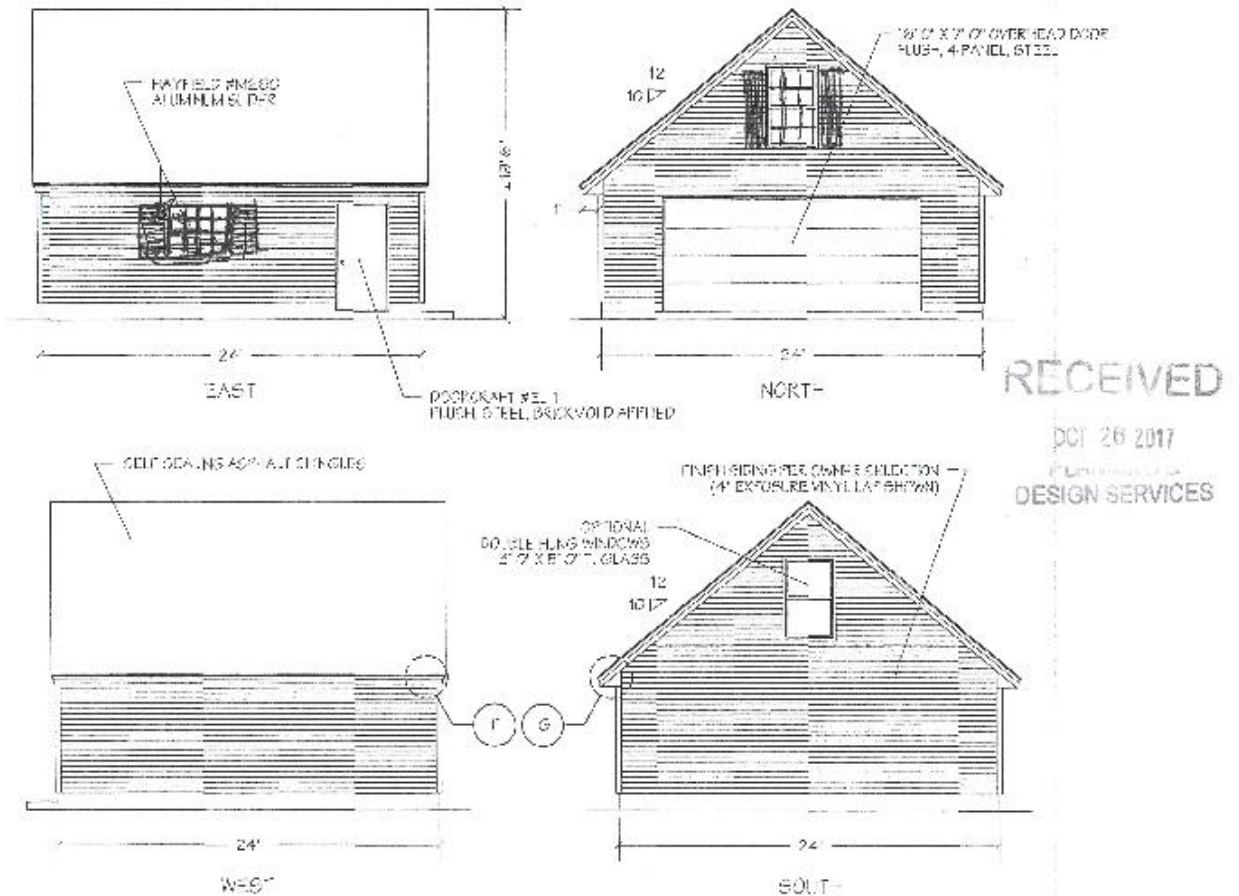
2. Aerial Photograph



3. Site Plan



4. Elevations



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