

# Board of Zoning Adjustment Staff Report

October 3, 2016



<b>Case No:</b>	16VARIANCE1065
<b>Request:</b>	To allow a proposed detached 2 story garage to encroach into the minimum side yard setback.
<b>Project Name:</b>	815 East Washington Street
<b>Location:</b>	815 East Washington Street
<b>Area:</b>	.12080 acres
<b>Owner:</b>	Jan Debevoise
<b>Applicant:</b>	Jan Debevoise
<b>Representative:</b>	Jan Debevoise
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Ross Allen, Planner I

## REQUEST

**Variance:** from the Land Development Code section 5.2.2, table 5.2.2 to allow a proposed detached garage to encroach into the minimum side yard setback along the western property line.

Location	Requirement	Request	Variance
Side Yard Setback (Western Property Line)	3 feet	0 feet	3 feet

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a detached 2 story 2 car garage at the rear of their property along an alley bounded by North Shelby Street and North Campbell Street. The 2 car garage will have a footprint of approximately 676 sf. and will be encroaching into the minimum side yard setback by three feet along the western property line. The garage will have steps leading from the ground level to the second story located at the front of the garage and along the eastern property line, both facing the rear of the principal structure. The garage also is setback from the alley by approximately 10 feet, greater than the five foot requirement by the Land Development Code. The subject site is located in Butchertown, requiring a Certificate of Appropriateness (16COA1186) which was approved on August 30, 2016. The garage is bounded by an alley to the rear, East Washington Street as the frontage, an R-7 zoning district to the west, and another R-6 zoned property to the east. There are approximately 11 R-6 zoned parcels along the same block face, 4 of the homes have accessory structures in the rear abutting the alley.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Multi-Family	R-6	Traditional Neighborhood
<b>Proposed</b>	Residential Multi-Family	R-6	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential Multi-Family	R-6	Traditional Neighborhood
<b>South</b>	Residential Multi-Family	R-6	Traditional Neighborhood
<b>East</b>	Residential Multi-Family	R-6	Traditional Neighborhood
<b>West</b>	Residential Multi-Family	R-7	Traditional Neighborhood

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 since the proposed 2 story garage will be set back from the alley by approximately 10 feet, by 5.5 feet from the property line along the eastern side, and have a zero foot setback along the western property line where the structure is adjacent to a parking lot. Many of the garages (accessory structures) are built to the property lines along the western side.

- (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 since other garages exist along the rear of the same block face, there are 6 accessory structures found along the same alley between North Shelby Street and North Campbell Street.

- (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 since the applicant is requesting an accessory structure that is in character with the general vicinity, is 10 feet from the rear property line, and is adjacent to a parking lot on the western side where the variance is requested.

- (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 since 4 of the 11 R-6 zoned homes along the same block face have detached accessory structures at the rear of lots along the alley. Many of the garages (accessory structures) are built to the property lines along the western side.

### ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since most of the principal and accessory structures were built to the property line on the western side.

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 deprive the applicant of the reasonable use of the land since all of the lot dimensions, north south and east of the applicant's site, are long and narrow. Principal and accessory structures were constructed to the western property line allowing for the maximum width of structures.

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 since the applicant is proceeding to obtain both the Certificate of Appropriateness (16COA1186) and the variance to comply with the requirements of the Land Development Code (2016).

### TECHNICAL REVIEW

- None

### STAFF CONCLUSIONS

The variance request appears to be 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 standard of review for granting a variance as established in the Land Development Code from section 5.2.2, table 5.2.2 to allow a proposed detached garage to encroach into the minimum side yard setback along the western property line by 3 feet..

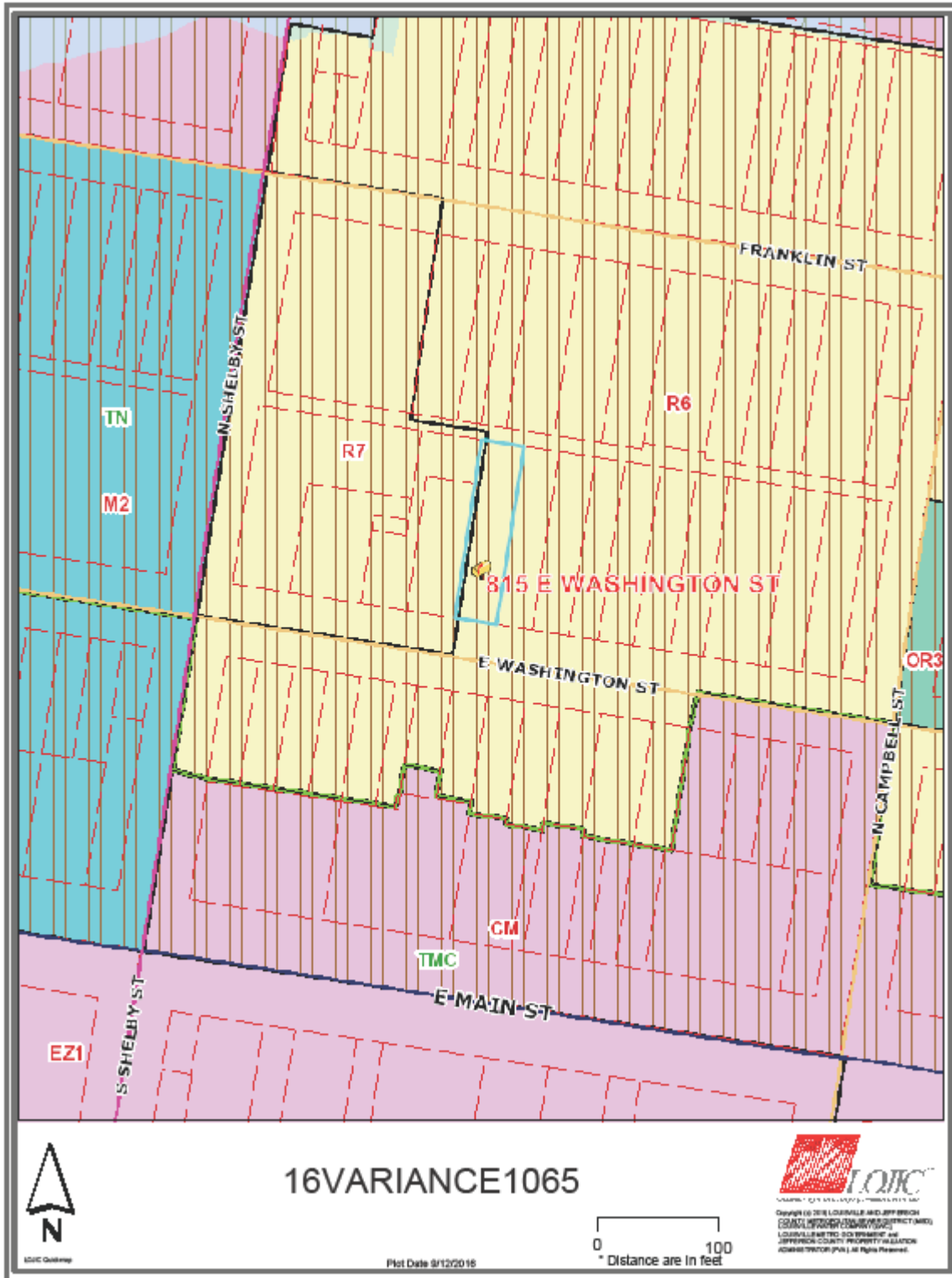
### NOTIFICATION

Date	Purpose of Notice	Recipients
September 27, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
September 27, 2016	Sign Posting for BOZA	Sign Posting on property

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

