

Board of Zoning Adjustment

Staff Report

January 06, 2020



Case No:	19-VARIANCE-0066
Project Name:	Eastview Avenue Variance
Location:	2173 Eastview Avenue
Owner:	Julie & Tom O'Neill
Applicant:	Mark Foxworth
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Nia Holt, Planner I

REQUEST

- **Variance** of Land Development Code section 5.5.1.A.2 to allow a structure to exceed the 5' maximum setback for a non-residential structure on a corner lot in the Traditional Marketplace Corridor form district by up to 13' as shown on the development plan.

Location	Requirement	Request	Variance
Corner Lot	5 ft. max	18 ft.	13 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned C-2 and is in the Traditional Marketplace Corridor Form District. It is located on the corner of Eastview Ave and Bardstown Rd and contains an existing two-story non-residential structure. This property is located within the Bardstown Road/Baxter Avenue Overlay District. The applicant is requesting a variance for a two-story addition which will be attached to the North side the of the existing structure. The addition will be setback 18 ft from the Bardstown Rd street side yard.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet the standards 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 standard of granting a variance established in the Land Development Code from section 5.5.1.A.2 to allow a structure to exceed the 5' maximum setback for a non-residential structure on a corner lot in in the Traditional Marketplace Corridor form district.

RELATED CASES

There are two approved Overlay Permits on this site under case #19-OVERLAY-0014 and #19-OVERLAY-0024. There are no open enforcement cases.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.5.1.A.2

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

STAFF: The request will not adversely affect the public health, safety or welfare as all building codes and safety regulations will be met on the subject site.

- (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 it will facilitate the renovation of a historic structure and the Bardstown Road Overlay Review Committee will ensure the site is developed in keeping with the character of the area.

- (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 structure will be constructed to comply with 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 structure and associated setback will align with the existing conditions.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is a corner lot with a more restrictive maximum setback. The requested variance will match other setbacks in the area and maintain the character of the BROD overlay district.

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 may create an unnecessary hardship on the applicant by preventing them from renovating the addition.

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.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

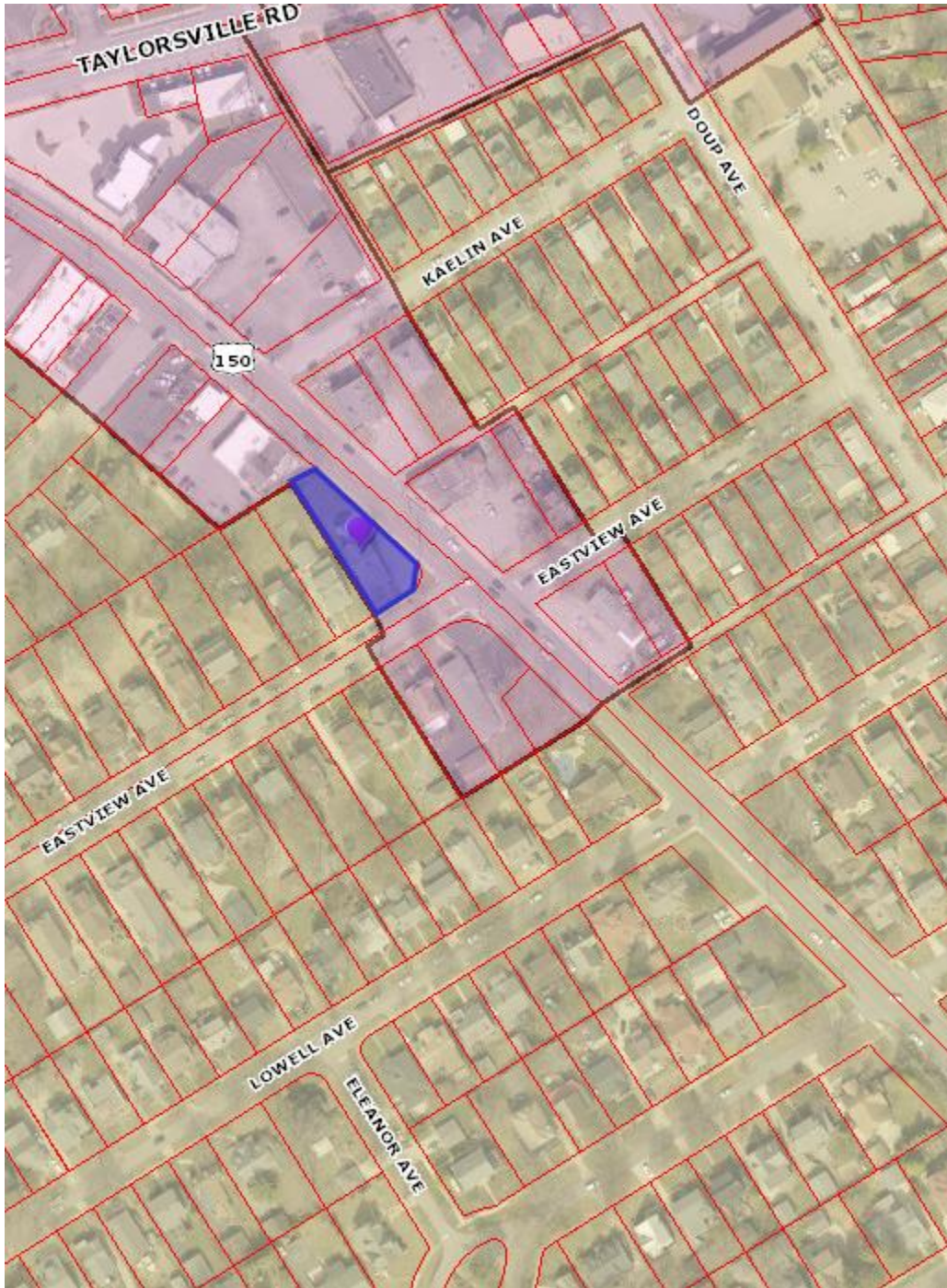
NOTIFICATION

Date	Purpose of Notice	Recipients
12/13/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2
12/19/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



