

Board of Zoning Adjustment

Staff Report

March 4, 2019



Case No.	18VARIANCE1102
Project Name	Street Side Yard Variance
Location	712 Grant Avenue
Owner/Applicant	Andrew Ernspiker Jr. Inc.
Jurisdiction	Louisville Metro
Council District	18 – Marilyn Parker
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Variance to permit a residence to encroach on the required street side yard in a Neighborhood form district (LDC Table 5.3.1)

Location	Requirement	Request	Variance
Required street side yard	30 ft	6 ft	24 ft

CASE SUMMARY / BACKGROUND

The vacant site is located on the west side of Grant Avenue between Railroad Avenue and New LaGrange Road, bordered on the north by a railroad line. It and adjoining properties to the south, east and west are zoned R-4 Single-Family Residential within a Neighborhood form district and are in single-family use.

The applicant is requesting the variance in order to build a new residence that does not maintain the required street side yard along Railroad Avenue. This side street, Railroad Avenue, dead-ends to both the east and the west of Grant Avenue, serving one property on each side. The Railroad Avenue property immediately adjoining the site to the west is also owned by the applicant.

The proposed placement of the residence will allow an increase in the side yard on the south property line from 6 ft to 18 ft, providing a larger buffer between it and the adjacent residence to the south. The proposal will maintain the 50 ft right-of-way on Railroad Avenue, resulting in a total distance from the Railroad Street of 56 ft.

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, 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 to permit a residence to encroach on the required street side yard in a Neighborhood form district (LDC Table 5.3.1).

TECHNICAL REVIEW

No technical issues remain to be 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 variance will only affect one additional property on Railroad Avenue, also owned by the applicant, and will maintain a 56 ft setback from the edge of the pavement.

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

STAFF: The requested variance is in character with existing development on the site and in the vicinity.

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

STAFF: The variance will not cause a public hazard or nuisance through excessive noise, vibration, odor or light and will not adversely affect sight lines for motorists at the Railroad Avenue/Grant Avenue intersection.

- (d) The requested variance will not allow an unreasonable circumvention of zoning regulations.

STAFF: Permitting the proposed variance is a reasonable circumvention of zoning regulations due to the large amount of right-of-way and the fact that Railroad Avenue is a dead-end street serving only two residences.

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 50 ft right-of-way is well in excess of the required side yard for similar uses. In addition, the parcel is narrower at the front than the rear, where a sufficient street side yard is achieved.

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 application of the regulation would create an unnecessary hardship in that it is not out of character for the site or the area. In addition, the area of the requested variance abuts a right-of-way that is significantly larger than 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 circumstances are not the result of actions taken by the applicant.

NOTIFICATION

Date	Purpose of Notice	Recipients
2/14/2019	Hearing before BOZA	1st tier adjoining property owners Registered Neighborhood Groups in Council District 18 Sign Posting

ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Site Plan

1. Zoning Map



2. Aerial Photograph



3. Site Plan

