

Board of Zoning Adjustment
Staff Report
August 29, 2022



Case No:	22-VARIANCE-0099
Project Name:	2824 Montgomery St
Location:	2824 Montgomery St
Owner(s):	Houseal Investment LLC
Applicant:	Houseal Investment LLC
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Variance** from Land Development Code Table 5.2.2 to permit a parking space to encroach into the required 3-foot side yard by up to 2 feet.

CASE SUMMARY/BACKGROUND

The applicant is proposing to utilize the Planned Development Option available within the UN zoning district to convert an existing structure into 4 dwelling units. The subject site is within the Traditional Neighborhood form district in the Portland neighborhood of Louisville Metro. An existing paved area in the rear is proposed to be striped for 3 parking spaces, resulting in an encroachment into the required side yard.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

The Planning Commission has recommended that Louisville Metro Council approve the proposed plan as presented at the August 18, 2022 meeting. Board of Zoning Adjustment approval of this request would satisfy a condition of approval for that proposal.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variance**

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 variances will not adversely affect public health safety or welfare since the parking area is existing. MSD and Transportation Planning have approved the preliminary plan and will ensure safety through the construction permitting process.

- (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 the paved area is existing and has been used for parking. It is adjacent to other alley-access off-street parking areas.

- (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 paved area exists and has been used for parking in the past.

- (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 zoning regulations since the paved parking area exists and is in the appropriate location for off-street parking in the Traditional Neighborhood form district.

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 not generally apply to land in the general vicinity.

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 reasonable use of the land since the paved area is existing and the strict application of the code would reduce legal off-street parking for residents of the property.

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, as the parking area is existing and the applicant is requesting approval prior to striping for parking.

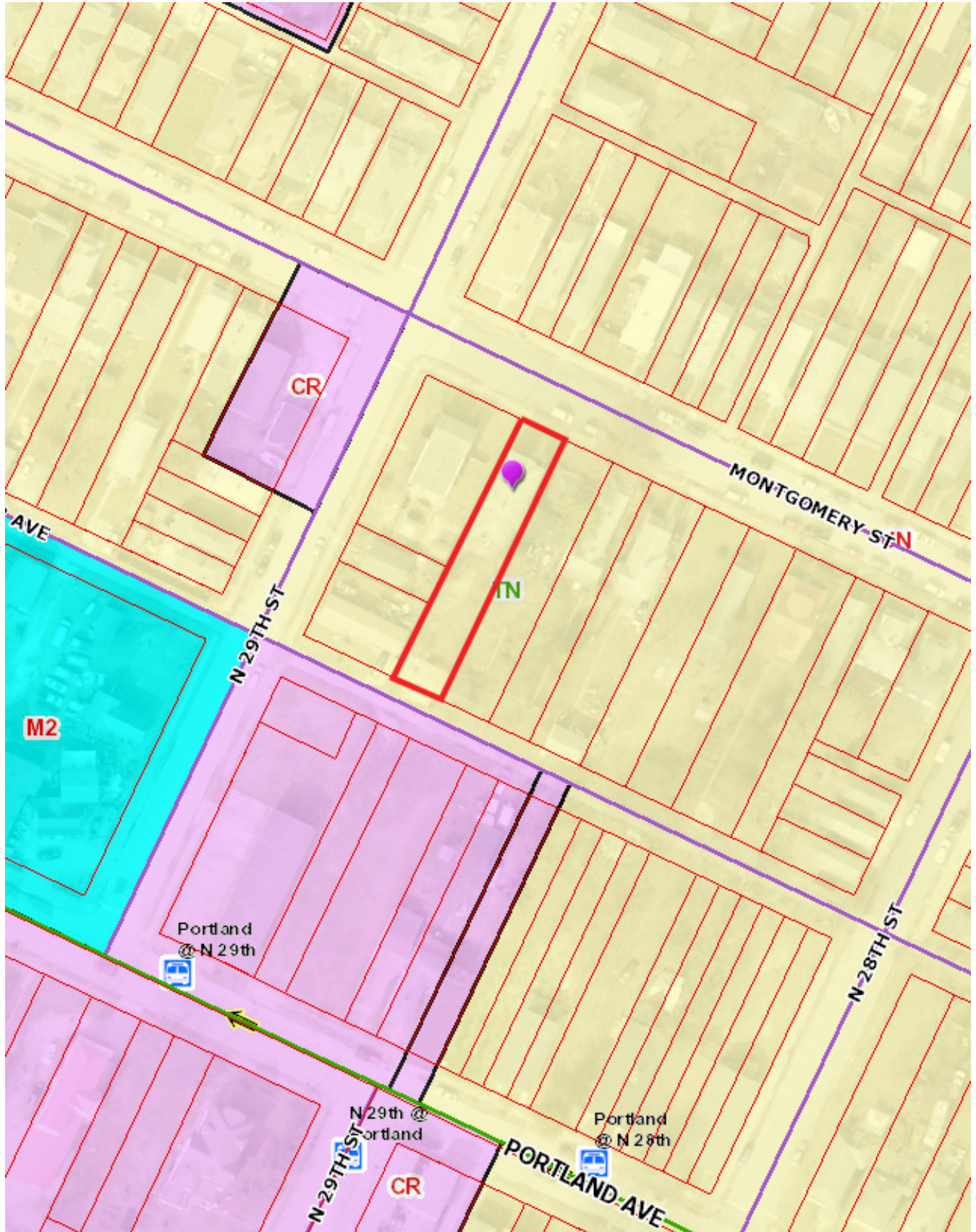
NOTIFICATION

Date	Purpose of Notice	Recipients
8-5-22	Hearing before Planning Commission	1 st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 5

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

