

**Board of Zoning Adjustment**  
**Staff Report**  
 June 8, 2020



<b>Case No:</b>	20-VARIANCE-0037
<b>Project Name:</b>	Vine Street Variance
<b>Location:</b>	948 Vine Street
<b>Owner(s):</b>	Brohannon, LLC
<b>Applicant:</b>	Ryan Brown – Brohannon, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUESTS:**

**Variance** from Land Development Code section 5.1.10.F to allow a principle structure to encroach into the required side yard setbacks.

Location	Requirement	Request	Variance
Northern Side Yard	3 ft.	1.51 ft.	1.49 ft.
Southern Side Yard	3 ft.	0.48 ft.	2.52 ft.

**CASE SUMMARY/BACKGROUND**

The subject site is zoned R-6 Residential Multi-Family in the Traditional Neighborhood Form District. It is a single-family structure located in the Germantown Neighborhood. The existing structure is one-story and the applicant proposes to add a second story to the entire existing footprint. The proposed second story addition will encroach into the setbacks on both sides.

The subject property is 25 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setback is therefore 2.5 feet.

**STAFF FINDINGS**

Staff finds that the requested variance meets standards (b), (c), and (d), but staff is concerned that the variance request does not meet standard (a) because construction and maintenance of the addition may have an adverse impact on the adjoining property owner.

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 standards for granting a variance established in the Land Development Code from section 5.1.10.F to allow a principal structure to encroach into the required side yard setbacks.

**TECHNICAL REVIEW**

No technical review required.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

## **RELATED CASES**

None.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.10.F**

- (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, because the proposed addition must be constructed to comply with all building codes, including fire codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the neighboring property.

- (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, the structure will be similar in size and scale compared to surrounding structures.

- (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 because the addition must be constructed to comply with all 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 proposed addition will be the same distance from the side property lines as the existing footprint.

## **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 the land in the generally vicinity or the same zone as the lot is similar in size and shape as the surrounding properties.

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 create an unnecessary hardship on the applicant as the proposed addition would be the same distance from the side property lines as the existing structure.

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 applicant is requesting the variance and has not begun construction.

### **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.

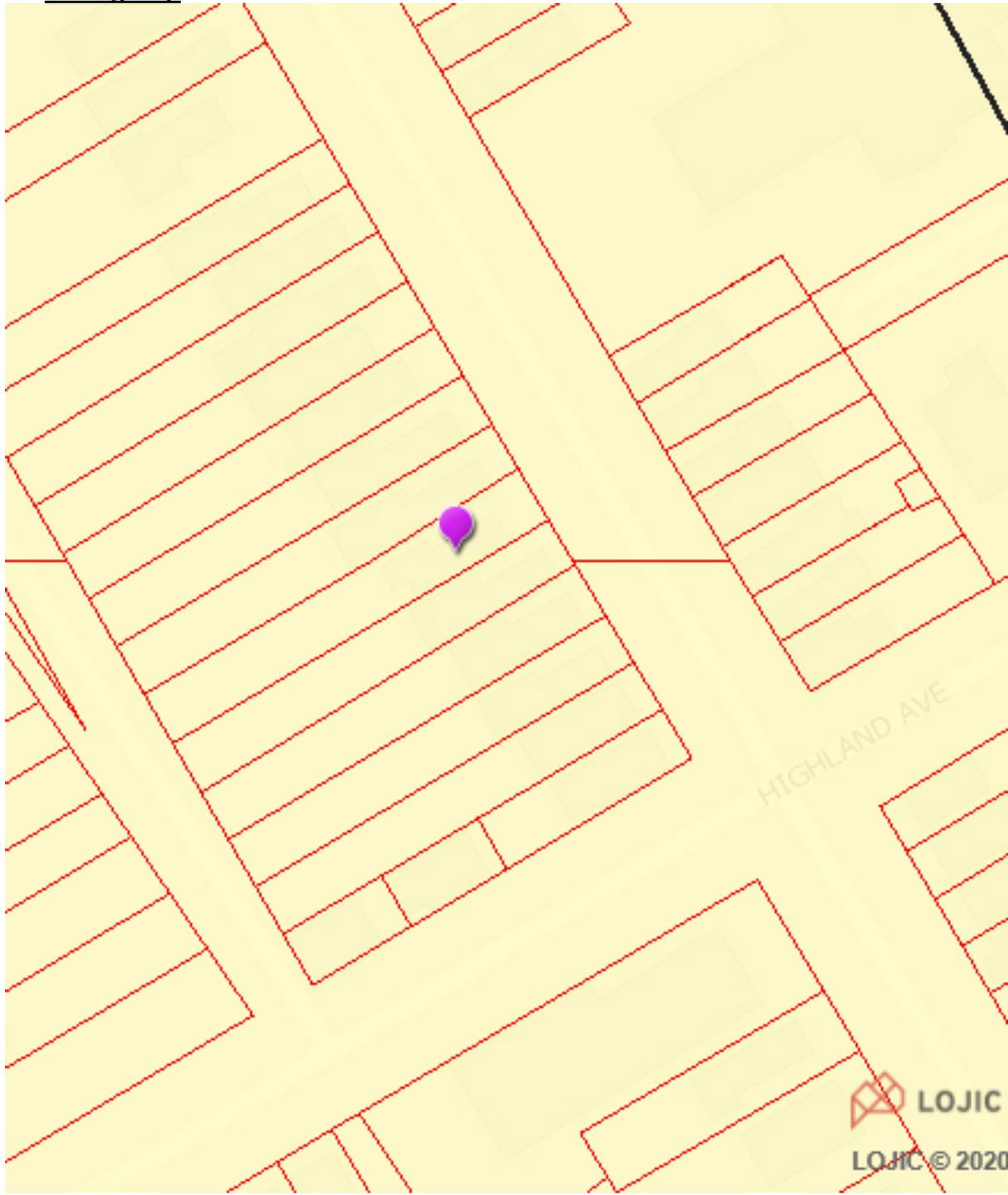
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>05/21/2020</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
<b>05/27/2020</b>	Hearing before BOZA	Notice posted on property

### **ATTACHMENTS**

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

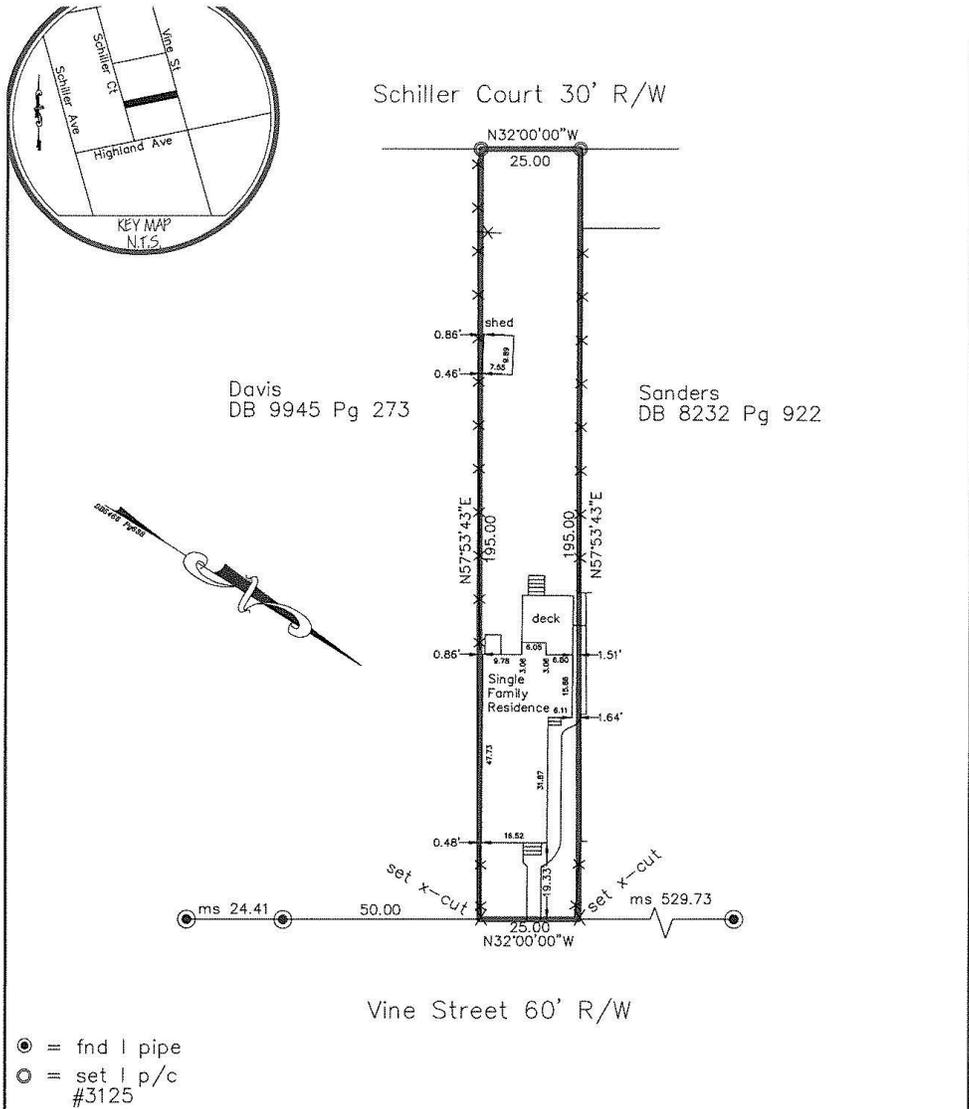
1. Zoning Map



2. Aerial Photograph



**3. Site Plan**



● = fnd l pipe  
 ○ = set l p/c  
 #3125

0 15 30 60  
 GRAPHIC SCALE 1=30

Note: A Title Exam was not provided.  
 This plat is subject to all easements whether shown or not.

**LAND SURVEYOR'S CERTIFICATE**  
 I hereby certify that this plat and survey were made under my direct supervision on 2-25-20 and that the angular and linear measurements, as witnessed by monuments, shown hereon, are true and correct to the best of my knowledge and belief.  
 - SURVEY CLASS "Urban" -  
 This survey meets or exceeds the minimum standards of governing authorities.

**MIKE SEELY & ASSOCIATES**  
 P.O. BOX 18788  
 LOUISVILLE, KY. 40261  
 (502) 643-1785

**- BOUNDARY SURVEY -**

FOR: Brohanno LLC  
 LOCATION: 948 Vine St  
 Louisville KY, 40204  
 RECORD SOURCES: Blk 22D Lot 184  
 DB 11603 Pg 135  
 COUNTY: JEFFERSON  
 SCALE: 1=30 DATE: 3-4-20

STATE OF KENTUCKY  
 MICHAEL D. SEELY  
 LS 3125  
 LICENSED LAND SURVEYOR

*Michael D. Seely*  
 Licensed Land Surveyor #3125

4. Elevations

04 NORTH ELEVATION 1/4" = 1'-0"

01 WEST ELEVATION 1/4" = 1'-0"

03 SOUTH ELEVATION 1/4" = 1'-0"

02 EAST ELEVATION 1/4" = 1'-0"

045 WINE ST SINGLE FAMILY HOME  
 REHAB  
 RYAN BROWN  
 045 WINE ST  
 LOGSVILLE, KY 40217  
 PROJECT NO. 20-0037  
 DATE 03/16/2020  
 DRAWING NO. 02  
 CHECKED BY: [Signature]

MAR 16 2020

PLANNING DEPT.

1/4" = 1'-0"  
 Drawing Scale: 1/4" = 1'-0"  
 Checked By: [Signature]  
 ELEVATIONS

**A002**

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**5. Site Photos**



Front of subject property.



Variance location for the northern side from the front.



Variance location for the southern side from the front.



Rear of the subject property.