

**Board of Zoning Adjustment**  
**Staff Report**  
 October 15, 2018



<b>Case No:</b>	18VARIANCE1083
<b>Project Name:</b>	Addition
<b>Location:</b>	917 East Washington Street
<b>Owner:</b>	Anne Marie Bauscher
<b>Applicant:</b>	Charlie Williams
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4---Barbara Sexton Smith
<b>Case Manager:</b>	Steve Hendrix, Planning Coordinator

**REQUEST**

- **Variance** from the Land Development Code, Chapter 5.2.2.C.2 to allow a proposed one story addition to be 0.5 feet from the east side property line.

<b>Location</b>	<b>Requirement</b>	<b>Request</b>	<b>Variance</b>
<b>East Side Yard Setback</b>	3.0 Feet	0.5 Feet	2.5 Feet

**CASE SUMMARY/BACKGROUND**

The 0.09 acre property is located on the north side of East Washington Street in Butchertown. The property is zoned R-6 and is within a Traditional Neighborhood Form District. The proposal is for a one story, approximately 270 square foot addition at the rear of the building with a shed roof. A Certificate of Appropriateness was obtained on August 16, 2018.

**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, 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, Chapter 5.2.2.C.2.

**TECHNICAL REVIEW**

No technical comments.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM Chapter 4.4.3.A.1.a.i.**

- (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 one story addition will allow for access along the western side of the 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, since the side setback is similar to other ones along this section of Washington Street and Butchertown.

- (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 addition is one story at the rear of the house.

- (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 this is the only location for any type of addition.

**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, due to the shape and size of the lot and the existing placement of the house.

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, since the addition would have to be re-designed and possibly not flow with the existing floor plan.

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.

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, but are a result of the size and shape of the lot and the existing location of the house.

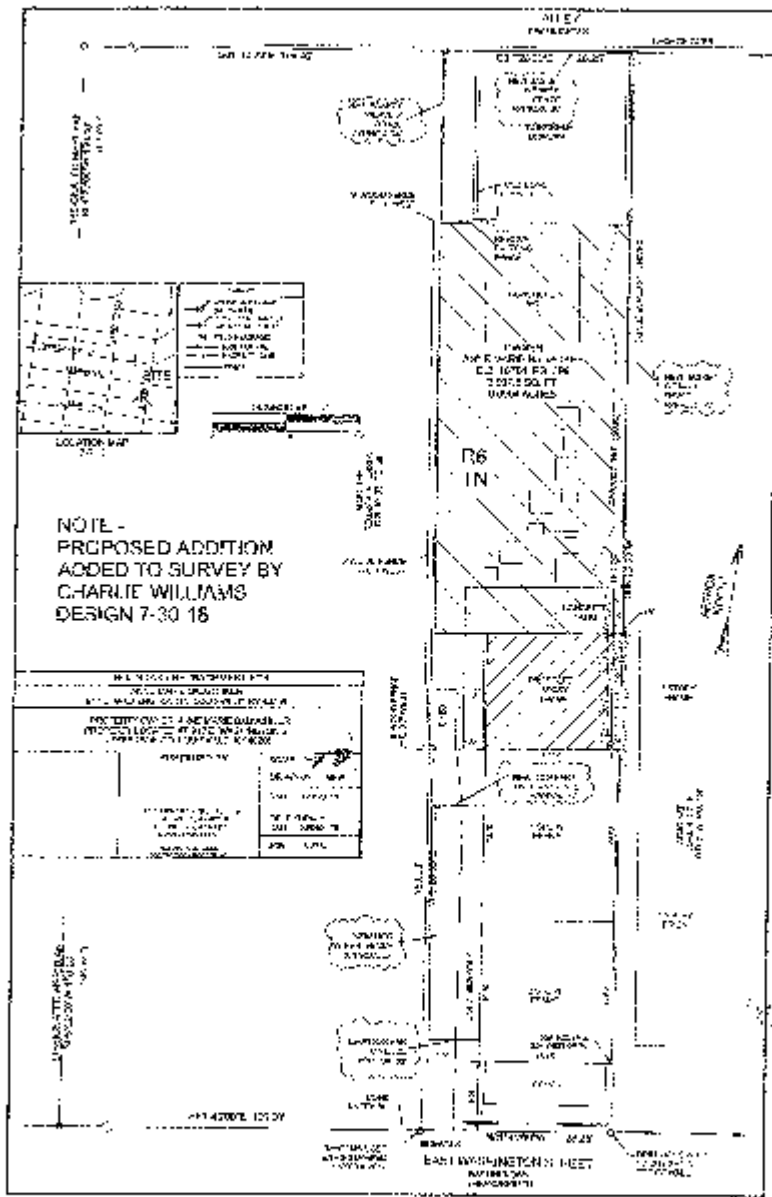
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
09/28/2018	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners
09/27/2018		Registered Neighborhood Groups in Council District 4
09/28/2018	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

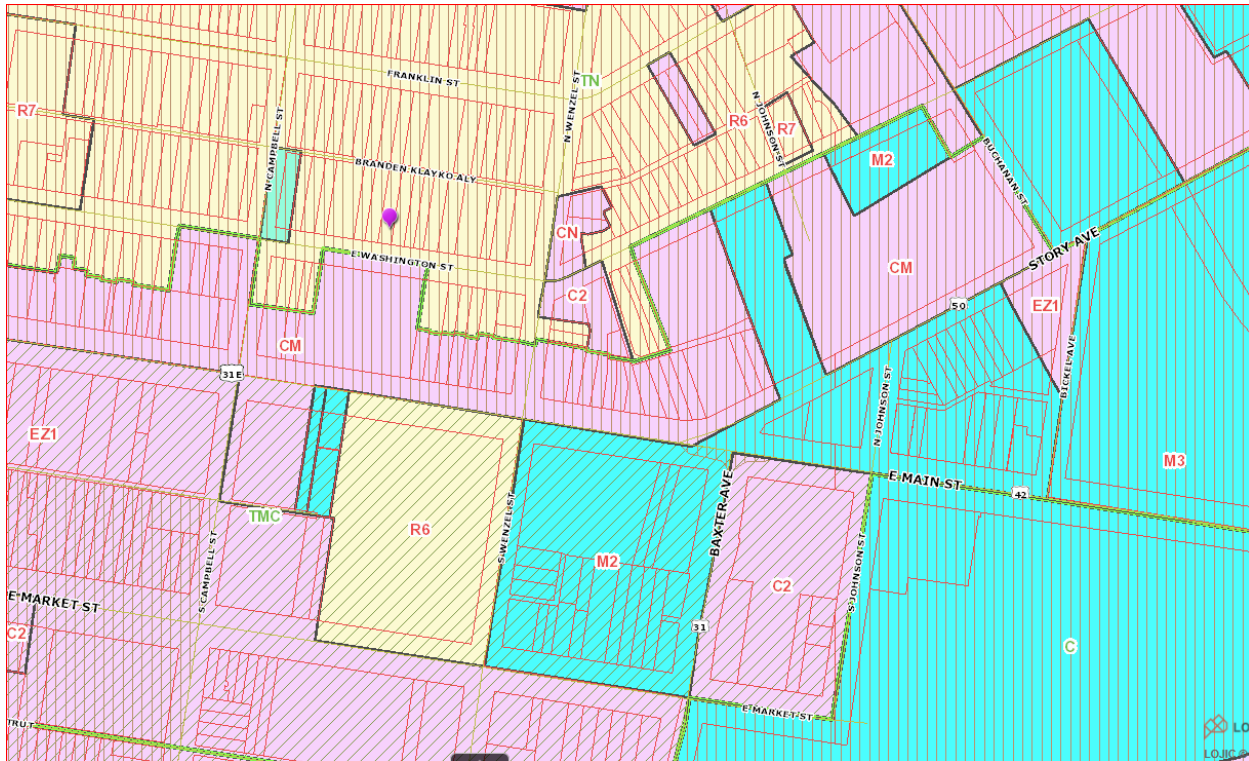
1. Site Plan
2. Zoning Map
3. Aerial Photograph
4. Site Photos





TOTAL LOT 3937.5 SF  
 MAX. ALLOWED LIVING AREA  
 1968.75 SF  
 PROPOSED LIVING AREA  
 1369 SF

# Zoning Map



Aerial Map



Front of house facing East Washington Street



East Side of house. (left)





Rear Yard

