

# Board of Zoning Adjustment

## Staff Report

November 20, 2017



<b>Case No:</b>	17VARIANCE1076
<b>Project Name:</b>	1134 Dove Road Addition
<b>Location:</b>	1134 Dove Road
<b>Owner(s):</b>	Donald & Sharon Beavin
<b>Applicant:</b>	Donald & Sharon Beavin
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Dante St. Germain, Planner I

**REQUEST**

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	6 ft.	3.5 ft.	2.5 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Audubon Park Sections A & B subdivision, recorded in 1938 in plat book 7, page 143, and currently contains a two-story single-family residence with a detached garage. The applicant proposes a new one-story addition to be constructed on the side of the existing principal structure, and requests approval for a variance to allow the addition to encroach into the side yard setback.

Staff has received signatures from all adjoining property owners approving of the proposed construction and therefore a public hearing is not required.

**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 from table 5.3.1 to allow a structure to encroach into the required side yard setback.

**TECHNICAL REVIEW**

- No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

- (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 as the proposed addition will be constructed to comply with all building codes, including fire codes.

- (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 proposed addition is not visible from the right of way.

- (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 proposed addition will be constructed according to 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 footprint of the residence will still be similar to the surrounding homes after the proposed addition is built.

## **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 generally apply to land in the general vicinity or the same zone as the property is regular in shape and of a similar size to neighboring properties. There are no known topographical constraints.

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 there are similar additions on the surrounding properties.

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 as the applicant is requesting the variance and has not begun construction.

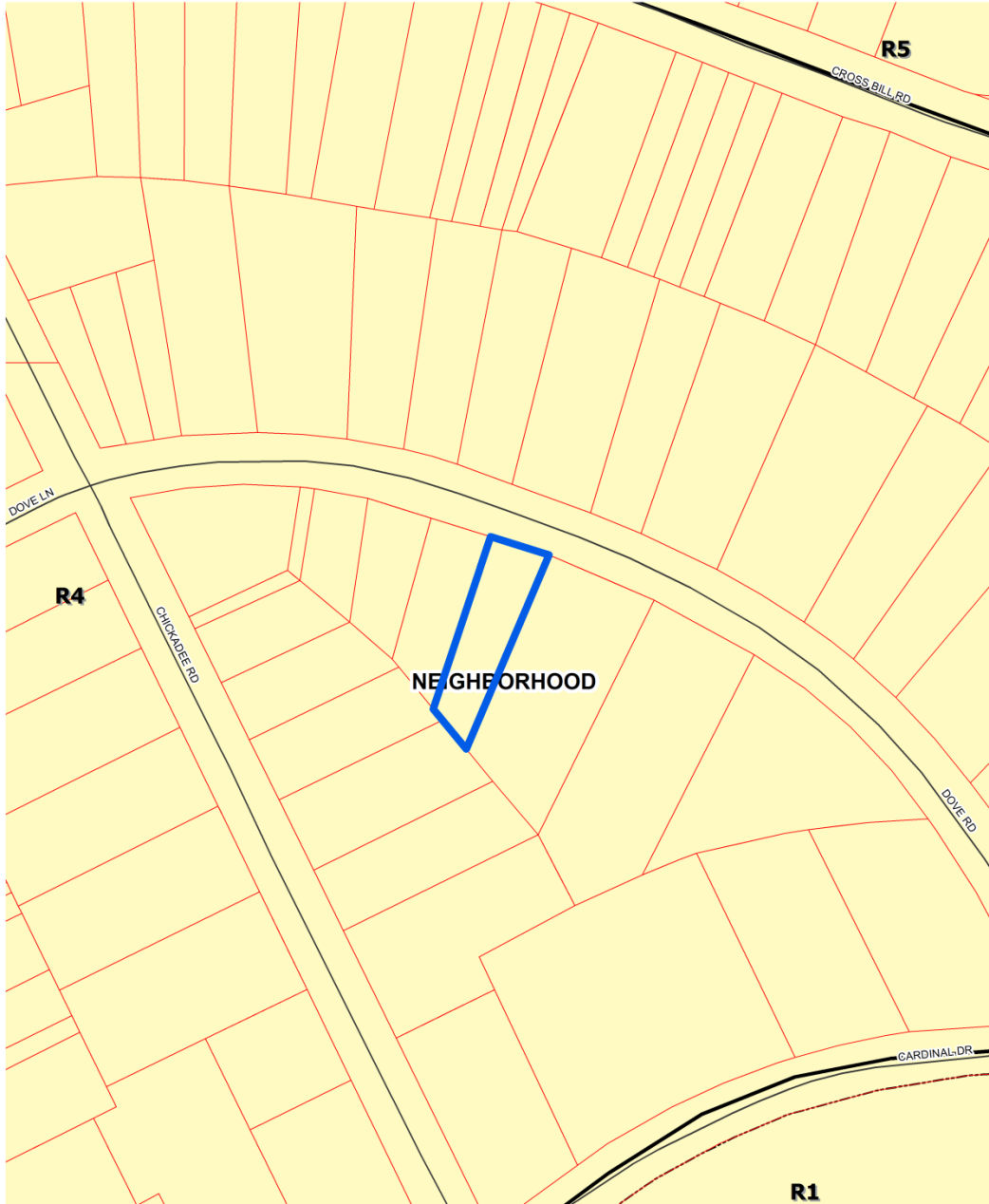
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/03/2017	Hearing before BOZA	Not Required for Business Session Item

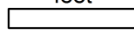
**ATTACHMENTS**

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

1. **Zoning Map**



1134 Dove Road  
feet



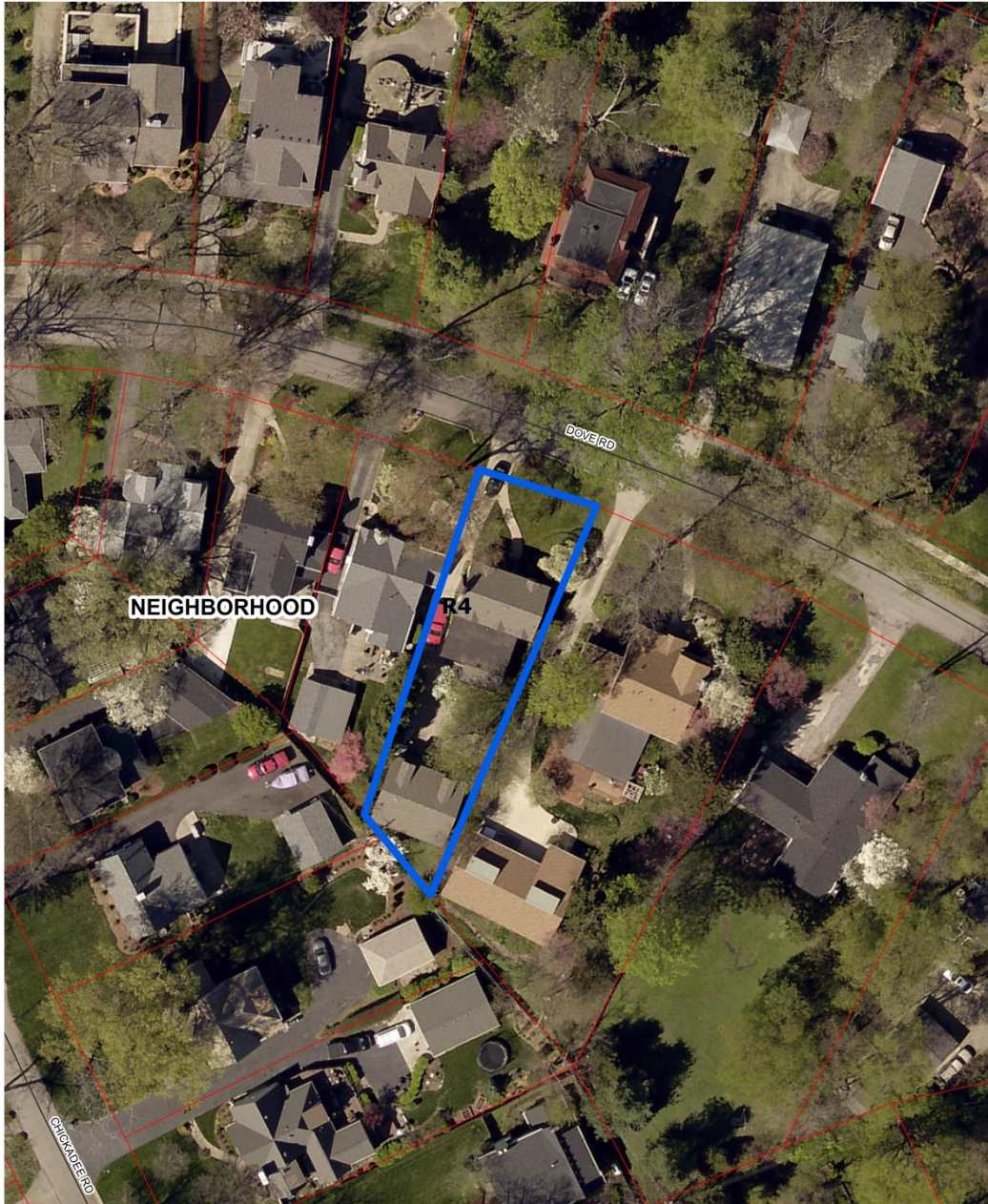
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Map Created: 10/26/2017

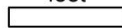


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2. Aerial Photograph



1134 Dove Road  
feet



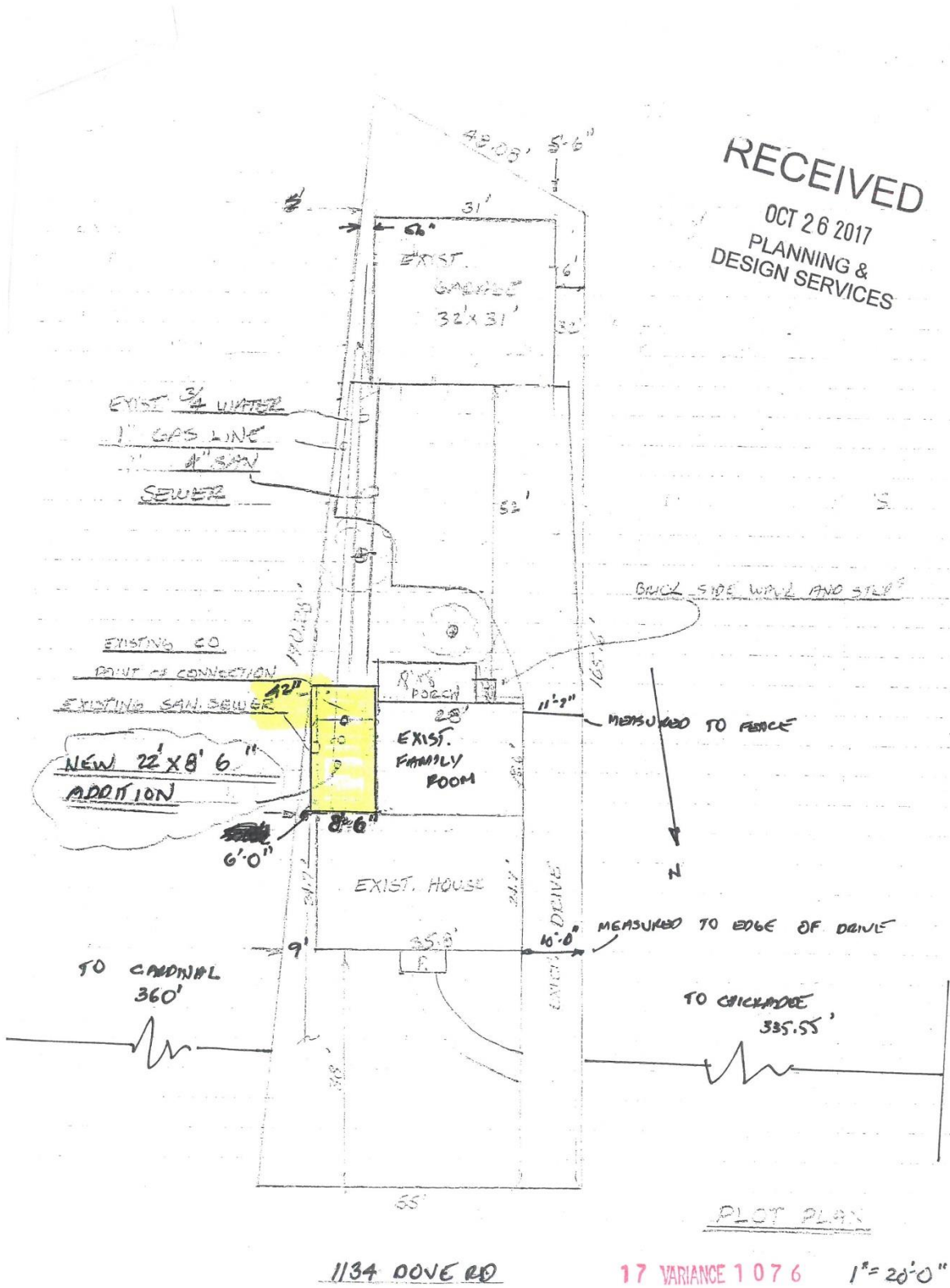
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Map Created: 10/26/2017



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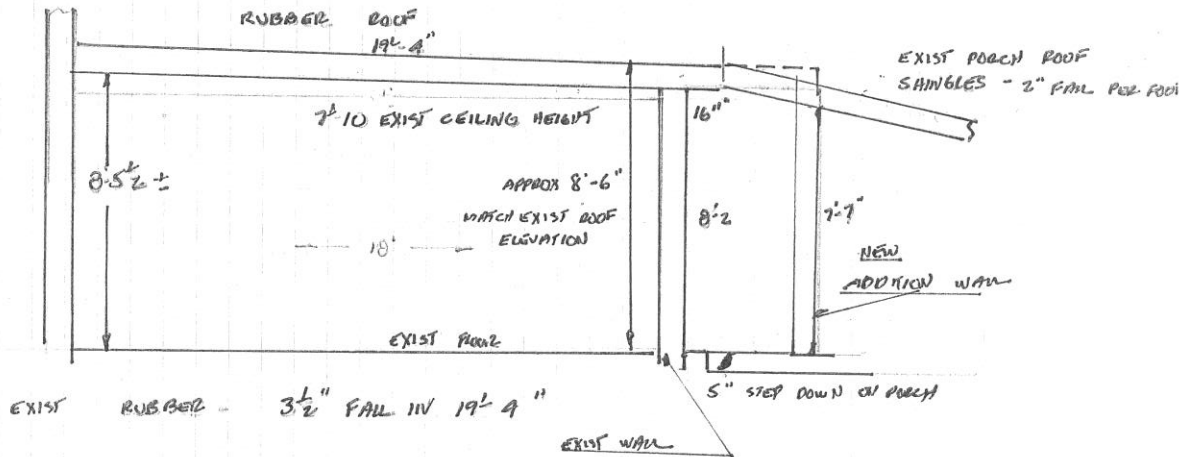
3. Site Plan



4. Elevations

RECEIVED

OCT 23 2017  
PLANNING &  
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17 VARIANCE 1076

5. Site Photos







