

# Board of Zoning Adjustment Staff Report

June 5, 2017



<b>Case No:</b>	17VARIANCE1022
<b>Request:</b>	Variance to reduce the private yard area
<b>Project Name:</b>	3029 Wentworth Ave Addition
<b>Location:</b>	3029 Wentworth Ave
<b>Area:</b>	6,300 Square Feet
<b>Owner:</b>	Margaret Schmidt & Diane Robl
<b>Applicant:</b>	Diane Robl
<b>Representative:</b>	Diane Robl
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Dante St. Germain, Planner I

## REQUEST

- Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot for a lot 6,000 square feet or greater in area.

Location	Requirement	Request	Variance
<b>Private Yard Area</b>	1,890 sq. ft.	1,564 sq. ft.	329 sq. ft.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to construct a one-story addition onto the existing one-story residence that is currently present on the subject property. The proposed addition will be 166 square feet, and will be used as an accessible bathroom. The subject property is 45 feet wide by 140 feet deep, for an area of 6,300 square feet. The addition will reduce the lot's private yard area to 1,564 square feet, below the 30% of the lot area required by Land Development Code section 5.4.1.D.2 in the Traditional Neighborhood Form District. The applicant requests a variance from this section to reduce the private yard area below the required 30% of the lot area.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single Family Residential	R-5	Traditional Neighborhood
<b>Proposed</b>	Single Family Residential	R-5	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Single-Family Residential	R-5	Traditional Neighborhood
<b>South</b>	Single Family Residential	R-5	Traditional Neighborhood
<b>East</b>	Single Family Residential	R-5	Traditional Neighborhood
<b>West</b>	Single Family Residential	R-5	Traditional Neighborhood

## PREVIOUS CASES ON SITE

Plat Book 1 Page 50

Sunset Addition Subdivision

## INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

## APPLICABLE PLANS AND POLICIES

Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.2

- (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 property will still have significant private yard area as well as a side yard.

- (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 pattern of development in the general vicinity is for lots that are 30' wide with no side yard, or 45' wide with a side yard, and the side yard is not proposed to be reduced.

- (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 significant private yard area will be left.

- (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 reduction of private yard area will allow the applicant to construct an accessible bathroom to facilitate aging in place.

### 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 as the applicant wishes to remain independent on the property as long as possible, and requires an accessible bathroom to achieve this.

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 by preventing the applicant from building the bathroom necessary to age in place on 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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no construction has yet taken place.

### TECHNICAL REVIEW

- No technical review undertaken.

### STAFF CONCLUSIONS

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 variances established in the Land Development Code from section 5.4.1.D.2 allowing the private yard area in a Traditional Neighborhood Form District to be less than 30% of the area of the lot for a lot 6,000 square feet or greater in area.

### NOTIFICATION

Date	Purpose of Notice	Recipients
05-01-2017	Non Public Hearing before BOZA	Not Required

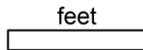
### ATTACHMENTS

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

1. **Zoning Map**



3009 Wentworth Ave

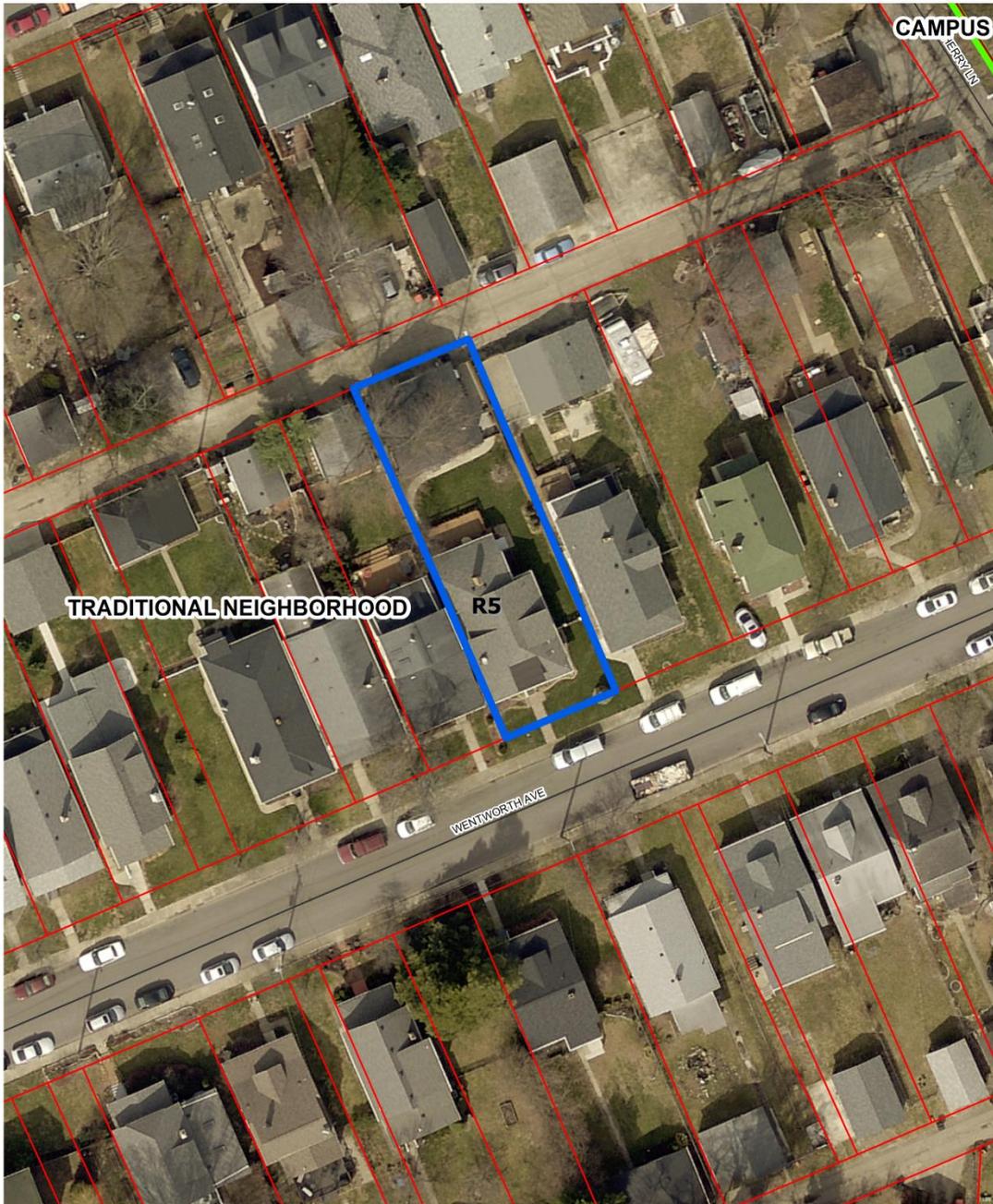


140  
Map Created: 5/24/2017



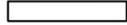
Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial



3029 Wentworth Ave

feet



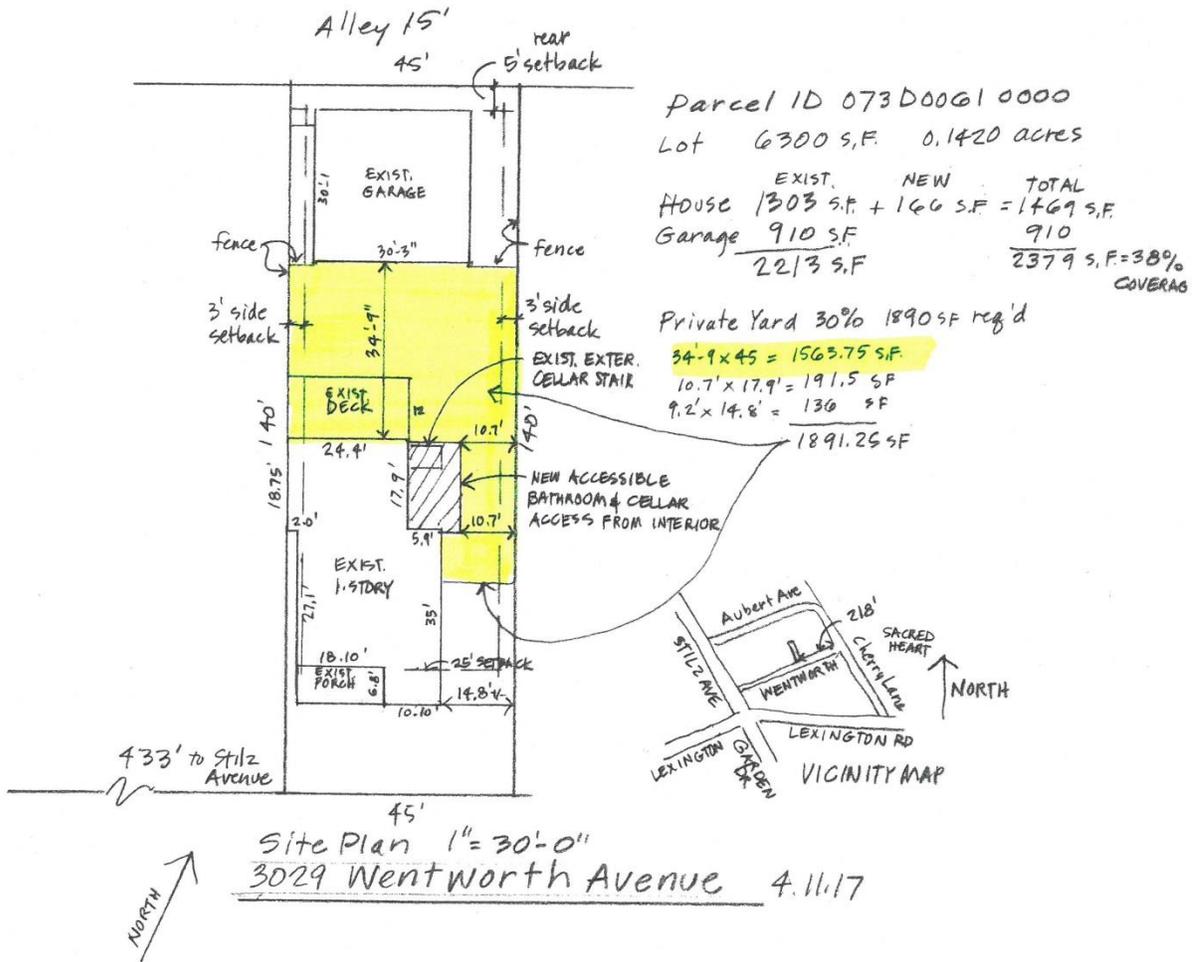
40

Map Created: 5/24/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Site Plan

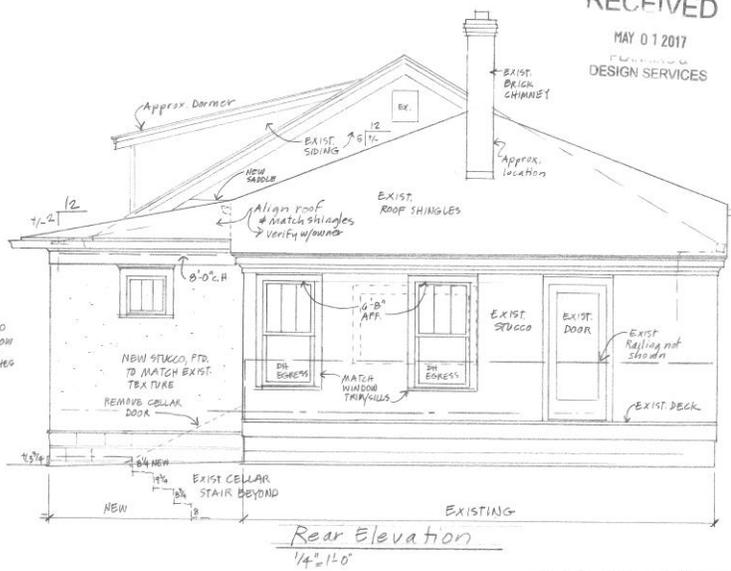
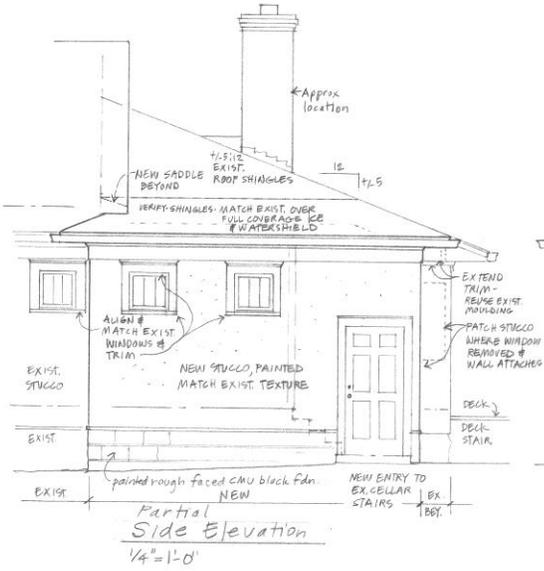


RECEIVED  
 MAY 01 2017  
 PLANNING & ZONING  
 DESIGN SERVICES

17 VARIANCE 1022

4. **Elevation**

RECEIVED  
MAY 01 2017  
DESIGN SERVICES



Robt. Schmidt  
3029 Wentworth Ave.  
4.11.17 VARIANCE 1022

5. Site Photos

3029 Wentworth Ave

Diane S. Robl 65

Margaret Schmidt 67



RECEIVED

MAY 01 2017

PLANNING  
DESIGN SERVICES

Reason for 2nd Bathroom:

One bathroom home, existing bathroom is not handicap accessible, need a handicap accessible bathroom to remain in the house as we age.

*Diane S. Robl*

17 VARIANCE 1022

3029 Wentworth Ave

2

↑  
Houses  
are very  
close  
to one  
another



The front of 3029. Lived there 35 years.

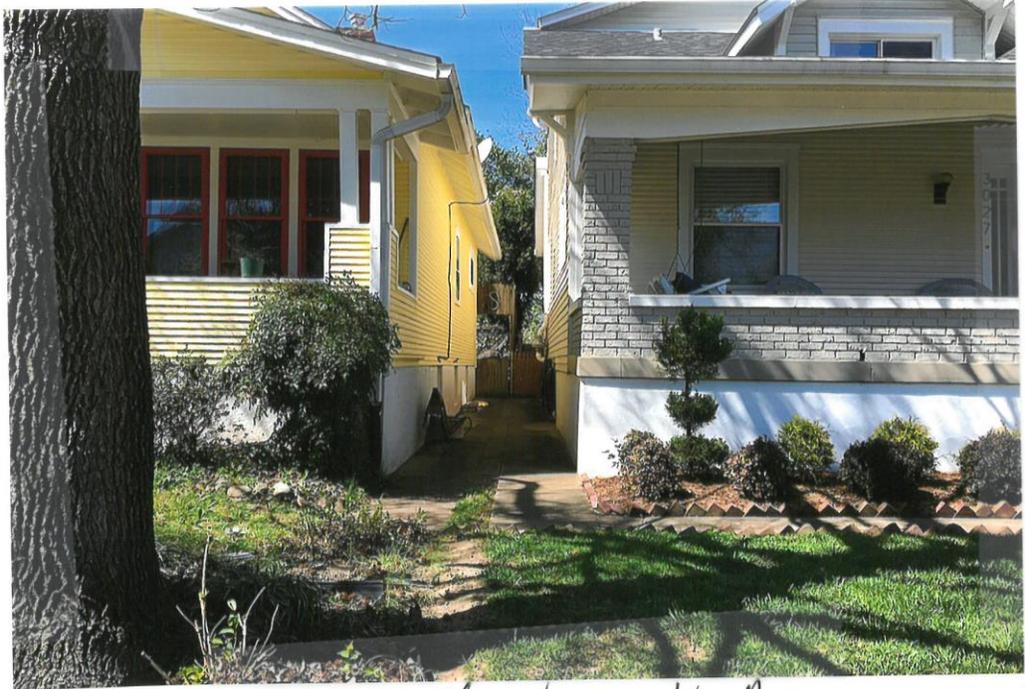


3027 + 3029 Wentworth Ave

17 VARIANCE 1022

3029 Wentworth Ave

3



3025 + 3027 Wentworth Ave - representative of many homes on Wentworth.

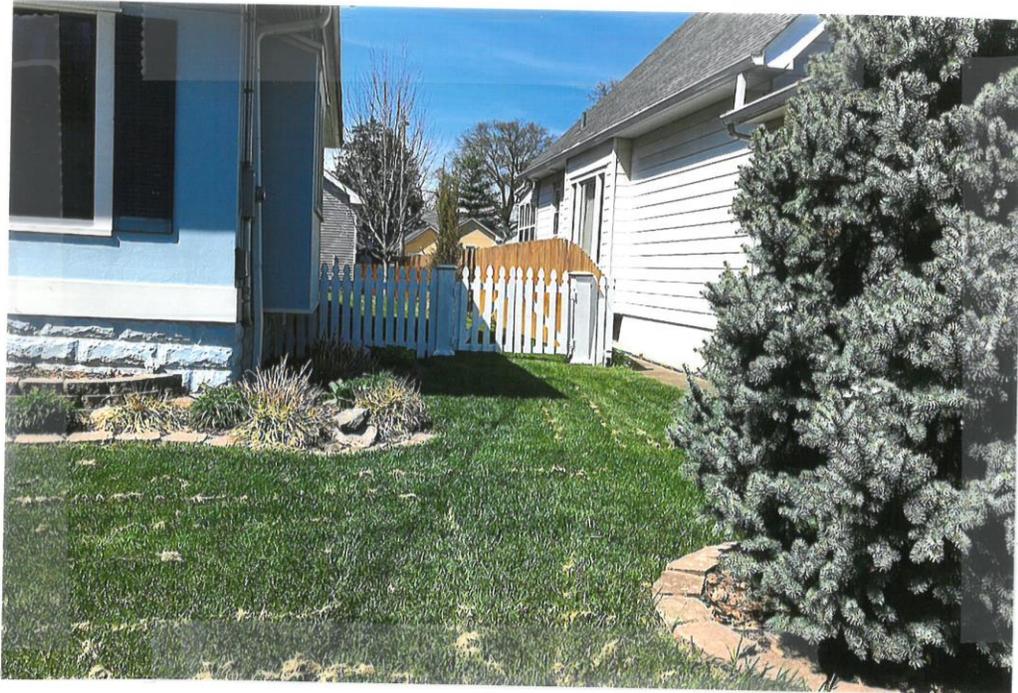


However, 3029 is located on a lot + one-half and by comparison has abundant + side yard.

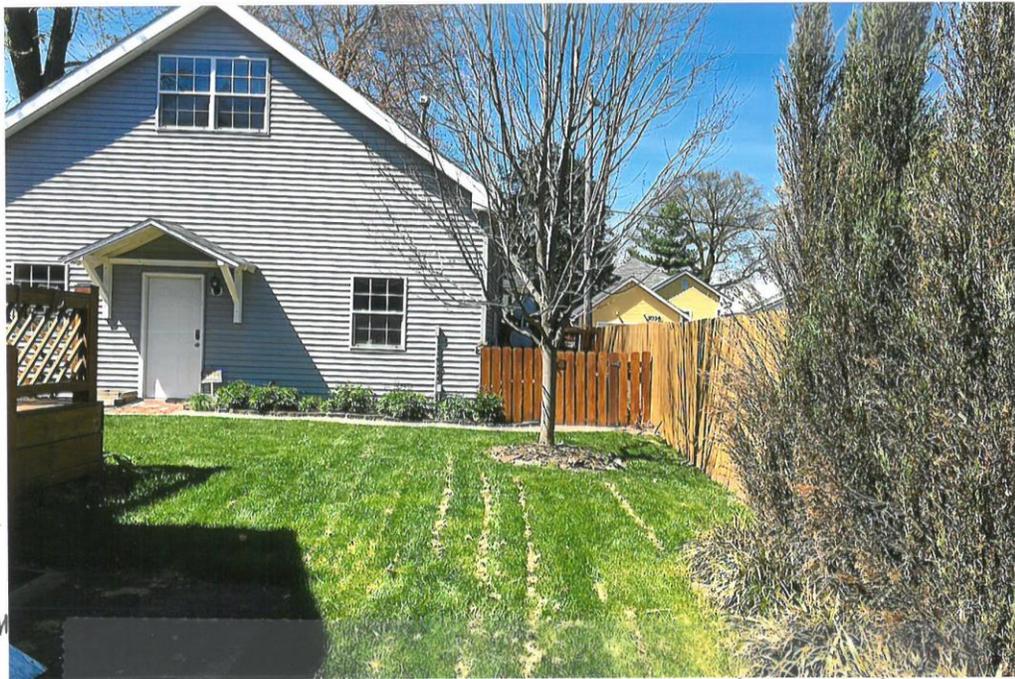
17 VARIANCE 1022

3029 Wentworth Ave.

4



Looking North, toward the back of the lot at 3029.



←  
Proposed  
Bathroom

Looking North while in the side yard.

17 VARIANCE 1022

3029 Wentworth Ave

5



Approx  
Location  
of  
Bathroom

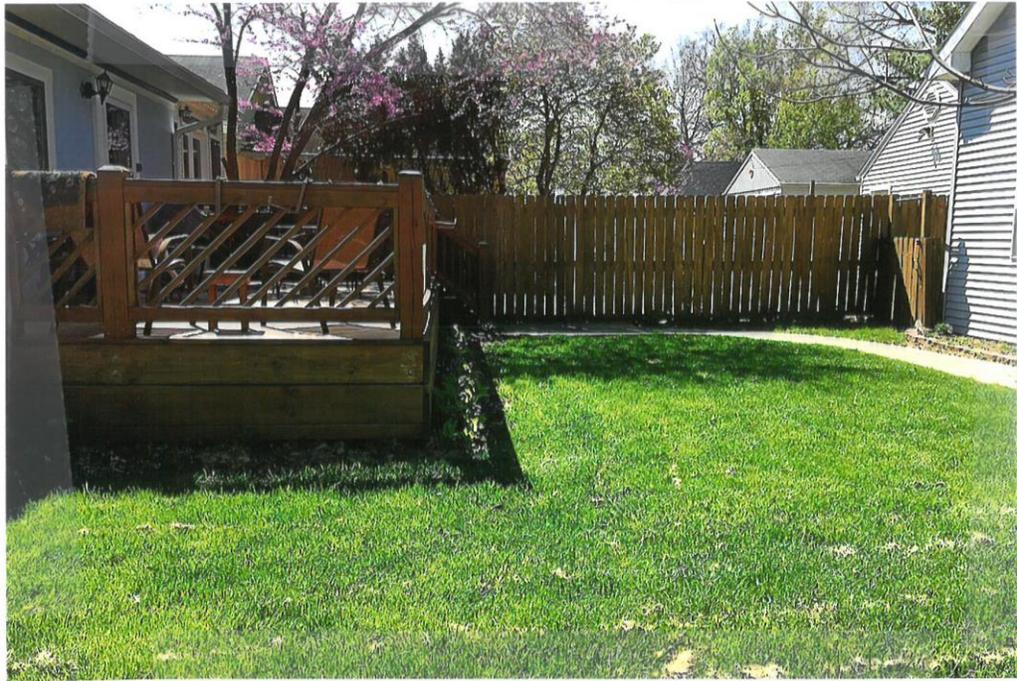
Looking South - toward the street.



Looking West toward house - location  
of proposed bathroom.

17 VARIANCE 1022

3029 Wentworth Ave 6

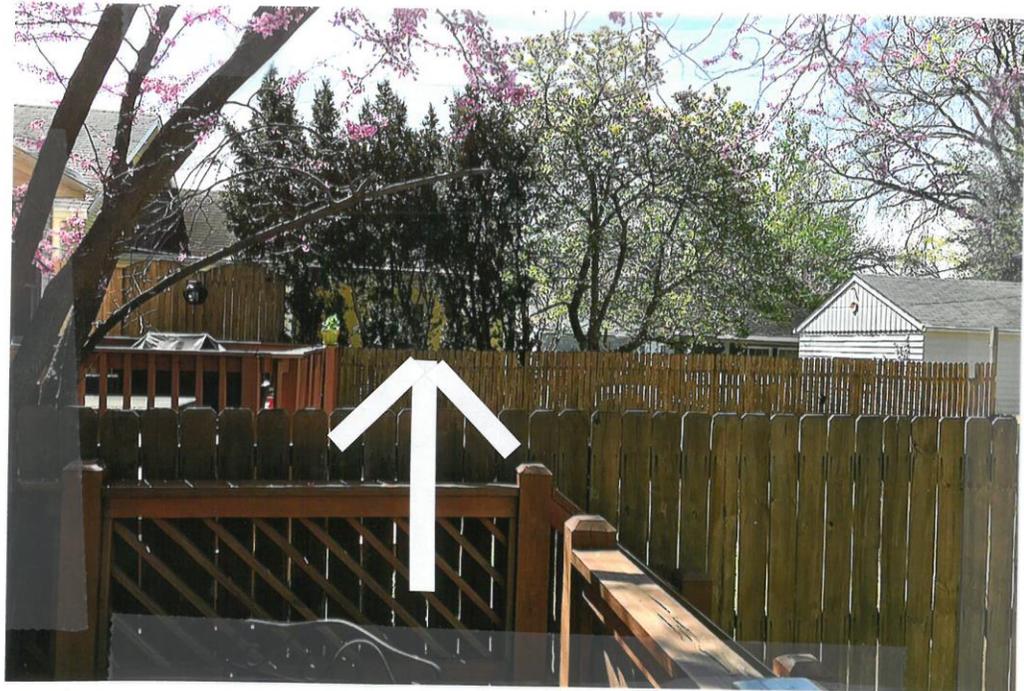


Current Yard Area - proposed bathroom has no impact on Yard Area. Garage built in 2002 with a Permit + no variance. Yard Area Regulation 2006.

17 VARIANCE 1022

3029 Wentworth Ave.

7



View from 3029 deck toward West. Note 2nd lot and yard space. Representative of the neighborhood due to small lots.

17 VARIANCE 1022