

Board of Zoning Adjustment

Staff Report

March 20, 2023



Case No:	22-VARIANCE-0150
Project Name:	Algonquin Parkway Variance
Location:	1740 Algonquin Parkway
Owner:	Closky Properties, LLC
Applicant:	Todd Willett, Willett & Associates Land Surveying INC.
Jurisdiction:	Louisville Metro
Council District:	3 - Kumar Rashad
Case Manager:	Molly Clark, Planner II

REQUEST:

Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.

Location	Requirement	Request	Variance
Private Yard Area	20% or 706 sq. ft.	5% or 201.6 sq. ft	15% or 540 sq. ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-6 Multi-Family Residential in the Traditional Neighborhood Form District. The property is currently developed with a 1.5 story principal structure and a 1 story accessory structure to the rear of the lot. The applicant is proposing to subdivide the lot into two substandard lots and convert the accessory structure into a single family house.

STAFF FINDINGS

Staff finds that the request for a private yard variance is adequately justified and meets the standards 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.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the structure may require alterations to the proposed building plans in order to meet building code requirements.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments regarding this request.

RELATED CASES:

22-MPLAT-0056 – Minor subdivision plat to subdivide one property into two.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.2 to not provide 20% private yard area:

- (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 structure must be constructed to comply with all applicable building codes, including fire codes, and the Land Development Code, except where relief is requested.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed private yard area reduction will not alter the essential character of the general vicinity as many properties in the area seemingly have reduced private yard areas since the neighborhood was constructed before zoning regulations.

- (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 structure 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 accessory structure being converted into a single family home will comply with all other regulations, except where relief is requested, and there are other properties within the block that have seemingly reduced open space between the principal and accessory use areas.

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 arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the proposed lots are similar in size and shape to 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 applicant is requesting to create substandard lots in order to create additional housing on the site.

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 has not converted the accessory structure into a house.

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.

REQUIRED ACTION:

APPROVE or **DENY** the **VARIANCE** from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.

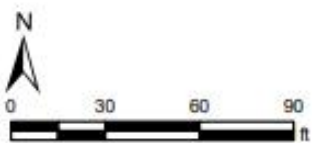
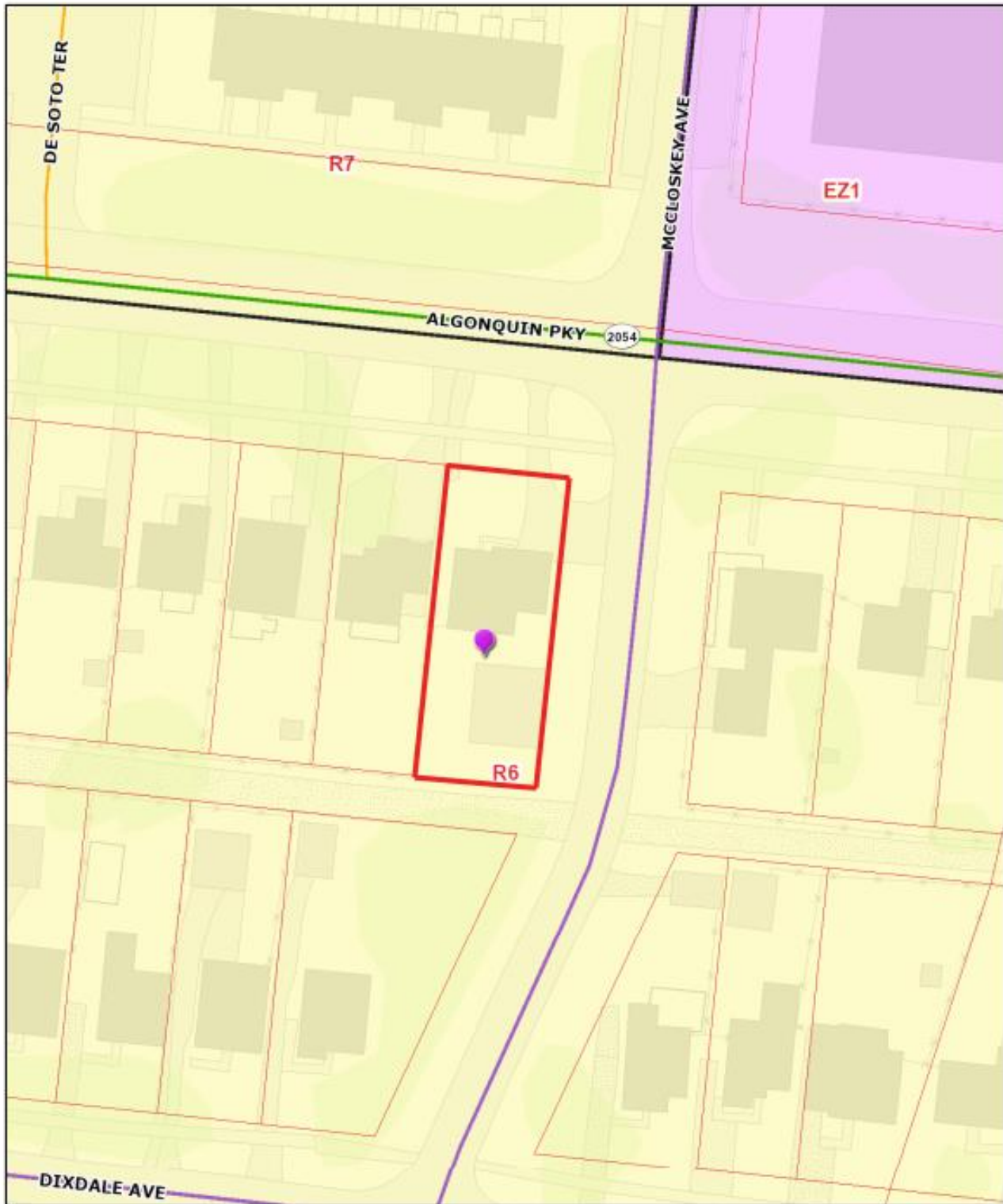
NOTIFICATION

Date	Purpose of Notice	Recipients
03/02/23	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District
03/06/23	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



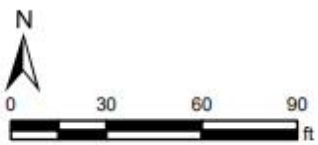
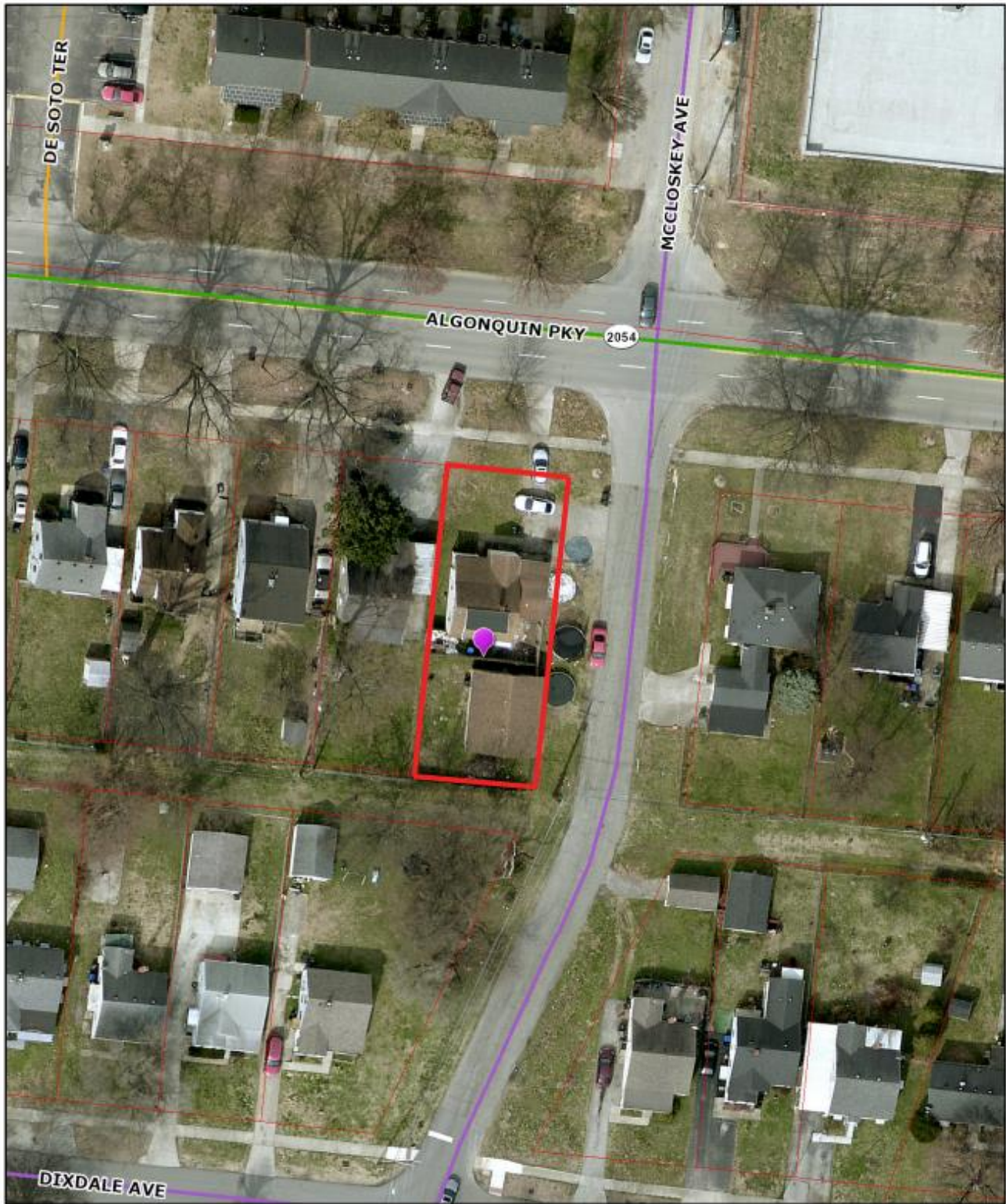
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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



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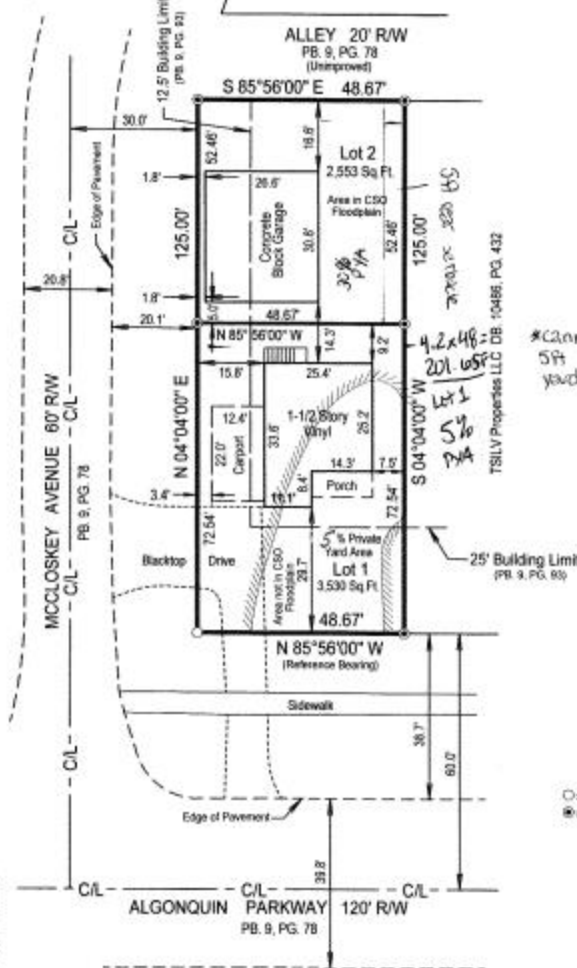
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3. Site Plan

NOTES:

1. The unadjusted closure error was 1 in 26,254. No adjustments were made for closure.
2. A Title Examination may reveal roads and easements not shown hereon.
3. Reference of meridian was taken from the record Condo Plat in CB 48, PG. 16, shown as reference bearing on this plat.
4. The property shown hereon is not in the 100 year flood area as located by F.E.M.A. Map No. 21111C-0040F dated 02-26-2021.
5. This is a revision of the plat recorded in Plat Book 9, Page 93 which is Caroline Subdivision.
6. This site lies within the Traditional Neighborhood Zoning District. Any subsequent development on site is subject to the requirements of Section 2.7.4 & Appendix 2B of the LDC.
7. Any land-disturbing activities, including clearing & grading, may be subject to MSD Floodplain permit.



*Cannot count rear 5ft towards private yard area.

LEGEND
 ○ = Existing 1/2" solid pipe.
 ⊗ = Set a 1/2" rebar with a cap #3444 Willett.



LAND SURVEYORS CERTIFICATE

I hereby certify that this plat and survey were made by me or under my direct supervision 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. This Urban Boundary Survey meets or exceeds the minimum standards of 201 KAR 18:150.

Todd K. Willett 1-11-23
 Todd K. Willett Date
 Professional Land Surveyor, Kentucky Registration No. 3444

CERTIFICATE OF APPROVAL

Approved this _____ day of _____, 20____
 Invalid if not recorded by this date: _____

By: _____
 Louisville and Jefferson County Planning Commission
 Approval Subject to attached certificates.

Special Requirements: _____

DOCKET NO. _____

MINOR SUBDIVISION PLAT

To Create Two Lots from One Lot

PROPERTY INFORMATION

Owner: Closky Properties, LLC
 Property Address: 1740 Algonquin Parkway, Louisville, Ky. 40210
 Deed Book: 11651, Page: 857, Tax Block: 041J-0078-0000
 Owners Address: 3408 Stara Court, Louisville, Ky. 40299
 Zoning District: R8, Form District: Traditional Neighborhood
 Date: 01/11/23 Scale: 1" = 30' Job No. 29440-22

WILLETT & ASSOCS.
LAND SURVEYING INC.

7329 SAINT ANDREWS CHURCH ROAD, LOUISVILLE, KY. 40214
 LOUISVILLE PHONE: 502-368-6272
 WILLETTSSURVEYING@AOL.COM
 FAX: 502-805-0427

Sheet 1 of 2

3. Site Photos

Front of subject property.



Street side of subject property (accessory structure to be converted into a single family house.



Variance Area on Subject Property



Properties next door



Across the Street

