

# Case No. 16VARIANCE1006

## 1124 East Burnett Avenue



**Louisville Metro Board of Zoning Adjustment Public  
Hearing**

**Ross Allen, Planner I**

**March 7, 2016**

# Request(s)

## Variance from LDC section 5.2.2 table 5.2.2 Dimensional Standards - Traditional Neighborhood

Location	Requirement	Request	Variance
Side Yard Setback	3' ft.	2' 9" in.	3.24" in.

# Case Summary / Background

- The applicant is requesting a variance as a result of a 3 inch construction error along a 44 foot long wall on the southeastern side of the two story addition.

# Zoning/Form Districts

- **Subject Property:**
  - Existing: R-5/Traditional Neighborhood
  - Proposed: R-5/Traditional Neighborhood
- **Adjacent Properties:**
  - North: R-5, C-2/Traditional Neighborhood
  - South: R-5/Traditional Neighborhood
  - East: R-5/Traditional Neighborhood
  - West: R-5/Traditional Neighborhood



# Aerial Photo/Land Use

- **Subject Property:**
  - Existing: R-5/Traditional Neighborhood
  - Proposed: R-5/Traditional Neighborhood
- **Adjacent Properties:**
  - North: R-5, C-2/Traditional Neighborhood
  - South: R-5/Traditional Neighborhood
  - East: R-5/Traditional Neighborhood
  - West: R-5/Traditional Neighborhood



# Site Photos-Subject Property



Looking Southwest along the southern side of the property from the front.



Looking Southwest along the southern side of the property at the two story rear addition.

# Site Photos-Surrounding Areas



Looking Southwest along the southern side of the property at the setback from the neighbor's fence line.

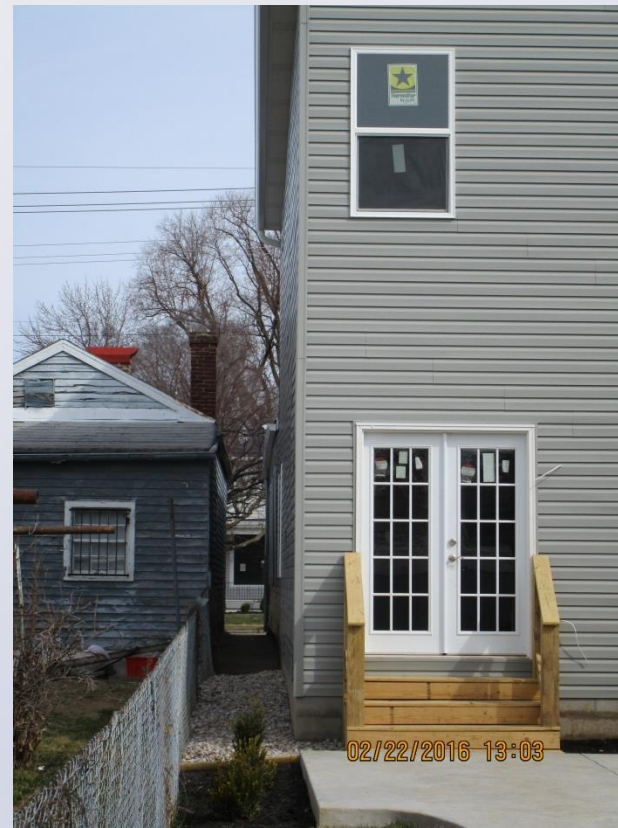


Looking Southwest along the northern side of the property at the setback from the neighbor's home.

# Site Photos-Surrounding Areas



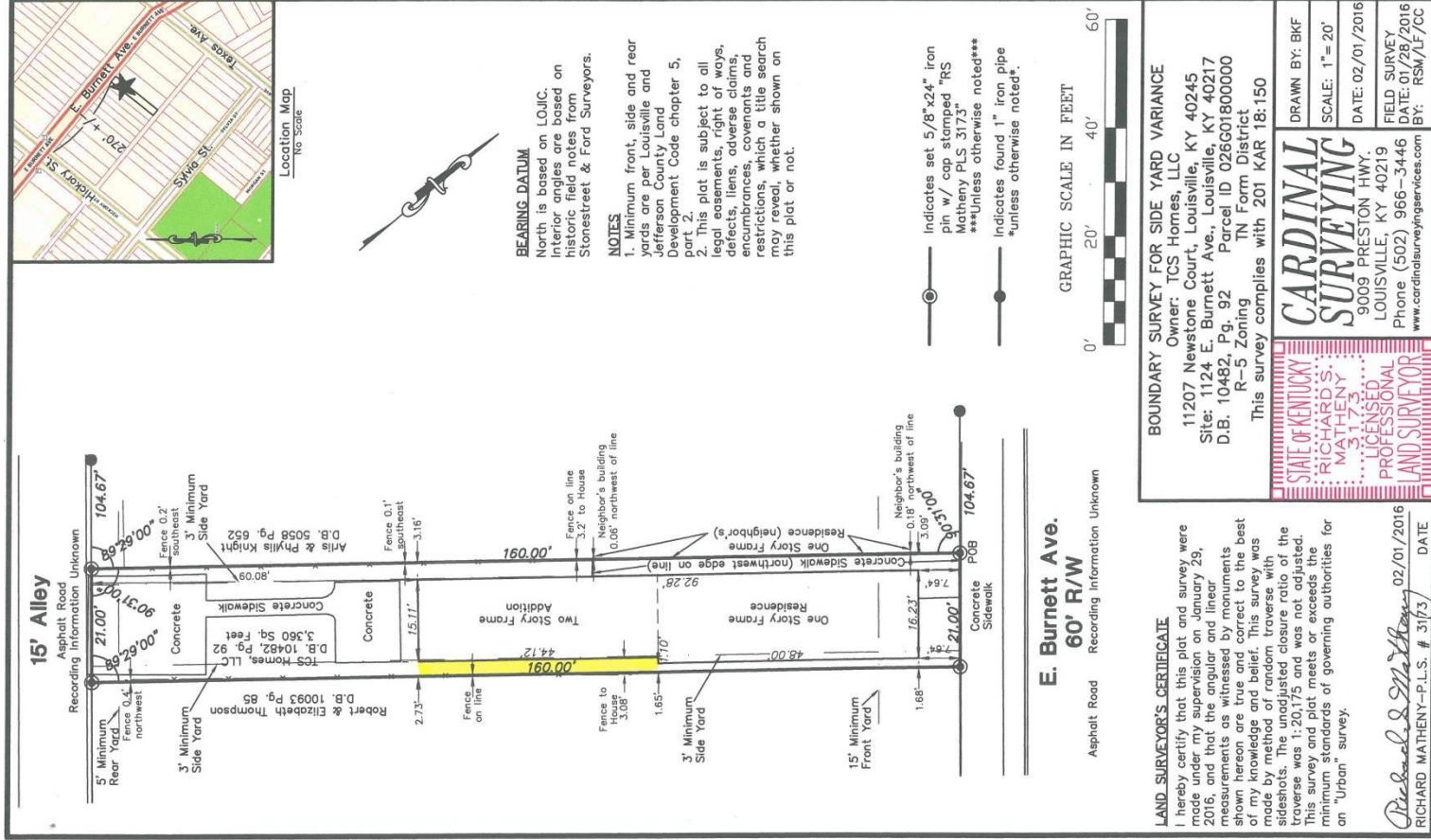
Looking Northeast at the rear of the property along the southern side of the property.



Looking Northeast at the rear of the property along the northern side of the property.



# Applicant's Development Plan



# Applicable Plans & Policies

- **Land Development Code:** section 5.2.2 table 5.2.2 Dimensional Standards - Traditional Neighborhood

# Technical Review

- No Technical Review Items.

# Staff Analysis and Conclusions

- The applicant with the intent to construct a two story addition on the home with the required three foot setback, as defined in LDC section 5.2.2 table 5.2.2 Dimensional Standards - Traditional Neighborhood, had determined at the time of construction to have used a relative boundary rather than an absolute boundary resulting in the encroachment.
- 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 a variance established in the Land Development Code from sections 5.2.2 Table 5.2.2 for the side yard setback encroachment of 3.24 inches into the required three feet setback.

# Approve or Deny

- Variance from LDC section 5.2.2 table 5.2.2 Dimensional Standards - Traditional Neighborhood

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Side Yard Setback	3' ft.	2' 9" in.	3.24" in.