

# Board of Zoning Adjustment Staff Report

January 9, 2017



<b>Case No:</b>	16VARIANCE1096
<b>Request:</b>	Variance to allow an attached rear addition in an R-5B zoned parcel within a Traditional Neighborhood Form District to encroach into the side yard setback by 1.2 ft.
<b>Project Name:</b>	1839 Roanoke Ave. Variance
<b>Location:</b>	1839 Roanoke Ave.
<b>Area:</b>	.14720 acres
<b>Owner:</b>	Mary and Carl Ryant
<b>Applicant:</b>	Lindsey Stoughton – LMS Design
<b>Representative:</b>	Lindsey Stoughton – LMS Design
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Tom Owen
<b>Case Manager:</b>	Ross Allen, Planner I

### REQUEST

- **Variance:** from the Land Development Code (Oct. 2016) from section 5.2.2.C, table 5.2.2 to allow an attached rear addition in an R-5B zoned parcel within a Traditional Neighborhood Form District to encroach into the side yard setback by 1 ft. 2 in.

Location	Requirement	Request	Variance
Side Yard Setback	3 ft.	1 ft. 8in.	1 ft. 2 in.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 225 sf. addition onto the rear of the principal structure. The new addition will have a full bath, storage area, and a sunroom as shown in the applicant's floor plans. The new addition is not flush with the existing principal structure being recessed by approximately 6 inches along the eastern property line. The new addition encroaches into the 3 ft. side yard setback by approximately 1' 2" and would be approximately 1' 8" from the eastern property line.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Two Family	R-5B	Traditional Neighborhood
<b>Proposed</b>	Residential Two Family	R-5B	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-5	Traditional Neighborhood
<b>South</b>	Residential Single Multi-Family	R-5A	Traditional Neighborhood
<b>East</b>	Residential Multi-Family	R-6	Traditional Neighborhood
<b>West</b>	Residential Two Family	R-5B	Traditional Neighborhood

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Land Development Code (Oct. 2016)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 existing principal structure is currently 1 ft. 8 in. from the eastern property line allowing an existing sidewalk to remain leading to the rear yard area.

- (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 applicant's home is on a lot that has an eastern property line that is longer, having an acute angle (as determined from the front property line along Roanoke Ave.) resulting in a more narrow side yard for the existing home as situated on the parcel, and the proposed addition.

- (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 additional 6 inches at the closest point, protruding into the side yard will not make the space between the house and the neighboring house impassable.

- (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 because many homes in the general vicinity have narrow spacing between structures less than the required 3 feet, meaning the addition will not be out of character.

### ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do 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 since many homes in the general vicinity have less than the three feet as required by the land development code.

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 design of the proposed addition is in scale and approximately in line with the existing residential structure. The proposed addition will not impact the private yard area for open space.

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 since the existing structure had already encroached into the side yard setback prior to the request of the variance.

**TECHNICAL REVIEW**

- None

**STAFF CONCLUSIONS**

The variance request appears to be adequately justified and meets the standard of review. 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 standard of review for granting a variance as established in the Land Development Code (Oct. 2016) from section 5.2.3.D.3.C to allow a an 39.28' x 19.49' addition on to an existing building to reduce the rear yard setback from 5 ft. to 0 ft.

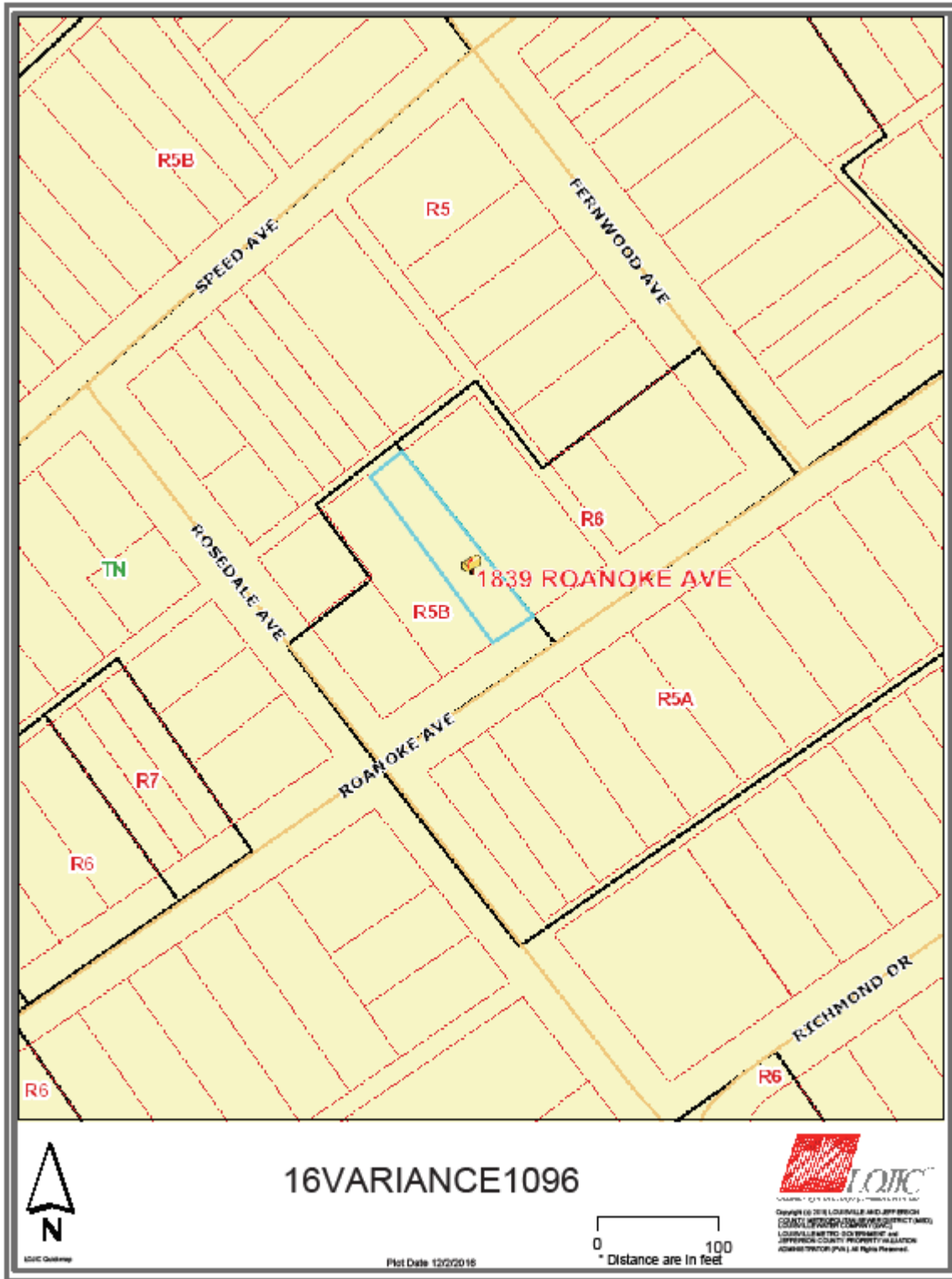
**NOTIFICATION**

Date	Purpose of Notice	Recipients
December 23, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
December 23, 2016	Sign Posting for BOZA	Sign Posting on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

