

Board of Zoning Adjustment
Staff Report
 August 19, 2019



Case No:	19-VARIANCE-0011
Project Name:	Brandeis Avenue Variance
Location:	405 E. Brandeis Avenue
Owner/Applicant:	Karen Stewart
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.1.10.F to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	2 ft. 6 in.	0 ft.	2 ft. 6 in.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-6 and is in the Traditional Neighborhood Form District. It is located in the St. Joseph neighborhood on the north side of Brandeis Avenue and contains a one-story single-family residence. The applicant is requesting a variance to encroach into the western side yard. The western side yard has an existing 0 ft. side yard setback and the applicant is proposing to add a second story and a new covered porch on the rear of the existing structure.

The subject property is 25 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setback is therefore 2.5 feet.

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 standard of granting a variance established in the Land Development Code from section 5.1.10.F to allow an addition to encroach into the required western side yard setback.

Condition of Approval:

#1) A survey of the western property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.10.F

- (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 structure will need to 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 additions will be setback the same distance as the existing structure.

- (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 additions will be setback the same distance as the existing structure.

- (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 encroachment is the same as the existing side yard setback.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does arise 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 subject property is similar in size and shape to 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 they would have to setback a second story addition more than the existing first story.

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.

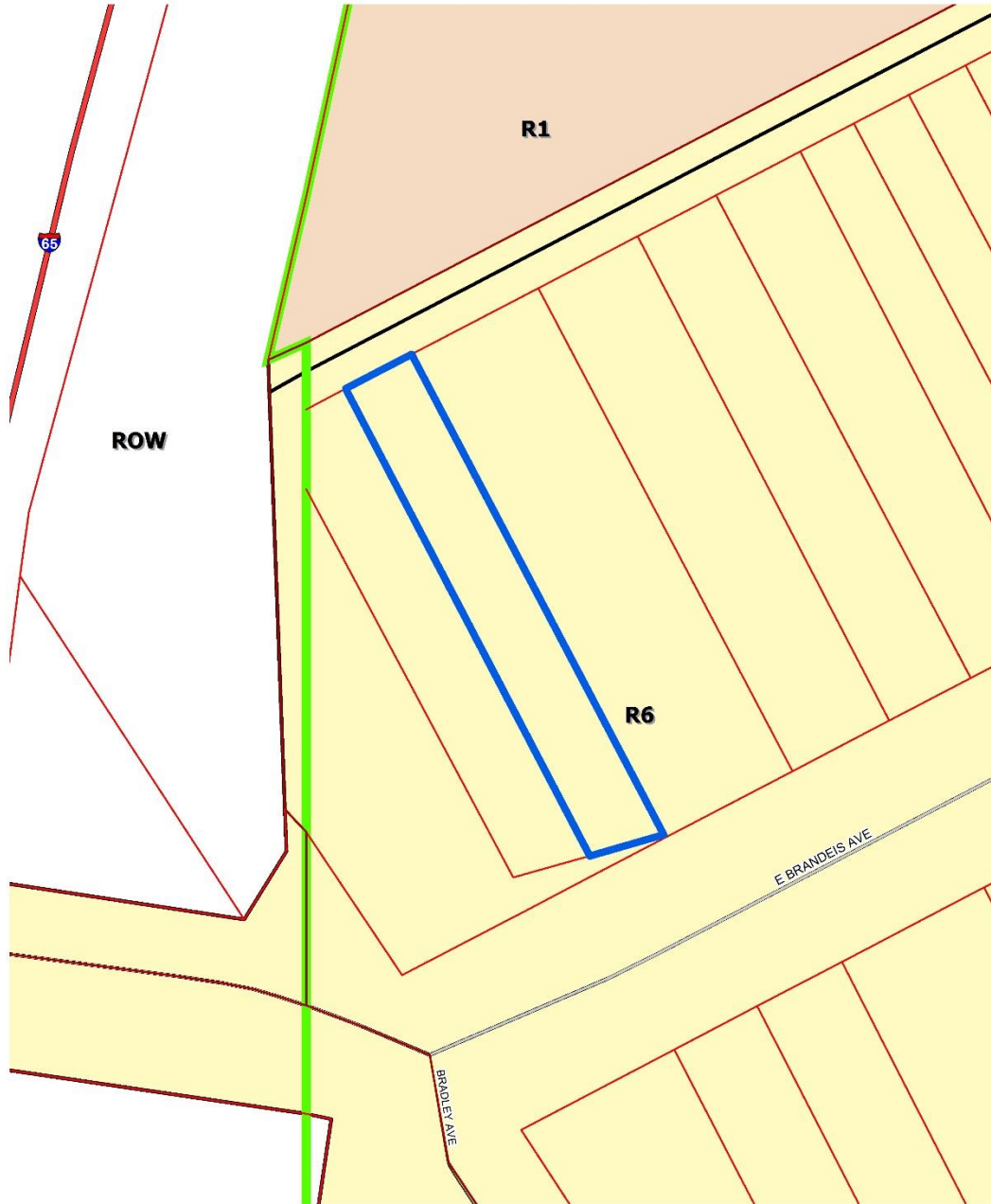
NOTIFICATION

Date	Purpose of Notice	Recipients
07/03/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 15
08/02/2019	Hearing before BOZA	Notice posted on property

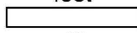
ATTACHMENTS

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

1. Zoning Map



405 E. Brandeis Avenue
feet



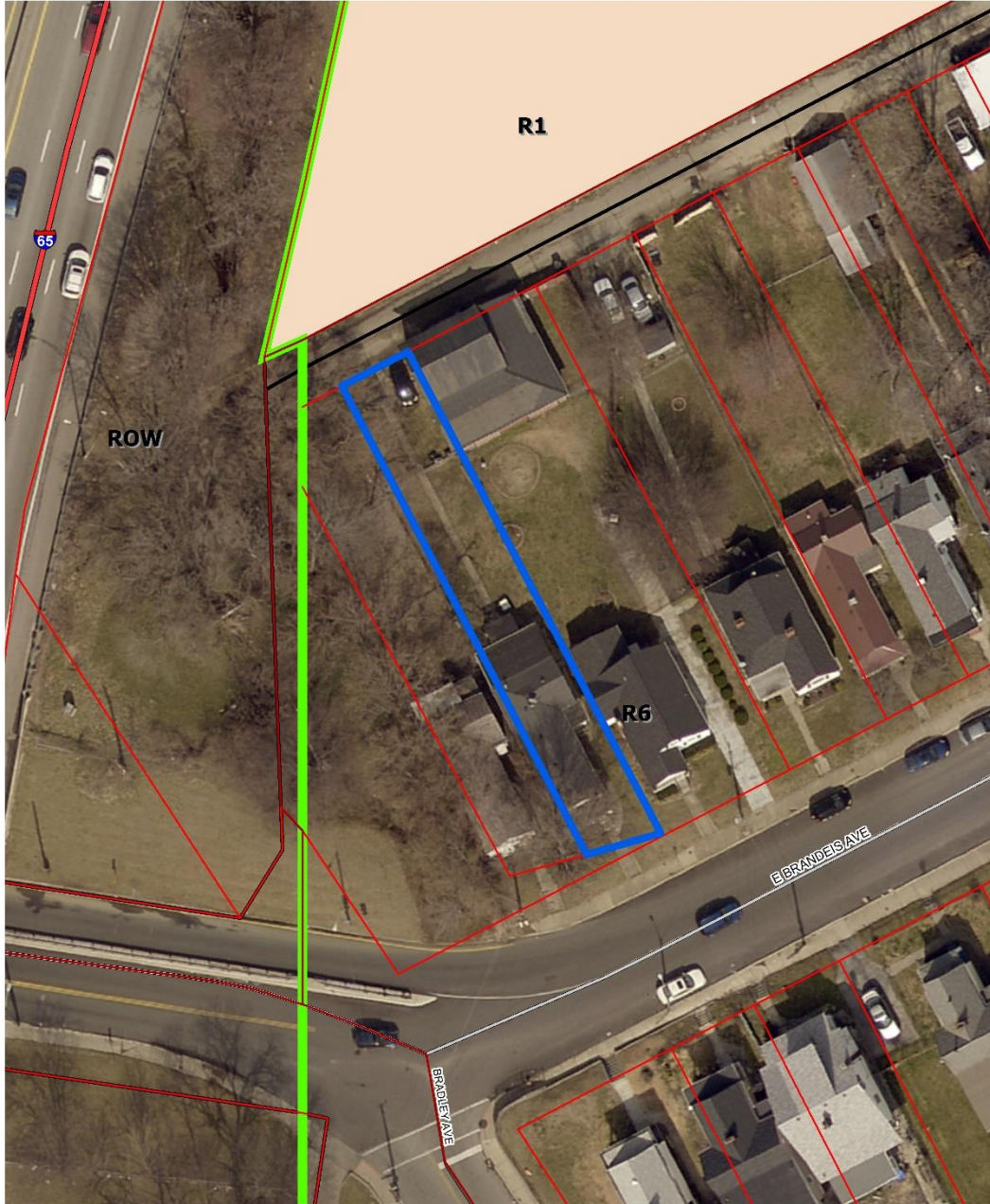
40

Map Created: 8/14/2019

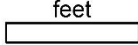


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2. Aerial Photograph



405 E. Brandeis Avenue

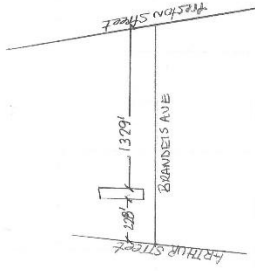


40
feet
Map Created: 8/14/2019



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3. Site Plan

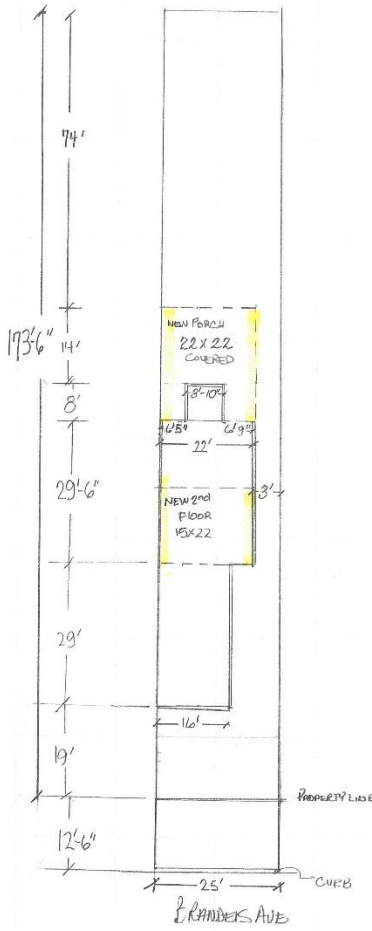


RECEIVED
 JUN 24 2013
 PLANNING &
 DESIGN SERVICES

19-Variance-0011

Stewart Residence
 1405 E. BRANDEIS AVE
 Louisville, KY 40217
 loc./ID#BX011 20000
 Plot Plan - 1" = 3/16"

← 20' ALLEWAY →



4. Site Photos



The front of the subject property.



The property to the right.



The property to the left.



Properties across Brandeis Avenue.



Variance area from the front.



Variance area from the rear.