

Board of Zoning Adjustment Non-Hearing Staff Report

November 2, 2015



Case No:	15Variance1072
Project Name:	1239 Hull Street Home Addition
Location:	1239 Hull Street
Owner(s):	Fante Living Trust
Applicant:	Scott Wilson
Representative:	Scott Wilson
Project Area/Size:	0.046 acres
Jurisdiction:	Louisville Metro
Council District:	4-David Tandy
Case Manager:	Laura Mattingly-Humphrey, Planner I

REQUEST

Variance request from the Land Development Code Section 5.2.2 to allow a proposed addition to encroach into side yard setback and from Section 5.4.1.D to allow a reduction in rear private yard area requirement.

Variance

Location	Requirement	Request	Variance
Private Yard	398sf	320sf	78sf
Side Yard	3ft	0ft	3ft

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a rear addition in the Irish Hill neighborhood. This property is located near the northwest corner of the intersection of Hull and Pine Street. It is surrounded on the south, west and east by R-6 residential zoned properties. The rear of the property to the north is bordered by OR-2, Office-Residential property which is being used as condominiums. The new addition will add a master bedroom and bath on the first floor and a 2nd floor kitchen and bath with additional living space. The second floor rear addition will be 28 feet in height. The private yard area is being impacted by the new addition as well as the continuation of the original 0-foot side yard setback of the existing home. The applicant has provided all the signatures necessary for a Non-Hearing.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Single-Family Residential	R-6	TN
Surrounding Properties			
North	Condominiums	OR-2	TN
South	Single-Family Residential	R-6	TN
East	Single-Family Residential	R-6	TN
West	Single-Family Residential	R-6	TN

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition is located in the rear of the parcel; the adjacent neighbors have no objection to the new addition; and no objection to the reduction of the private yard or the continuation of the 0 foot setback.

- (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 because there are several lots which do not have adequate private yard area provided or the required side yard setbacks due to the size and shape of the lots which are typical of traditional neighborhoods. The addition is in the rear and so will not impact the character of the home from the public right-of-way.

- (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 building addition is located at the rear of the property; there will still be 320 square feet of the lot dedicated to private rear yard space; and the adjacent property owners have no objection to the reduction in private yard or zero foot side yard setback.

- (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 the private rear yard reduction is a reasonable amount, 78 square feet. Although the applicant is asking for a 0 foot side yard setback, it is a continuation of the existing home and they are allowing for a 4 foot setback on the other side of the home.

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 because the lot is very narrow and located in an established residential neighborhood. The size and configuration of the lot limits the area for construction of an addition.

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 because the design of the addition would have to be significantly altered.

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 construction of the new house addition has created the circumstances which now require the applicant to seek relief to allow the private yard area and the side yard setback to be reduced.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

The owner is adding additional living space including a master bedroom and bathroom and a 2nd floor living space with bath and kitchen, to the existing house. The proposed addition reduces the private yard area and requires a continuation of the existing home's 0 foot side yard setback. However, due to the size and shape of lots in the area, there are many other properties that have inadequate rear private yards and are built very close to the side yard property lines. There are other properties in the vicinity with similar issues; the adjacent property owners have no objection; and the Standard of Review has been met.

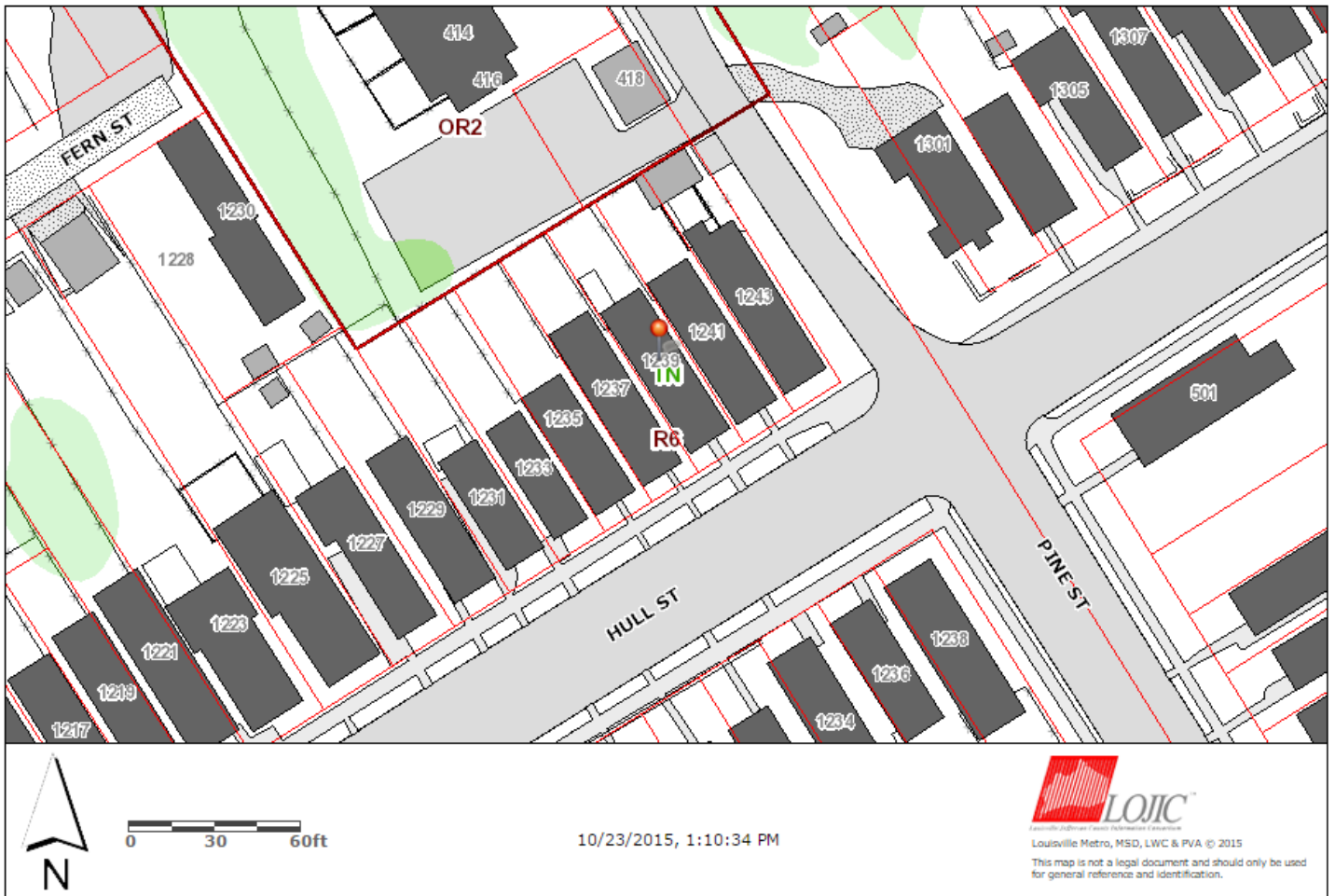
NOTIFICATION

The applicant received the required signatures of the adjacent property owners.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photographs
6. Applicant's Justification Statement

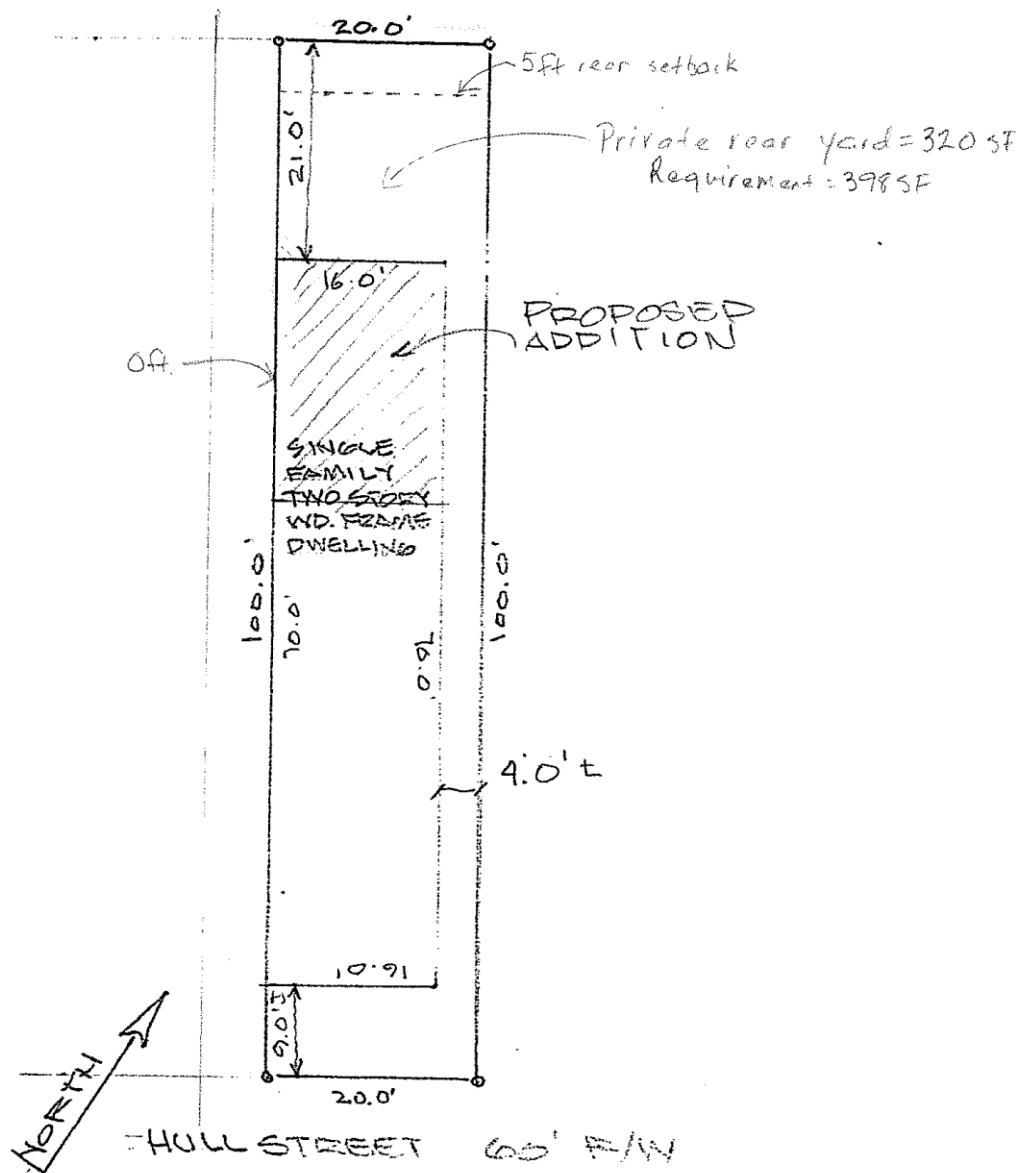
Attachment 1: Zoning Map



Attachment 2: Aerial Photo



Attachment 3: Site Plan

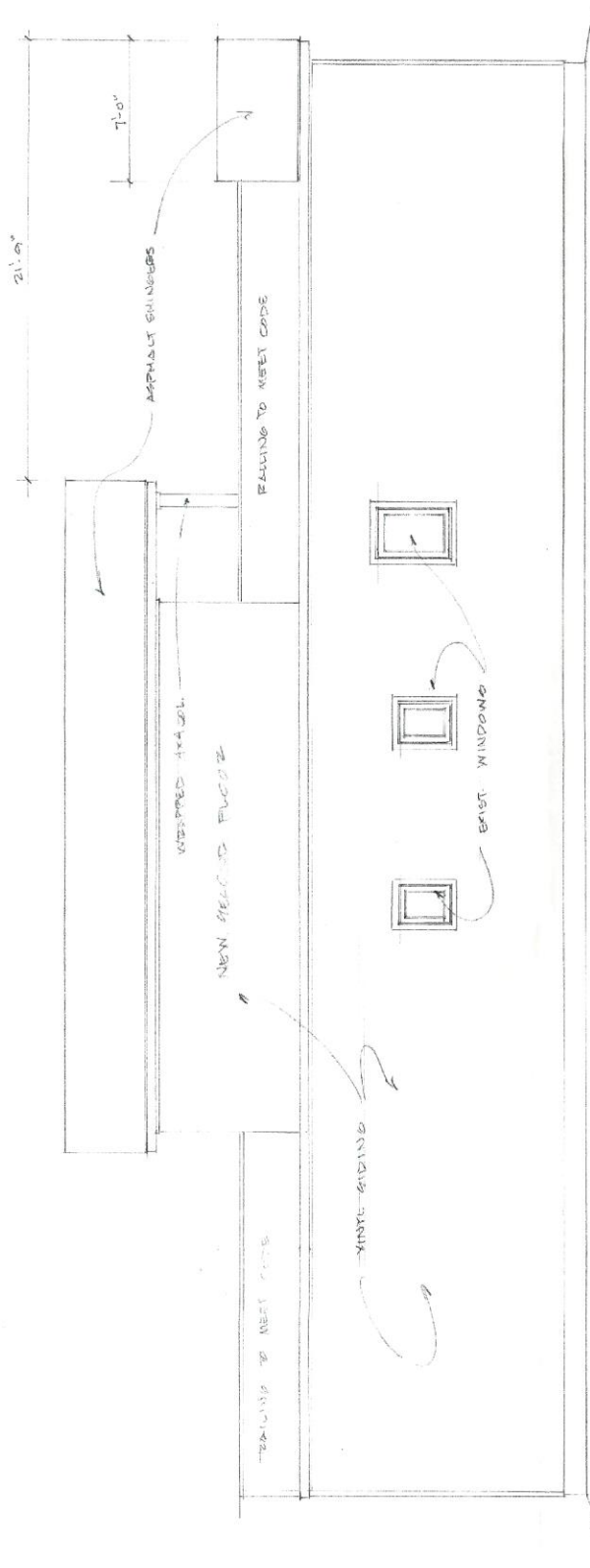


SITE PLAN • 1" = 20'-0"

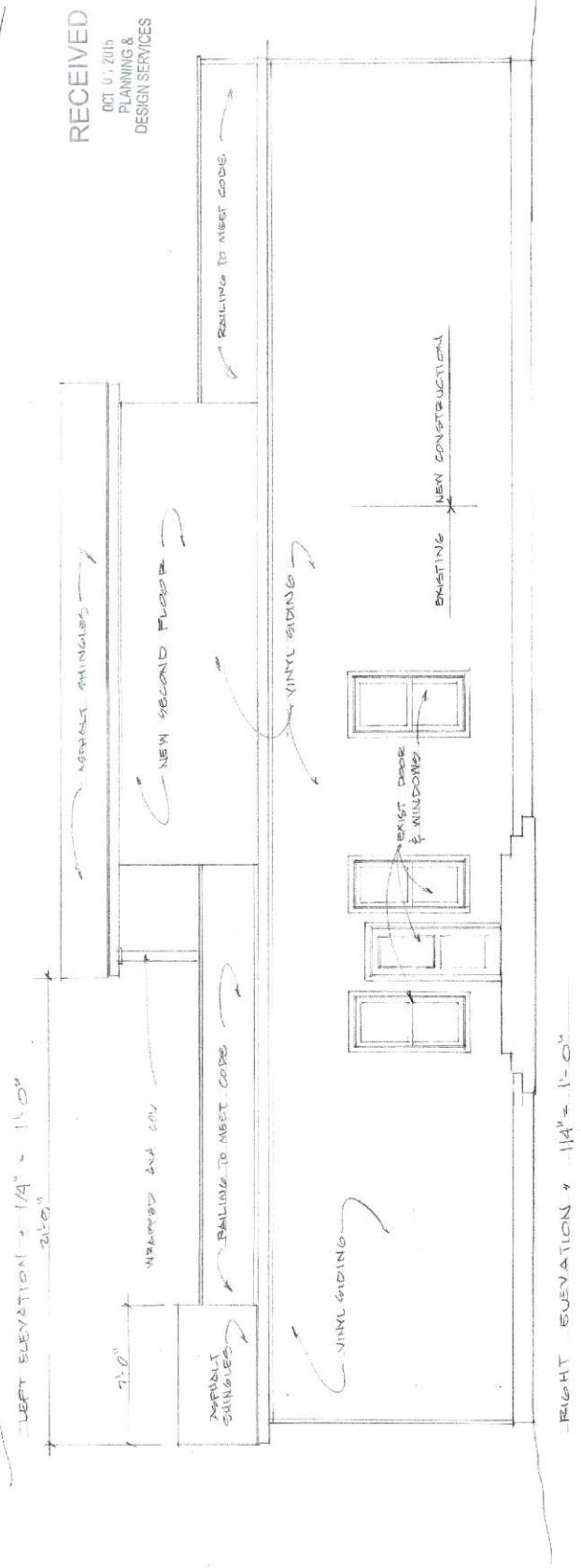
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Attachment 4: Elevations



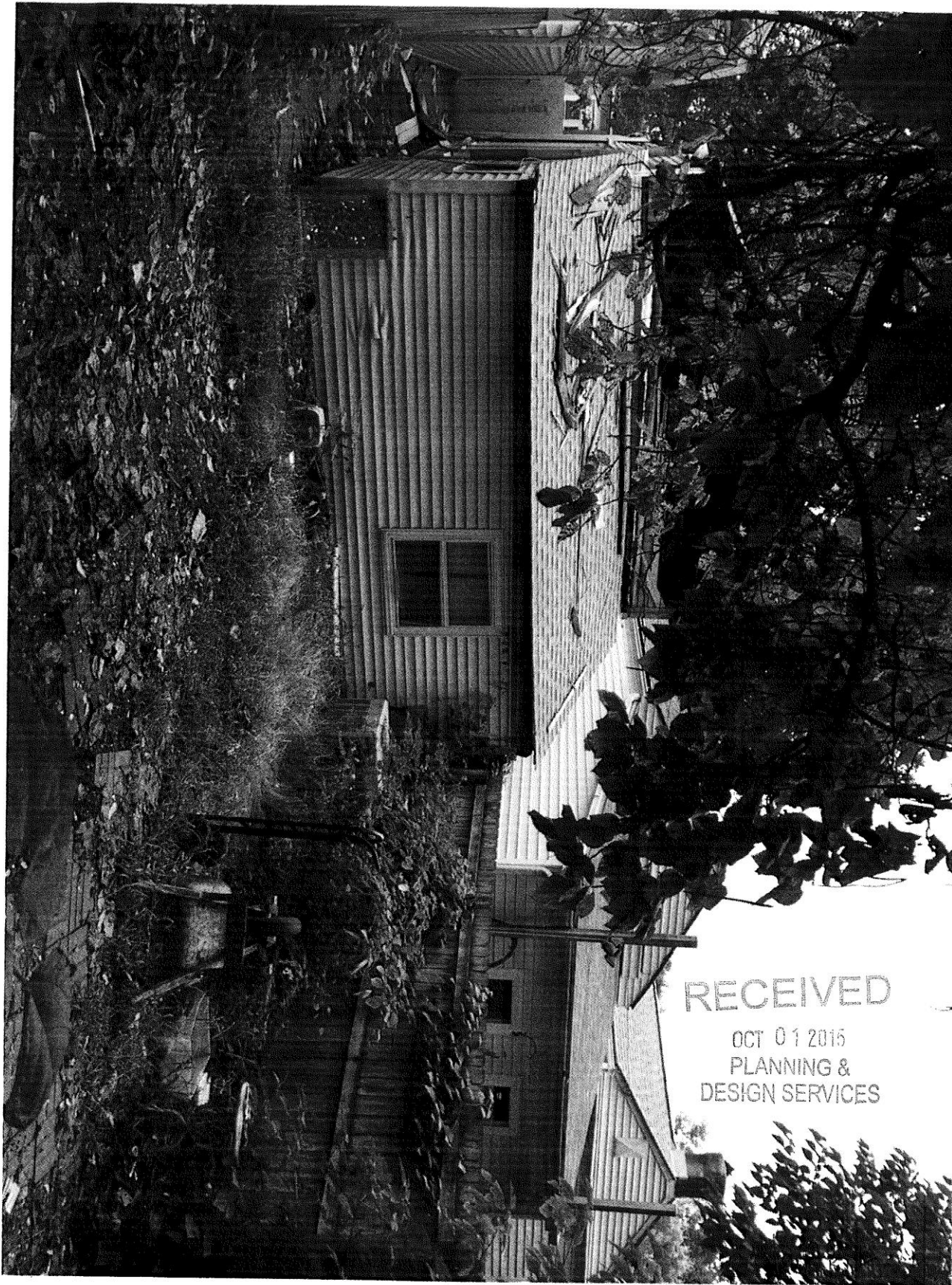
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Attachment 5: Site Photographs







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Attachment 7: Applicant Justification

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

No aspect of this project creates any unusual circumstances.

2. Explain how the variance will not alter the essential character of the general vicinity.

Many homes on the street are built to property lines.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

Standard construction.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

This maintains the exist. side yard setback and decreases rear yard by only 20%.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

It actually is much like surrounding properties.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

A previous sub standard construction will be removed and replaced with properly constructed addition on the same side yard line.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No

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