

Board of Zoning Adjustment
Staff Report
 August 01, 2022



Case No:	22-VARIANCE-0082
Project Name:	S. Hancock Street Variance
Location:	1039 S. Hancock Street
Owner:	River City Housing, INC
Applicant:	Kimberly Goode, River City Housing, INC
Jurisdiction:	Louisville Metro
Council District:	6- David James
Case Manager:	Heather Pollock, Planner I

REQUEST:

Variance from the Land Development Code Section 5.1.10.F to allow a landing and stairs to encroach into the side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	2 ft.	0 ft.	2 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R8-A Multi-Family Residential in the Traditional Neighborhood Form District. The property is located on the east side of S. Hancock St. in the Shelby Park neighborhood. The subject property is vacant. The applicant is proposing to build a single-family home that will have an approximately 14 sq. ft. landing and stairs that will encroach into the side yard setback.

The subject property is 20 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 feet.

STAFF FINDINGS

Staff finds that the requested 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

No interested party comments were received by staff.

RELATED CASES

No related cases.

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, because the structure must be constructed to comply with all applicable building 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 landing and stairs does not alter the essential character of the general vicinity as it is built with material that is in character with the proposed residence and surrounding residential neighborhood.

- (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 lot is only 20 ft. in width.

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 not arise from special circumstances which do generally apply to the land in the generally vicinity or the same zone as the lot is 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 lot is only 20 ft. in width.

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 started construction and is requesting the variance.

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.

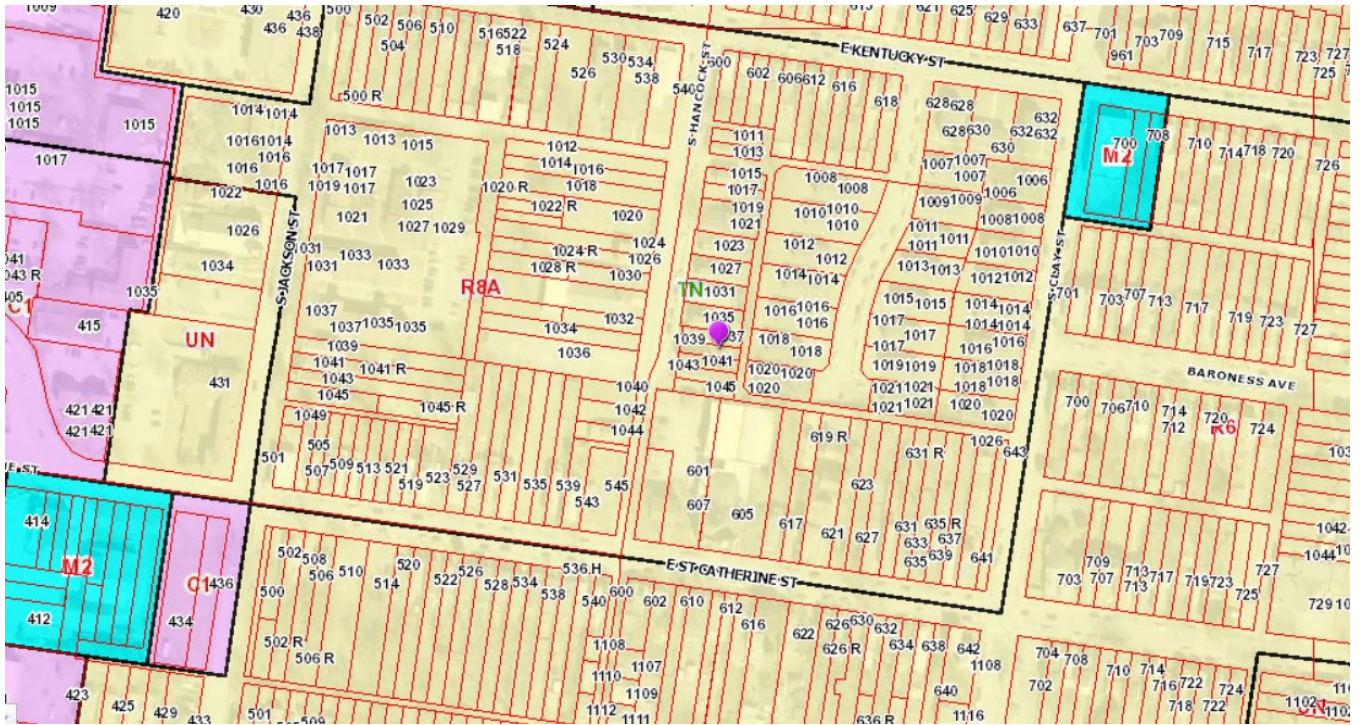
NOTIFICATION

Date	Purpose of Notice	Recipients
07/18/2022	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
07/21/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

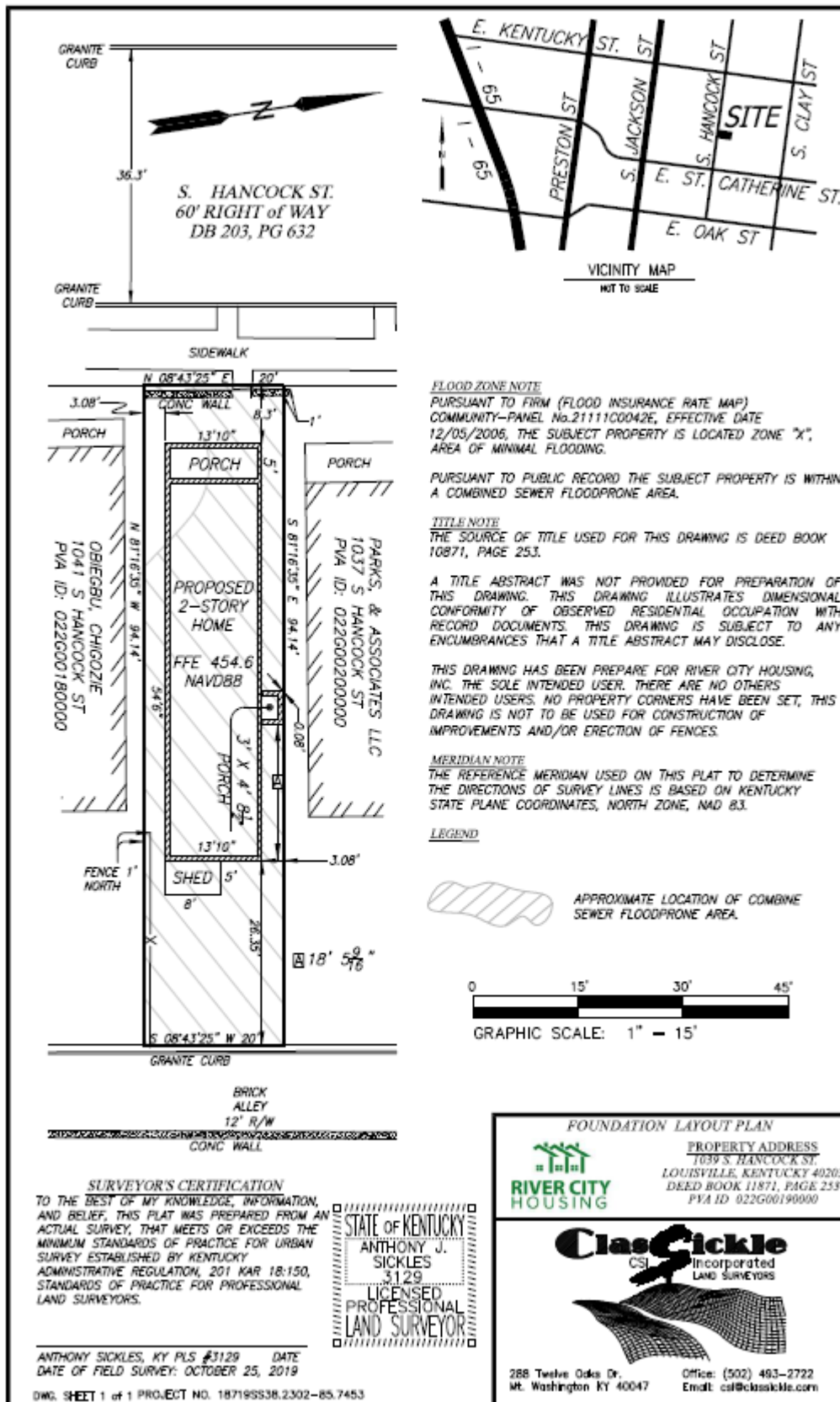
1. Zoning Map



2. Aerial Photograph



3. Site Plan



Site Photos



Front of subject property and adjoining properties, Google 2019.



Across street.



Variance area.



View of variance area from rear yard.