

**Board of Zoning Adjustment**  
**Staff Report**  
 October 16, 2023



<b>Case No:</b>	23-VARIANCE-0136
<b>Project Name:</b>	Samoa Way Garage Variance
<b>Location:</b>	815 Samoa Way
<b>Owner:</b>	Brian & Corey Kiesler
<b>Applicant:</b>	Brian Kiesler
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Andrew Owen
<b>Case Manager:</b>	Rachel Casey, Senior Planner

**REQUEST**

- **Variance** from Land Development Code, Section 5.4.2.C.3.a to allow an accessory structure to encroach into the required rear yard setback.

Location	Requirement	Request	Variance
Rear Yard Setback	5 ft.	2 ft.	3 ft.

**CASE SUMMARY**

The subject site is located on the center of a block in the Neighborhood form district, with an existing 1 story single-family home. The applicant is proposing a detached 2-car garage to be located at the end of the existing driveway and near the rear property line. A variance is being requested to allow the proposed garage (accessory structure) to reduce the required rear yard setback from 5’ to 2’, due to the unusual shape of the property. The applicant provided consent signatures for the requested variance from adjacent property owners. Therefore, this case is eligible to be decided in a business session per the bylaws and policies set forth by the Board of Zoning Adjustment.

**STAFF FINDINGS**

The variance is adequately justified for approval based on the staff’s analysis contained in the standard of review.

**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, because the encroachment into the rear yard does not impede the safe movement of vehicles or pedestrians or encroach upon adjacent property. The applicant has obtained consent from adjacent property owners for the proposed design.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed accessory structure will not alter the essential character of the general vicinity because it will be similar in size, design, and site placement to other garages on the block and in the 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 accessory structure is located at the rear of the property and 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 because the shape of the property is unusual, with a reduced rear yard and an acute angle at the southeast corner to accommodate a utility easement. The proposed design is the best option to construct the accessory structure without requiring further exceptions from the Land Development Code and building code.

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 which do not generally apply to land in the general vicinity or the same zone, because the property has an unusual shape compared to other lots on the block and in the neighborhood.

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 proposed design maximizes conformance to the Land Development Code and building code. If the proposed accessory structure were moved toward the front of the lot, it would encroach into the required side yard setback, which would create a greater nuisance to adjoining property owners. Additionally, if the accessory structure were moved toward the front of the lot and away from the side property line, it would no longer meet the building code requirement of 10' between detached buildings. The proposed design has the least amount of impact on surrounding properties and maximizes conformance to both codes.

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. The applicant has not started construction on the garage and has requested a variance.

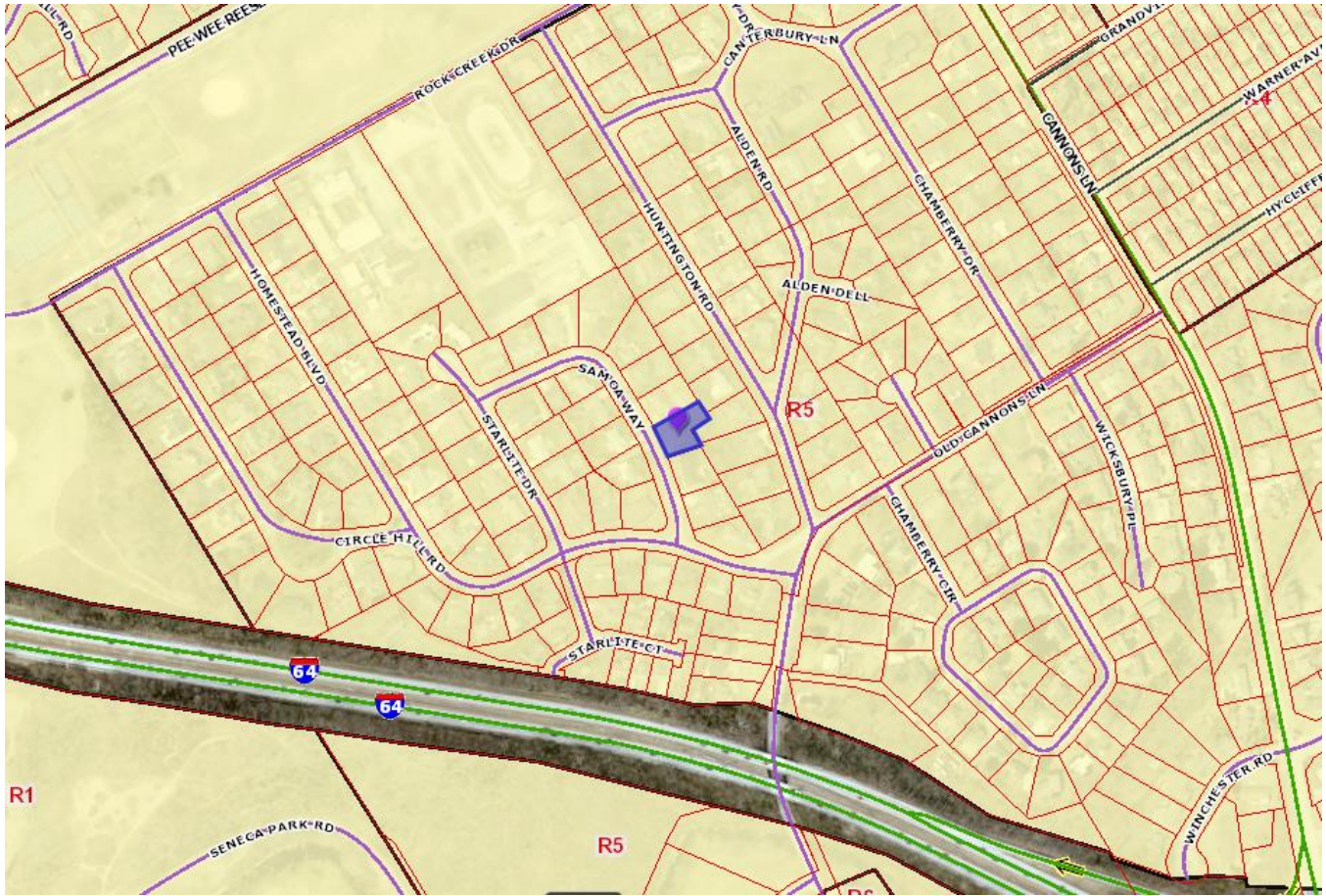
## **REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Variance** from Land Development Code Section 5.4.2.C.3.a to allow an accessory structure to encroach into the required rear yard setback.

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



**2. Aerial Photograph**

