

# Board of Zoning Adjustment Staff Report

November 21, 2016



<b>Case No:</b>	16VARIANCE1084
<b>Request:</b>	Variance from the Land Development Code to allow a proposed detached garage to reduce the private yard area to less than the 30% of the total lot area.
<b>Project Name:</b>	1866 Alfresco Place Variance
<b>Location:</b>	1866 Alfresco Place
<b>Area:</b>	.14540 acres
<b>Owner:</b>	James and Jane Convery
<b>Applicant:</b>	Charlie Williams – Charlie Williams Design Inc.
<b>Representative:</b>	Charlie Williams – Charlie Williams Design Inc.
<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 section 5.4.1.D.2 to allow a proposed detached garage to reduce the private yard area to less than the required 30% of the total lot area (6,400 sf.) on a parcel zoned R-5 in a Traditional Neighborhood Form District.

Location	Requirement	Request	Variance
<b>Private Yard Area (30% of total lot area)</b>	<b>1,920 sf. (30%)</b>	<b>901 sf. (47%)</b>	<b>1,019 sf. (53%)</b>

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a one story 976 sf. garage at the rear of the property abutting an alley. As a result of the construction of the garage the reduction in the private yard area as defined between the rear of the principal structure and the front of the accessory structure, with an approximate area of 901 sf. (47%) which is approximately 1,019 sf. (53%) less than required by the Land Development Code for a lot area of 6,400 sf. (30% of total lot area = 1,920 sf.). There was a previous case on site for the same reason, a reduction of the private yard area to 1,400 sf., which was granted.

The subject site is located approximately 74 feet from the Sewanee Drive and Alfresco Place. The property has a 40 foot frontage along Alfresco Place with a rear frontage of equal linear length along an unnamed alley.

The proposed one story garage will be located at the rear of the property with a six foot setback from the property line and having 3 foot setbacks along both sides, and situated at a distance of approximately 18 feet from the rear of the principal structure.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

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

**PREVIOUS CASES ON SITE**

12647: requested variance to allow a one story attached addition to the home to reduce the private yard area. Approved by BOZA on June 1, 2009.

**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 private yard area is being reduced by a proposed garage at the rear of the property that meets all setback requirements and is only accessible to the resident/s.

- (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 eight homes along the same block have garages to the rear of their properties.

- (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 garage will be at the rear of the property and with an enclosed yard.

- (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 intent of the garage is to provide off street parking while still providing green space.

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

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

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

### 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 5.4.1.D.2 to allow a proposed detached garage to reduce the private yard area to less than the required 30% of the total lot area on a parcel zoned R-5 in a Traditional Neighborhood Form District.

### NOTIFICATION

Date	Purpose of Notice	Recipients
November 4, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
November 4, 2016	Sign Posting for BOZA	Sign Posting on property

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

