

Board of Zoning Adjustment
Staff Report
August 29, 2016



Case No:	16VARIANCE1056
Project Name:	Schnitzelburg Container Homes
Location:	1333 & 1337 S. Shelby Street 800 Ash Street
Owner(s):	RDKJ Properties, LLC
Applicant(s):	STC Consolidated – James Matthews
Representative(s):	STC Management – Chris Sternberg
Project Area/Size:	0.21 acres (9,170 sq. ft.)
Existing Zoning District:	R-6, Multi-family Residential
Existing Form District:	TN, Traditional neighborhood
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill

REQUEST

- **Variance** from the Land Development Code (LDC), section 5.2.2 to allow principal structures to encroach into the minimum front yard setback on 1337 & 1333 S Shelby Street
- **Variance** from the Land Development Code (LDC), section 5.2.2 to allow a principal structure to exceed the maximum front yard setback on 800 Ash Street
- **Variance** from the Land Development Code (LDC), section 5.4.1.E to allow the accessory use area to encroach into the required side, street side (800 Ash St only), and rear yards for all lots

Location	Requirement	Request	Variance
Front (1337 S. Shelby St)	Min. 15'	7'10"	7'2"
Front (1333 S. Shelby St)	Min. 15'	6'5" & 13'	8'7" & 2'
Front (800 Ash St)	Max. 25'	38' & 28'4"	13' & 3'4"
Side	Min. 2'	0'	2'
Street side	Min. 3'	0'	3'
Rear	Min. 5'	0'	5'

CASE SUMMARY

The applicant proposes to construct three 2-story single-family dwelling units on three parcels at the intersection of S. Shelby Street and Ash Street in the Schnitzelburg neighborhood. The subject site is located North of Burnett Ave, Southwest of Goss Ave, and immediately South of the L&N railroad at the edge of a residential neighborhood; transitioning into commercial and industrial uses along S. Shelby Street before transitioning back to a residential neighborhood, known as Shelby Park, to the Northwest. The dwelling units will be constructed of shipping containers with rear balconies and patios, roof-top decks, a heavy use of side and rear windows, and front entrances facing the primary street (S. Shelby St). Parking improvements will be provided at the rear of the lots with access from the alley.

The overall design and development of the project is being considered as a whole, though the units are situated on separate lots. Variances are needed from the required front setback for the proposed layout to be constructed as shown on the site plan for all three lots. Additionally, parking facilities at the rear of the development site will integrate the lots and increase space between the accessory use area and the principal structure area. Variances from the side and rear setbacks are needed to achieve the design of the accessory use area. Subject site is in a non-infill context.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-6	TN
Proposed	Single-family	R-6	TN
Surrounding Properties			
North	Mixed commercial/Industrial	C-1/EZ-1	TW
South	Single-family	R-6	TN
East	Single-family	R-6	TN
West	Mixed commercial/Industrial	EZ-1	TW

PREVIOUS CASES ON SITE

Staff found no associated cases.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on this proposal.

APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE of section 5.2.2 to allow principal structures to encroach into the minimum front yard setback on 1333 & 1337 S Shelby Street

- (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 proposed dwellings are for single-family use and do not encroach into public rights-of-way or restrict pedestrian and vehicular movement or visibility.

- (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 site is located at the periphery of a residential neighborhood and is surrounded by a mixture of commercial and industrial facilities of varying architectural styles. Locating these structures closer to the S. Shelby Street right-of-way enhances the street wall and brings the structures closer to the established front setback of residences and businesses along S. Shelby Street to the North and South. The orientation of the structures is in keeping with the established angle of residences along the street.

- (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 proposed uses are for single-family use only which is a permitted use within the zoning district of their location and no encroachments into the public right-of-way are being created

- (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 proposed setback and associated orientation is compatible with established front yard setbacks of residences and businesses along the corridor.

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 variance arises from special circumstances that do not generally apply to the land in the general vicinity as much of the surrounding area would be required to be developed in an infill context which may have required a closer front yard setback or permitted the structures as shown.

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 deprive the applicant of the reasonable use of the land as the proposed structures are compatible with the setbacks of surrounding development.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE of section
5.2.2 to allow a principal structure to exceed the maximum front yard setback on
800 Ash Street

- (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 proposed dwelling is for single-family use and does not encroach into any public rights-of-way or restrict pedestrian and vehicular movement or visibility.

- (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 site is located at the periphery of a residential neighborhood and is surrounded by a mixture of commercial and industrial facilities of varying architectural styles. The shape of the lot, specifically the front lot line, steps the lot back from the established lot lines fronting on S. Shelby Street and the front setback of the structure becomes less constrained by the street wall of residences along the corridor.

- (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 proposed uses are for single-family use only which is a permitted use within the zoning district of their location and no encroachments into the public right-of-way are being created

- (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 proposed setback and associated orientation is the result of the shape of the lot and the overall design of the development across the three single-family development sites.

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 variance arises from special circumstances that do not generally apply to the land in the general vicinity as the front property line is stepped back from the established front property line of the corridor and the proposed dwelling unit is compatible with the overall design of the project across the three residential lots.

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 deprive the applicant of the reasonable use of the land as the proposed structure is compatible with adjacent uses and the overall design of the development.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE of section
5.4.1.E to allow the accessory use area to encroach into the required side, street
side (800 Ash St only) and rear yards on 1337 S. Shelby St, 1333 S. Shelby St,
and 800 Ash Street

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

STAFF: The requested variances will not adversely affect the public health, safety, or welfare as the proposed accessory use area is intended to serve single-family uses and does not encroach into any public rights-of-way or restrict pedestrian and vehicular movement or visibility. Additionally, no structures are being proposed in the accessory use area and the area will be for resident and guest parking only.

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

STAFF: The requested variances will not alter the essential character of the general vicinity as the Traditional Neighborhood pattern is being maintained through serving the residential lots with vehicular access from the rear alley only.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variances will not cause a hazard or nuisance to the public as no structures are being proposed in the accessory use area and the accessory use area is commonly used for the parking of vehicles in the traditional neighborhood.

- (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 proposed variances allow for an integration of parking facilities to serve the overall development across the three residential lots and no structures are being proposed.

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 variance arises from special circumstances that do not generally apply to the land in the general vicinity as the three residential lots are being designed as an integrated development, though they are on separate lots.

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 deprive the applicant of the reasonable use of the land as no structures are being proposed and the three residential lots are being developed in conjunction with one another.

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.

TECHNICAL REVIEW

There are no technical review items at this time.

STAFF CONCLUSIONS

The variance requests appear to be adequately justified and meet 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 for granting variances established in the Land Development Code.

Actions

- **APPROVE** or **DENY** the variances from LDC, section 5.2.2 to allow principal structures to encroach into the minimum front yard setback on 1333 & 1337 S Shelby Street
- **APPROVE** or **DENY** the variance from LDC, section 5.2.2 to allow a principal structure to exceed the maximum front yard setback on 800 Ash Street
- **APPROVE** or **DENY** the variances from LDC, section 5.4.1.E to allow the accessory use area to encroach into the required side, street side (800 Ash St only), and rear yards for 1337 S. Shelby Street, 1333 S. Shelby Street, and 800 Ash Street

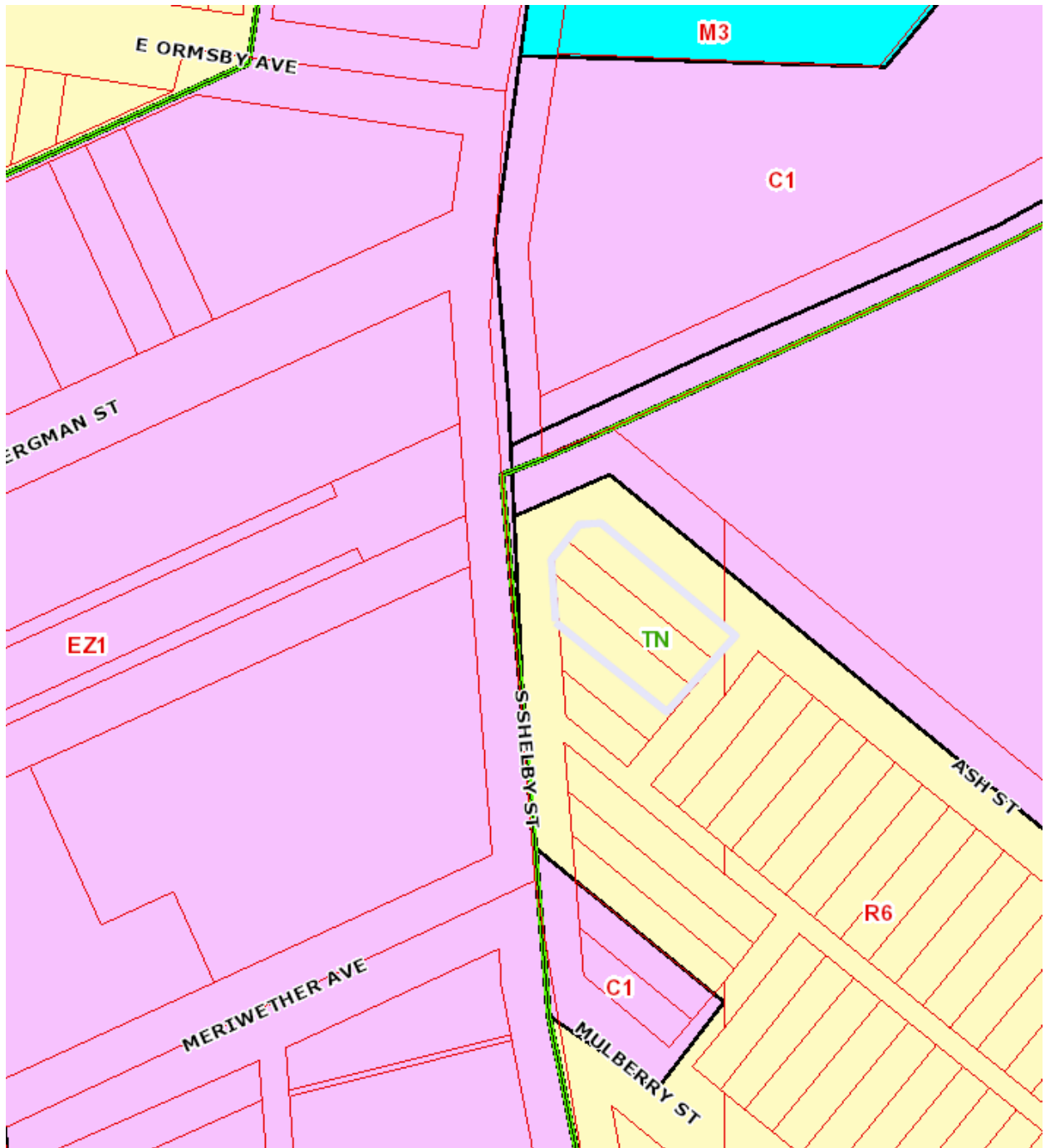
NOTIFICATION

Date	Purpose of Notice	Recipients
8/12/16	BOZA	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 10.

ATTACHMENTS

1. Zoning and Form District Map
2. Aerial Photograph

1. Zoning and Form District Map



2.

