

Board of Zoning Adjustment
Staff Report
 February 5, 2018



Case No:	17VARIANCE1108
Project Name:	1941 Bonnycastle Avenue Addition
Location:	1941 Bonnycastle Avenue
Owner(s):	CNG, LLC
Applicant:	Charles Nico Greipel
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variances** from Land Development Code table 5.1.10.F to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	2.5 ft.	.19 ft.	2.31 ft.

CASE SUMMARY/BACKGROUND

The subject property is a portion of lot 3 of the Duker’s Addition subdivision, recorded in 1904. It contains a 1 ½ story structure that had been a three unit multi-family dwelling but is being converted back to a single-family residence by the applicant. This conversion will bring the property back into conformance for single-family zoning. The applicant has removed the second story addition and plans to replace the second story as it was. The addition will not extend to the rear of the existing structure, and is proposed to encroach into the required side yard setback, being .19 feet from the property line at its point of greatest encroachment. A building permit was issued on October 17, 2017 under permit #BL1039241. This permit was issued without review of the required variance or floor area ratio (FAR). The addition will need to meet FAR requirements.

The subject property is 25 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 2.5 feet.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard 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 from section 5.1.10.F to allow a structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

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 as the addition will be constructed to comply with all building codes, including fire codes.

- (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 addition will be constructed to match the existing structure. Also, other structures on the same street have similar designs.

- (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 addition existed previously and would be built on the same footprint.

- (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 addition is proposed to be constructed on the same building footprint and in the same manner as it previously existed.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone as the property is rectangular and has the same topographical constraints as the rest of the lots along Bonnycastle Avenue.

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 by preventing the applicant from constructing an addition that previously existed.

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 as the applicant is requesting the variance and has not begun construction.

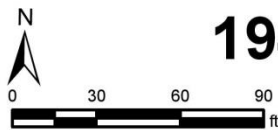
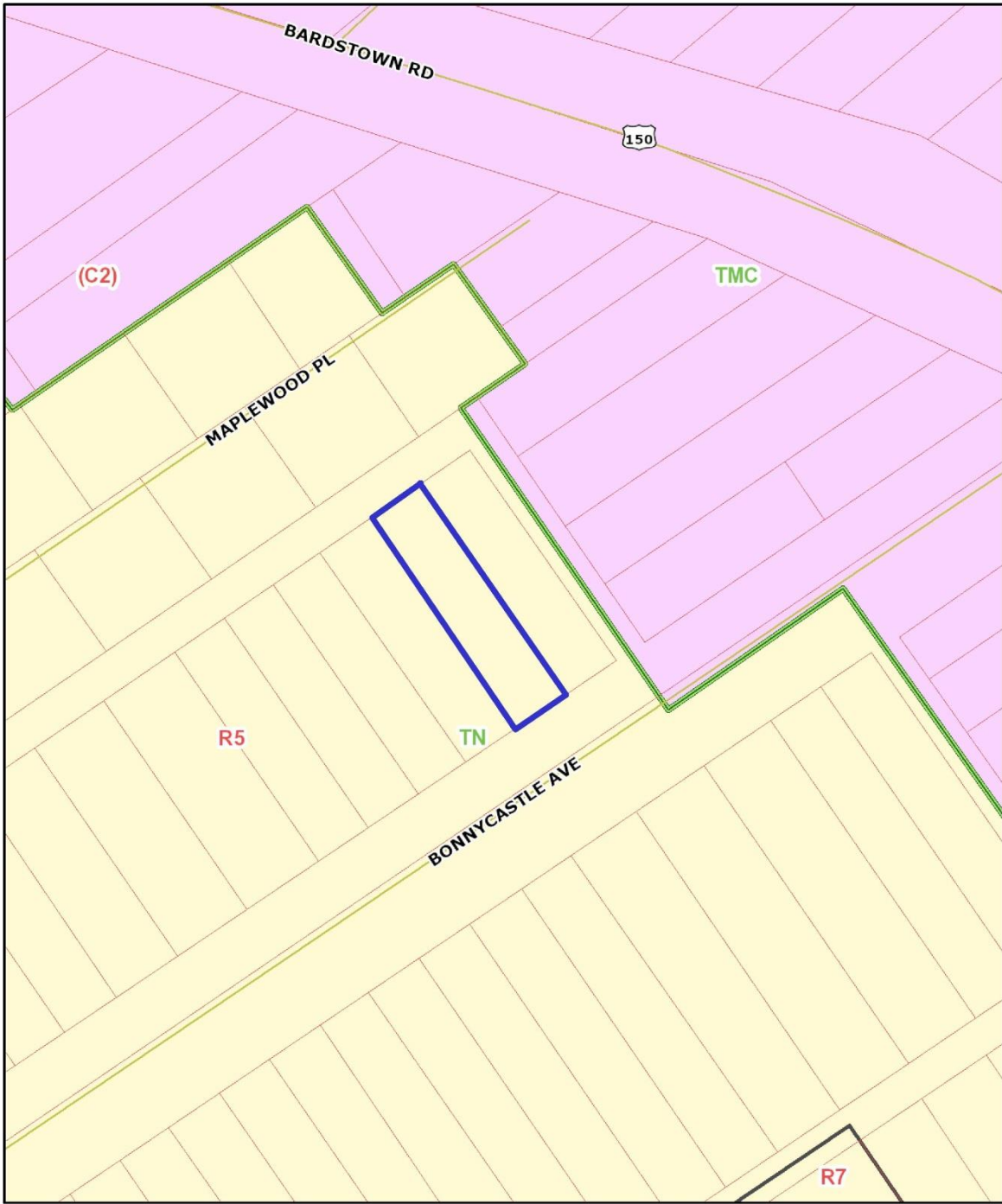
NOTIFICATION

Date	Purpose of Notice	Recipients
01/05/2018	Hearing before BOZA	Not Required for Business Session Item

ATTACHMENTS

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

1. Zoning Map



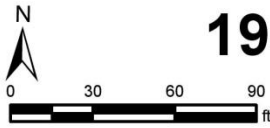
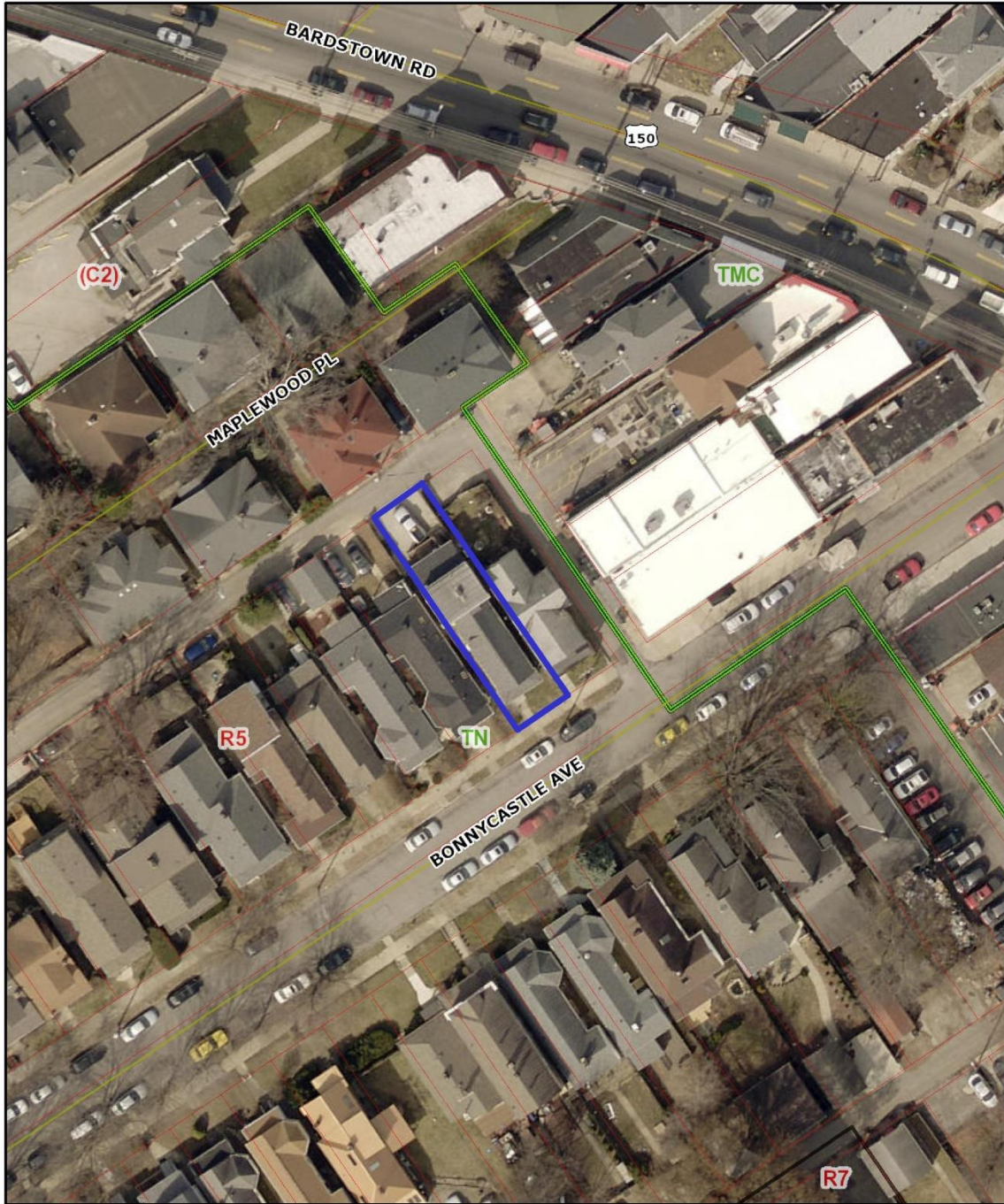
1941 Bonnycastle Avenue  **LOJIC**

Friday, January 12, 2018 | 1:30:36 PM

LOJIC © 2018

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



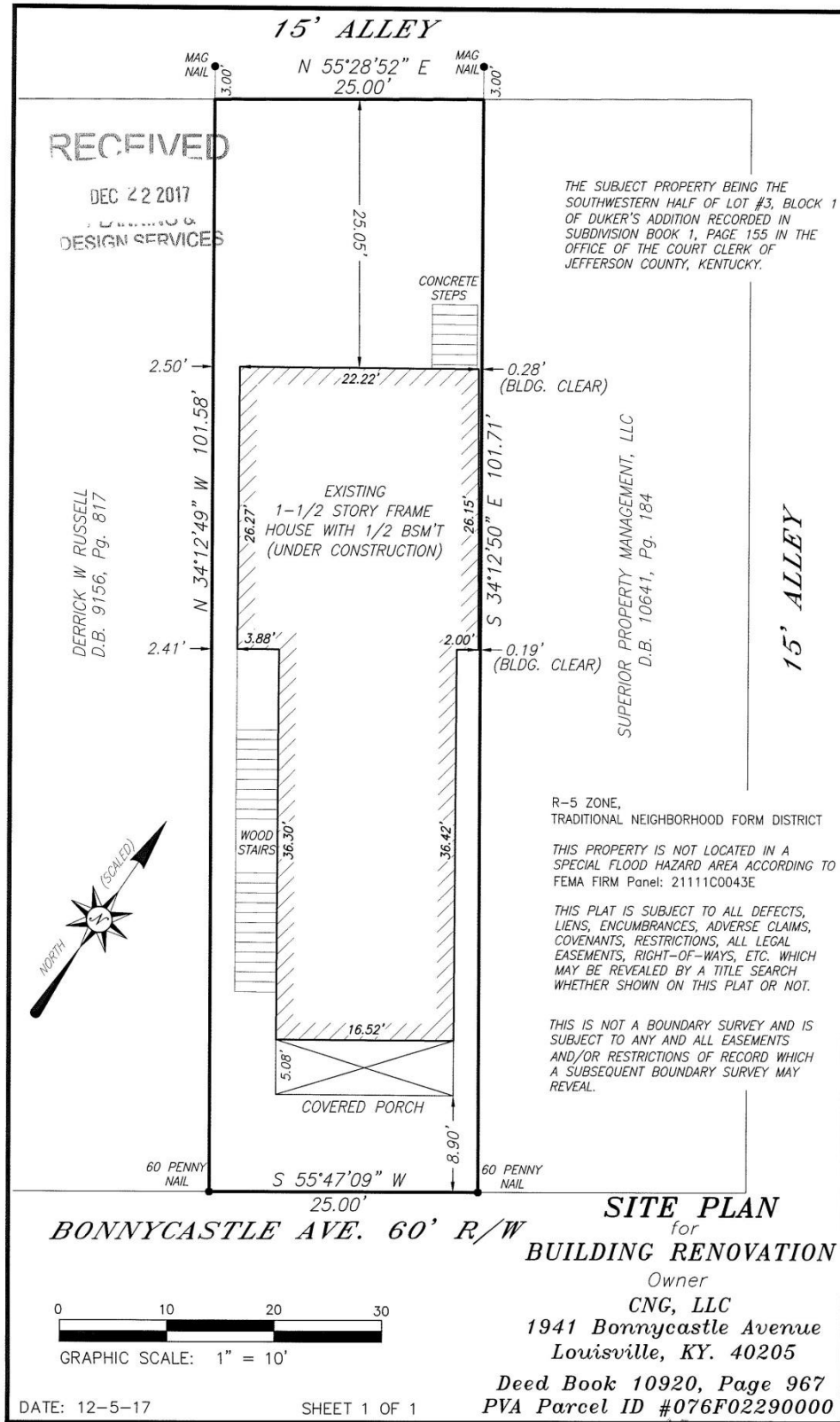
1941 Bonnycastle Avenue  **LOJIC**

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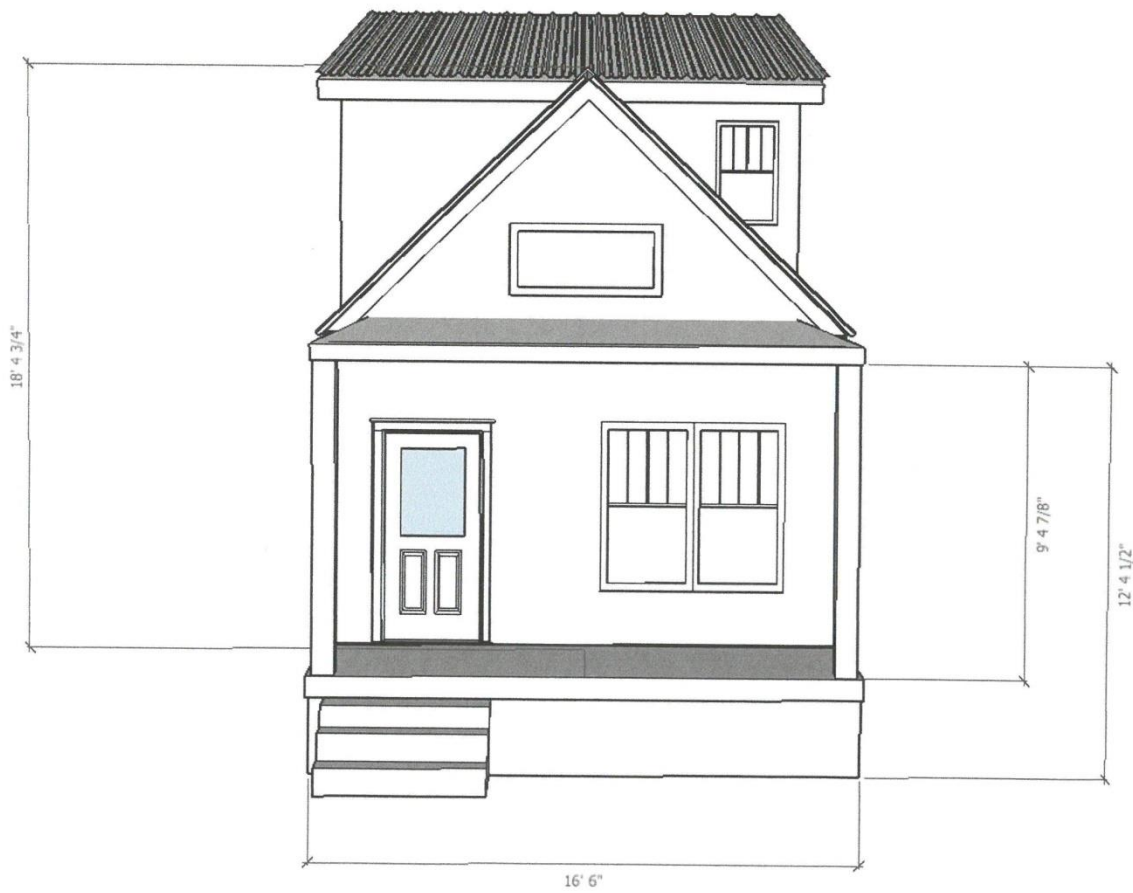
3. Site Plan



4. Elevations

FRONT
SOUTHEAST

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LEFT
SOUTHWEST

RECEIVED

JAN 24 2018

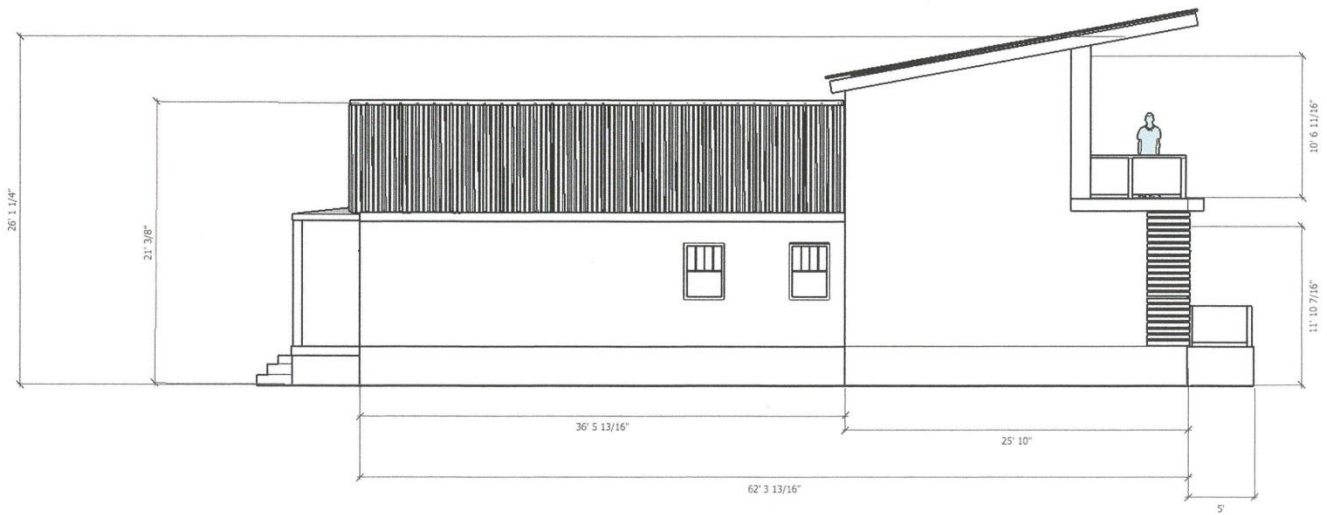
PLANNING &
DESIGN SERVICES



RIGHT
NORTHEAST

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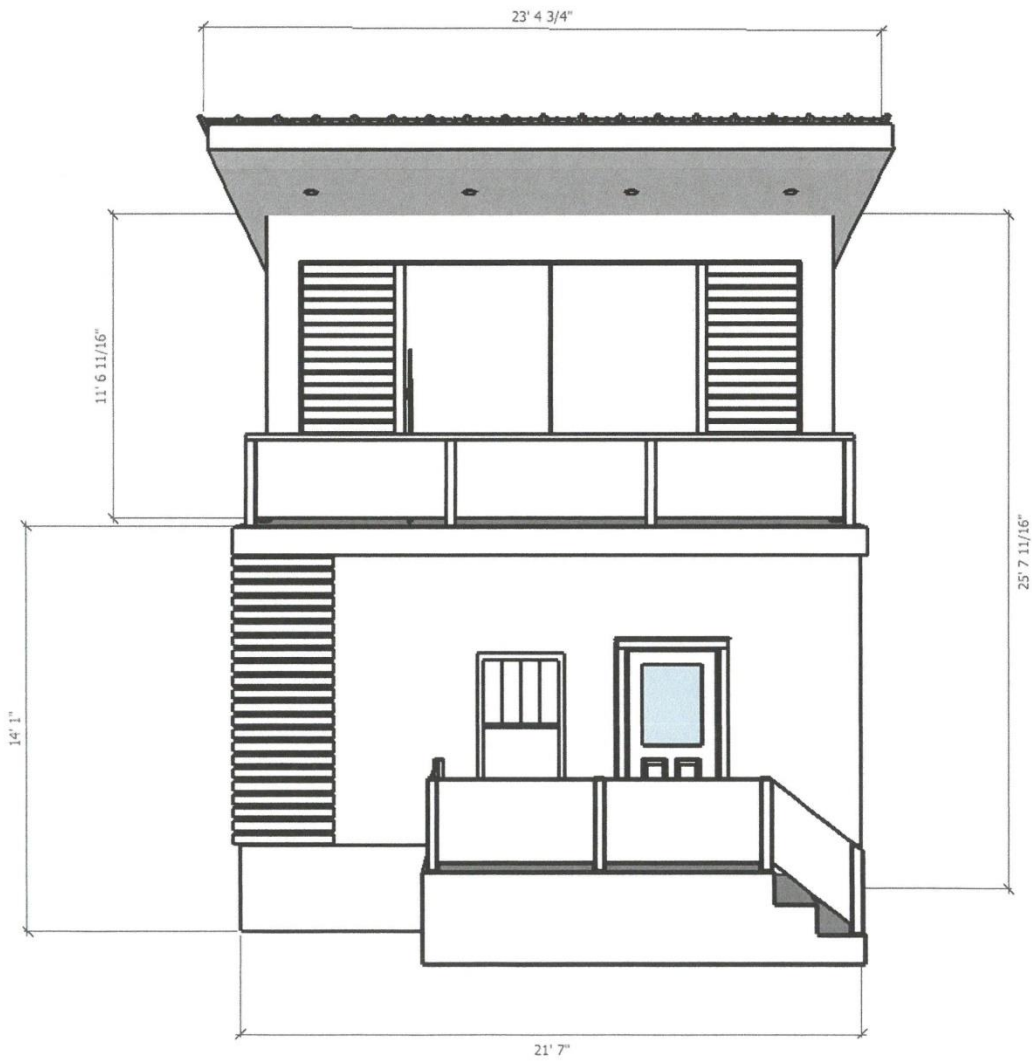


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BACK
NORTHWEST

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5. Site Photos



























