

Board of Zoning Adjustment Staff Report

March 20, 2017



Case No:	17VARIANCE1005
Request:	Variances from the required 3' side yard setback
Project Name:	971 Barret Avenue Garage
Location:	971 Barret Avenue
Area:	.0867 Acres
Owner:	Bette Jo Niemi
Applicant:	Graham Clark
Representative:	Graham Clark
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variances from Land Development Code section 5.4.1.E.5 for an accessory structure to encroach into the required side yards.

Location	Requirement	Request	Variance
Side Yard Setback	3 ft.	0 ft.	3 ft.
Side Yard Setback	3 ft.	0 ft.	3 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is constructing a new two-story house on the subject property, and proposes a new 583.25 square foot single-story garage to the rear. The garage is proposed to be 25 feet wide, which is the full width of the lot, with no setback on either side. The applicant requests variances from Land Development Code section 5.4.1.E.5 to eliminate the side yards on both sides. The subject property is 25 feet in width and 140 feet deep, a total of 3,500 square feet in area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-5B	Traditional Neighborhood
Proposed	Single Family Residential	R-5B	Traditional Neighborhood
Surrounding Properties			
North	Commercial & Single-Family Residential	R-5B	Traditional Neighborhood
South	Commercial & Single Family Residential	R-5B	Traditional Neighborhood
East	Single Family Residential	R-5B	Traditional Neighborhood
West	Commercial	C-2	Traditional Neighborhood

PREVIOUS CASES ON SITE

No previous cases on site.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES FROM SECTION 5.4.1.E.5

- (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 zero lot line development is not uncommon in the Traditional Neighborhood Form District.

- (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 zero lot line development exists on other properties in the immediate vicinity and this development will be in character with those properties.

- (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 the garage will be constructed according to building code for zero lot line development, protecting the interests of the neighbors.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as zero lot line development is not uncommon in the neighborhood.

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 variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot in question is 25 feet in width, whereas most of the residential lots in the general vicinity are 30 to 40 feet in width.

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 requiring the applicant to build a narrower garage that would be unable to fit two cars.

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 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 variances and has not yet constructed the proposed new garage.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 standards for granting variances established in the Land Development Code from section 5.4.1.E.5 allowing the side yards to be less than 3 feet.

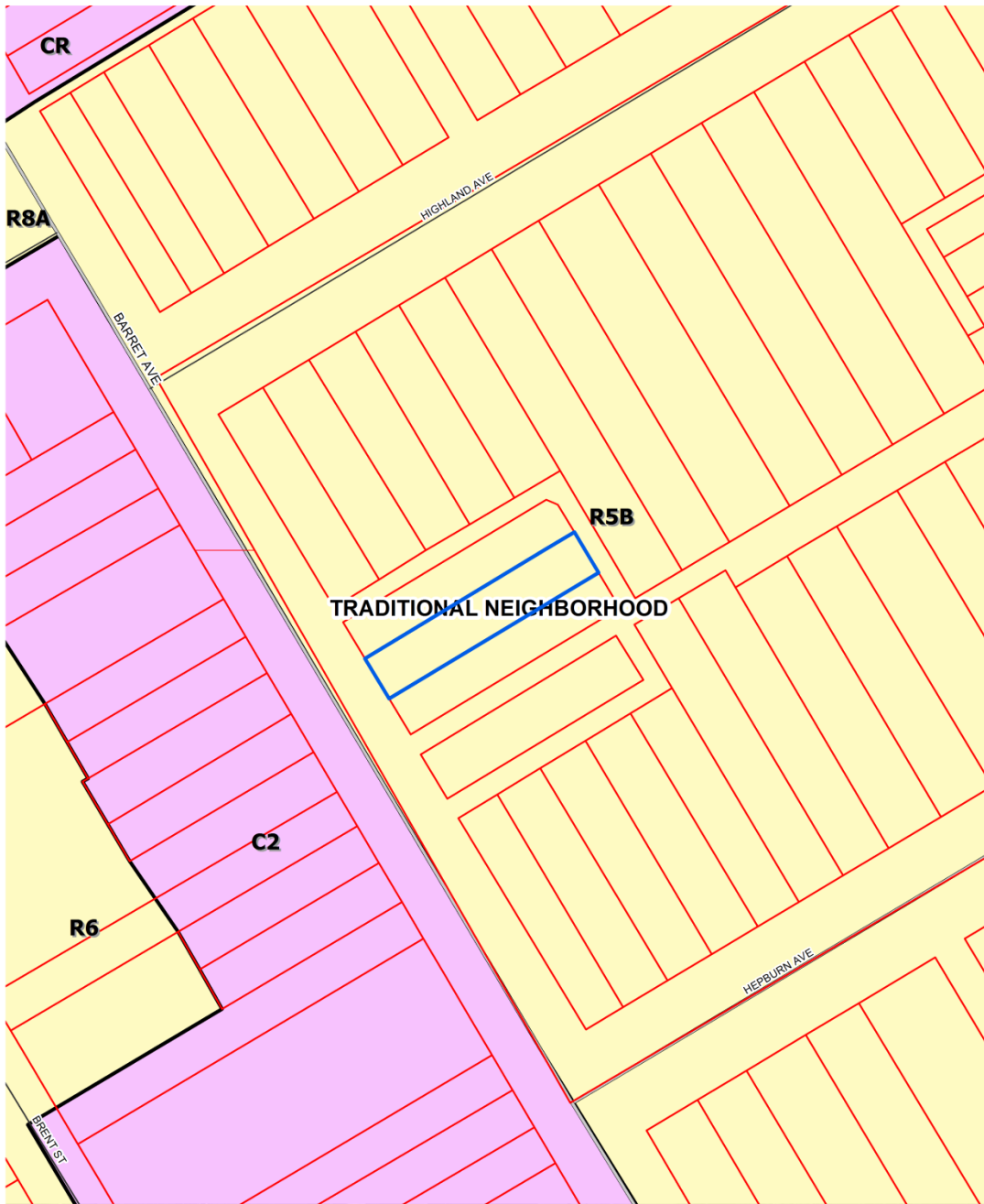
NOTIFICATION

Date	Purpose of Notice	Recipients
02-27-2017	Non-Public Hearing before BOZA	Not required - 1 st tier adjoining property owners Not required - Subscribers of Council District 8 Notification of Development Proposals

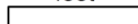
ATTACHMENTS

1. Zoning Map
2. Aerial
3. Site Plan
4. Elevations
5. Site Photos Provided by Applicant

1. Zoning Map



971 Barret Avenue
feet



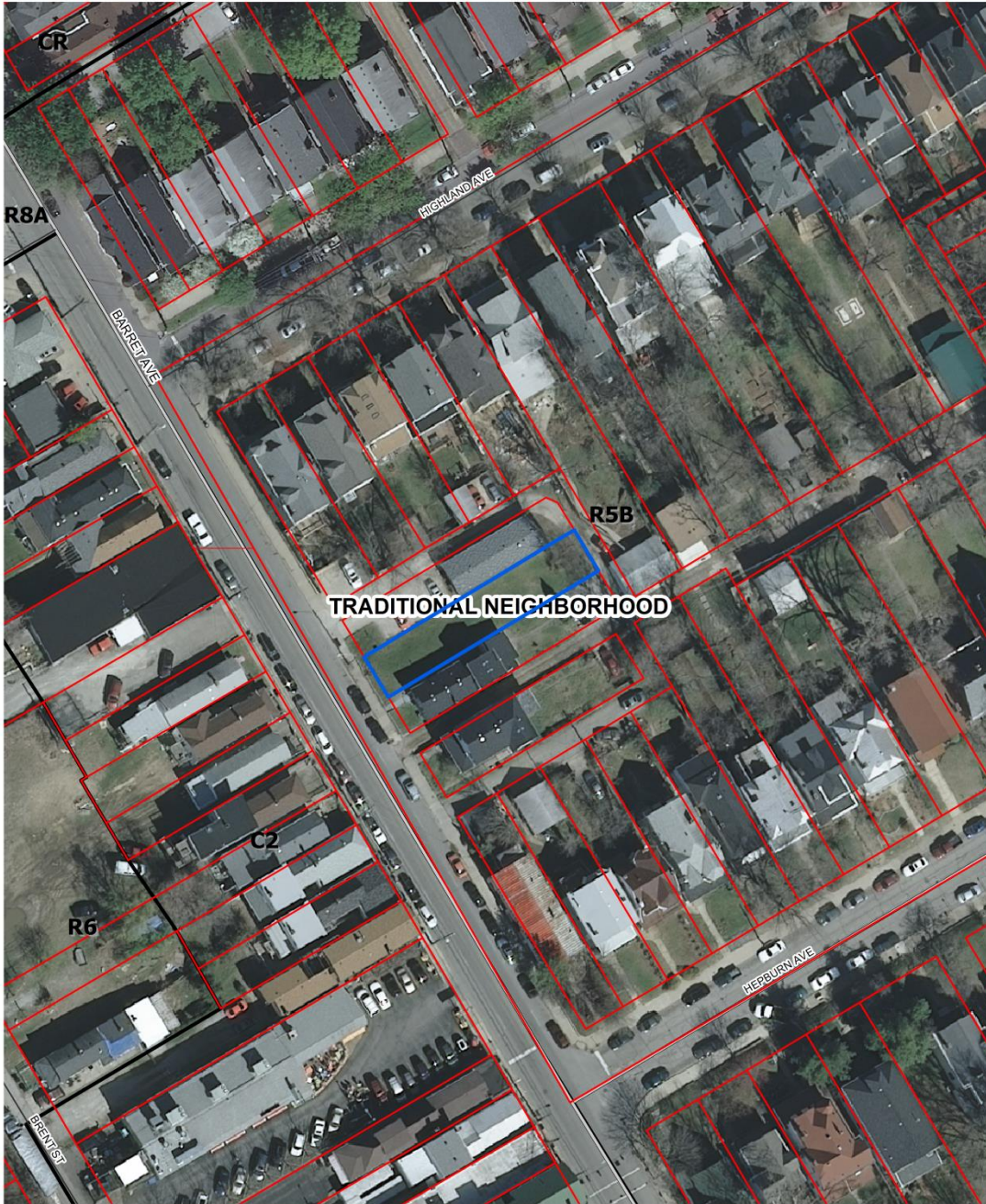
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Map Created: 2/28/2017

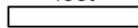


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2. Aerial



971 Barret Ave
feet



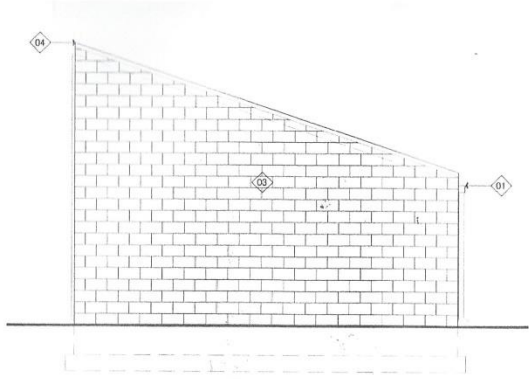
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Map Created: 2/28/2017

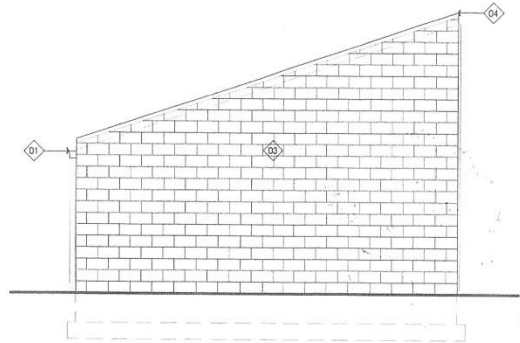


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4. Elevations



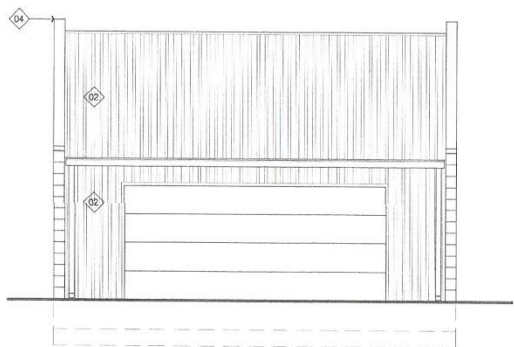
02
A3.1 SOUTH
PROPOSED ELEVATION
SCALE: 1/4"=1'-0"



01
A3.1 NORTH
PROPOSED ELEVATION
SCALE: 1/4"=1'-0"



04
A3.1 WEST
PROPOSED ELEVATION
SCALE: 1/4"=1'-0"



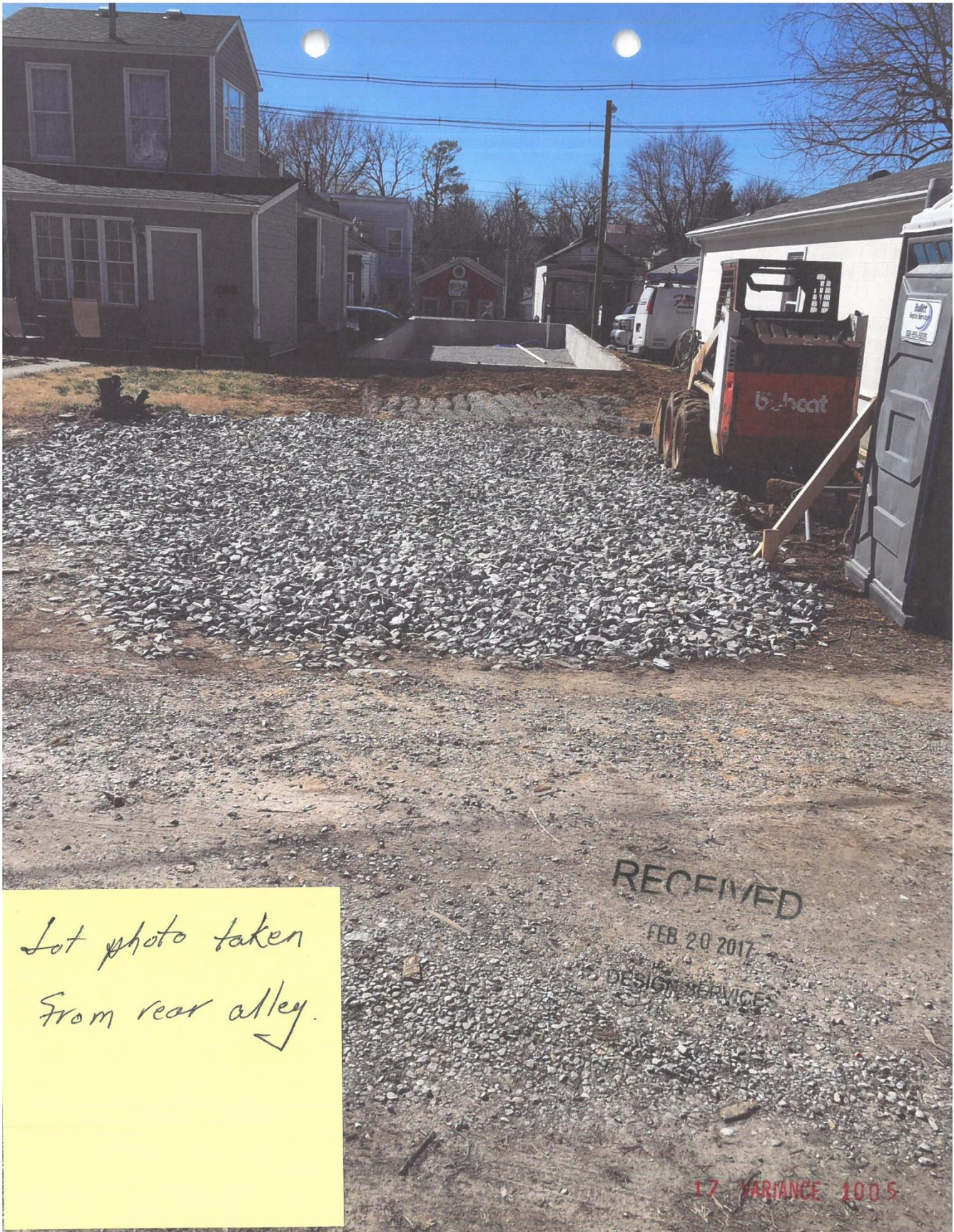
03
A3.1 EAST
PROPOSED ELEVATION
SCALE: 1/4"=1'-0"

RECEIVED

FEB 20 2017

DESIGN SERVICES
VARIANCE 1005

5. Site Photos Provided by Applicant





Rear of lot -
garage at rear
of residence at
1310 Highland Ave
Seen in photo is
on side lot line.

17 VARIANCE 1005

RECEIVED
FEB 20 2017
DESIGN SERVICES

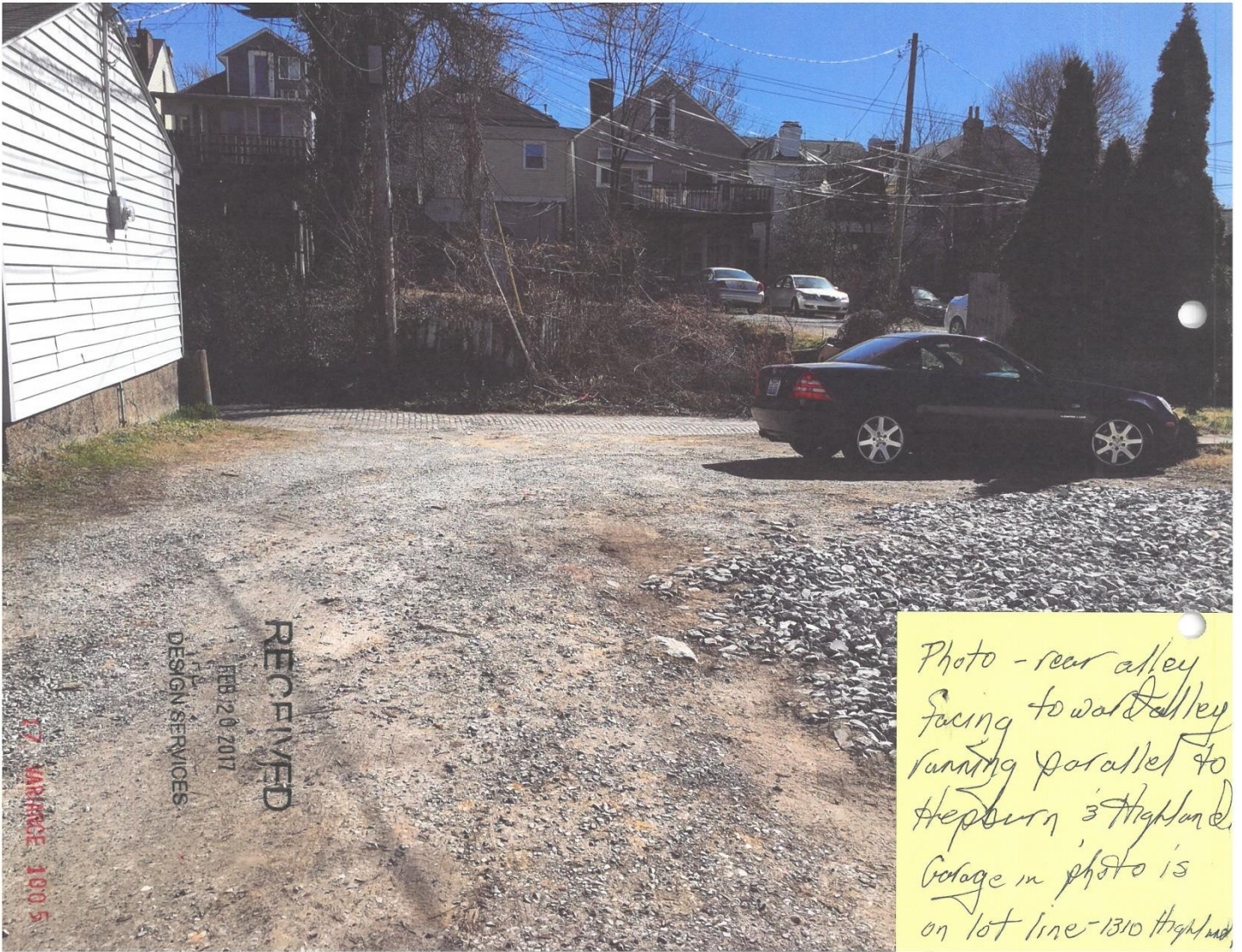


Photo - rear alley
facing toward alley
running parallel to
Hepburn & Highland.
Garage in photo is
on lot line - 1310 Highland



Rear alley taken
behind lot
Facing toward
Highland Avenue