

**Board of Zoning Adjustment**  
**Staff Report**  
 May 18, 2020



<b>Case No:</b>	20-VARIANCE-0026
<b>Project Name:</b>	Camp Street Variance
<b>Location:</b>	426 Camp Street
<b>Owner(s):</b>	Danielle Shaw
<b>Applicant:</b>	Gregg Kelley
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUESTS:**

**Variance** from Land Development Code section 5.1.10.F to allow a principle structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
West Side Yard	2.5 ft.	0 ft	2.5 ft.

**CASE SUMMARY/BACKGROUND**

The subject site is zoned R-6 Residential Multi-Family in the Traditional Neighborhood Form District. It is a single-family structure located in the Shelby Park Neighborhood. The applicant has started construction on a second story addition on the entire footprint of the existing one-story structure. The applicant has also started construction on an addition to the rear of the existing residence, which will also be two-stories. The addition is the same distance to the side property line as the existing structure. The proposed addition will include a 6” overhang that will be on the property line.

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 FINDINGS**

Staff finds that the requested variance meets standards (b), (c), and (d), but staff is concerned that the variance request does not meet standard (a) because construction and maintenance of the addition may have an adverse impact on the adjoining property owner.

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 principal structure to encroach into the required side yard setback.

**TECHNICAL REVIEW**

No technical review required.

**INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

**RELATED CASES**

None.

**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, because the proposed addition will be constructed to comply with all building codes, including fire codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the neighboring property.

- (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, even though, the addition is taller than other structures on the block, there are other structures that are the same height. Further, it meets the infill standards in the Land Development Code in regard to height of structures on the same side of 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 because the addition will 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 as the proposed addition is the same distance away from the property line as the existing structure and private yard area is maintained.

**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 does not arise from special circumstances which do not generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape as the surrounding properties.

- 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 not create an unnecessary hardship on the applicant as they could construct an addition that would not require such a significant departure from the dimensional requirement.

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 variance and has begun construction.

### **VARIANCE PLAN REQUIREMENT**

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>04/17/2020</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
<b>05/04/2020</b>	Hearing before BOZA	Notice posted on property

### **ATTACHMENTS**

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

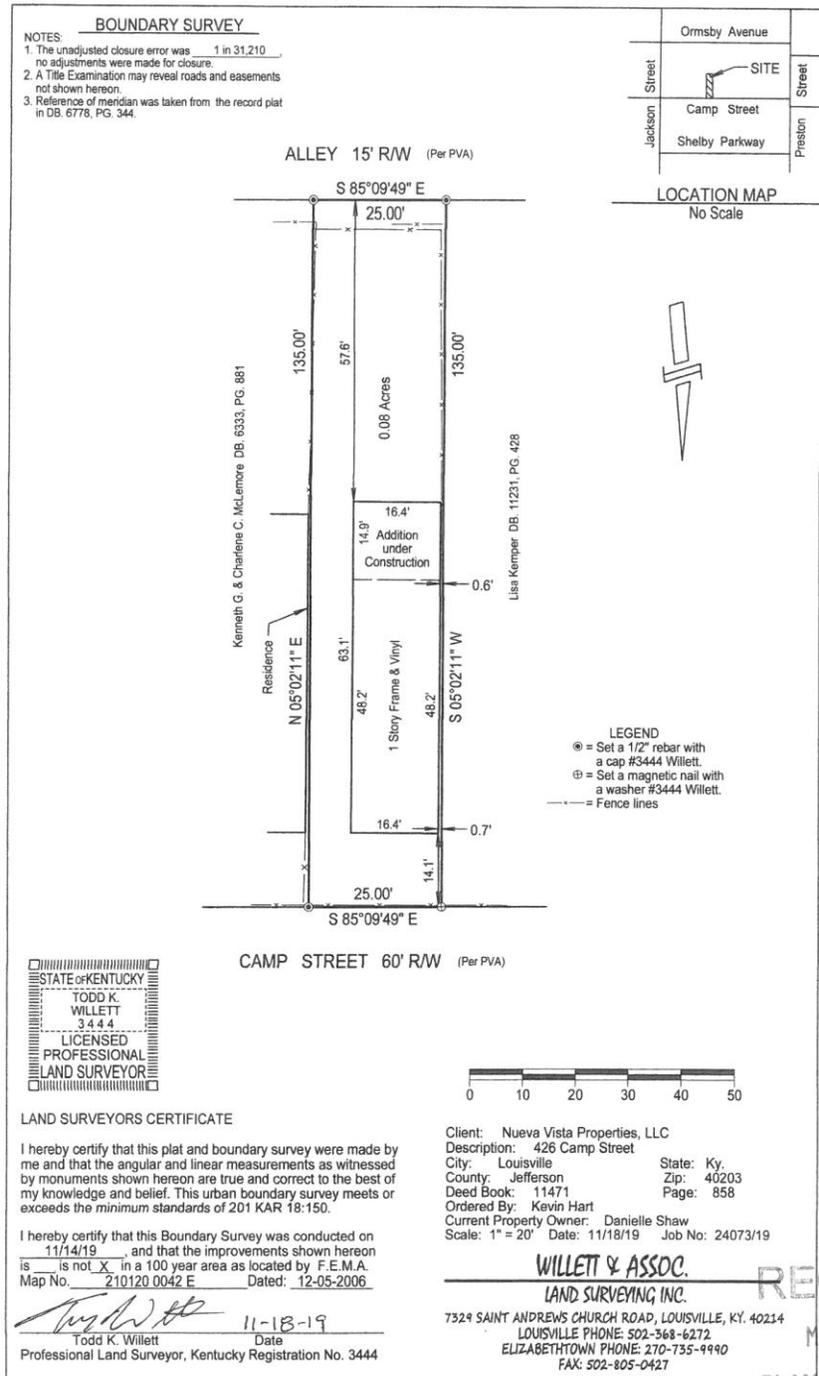
1. Zoning Map



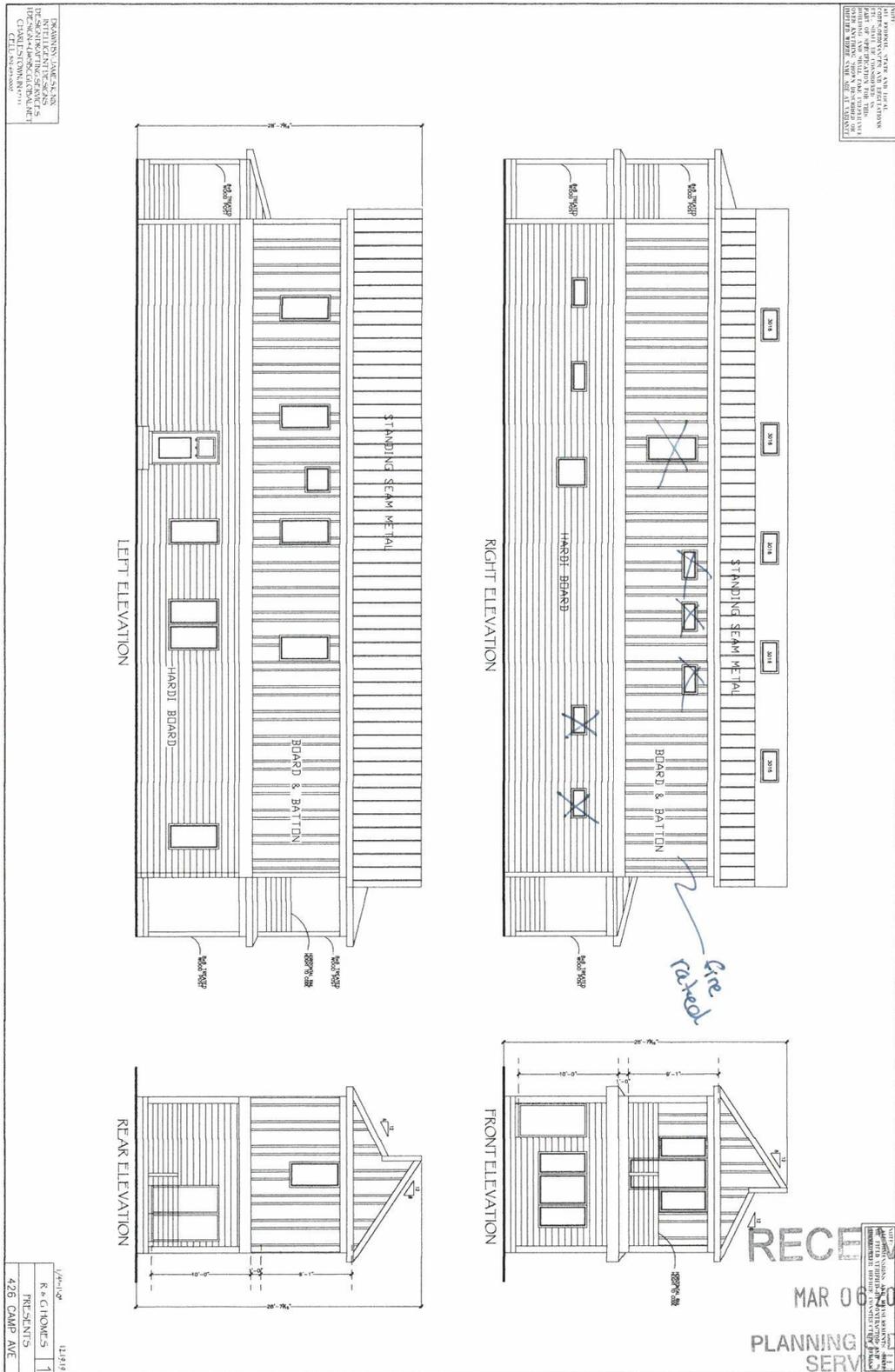
2. Aerial Photograph



### 3. Site Plan



# 4. Elevations



**5. Site Photos**



Subject property and neighboring properties.



Properties across Camp Street.



Variance location from Camp Street.