

# Board of Zoning Adjustment

## Staff Report

January 22, 2019



<b>Case No.</b>	18VARIANCE1086
<b>Project Name</b>	Rear Addition to Residence
<b>Location</b>	914 S. Shelby Street
<b>Owner</b>	Robin VanAmburgh
<b>Applicant</b>	NEP Construction
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	4 – Barbara Sexton Smith
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### REQUESTS

- Variance to permit a structure to encroach into a required side yard (LDC 5.2.2.)

Location	Requirement	Request	Variance
Minimum side yard	3 ft	0 ft	3 ft

### CASE SUMMARY / BACKGROUND

The site is located on the west side of S. Shelby Street between E. Breckinridge and Caldwell Streets. It and adjoining properties to the north, south and west are zoned U-N Urban Neighborhood; properties to the east, across S. Shelby Street, are zoned OR-2 Office/Residential. All are located within a Traditional Neighborhood form district.

The applicant proposes to construct a 10 ft deep, two-story addition onto the rear of the existing residence. The addition will maintain the 0 ft side yard of the existing residence.

### STAFF FINDING

The proposed variance is justified due to existing conditions on the site.

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 a variance to permit a structure to encroach into a required side yard (LDC 5.2.2.).

### TECHNICAL REVIEW

No additional technical issues remain to be resolved.

## **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)**

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

STAFF: The requested reduction of the required side yard will not adversely affect the public health, safety or welfare.

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

STAFF: The proposal is in character with the existing historic residence and with other development in the vicinity.

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

STAFF: The proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

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

STAFF: The proposed variance is justified due to existing conditions on the site.

## **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: There are no special circumstances on the property, but the proposal is in keeping with existing conditions on the site and in the vicinity.

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 application of the regulation would not create an unnecessary hardship but is also not out of character with the vicinity.

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 existing subject residence was in place prior to the zoning regulation from which relief is being sought.

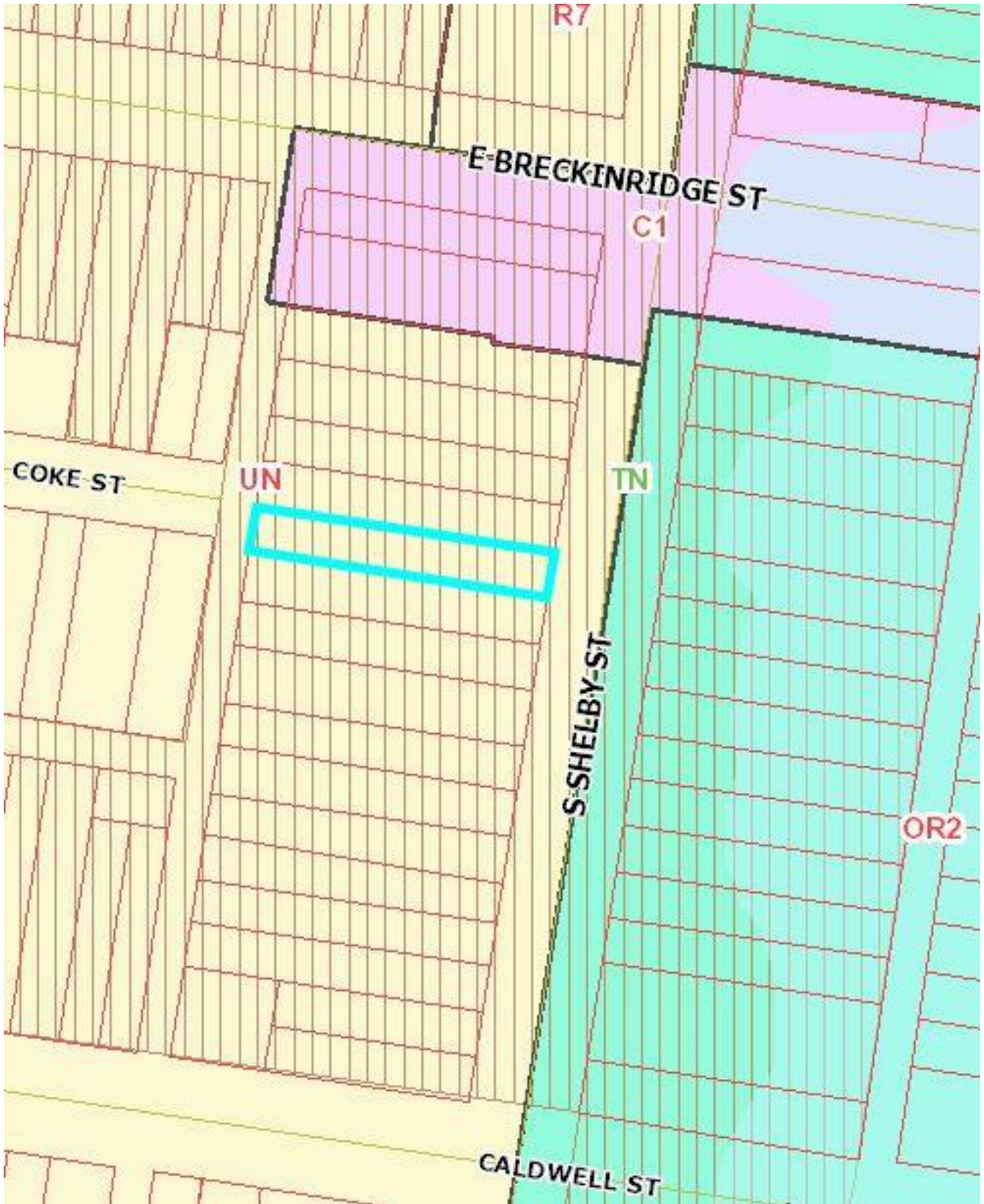
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1/8/2019	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4 Sign Posting

**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Site Plan

1. Zoning Map



2. Aerial Photograph



3. Site Plan

