

Board of Zoning Adjustment Staff Report

August 1, 2016



Case No:	16VARIANCE1049
Request:	To allow proposed attached garage to encroach into the minimum rear yard setback.
Project Name:	3320 Eagle Pass
Location:	3320 Eagle Pass
Area:	.2201 acres
Owner:	Anthony and Sarah Williams
Applicant:	Anne Del Prince – Del Prince Designs LLC.
Representative:	Anne Del Prince – Del Prince Designs LLC.
Jurisdiction:	Louisville Metro/Audubon Park
Council District:	10 – Pat Mulvihill
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variance:** from the Land Development Code section 5.3.1, table 5.3.1 to allow an attached garage to encroach into the minimum rear yard setback.

Location	Requirement	Request	Variance
Rear Yard Setback	25 feet	4 feet 7 inches	20 feet 5 inches

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is located in the Audubon Park National Register District but is not required to obtain a Certificate of Appropriateness (COA). The property is situated at the corner of Valley Drive, with a frontage of approximately 153' ft., and Eagle Pass, with a frontage of approximately 94' ft. As a result of the parcel being more elongated and parallel to Valley Drive the applicant has proposed to construct an attached garage onto the rear of the principal structure where an existing driveway is present. The applicant has proposed to construct a 638 sf. attached garage with a 154 sf. Mud room/Laundry Room.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	Neighborhood
Proposed	Residential Single Family	R-5	Neighborhood
Surrounding Properties			
North	Residential Single Family	R-5	Neighborhood
South	Residential Single Family	R-5	Neighborhood
East	Residential Single Family	R-5	Neighborhood
West	Residential Single Family	R-5	Neighborhood

PREVIOUS CASES ON SITE

No other cases were associated with the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 since the proposed garage will be on the private property and located approximately 33 ft. from the parcel line along Valley Road, 4 ft. 7" inches from the parcel line on the southern boundary and 15' ft. 4 inches from the parcel line on the eastern boundary.

- (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 since many homes in the area have attached and detached garages. The applicant states that the materials to be used with "blend with the existing house and neighborhood".

- (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 since the proposed garage is to be "used for the storage of a vehicle which is not running". The garage will have setbacks from adjacent properties by approximately 33 ft. from the parcel line along Valley Road, 4 ft. 7" inches from the parcel line on the southern boundary and 15' ft. 4 inches from the parcel line on the eastern boundary.

- (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 since the elongated parcel sits at the corner of Eagle Pass and Valley Road is limited by the situation of the home and size of the lot.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the lot is not large enough to accommodate the home and attached garage without encroaching into the required setbacks and rear yard area.

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 since the applicant cannot use their property/land as needed for the storage of a vehicle.

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 applicant is requesting a variance from the rear yard setback as set forth in LDC.

TECHNICAL REVIEW

- No technical review conducted.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets 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 of review for granting variances as established in the Land Development Code from sections 5.3.1, table 5.3.1 to allow a proposed attached garage to encroach into the rear yard.

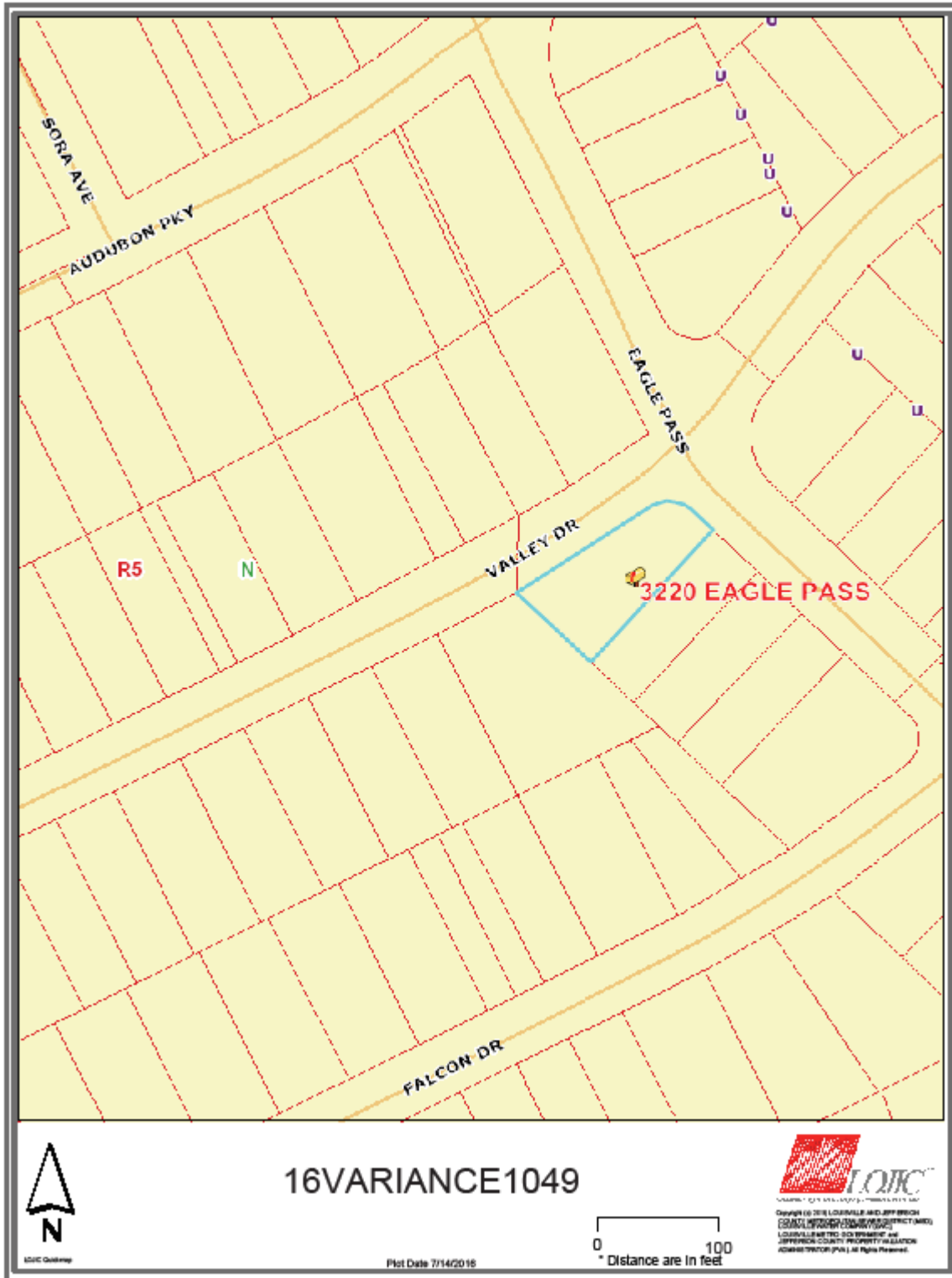
NOTIFICATION

Date	Purpose of Notice	Recipients
July 15, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
July 15, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

