

Board of Zoning Adjustment

Staff Report

October 28, 2019



Case No:	19-VARIANCE-0047
Project Name:	Samara Drive Variance
Location:	4601 Samara Drive
Owner/Applicant:	Sophia Jacinto
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.2.C.3.a to allow a structure to encroach into the required side and rear yard setbacks.

Location	Requirement	Request	Variance
Side Yard	2 ft.	6 in.	1 ft. 6 in.
Rear Yard	5 ft.	2 in.	4 ft. 10 in.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 and is in the Neighborhood Form District. It is located in the Rangewood subdivision on the north side of Samara Drive and contains a one-story single-family residence. The applicant is requesting a variance for an existing deck that is attached to the garage to encroach into the side and rear yard setbacks. There is a sewer and drainage easement five ft. off of the rear property line. Based on the location of the easement and how surrounding development relates to that easement, staff questions whether the rear yard variance is needed. Staff will try to clarify this issue prior to the meeting.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet the standards 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 standard of granting a variance established in the Land Development Code from section 5.4.2.C.3.a to allow an accessory structure to encroach into the required side and rear yard setbacks.

CONDITION OF APPROVAL

#1) A survey of the eastern and northern property lines shall be completed and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.2.C.3.a

- (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 the structure will need to 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 variances will not alter the essential character of the general vicinity as the deck is not visible from public right-of-way.

- (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 deck will need to meet building and fire codes.

- (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 the encroachment is the same as the existing accessory structure for the side yard and there are other accessory structures in the area that encroach a similar distance into the rear yard.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does 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 generally apply to land in the general vicinity or the same zone as the subject property is similar in size and shape to 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 a deck that met the setback requirements.

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 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 after the construction of the deck.

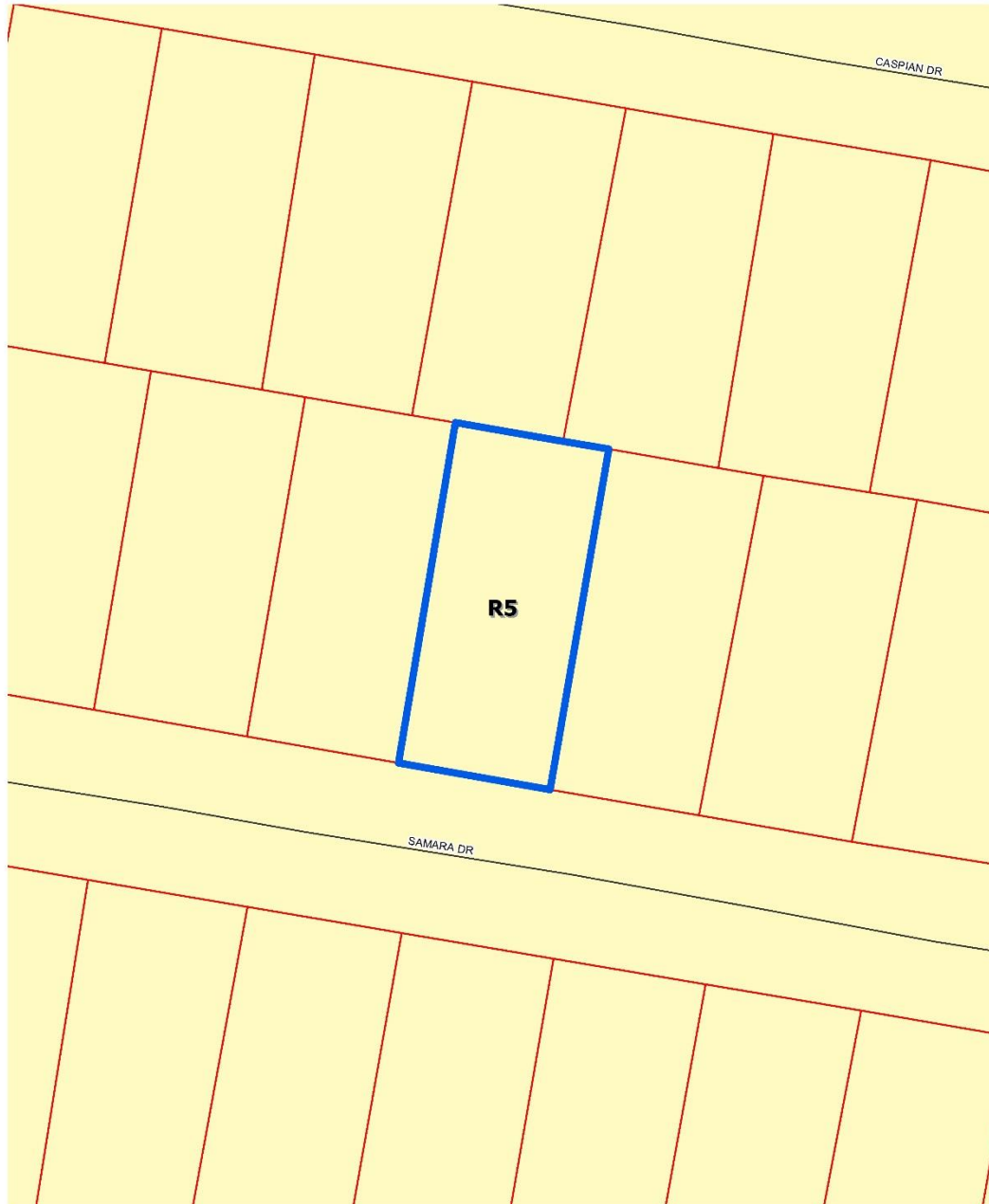
NOTIFICATION

Date	Purpose of Notice	Recipients
10/11/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2
10/10/2019	Hearing before BOZA	Notice posted on property

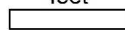
ATTACHMENTS

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

1. **Zoning Map**



4601 Samara Drive
feet



40

Map Created: 10/22/2019



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2. Aerial Photograph



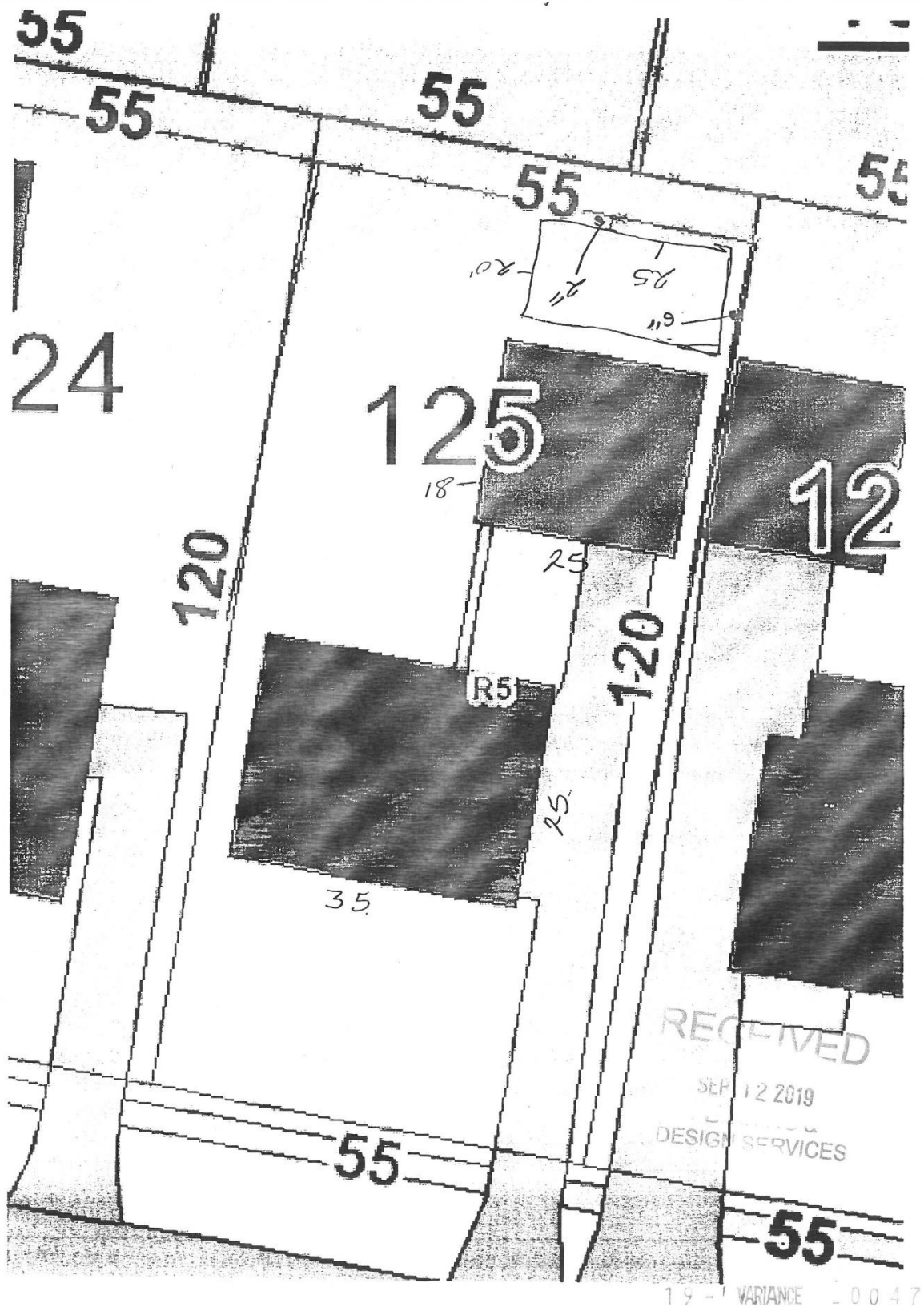
Aerial
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3. Site Plan



4. Site Photos



The front of the subject property.



The property to the right.



The property to the left.



Properties across Samara Drive.



New deck attached to existing garage.



New deck attached to existing garage.



Accessory structure on adjoining property to the left.