

**Board of Zoning Adjustment**  
**Staff Report**  
August 30, 2021



<b>Case No:</b>	21-VARIANCE-0107
<b>Project Name:</b>	E. Oak Street Variance
<b>Location:</b>	926 East Oak Street
<b>Owner/Applicant:</b>	John Jeffries
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Heather Pollock, Planner I

**REQUESTS:**

Variance from Land Development Code table 5.2.2 to allow a principal structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Side Yard	3 ft.	0.2 ft.	2.8 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is zoned R-6 Multi-family and is in the Traditional Neighborhood Form District. It is on the south side of the 900 block of E Oak St. in the Germantown neighborhood. The site currently has a one-story single-family residential structure and the applicant is proposing to add a rear addition that will encroach into the required side yard setback.

**STAFF FINDINGS**

Staff finds that the requested variance is adequately justified and meets the standard 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 standards for granting a variance established in Land Development Code table 5.2.2 to allow a principal structure to encroach into the side yard setback.

**TECHNICAL REVIEW**

No technical review required.

**INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

## RELATED CASES

B-040-00: Variances to allow existing structures to encroach into the required front and side yards.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 structure must 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 variance will not alter the essential character of the general vicinity as there are other structures in the area that encroach into the side yard setback.

- (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 structure must 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 existing house currently encroaches into the side yard setback and the addition will line up with it.

## 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 land in the general vicinity or the same zone as the existing principal structure is similar in location to the side property line to other properties in the 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 create an unnecessary hardship on the applicant as the existing primary structure is already encroaching into the side yard setback and the proposed addition will line up.

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not started construction and is requesting the variance.

**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>8/13/2021</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 4
<b>8/17/2021</b>	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

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

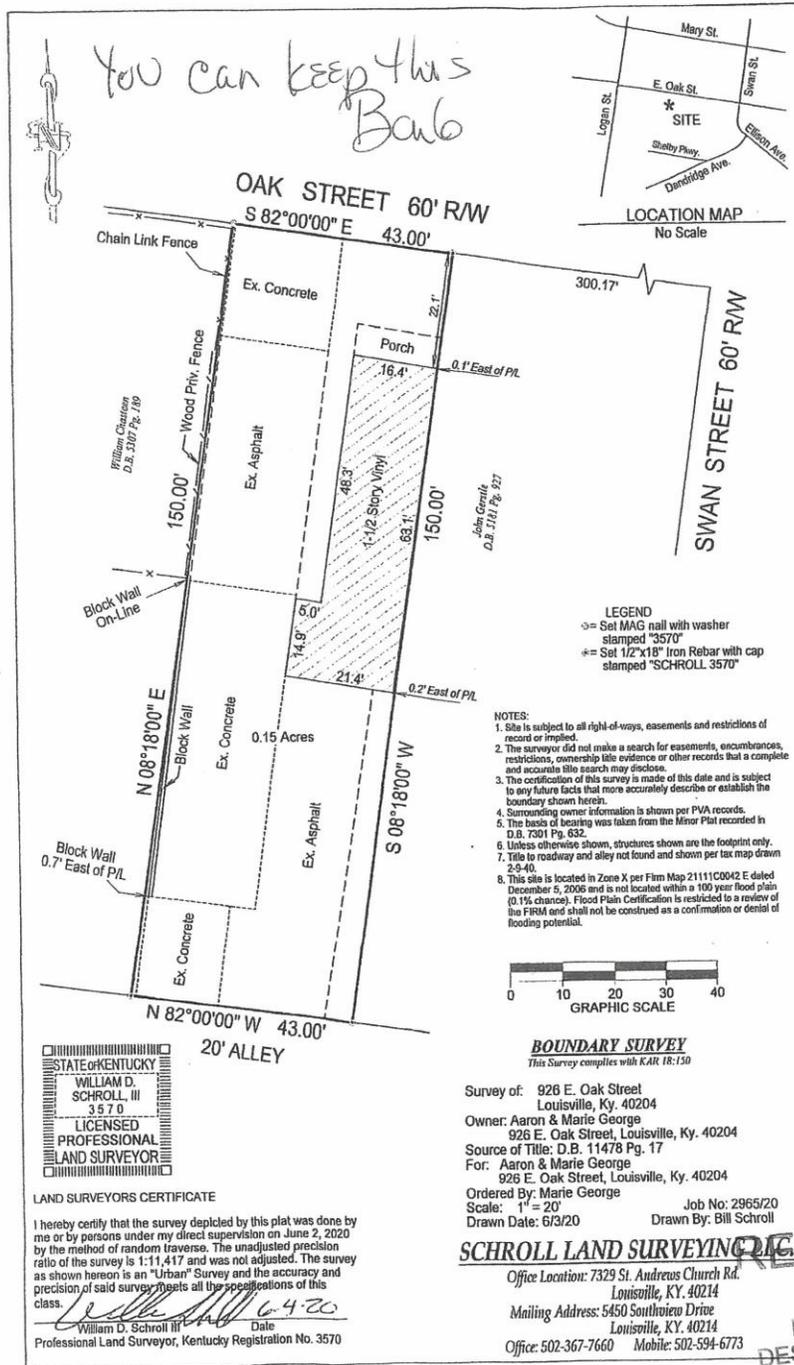
# 1. Zoning Map



## 2. Aerial Photograph



3. Site Plan





#### 4. Site Photos

Front of subject property.



Property to the left.



Properties to the right.



Property across street.



Variance area.



Variance area.

