

Board of Zoning Adjustment

Staff Report

December 18, 2017



Case No:	17VARIANCE1089
Project Name:	509 E Oak Street Renovation
Location:	509 E Oak Street
Owner(s):	First Dime Properties LLC
Applicant:	Jason Weiss
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner I

REQUEST

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

Location	Requirement	Request	Variance
Side Yard Setback	2.5 feet	1.25 feet	1.25 feet

CASE SUMMARY/BACKGROUND

The subject property is located in the Shelby Park neighborhood, and currently contains a one-story single-family residence. The applicant is currently renovating the structure, and has discovered that the rear portion of the residence is structurally unsound. The applicant proposes to reconstruct the rear portion of the building on the same footprint as it currently occupies. A variance is therefore requested to encroach into the required side yard setback. The applicant also proposes a second-story camelback-style addition on the rebuilt rear of the structure, with the same setback as the first floor.

The building's Floor Area Ratio falls within the FAR allowed for the zoning district.

STAFF FINDING

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

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

Staff received a letter of support from neighbor Richard Coomer, owner of a property located at 508 and 506R E St. Catherine Street, to the rear of the subject property across the alley.

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 as the renovated structure will be constructed according to building code on the same footprint as the prior structure.

- (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 the existing encroachment into the setback is part of the essential character of the 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 as the renovated structure will be constructed according to 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 renovated structure is proposed to observe the same footprint as the existing structure. To have the second story set back the required distance would not be feasible due to the engineering loads on the walls to support the weight of the second story.

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 because the existing structure does not meet the required setback, and the renovation is proposed to follow the same footprint.

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 by requiring the applicant to shift the rear portion of the structure on the lot rather than follow the existing footprint.

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 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 is requesting the variance and has not begun construction.

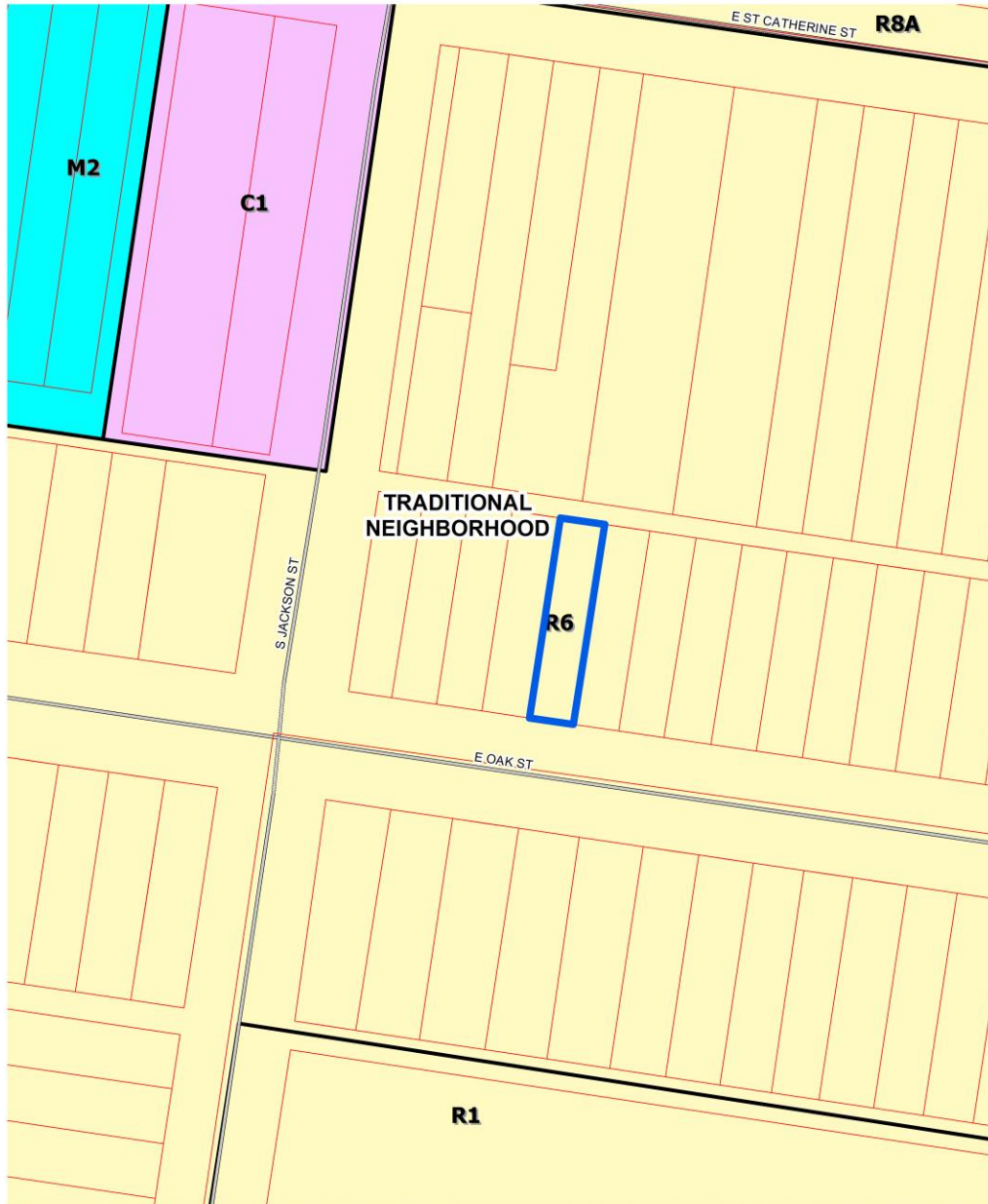
NOTIFICATION

Date	Purpose of Notice	Recipients
11/28/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
12/01/2017	Hearing before BOZA	Notice posted on property

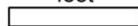
ATTACHMENTS

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

1. Zoning Map



509 E Oak Street
feet



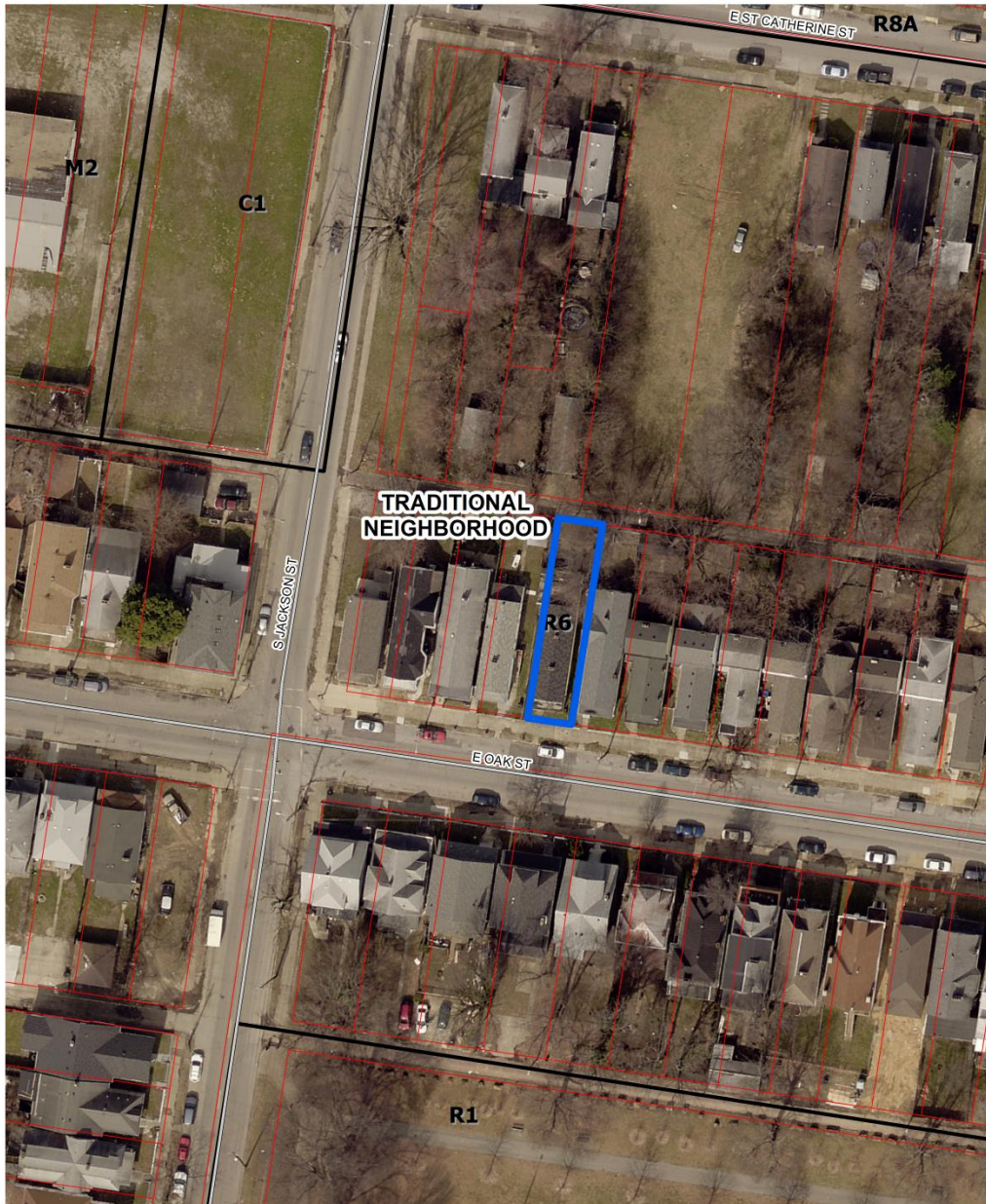
70

Map Created: 12/1/2017

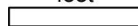


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2. Aerial Photograph



509 E Oak Street
feet



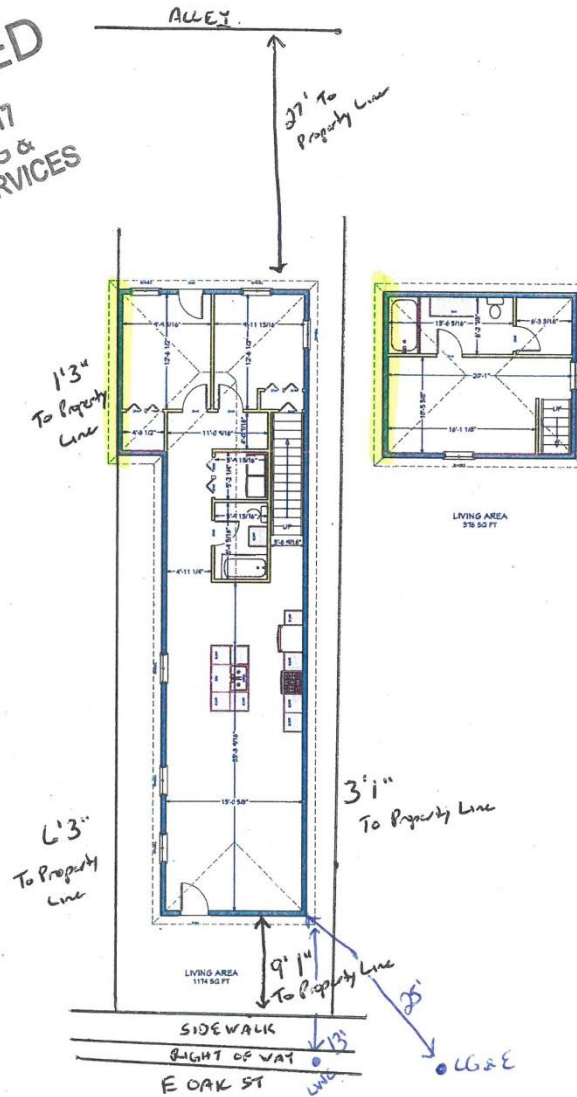
Map Created: 12/1/2017



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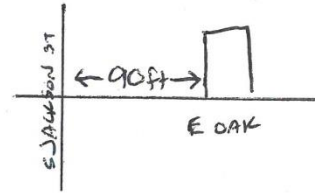
3. Site Plan

RECEIVED
NOV 13 2017
PLANNING &
DESIGN SERVICES



509 E OAK ST

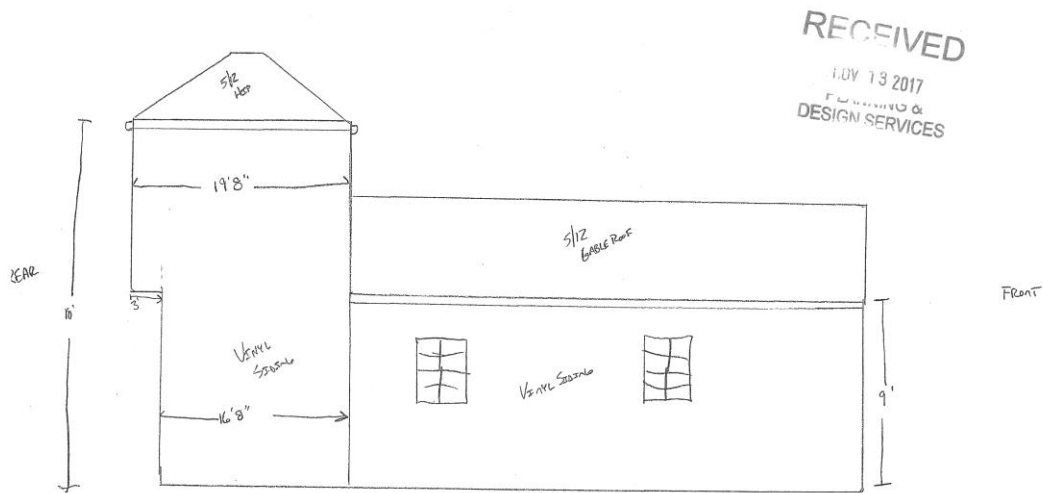
$\frac{1}{4} \text{ in} = 4 \text{ ft}$



Variance to Rebuild
request to rebuild
rear of house and
add camelback/2nd
floor to rear along
left side zero lot
line

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4. Elevations



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View From WEST

NOT TO SCALE

509 E. OAK ST

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View From East

509 E. OAK ST.

17 VARIANCE 1089

5. Site Photos



The front of the subject property.



The property to the left of the subject property.



The property to the right of the subject property.



The properties across E Oak Street.



The location of the proposed variance.



The location of the proposed variance.