

**Board of Zoning Adjustment**  
**Staff Report**  
April 15, 2019



|                          |                              |
|--------------------------|------------------------------|
| <b>Case No:</b>          | 19VARIANCE1018               |
| <b>Project Name:</b>     | Old Springdale Road Variance |
| <b>Location:</b>         | 4314 Old Springdale Road     |
| <b>Owner:</b>            | Fred Durham III              |
| <b>Applicant:</b>        | Beverly Baker                |
| <b>Jurisdiction:</b>     | Louisville Metro             |
| <b>Council District:</b> | 16 – Scott Reed              |
| <b>Case Manager:</b>     | Zach Schwager, Planner I     |

**REQUEST**

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.

| Location  | Requirement          | Request                | Variance              |
|-----------|----------------------|------------------------|-----------------------|
| Side Yard | 6 ft. (18 ft. total) | 5 ft. (11.4 ft. total) | 1 ft. (6.6 ft. total) |

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Springdale West Section 1 subdivision and contains a one-story single-family residence. The applicant is proposing to remove the existing attached garage and construct a larger attached garage that will encroach into the required side yard setback. The only section of the proposed garage that will encroach into setback is the front right corner.

**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 table 5.3.1 to allow a structure to encroach into the required side yard setback.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

- (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 structure will 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 the property is at the end of a cul-de-sac and there is a variety of development types in the immediate area.

- (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 proposed addition will not be close to any existing structures on neighboring properties.

- (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 property narrows toward the road, which is where the existing structure is located.

### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the subject property is irregular in shape compared to the majority of properties on the street.

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 because the proposed addition could be located on the rear of the property where there is more space.

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                                                                                              |
|------------|---------------------|---------------------------------------------------------------------------------------------------------|
| 03/28/2019 | Hearing before BOZA | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 16 |
| 04/04/2019 | Hearing before BOZA | Notice posted on property                                                                               |

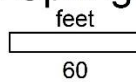
**ATTACHMENTS**

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

1. Zoning Map



4314 Old Springdale Road

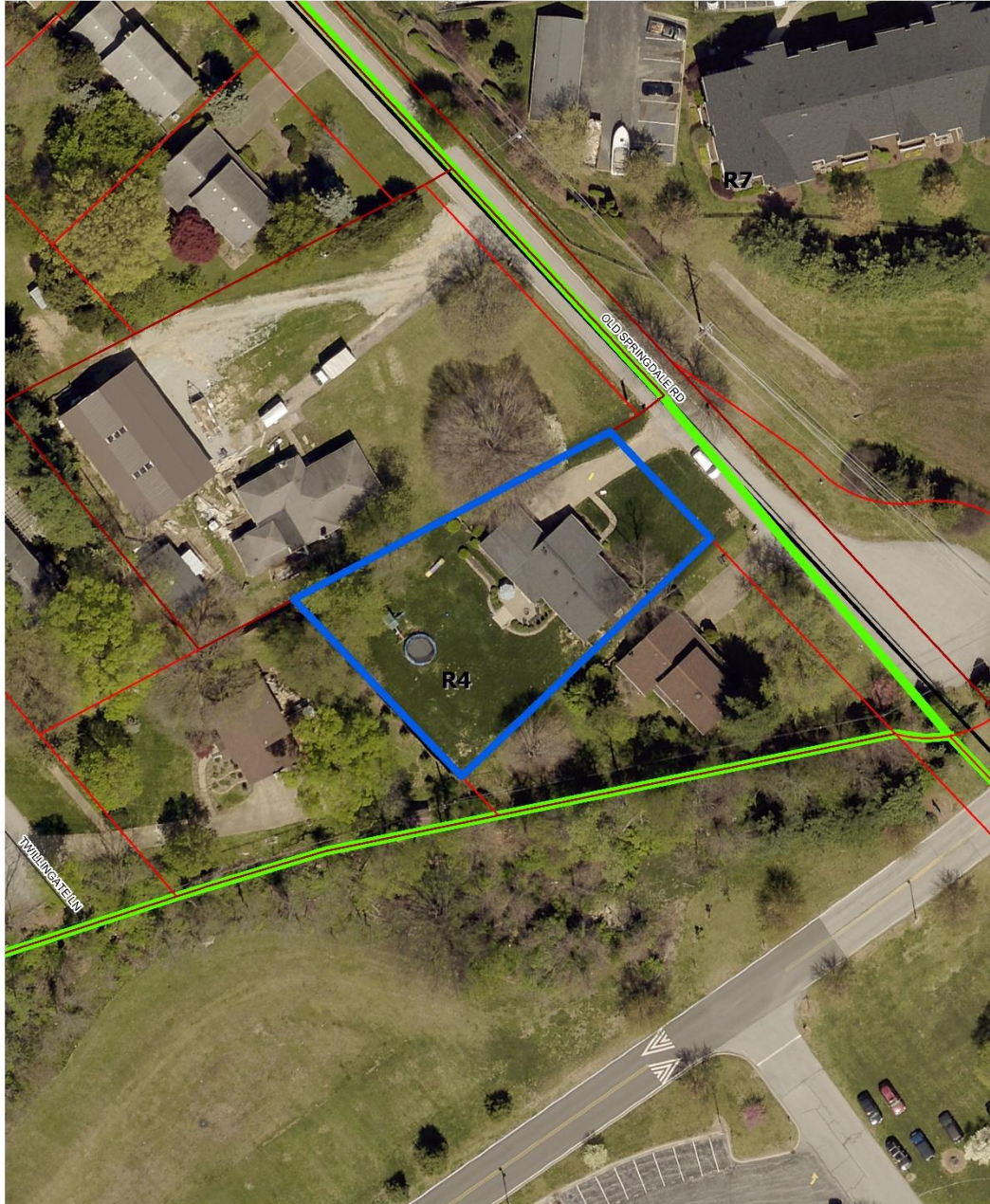


Map Created: 3/28/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



4314 Old Springdale Road

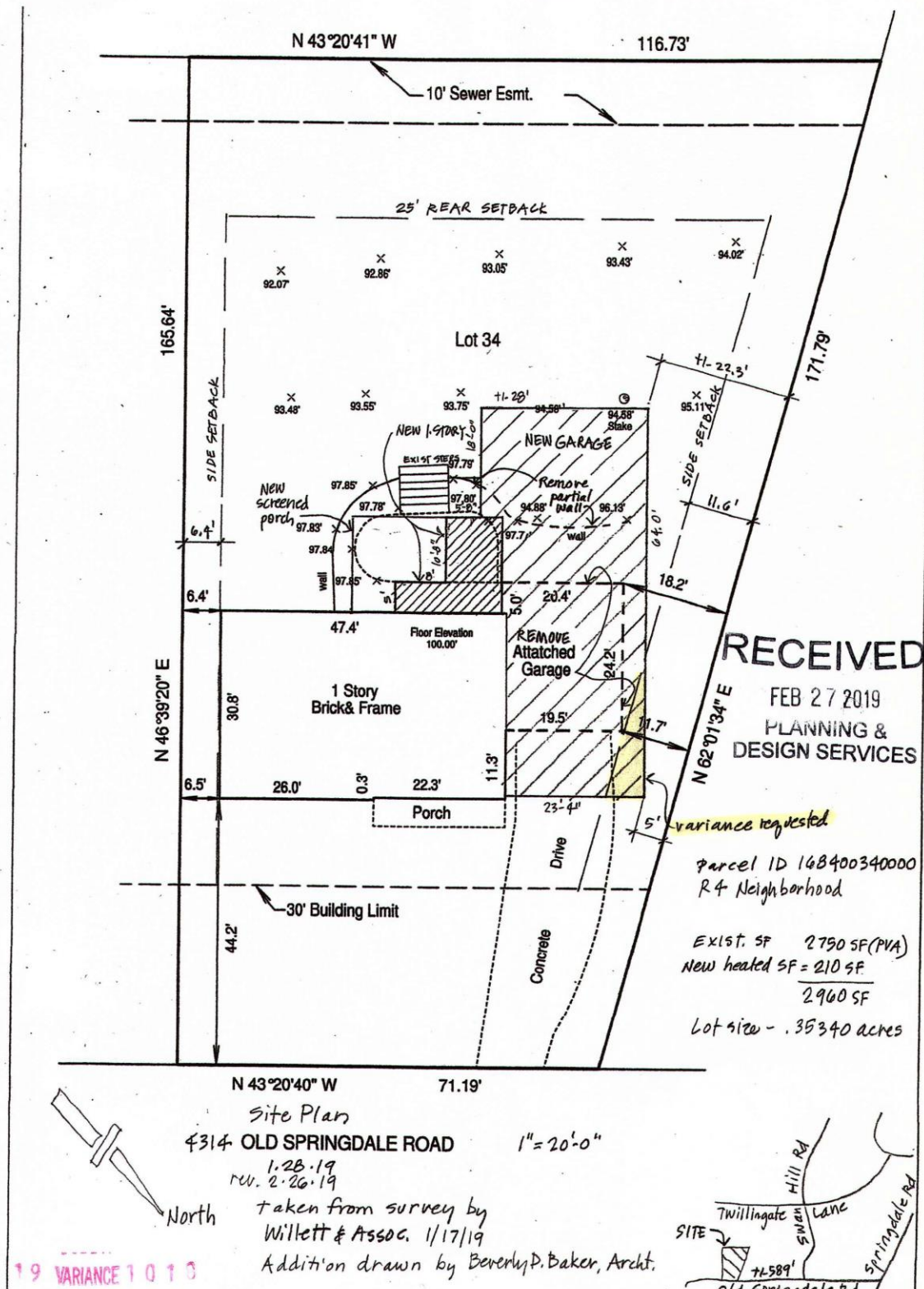
feet  
60

Map Created: 3/28/2019

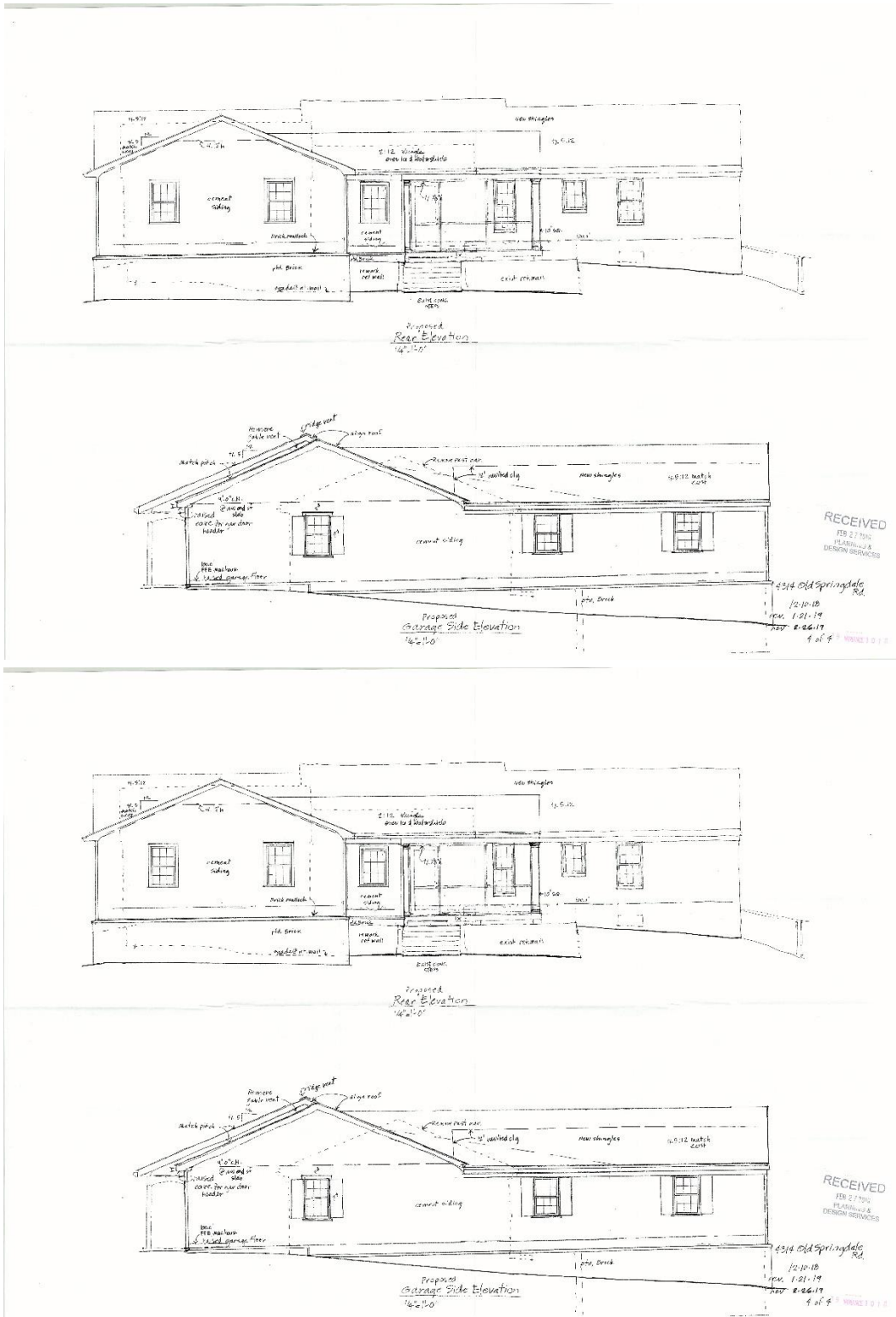


Copyright (c) 2019, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

### 3. Site Plan



#### 4. Elevations



5. **Site Photos**



Front of the subject property.



Property to the left.



Property to the right.



Property across Old Springdale Road.



Side property line that is being encroached upon.



Variance area looking toward Old Springdale Road.