

Board of Zoning Adjustment

Staff Report

October 2, 2017



Case No:	17VARIANCE1057
Project Name:	1133 Reutlinger Avenue Residence
Location:	1133 Reutlinger Avenue
Owner(s):	David Beach
Applicant:	Cliff Ashburner
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Dante St. Germain, Planner I

REQUEST

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

Location	Requirement	Request	Variance
Side Yard	2.4 ft.	1 ft.	1.4 ft.
Side Yard	2.4 ft.	1 ft.	1.4 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Germantown neighborhood, and is currently vacant. The applicant proposes to construct a new two-story single-family residence. The first floor is proposed to observe a 3' side yard setback. However, the second floor is proposed have cantilevered extensions on both sides, extending an additional 2' to either side. The applicant requests variances to allow the encroachments into the side yard setbacks.

The lot is 24 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have required side yard setbacks equal to 10% of the lot width. The requested variances are therefore for 1.4 feet each, as the required side yards are 2.4 feet each.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet 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 setbacks.

TECHNICAL REVIEW

- No technical review undertaken.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES FROM SECTION 5.1.10.F

- (a) The requested variances 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 building must be constructed according to all applicable building codes, including fire codes.

- (b) The requested variances 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 neighborhood is characterized by narrow homes with variable separations between the buildings, including buildings that are constructed very close together.

- (c) The requested variances 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 proposed residence will be mid-block and will not obstruct any sight lines or interfere with pedestrian or vehicular traffic.

- (d) The requested variances 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 lot is unusually narrow, constraining the width of the proposed home more than is typical.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variances do not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as nearby lots vary in width, with some as narrow as 17 feet wide, and residences were constructed on those very narrow lots.

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 reducing the square footage of the proposed house.

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.

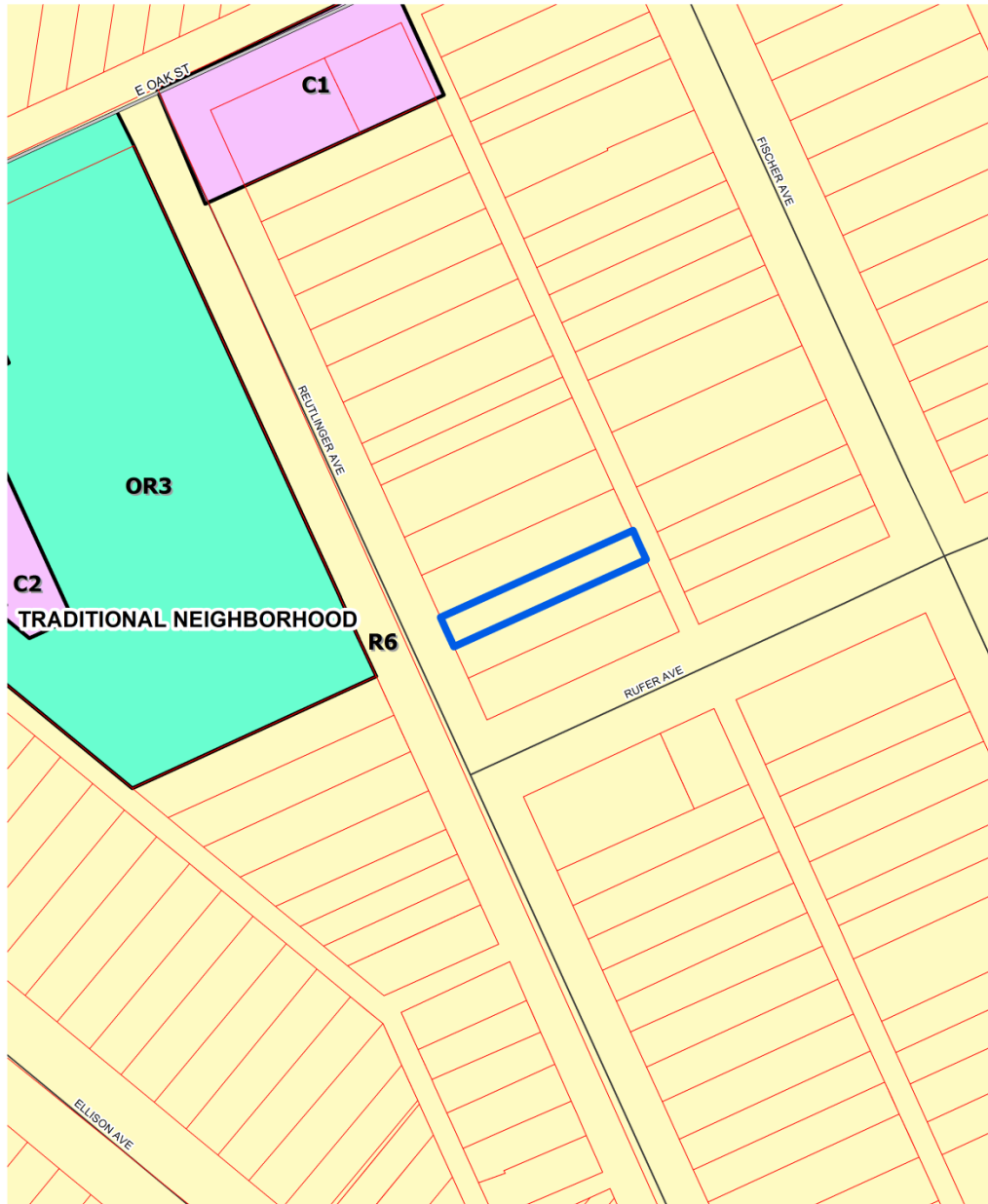
NOTIFICATION

Date	Purpose of Notice	Recipients
09/12/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 10
09/15/2017	Hearing before BOZA	Notice posted on property

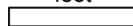
ATTACHMENTS

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

1. Zoning Map



1133 Reutlinger Avenue
feet

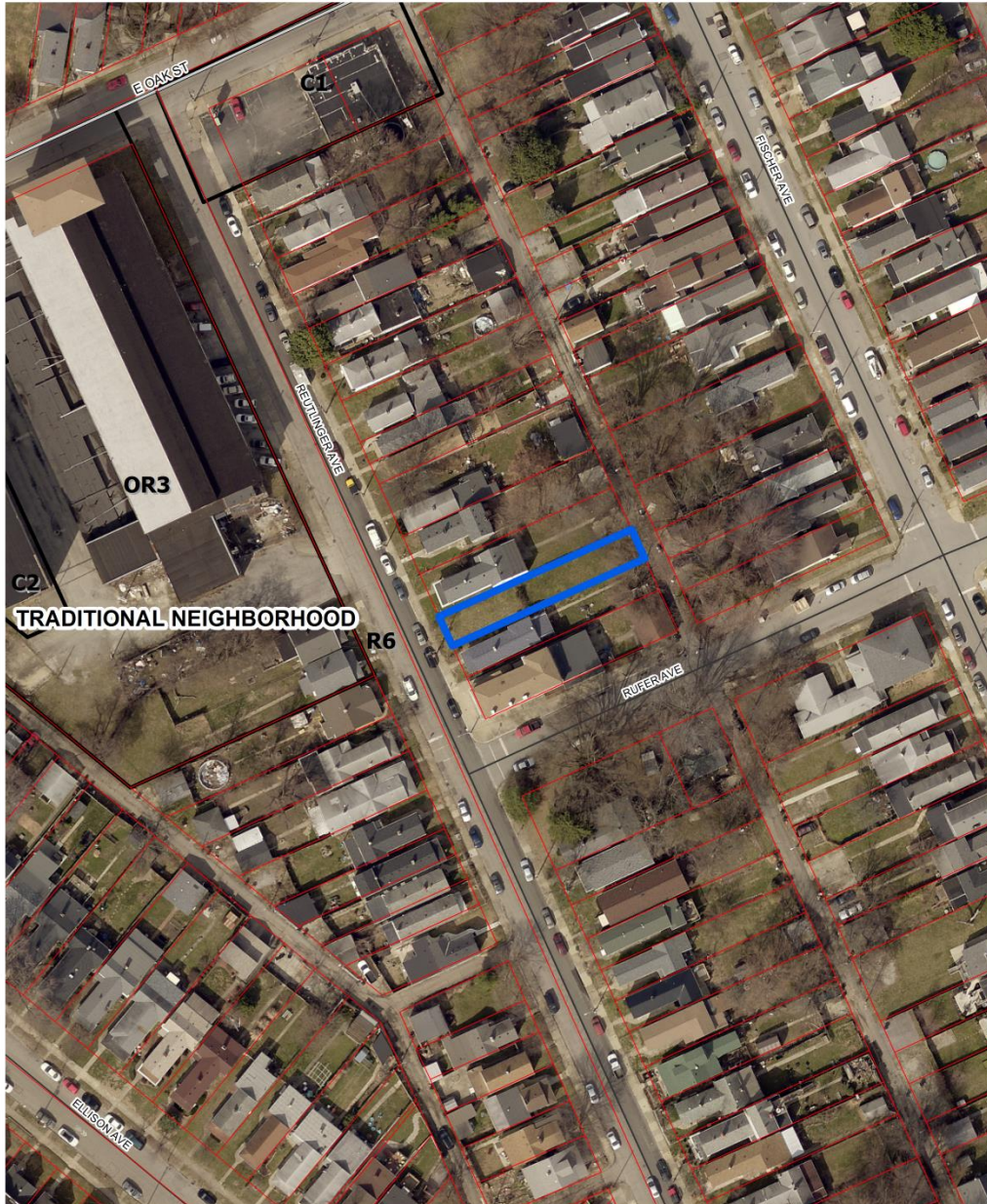


Map Created: 9/19/2017



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2. Aerial Photograph



1133 Reutlinger Avenue
feet

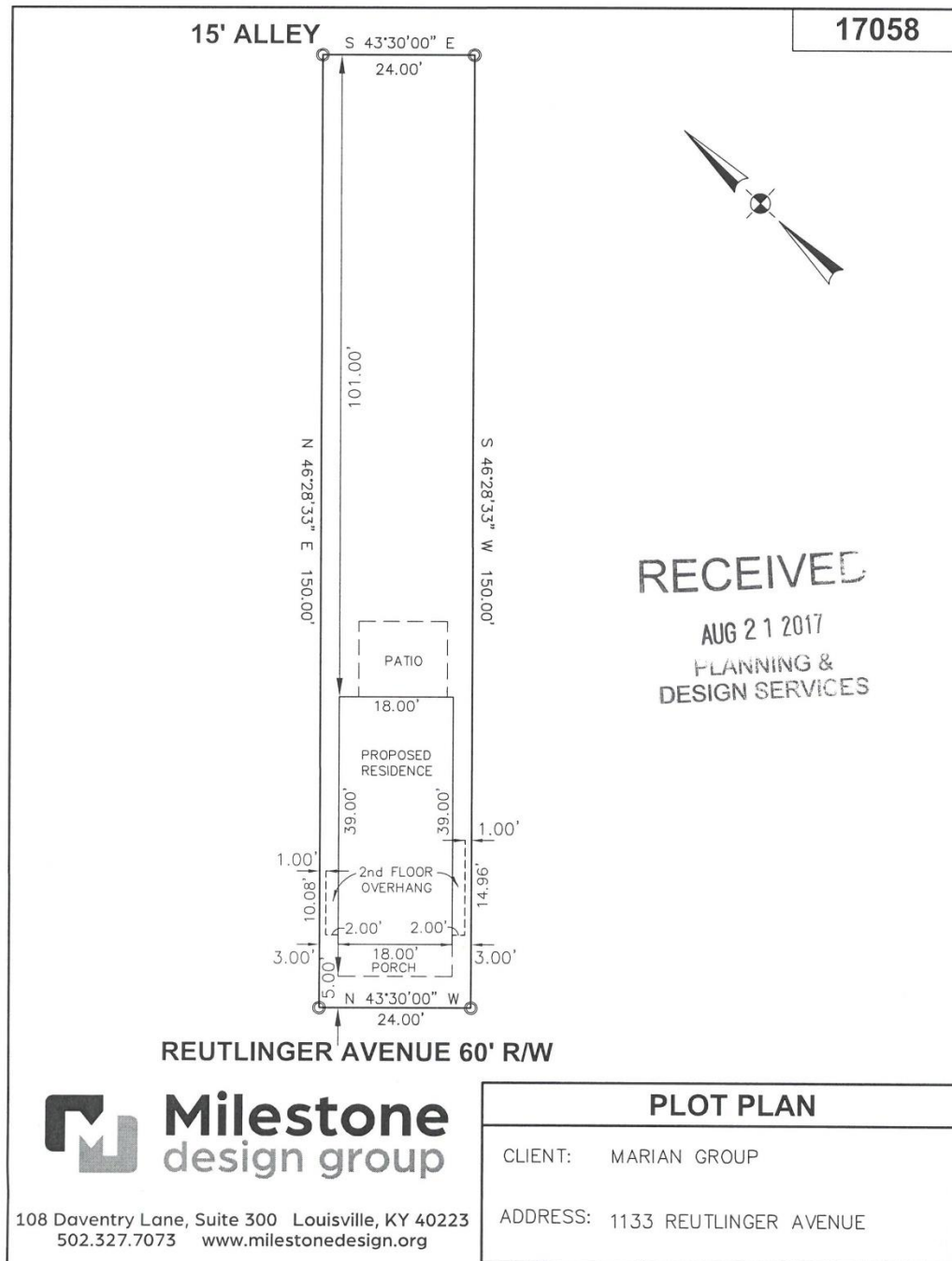
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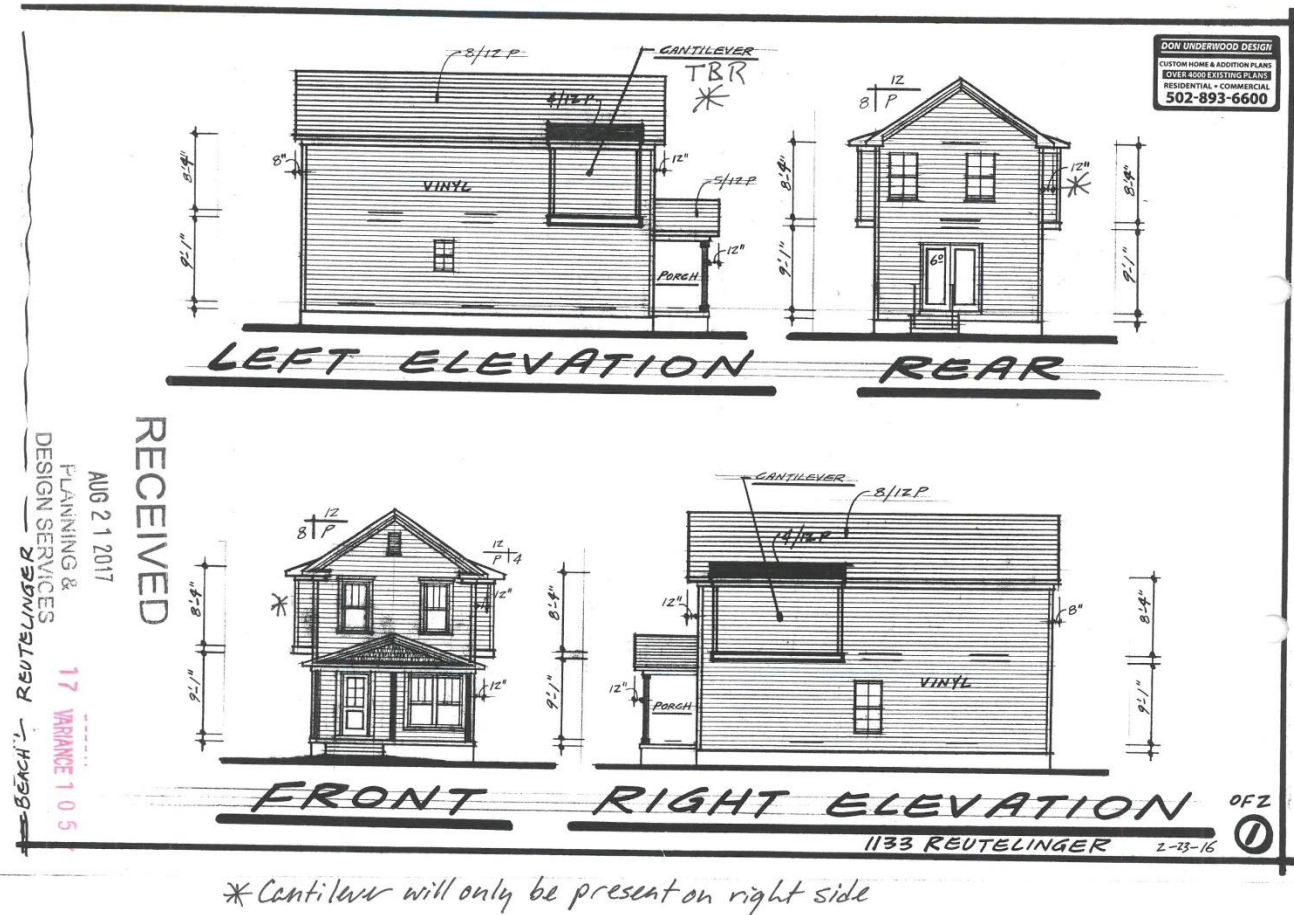


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3. Site Plan



4. Elevations



5. **Site Photos**



The front of the subject property, and residences to left and right.



The property across Reutlinger Avenue.