

Board of Zoning Adjustment
Staff Report
 March 5, 2018



Case No.	18VARIANCE1011
Project Name	Private Yard Variance
Location	1532 Castlewood Avenue
Owner	Harriet Lair
Applicant	DelPrince Designs LLC
Jurisdiction	Louisville Metro
Council District	8 – Brandon Coan
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Variance to reduce the required private yard area (LDC 5.4.D.2.)

Location	Requirement	Request	Variance
Private Yard Area	4,187 sq ft	1,419 sq ft	2,768 sq ft

CASE SUMMARY / BACKGROUND

The site is located on the south side on Castlewood Avenue between Baxter Avenue and Barrett Avenue. It and all adjoining properties are within a Traditional Neighborhood form district. Properties to the east, west and south are zoned R-3 and are single-family residential in use. The adjoining property to the north, Tyler Park, is zoned R-1.

The applicant proposes to construct an addition to the primary residential structure, replacing a smaller existing addition. The proposed addition will further encroach on the private yard area by an additional 363 sq ft.

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, 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 to permit a structure to encroach into the required side yard setback along the west property line (LDC Table 5.2.2.).

TECHNICAL REVIEW

No technical review comments remain to be resolved.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested reduction of the required side yard will not deprive the adjacent property or the public right-of-way of light, air or privacy.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposal will not be out of character for the vicinity. All properties in this block of Castlewood have deep front yards and small or very small rear yards.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

(d) The requested variance will not allow an unreasonable circumvention of zoning regulations.

STAFF: The requested variance is not unreasonable as it will result in development of the property consistent with other development in the vicinity.

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 proposal is in keeping with other residences in the same block of Castlewood which all have small rear yards and deep, steeply sloping front yards.

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 application of the regulation would create an unnecessary hardship in that the proposal is in keeping with adjoining residential development. In addition, the steep slope of the front yard interferes with the applicant's ability to place the addition on that side of the existing residence.

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 existing residence was in place prior to the zoning regulation from which relief is being sought, and topographical constraints severely limit other options.

NOTIFICATION

Date	Purpose of Notice	Recipients
2/16/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 8 Sign Posting

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Plan

