

Board of Zoning Adjustment
Staff Report
 June 26, 2023



Case No:	23-VARIANCE-0059
Project Name:	Shelby Street Variance
Location:	1039 S. Shelby St
Owner:	Salena Hernandez
Applicant:	Brian Holder, Holder Realty LLC
Jurisdiction:	Louisville Metro
Council District:	6- Phillip Baker
Case Manager:	Amy Brooks, Planner I

REQUEST:

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

Location	Requirement	Request	Variance
Side Yard Setback	5.0 ft.	0 ft.	0 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned OR2- Office/Residential in the Traditional Neighborhood Form District. The property is located on the eastern side of South Shelby Street in the Shelby Park neighborhood. The subject property is developed with a one-story, single-family home. The applicant has built an attached porch across the front façade of home. The current footprint of the house is on the northern property line. Thus, the newly attached porch has triggered the need for a variance

STAFF FINDINGS

Staff finds that the requested variance is adequately justified based on the staff’s analysis contained in 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.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the structure may require alterations to the proposed building plans in order to meet building code requirements.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES:

None.

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 structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

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

STAFF: The structure will not alter the essential character of the general vicinity. There are other structures on S. Shelby St that seemingly that encroach into the side yard setback. Examples include the principal structures on the two properties adjacent to the subject site.

- (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 location of the proposed structure is comparable to others in the neighborhood. The block has compacted lots where encroachment into the required side yard setbacks is commonplace.

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 generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape to the surrounding properties.

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 house is on the property line.

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 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 completed construction.

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.

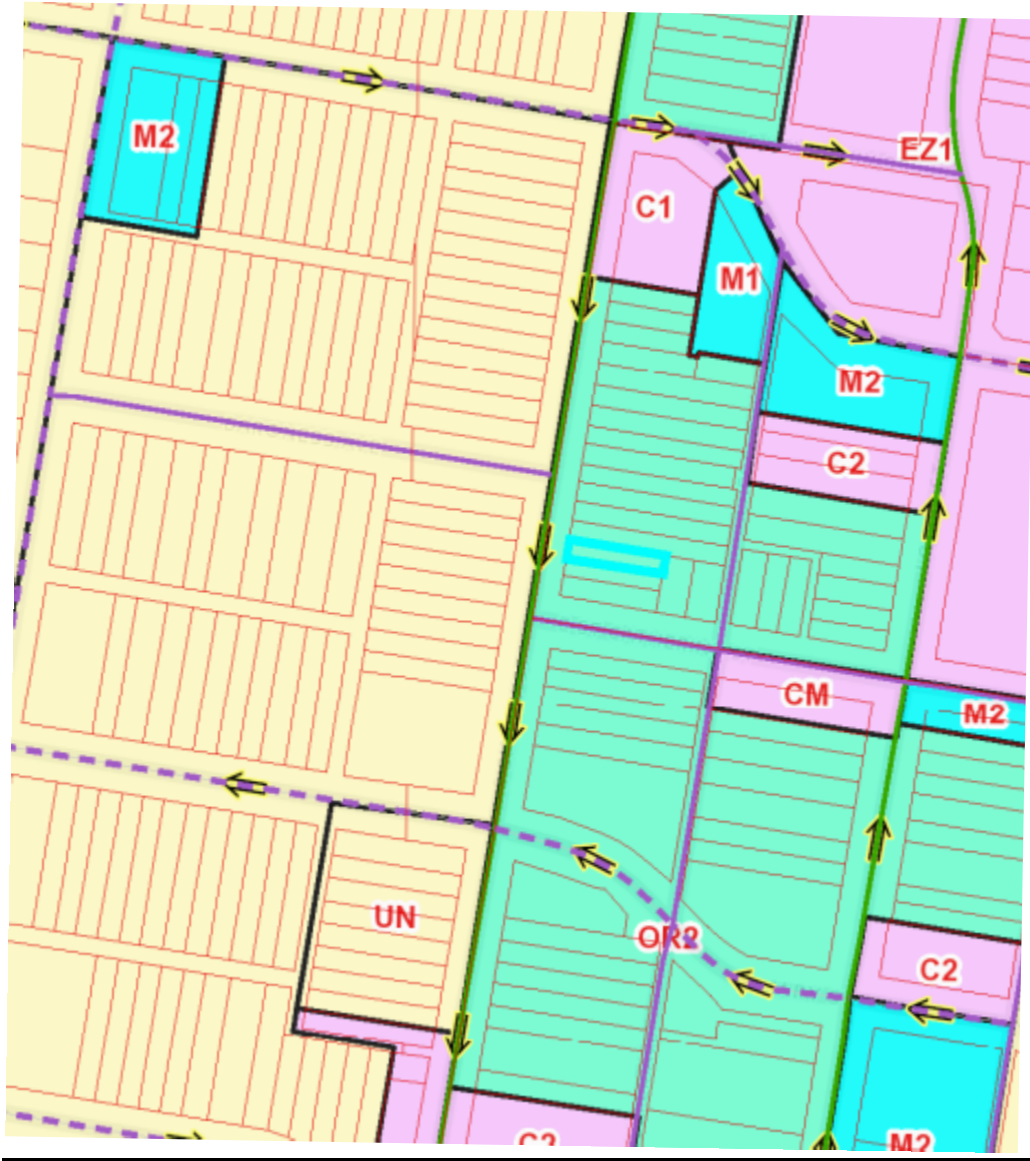
NOTIFICATION

Date	Purpose of Notice	Recipients
06/12/2023	Hearing before BOZA	1 st tier adjoining property owners
06/12/2023		Registered Neighborhood Groups in Council District 6
06/12/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

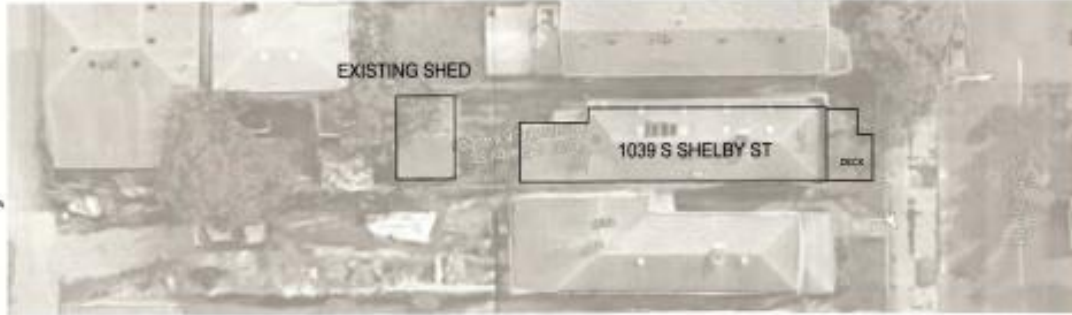
1. Zoning Map



2. Aerial Photograph



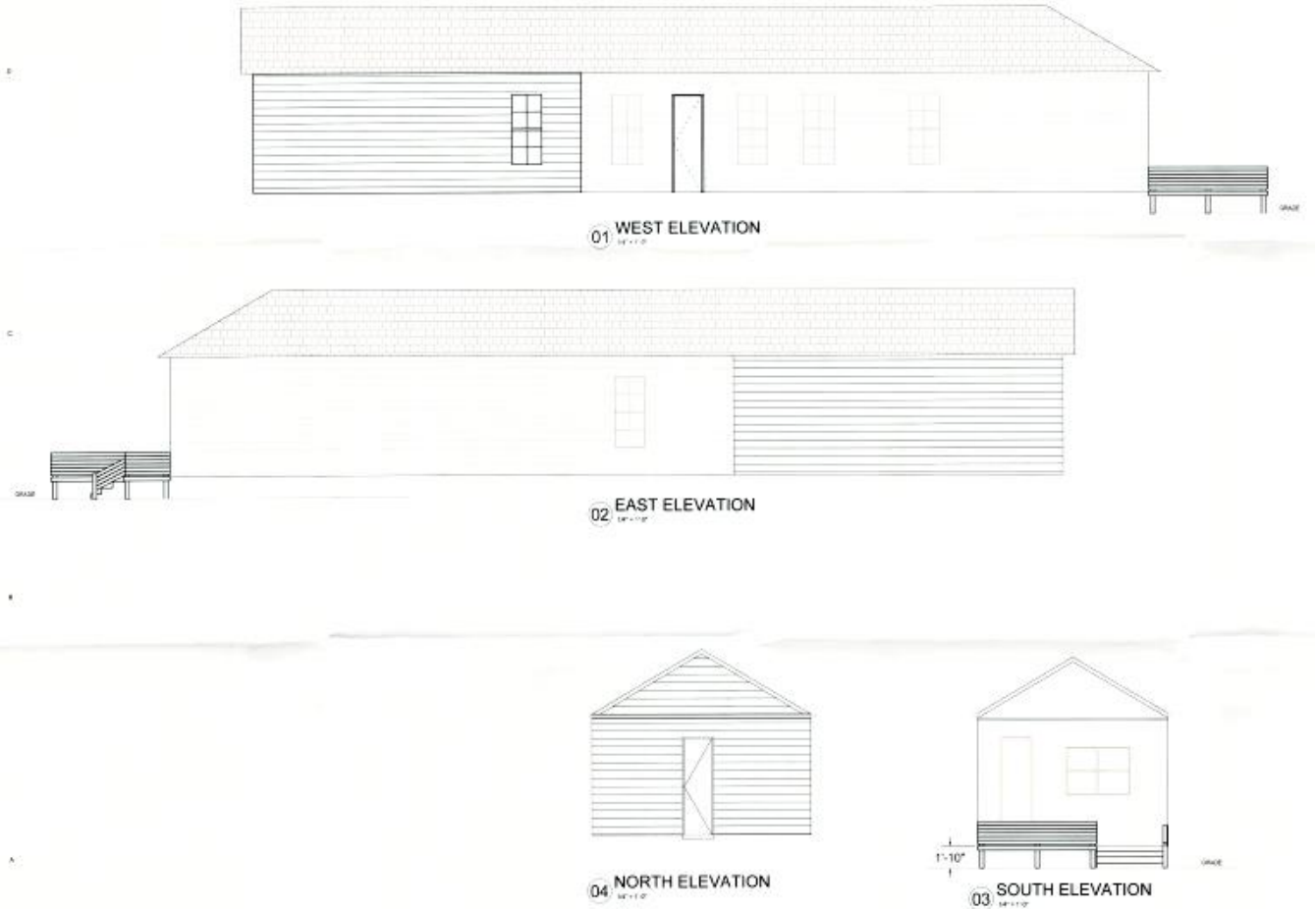
3. Site Plan



② SITE PLAN
1/8" = 1'-0"



4. Elevations



5. Site Photos



Front of subject property.



Left of subject property.

Network: Jun 12, 2023 at 1:56:54 PM EDT
Local: Jun 12, 2023 at 1:56:54 PM EDT



Right of subject property.

Network: Jun 12, 2023 at 1:55:02 PM EDT
Local: Jun 12, 2023 at 1:55:02 PM EDT



Across Shelby Street

Network: Jun 12, 2023 at 1:55:53 PM EDT
Local: Jun 12, 2023 at 1:55:53 PM EDT



Variance area.



Variance area.