

Board of Zoning Adjustment
Staff Report
 October 18, 2021



Case No:	21-VARIANCE-0128
Project Name:	Castlewood Avenue Variance
Location:	1421 Castlewood Avenue
Owner/Applicant:	Kelly Levine
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Heather Pollock, Planner I

REQUEST:

Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

Location	Requirement	Request	Variance
Private Yard Area	3,086.66 sq. ft.	964 sq. ft.	2,122.66 sq. ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Residential Single-Family in the Traditional Neighborhood Form District. The property is located at the southern corner of the intersection of Rosewood Ave. and Castlewood Ave. in the Tyler Park neighborhood. The applicant is proposing to build a covered and screened in porch attached to the primary structure. The new construction will reduce the private yard area to be less than the required 30% of the area of the lot.

STAFF FINDINGS

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 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

There are no related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.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 building codes, including fire codes.

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

STAFF: The proposed addition will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the existing residence and surrounding residential 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 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 home in relation to the rear property line in addition to the minimum dimension requirements, keep this property from having adequate space for the private yard area requirement. There is additional open space that cannot be included in the calculation. If this area could be counted toward the private yard, then a variance would not be required.

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 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 but dissimilar in 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 dimensions of the lot don't allow for adequate space for private yard area and there is additional open space that cannot be counted toward the private yard area.

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 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.

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.

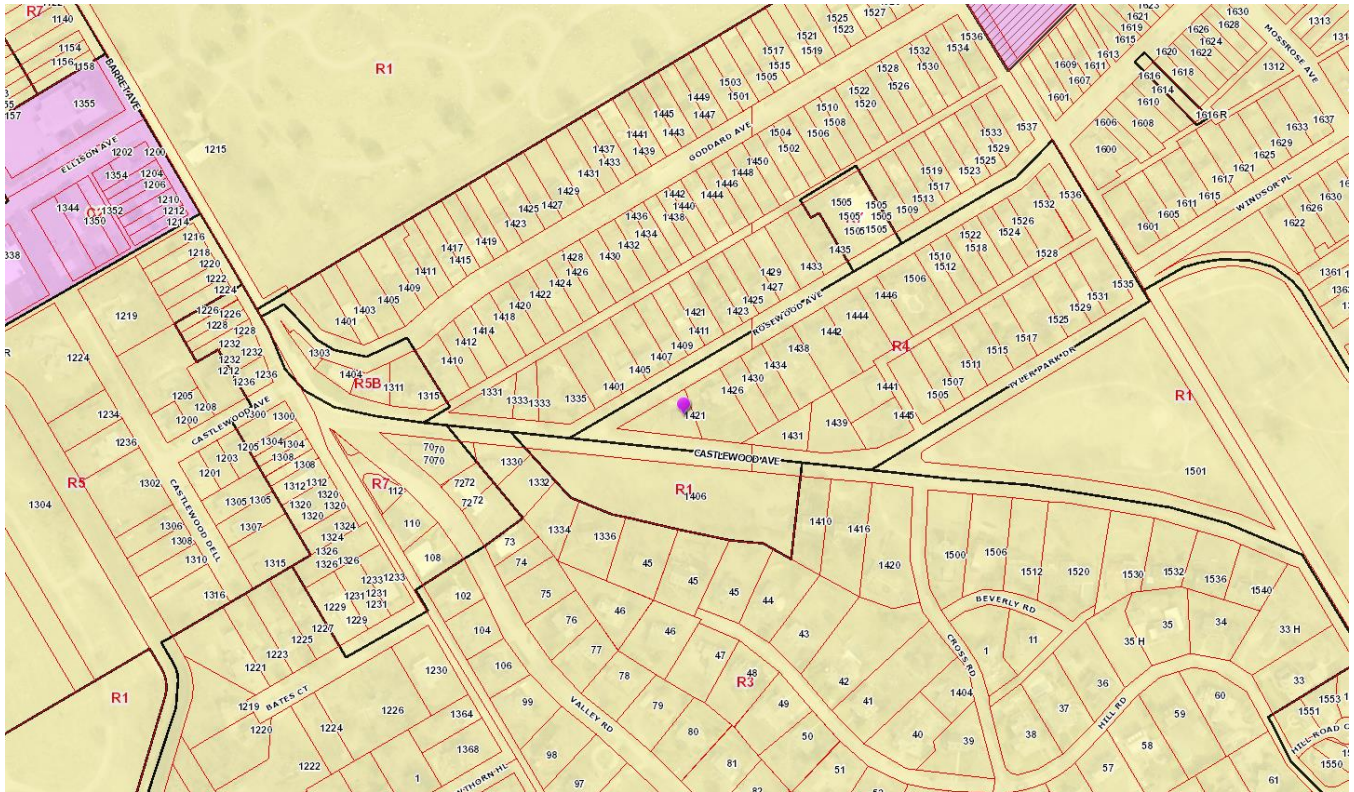
NOTIFICATION

Date	Purpose of Notice	Recipients
10/01/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
10/4/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

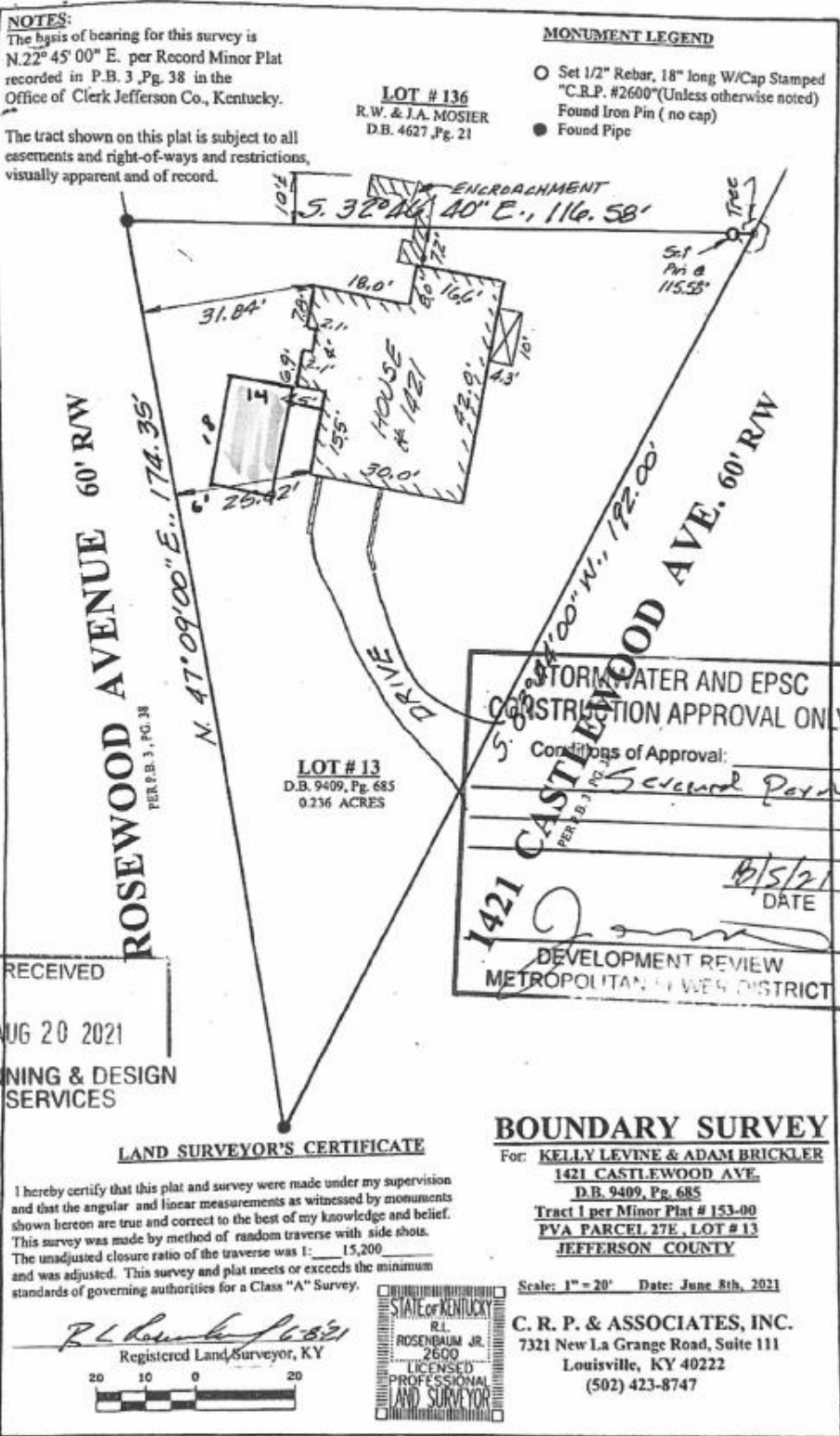
1. Zoning Map



2. Aerial Photograph



3. Site Plan



Site Photos



Front of subject site



Across Rosewood Ave.



Across Rosewood Ave.



View of subject property from intersection of Rosewood Ave and Castlewood Ave.



View of open space from variance area.



Variance Area.