

# Board of Zoning Adjustment Staff Report

November 21, 2016



<b>Case No:</b>	16VARIANCE1070
<b>Request:</b>	To allow a proposed garage reduce the private yard area.
<b>Project Name:</b>	2327 Sycamore Ave.
<b>Location:</b>	2327 Sycamore Ave.
<b>Area:</b>	0.21620 acres or 9,417.67 sf.
<b>Owner:</b>	Josh Lindley
<b>Applicant:</b>	Anne Del Prince – Del Prince Designs LLC.
<b>Representative:</b>	Anne Del Prince – Del Prince Designs LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Ross Allen, Planner I

### REQUEST

- **Variance:** from the Land Development Code section 5.4.1.D.2 to allow proposed detached garage to reduce the private yard area by approximately 54% of the required (2825 sf. or 30% of total lot area) on a lot 6,000 sf. or greater.

Location	Requirement	Request	Variance
<b>Private Yard Area (30% of total lot area)</b>	<b>2825 sf. (100%)</b>	<b>1312 sf. (46%)</b>	<b>1513 sf. (54%)</b>

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a new 566.87 sf. garage (22' 10" x 24' 10") to replace a previous larger garage on the subject site on an R-6 zoned parcel within a Traditional Neighborhood Form District. The proposed garage will have a driveway leading from Keats Ave. on the street side yard into the rear yard, rather than the previous garage which had a driveway leading from the side yard to the rear yard from Sycamore Ave. The applicant has received a Certificate of Appropriateness (16COA1202) from the Urban Design Team since the home is located within Clifton. The home is located at the corner of Keats Ave. and Sycamore Ave. with the residence facing the corner. The front yard is along Sycamore Ave., the street side along Keats Ave., and the rear yard parallel to Sycamore.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Multi-family	R-6	Traditional Neighborhood
<b>Proposed</b>	Residential Multi-family	R-6	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential Multi-family	R-6	Traditional Neighborhood
<b>South</b>	Residential single family	R-4	Traditional Neighborhood
<b>East</b>	Residential Multi-family	R-6	Traditional Neighborhood
<b>West</b>	Residential single family	R-5	Traditional Neighborhood

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Land Development Code (Oct. 2016)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 since the proposed replacement garage increases distance between the structure found on the adjacent parcel, 2323 Sycamore Ave., is located approximately 38 feet from the property line along Keats Ave., 13 feet from the rear of the principal structure.

- (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 since a COA from the Urban Design Team ensures that materials, size, shape, and proportion of the proposed garage will conform to what is within the general vicinity.

- (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 since the proposed replacement garage increases distance between the structure found on the adjacent parcel, 2323 Sycamore Ave., is located approximately 38 feet from the property line along Keats Ave., 13 feet from the rear of the principal structure.

- (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 since the property is odd shaped having a 94 foot front yard frontage along Sycamore, a 131.84 foot street side yard angling towards the rear of the property along North Keats Ave., a 58.52 foot rear yard, and a 126 foot side yard of which all are existing conditions. The rear yard is small since the home is located almost central to the property boundaries reducing the distance between the rear of the principal structure and the accessory structure.

### 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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the home is situated central on the parcel which reduces the area of the rear yard, the property has larger area found along the street side yard and the front yard with smaller area in the rear yard as a result.

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 deprive the applicant of the reasonable use of the land since the odd shape of the parcel and location of the home on the parcel result in a small rear yard area (approximately 2825 sf.) with large street side and front yards. As a result yard area is limited for locating the proposed replacement garage.

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 since the lot existed prior to the request for the replacement garage.

### TECHNICAL REVIEW

- None

### STAFF CONCLUSIONS

The variance request appears to be adequately justified and meet 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 standard of review for granting a variance as established in the Land Development Code from section 5.4.1.D.2 to allow proposed detached garage to reduce the private yard area by approximately 54% of the required (2825 sf. or 30% of total lot area) on a lot 6,000 sf. or greater.

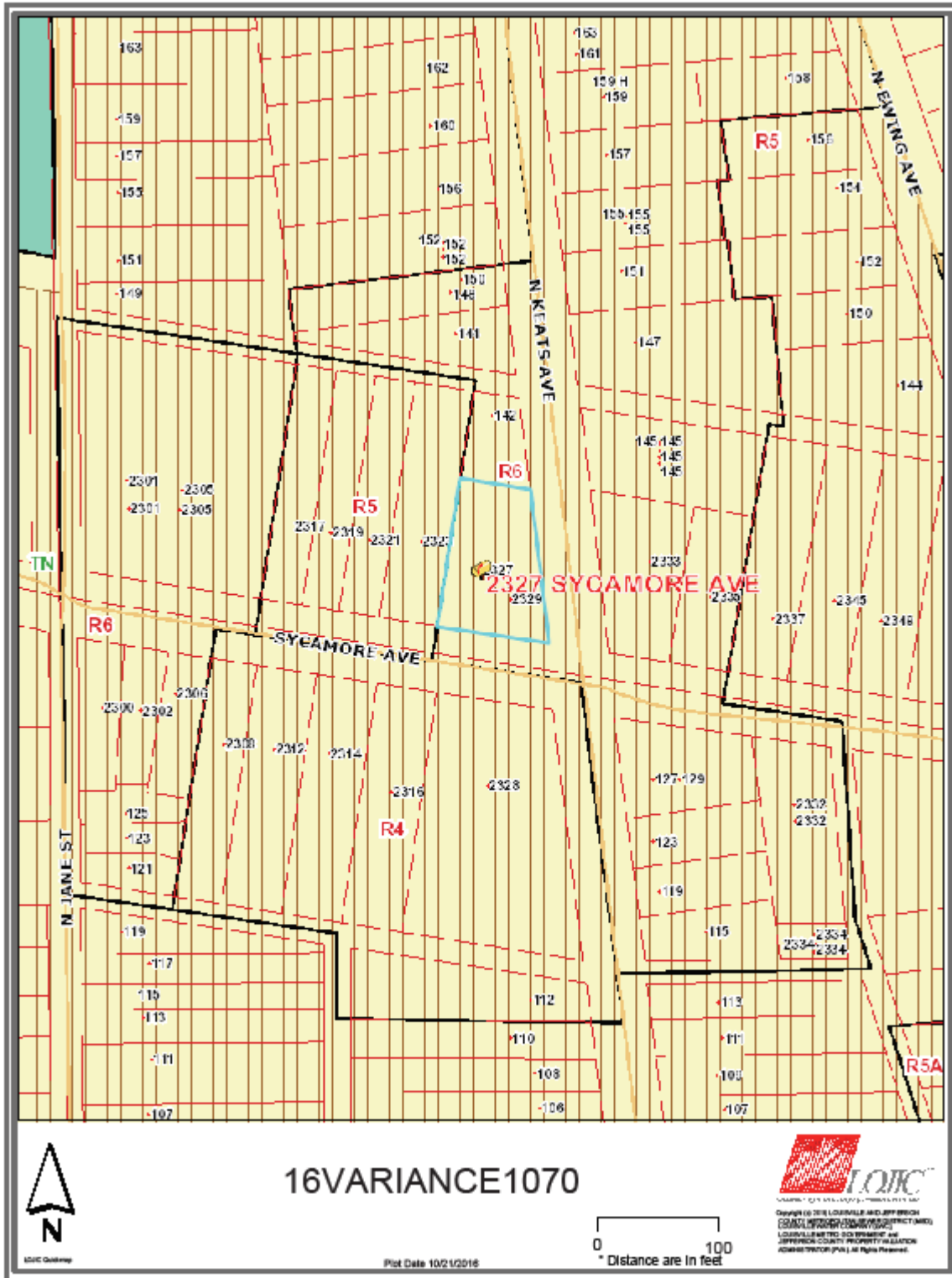
### NOTIFICATION

Date	Purpose of Notice	Recipients
Oct. 21, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
Oct. 21, 2016	Sign Posting for BOZA	Sign Posting on property

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

