

Board of Zoning Adjustment
Staff Report
 February 4, 2019



Case No:	18VARIANCE1121
Project Name:	Yale Drive Variance
Location:	1818 Yale Drive
Owner:	Justin and Emily Pohn Revocable Trusts
Applicant:	Landon Arza
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	5 ft.	2.8 ft.	2.2 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Belknap neighborhood and contains a residence with two stories on a portion of the structure. The applicant is proposing to add a second story to the addition on the rear of the house. This second story addition will encroach into the southern side yard setback at the same distance as the existing first story addition.

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, 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 table 5.3.1 to allow a structure to encroach into the required side yard setback.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 as the structure will 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 requested variance will not alter the essential character of the general vicinity as the addition will not be visible from the right-of-way.

- (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 as the proposed addition will be the same distance from the side property line as the existing 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 as the location of the addition is the same as the existing structure.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone as the proposed addition is the same distance from the property line as the existing structure.

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 preventing the applicant from constructing an addition that is the same distance from the side property line as the existing structure.

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.

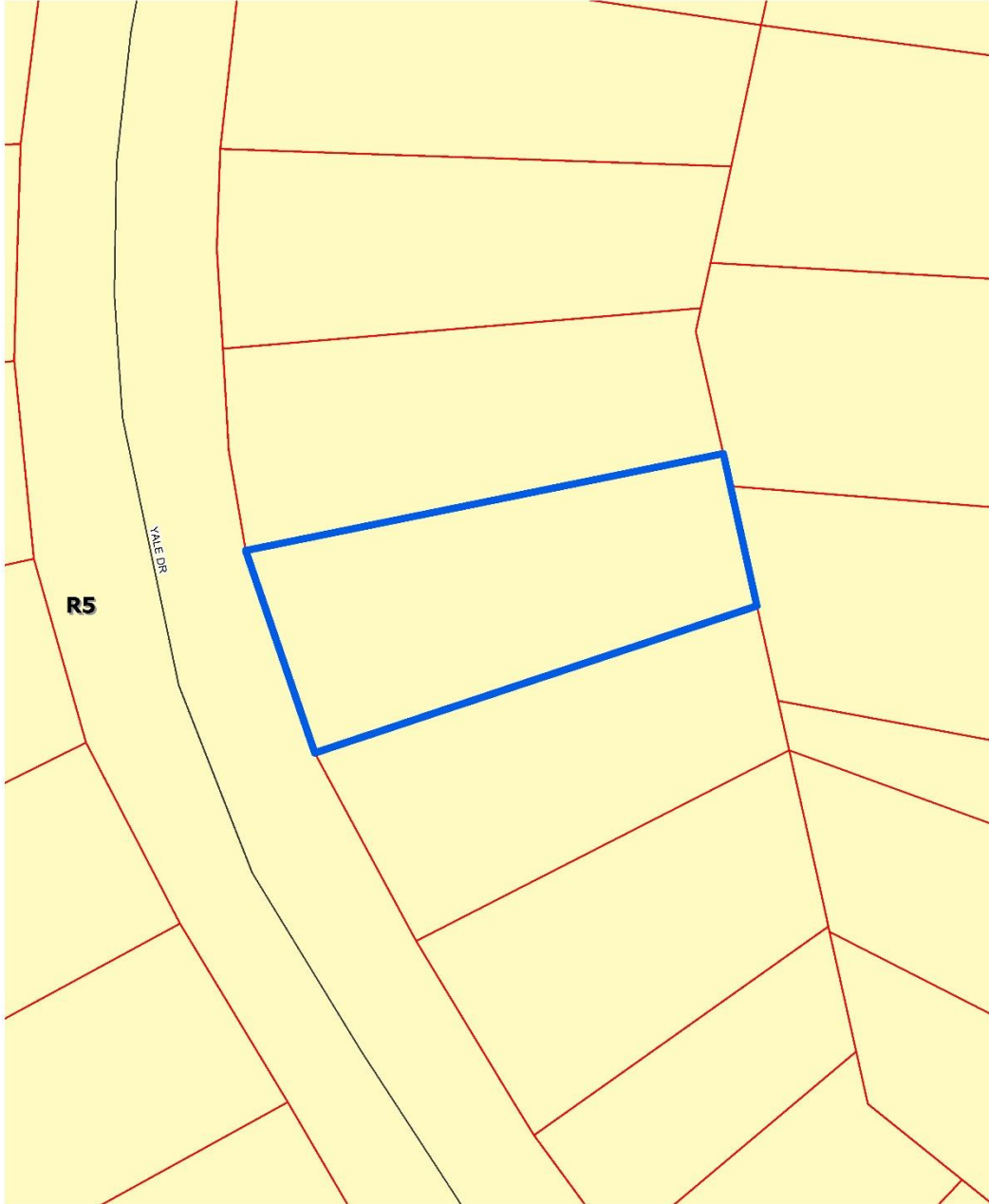
NOTIFICATION

Date	Purpose of Notice	Recipients
01/17/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
01/18/2019	Hearing before BOZA	Notice posted on property

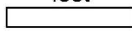
ATTACHMENTS

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

1. Zoning Map



1818 Yale Drive
feet



30

Map Created: 1/28/2019

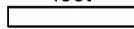


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2. Aerial Photograph



1818 Yale Drive
feet



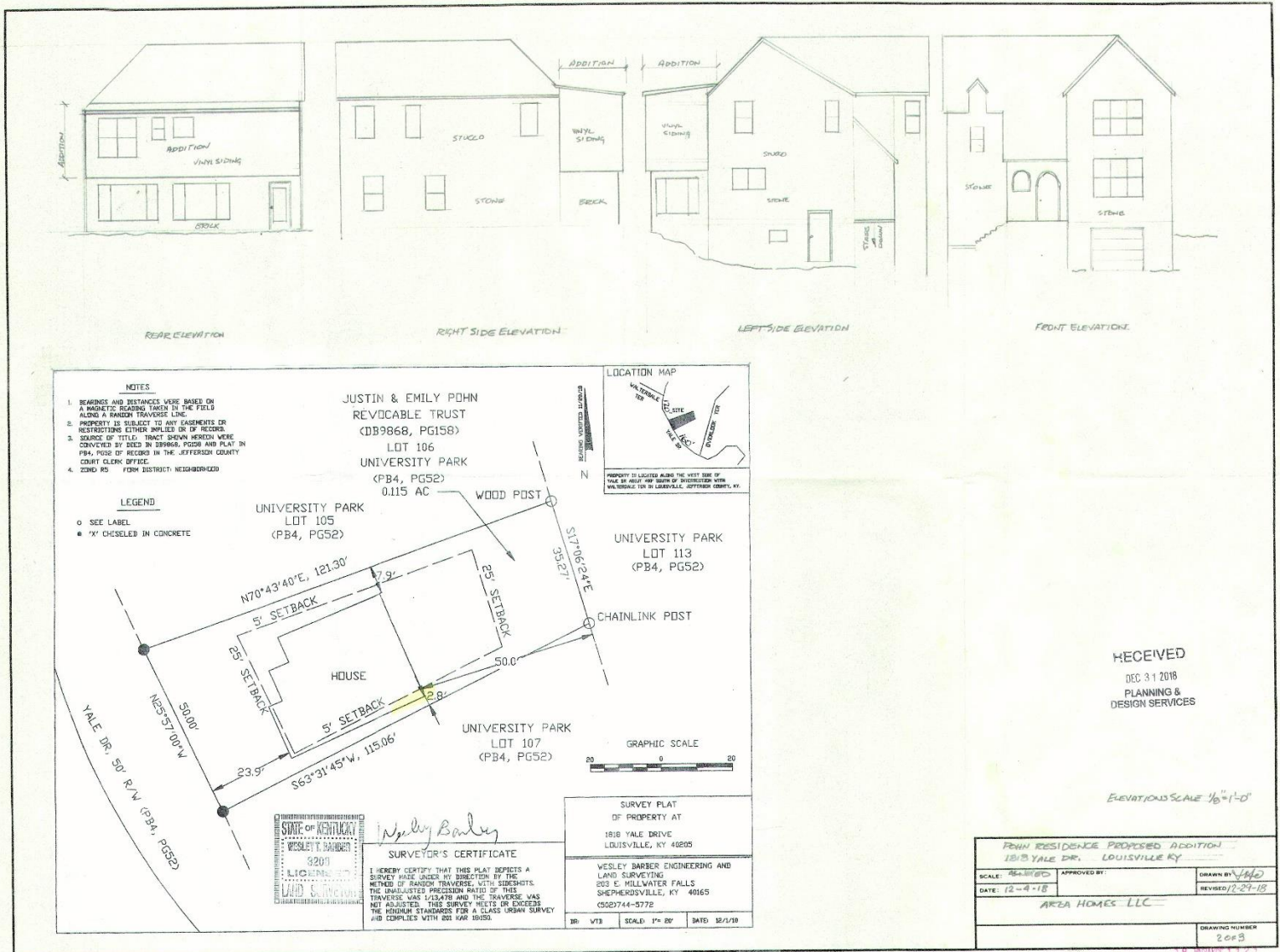
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Map Created: 1/28/2019



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3. Site Plan/Elevations



RECEIVED
DEC 31 2018
PLANNING &
DESIGN SERVICES

ELEVATIONS SCALE $\frac{1}{8}''=1'-0''$

PENN RESIDENCE PROPOSED ADDITION 1818 YALE DR. LOUISVILLE KY			
SCALE: AS SHOWN	APPROVED BY:	DRAWN BY: JMB	
DATE: 12-4-18		REVISION: 12-21-18	
AREA HOMES - LLC			
		DRAWING NUMBER 2018	

5. Site Photos



Front of the subject property.



Properties across Yale Drive.



Side yard that is being encroached upon and property to the right.



First story rear addition and variance area.