

Board of Zoning Adjustment

Staff Report

April 16, 2018



Case No.	18VARIANCE1014
Project Name	Rear yard setback for garage
Location	1316 Helck Avenue
Owner	Maricela Solis
Applicant	Maricela Solis
Jurisdiction	Louisville Metro
Council District	21 – Vitalis Lanshima
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Variance to permit encroachment into the required 25 ft rear setback (LDC Table 5.3.1.)

Location	Requirement	Request	Variance
Rear yard	25 ft	2 ft	23 ft

CASE SUMMARY / BACKGROUND

The site is located on the south side of Helck Avenue, a dead-end street running west from Gilmore Lane. It and all adjoining properties are zoned R-4 within a Neighborhood form district.

The applicant proposes to build a two-car garage at the rear of the property using an existing slab foundation from a previously existing garage, which will be extended toward the rear property line. The location of the existing residence does not allow the garage to be moved closer to the street as would be necessary to meet the required rear yard setback.

The location of the previously existing garage appears to meet residential site design standards requiring a minimum 5 ft setback from the rear property line (LDC 5.4.C.3.a.). This regulation only applies, however, if all its requirements are met; no variance from them is permitted. As a result, the standard 25 ft rear yard required for R-4 zones applies (LDC Table 5.3.1.).

STAFF FINDING

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

TECHNICAL REVIEW

There are no outstanding technical comments to be addressed

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

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

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

STAFF: The requested reduction of the required rear yard will not deprive adjacent property or the public right-of-way of light, air or privacy as the adjoining property to the rear is largely undeveloped and the proposal would maintain a 22 ft side yard to the nearest side adjoining neighbor.

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

STAFF: Several homes in the vicinity have garages or other outbuildings placed near or on the rear property line. There will be no negative effects on the largely undeveloped adjoining property to the rear of the site.

(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 request is not unreasonable based on the location of the residence on the site, the minimal impact on neighboring properties and the proposed reuse of an existing foundation.

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 variance request is based on the placement of the existing residence on the site.

2. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The application of the regulation would not deprive the applicant of reasonable use of the land or create an unnecessary hardship as the garage could be enlarged toward the side yard rather than the rear.

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.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/20/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 21 Sign Posting

ATTACHMENTS

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

DRAFT

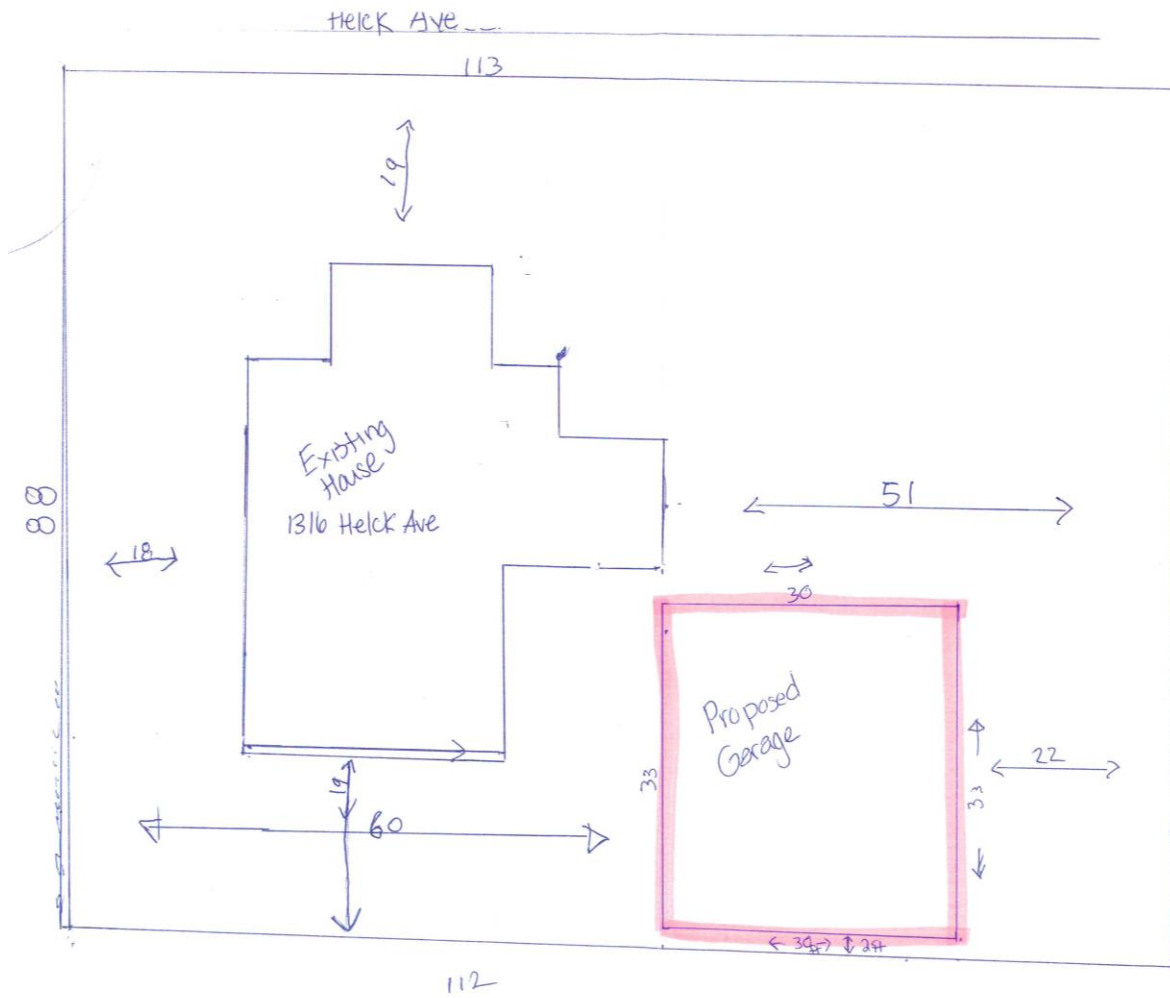
1. Zoning Map



2. Aerial Photograph



3. Site Plan



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DESIGN SERVICES

Scale:
1 inch = 10 ft.

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