

Board of Zoning Adjustment

Staff Report

July 20, 2020



Case No: 20-VARIANCE-0049
Project Name: Stevenson Variance
Location: 119 Stevenson Avenue
Owner(s): David Klemenzenz
Applicant: Bill Schroll
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Nia Holt, Planner I

REQUESTS:

Variance from Land Development Code Section 5.1.10.F to allow a principle structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
North Side Yard (119 Stevenson)	3.13 ft	1 ft.	2.13 ft

CASE SUMMARY/BACKGROUND

The subject site is zoned R5-A Multi-family Residential in the Traditional Neighborhood Form District. The property is in the Clifton neighborhood and has an existing single-family structure on the site. There is a pending minor subdivision plat to shift the Northern property line. This shift will affect the adjacent property to the North at 121 Stevenson Ave requiring a variance for that property as well. However, at the time this report was written that property owner's signature was not obtained and action can not be taken on a variance for 121 Stevenson Ave.

The subject property is 31 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setback is therefore 3.13 feet.

The owner of 119 Stevenson plans to construct a second story rear addition. The applicant states the new addition will follow the same footprint as the existing structure. This project will require a Certificate of Appropriateness, but that review will not impact the variance review.

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 Section 5.1.10.F to allow a principal structure to encroach into the required side yard setbacks.

TECHNICAL REVIEW

No Technical Review needed.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

RELATED CASES

There is a pending minor subdivision plat under 20-MPLAT-0043.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.10.F

- (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 proposed addition 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 requested variance will not alter the essential character of the general vicinity as the proposed property line shift does not greatly alter the current circumstances.

- (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 there is only proposed addition must comply with 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 it is a minor encroachment.

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 land in the general vicinity or the same zone as the subject property is similar in size and shape to 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 current property line runs through 119 Stevenson Ave.

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 submitted the minor plat to shift the property line.

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.

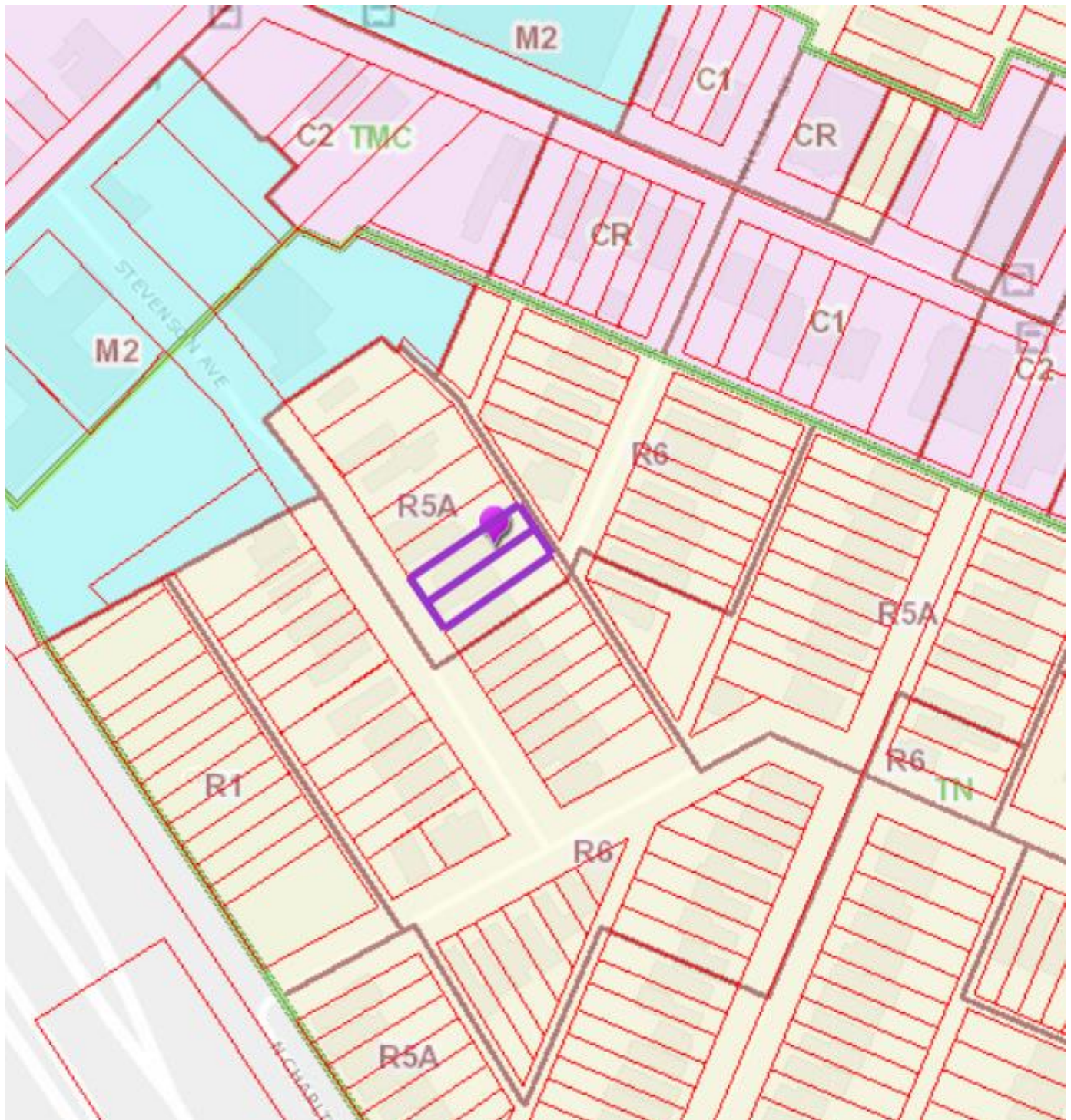
NOTIFICATION

Date	Purpose of Notice	Recipients
7/02/20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
7/08/20	Hearing before BOZA	Notice posted on property

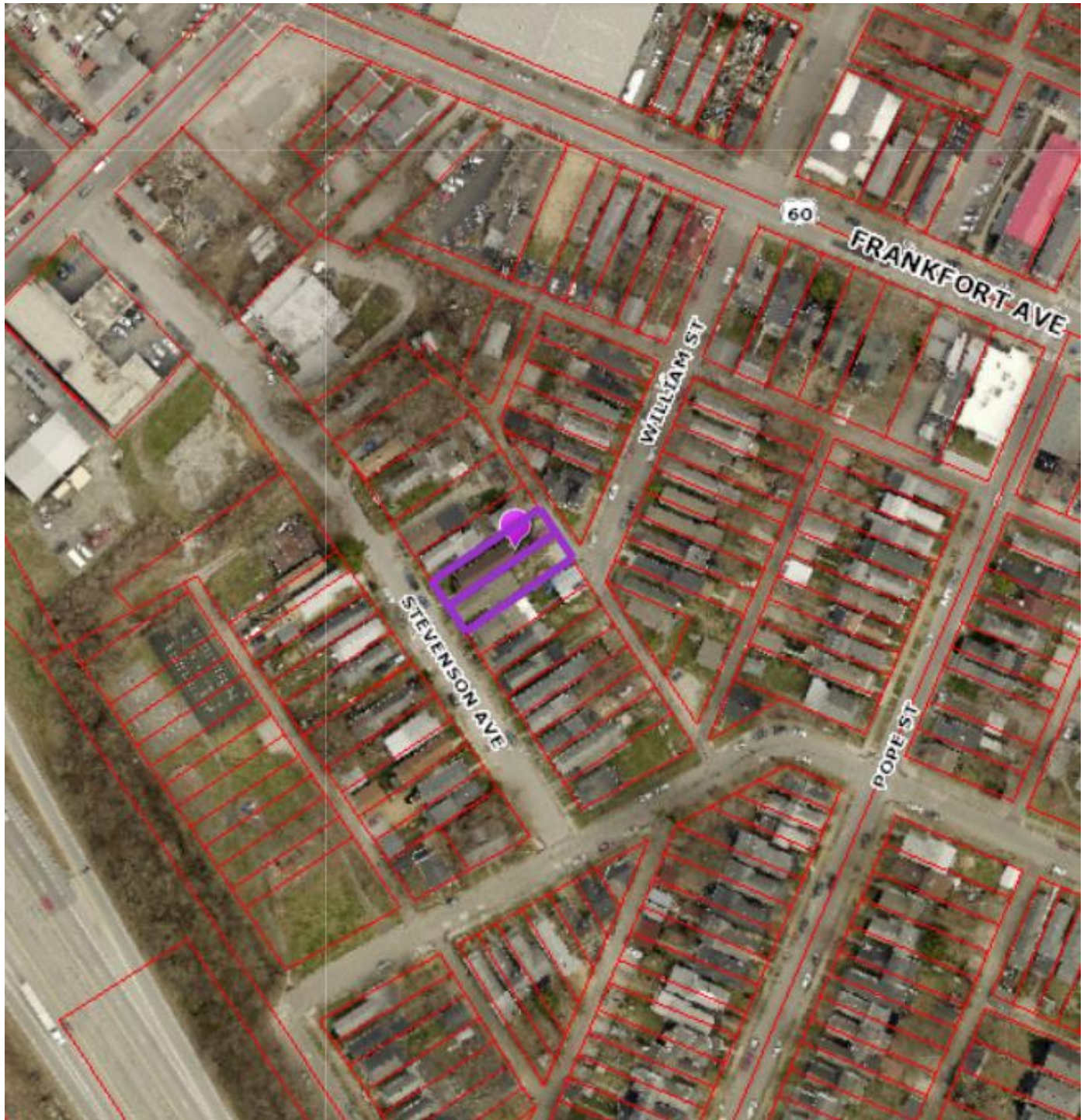
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Proposed Condition of Approval

1. Zoning Map



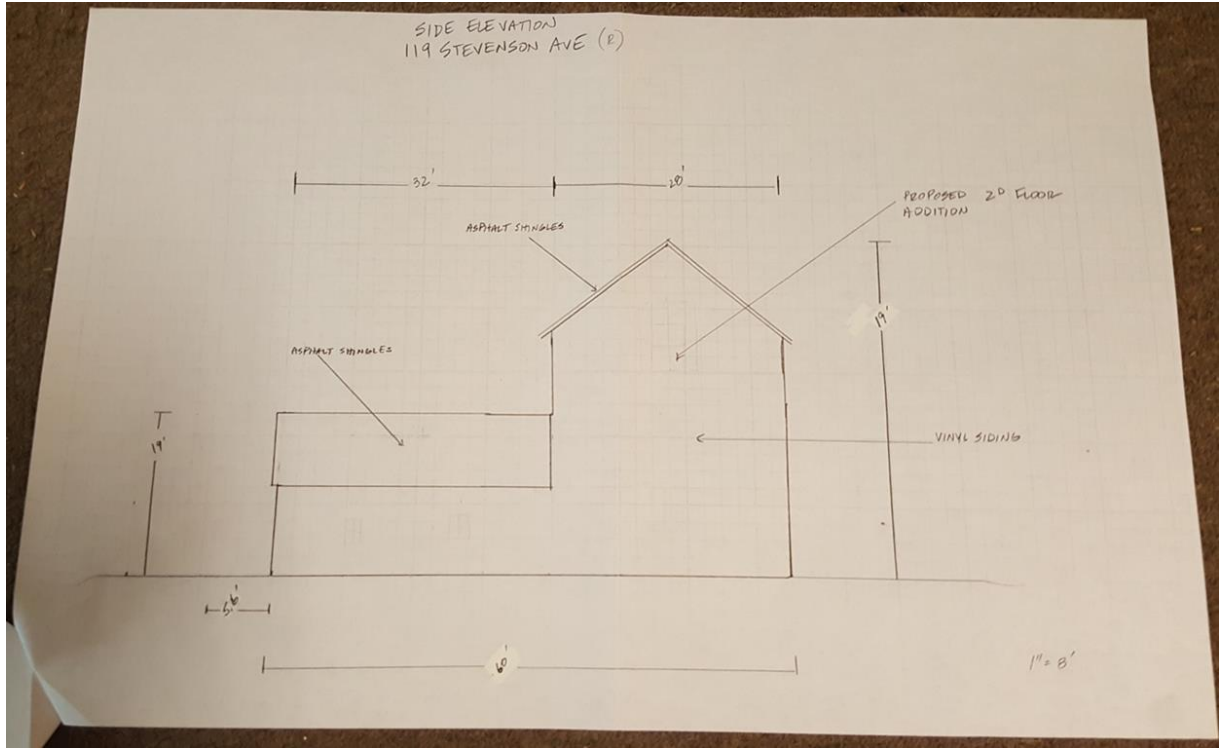
2. Aerial Photograph



3. Site Plan



4. Elevation



5. Proposed Condition of Approval

The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the property line between 119 Stevenson and 121 Stevenson Ave. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.