

Board of Zoning Adjustment
Staff Report
 April 30, 2018



Case No:	18VARIANCE1029
Project Name:	1606 S Shelby Street Addition
Location:	1606 S Shelby Street
Owner(s):	Above & Beyond Real Estate LLC
Applicant:	Gordon Jett
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	3 ft.	2.5 ft.	0.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Merriwether neighborhood, and currently contains a one-story single-family residence. The applicant proposes to renovate the property and construct a new second-story addition onto the existing principal structure. The existing structure is set back 2.5 feet from the side property line, encroaching into the required 3 foot side yard. The applicant requests a variance to allow the second-story addition to encroach into the side yard by the same amount as the current structure.

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 table 5.2.2 to allow a structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 as the structure will have to be constructed according to building code, including all 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 reduced setbacks are common in 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 as all building codes must be followed in the new construction.

- (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 stepping back the addition to not encroach into the side yard setback would create a costly engineering challenge and potentially make the addition infeasible.

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 because the existing principal structure encroaches into the side yard setback, requiring the second story addition to encroach to the same degree.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by creating a costly engineering challenge in requiring the applicant to step back the second story.

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.

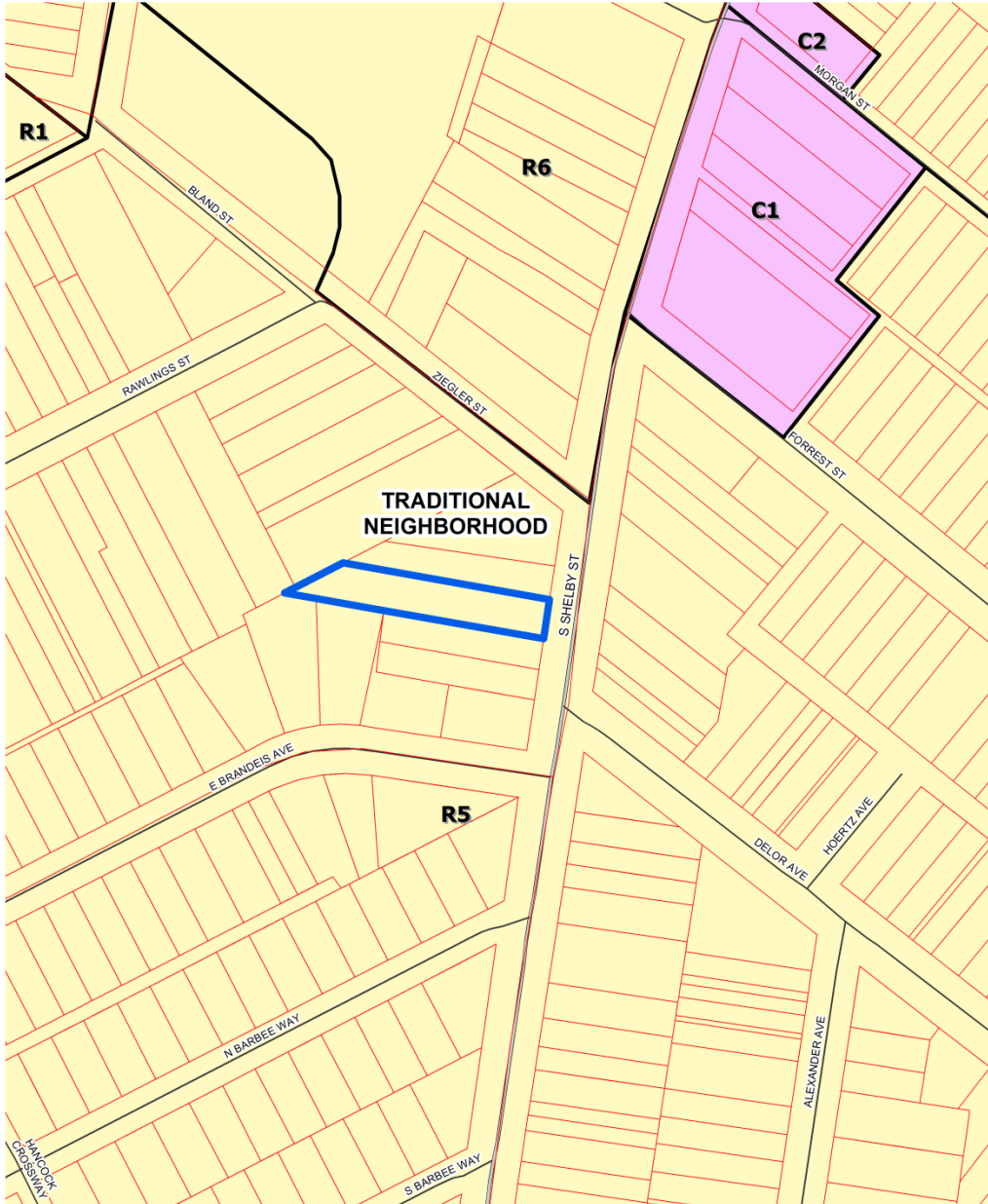
NOTIFICATION

Date	Purpose of Notice	Recipients
04/05/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 15
04/13/2018	Hearing before BOZA	Notice posted on property

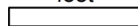
ATTACHMENTS

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

1. **Zoning Map**



1606 S Shelby Street
feet



140

Map Created: 4/19/2018

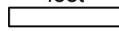


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2. Aerial Photograph



1606 S Shelby Street
feet

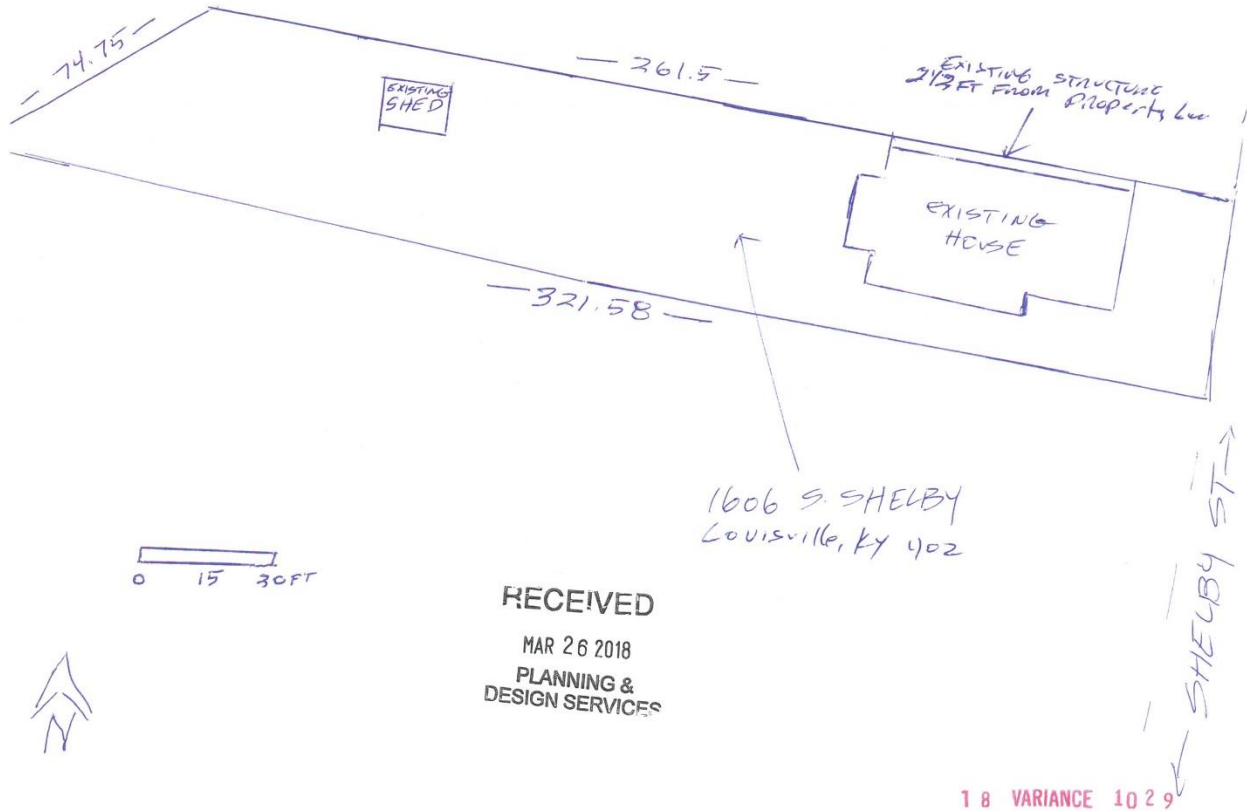


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Map Created: 4/19/2018



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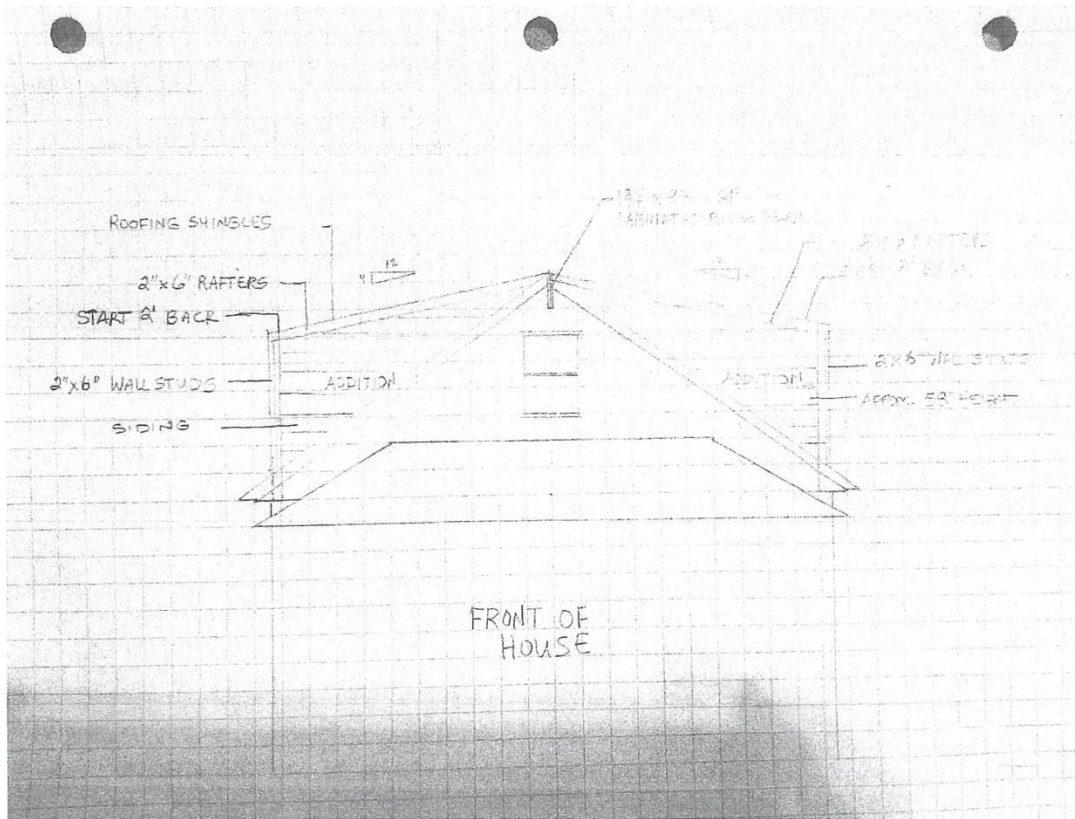
3. Site Plan



4. Elevations

3/1/2018

20180301_190027.jpg

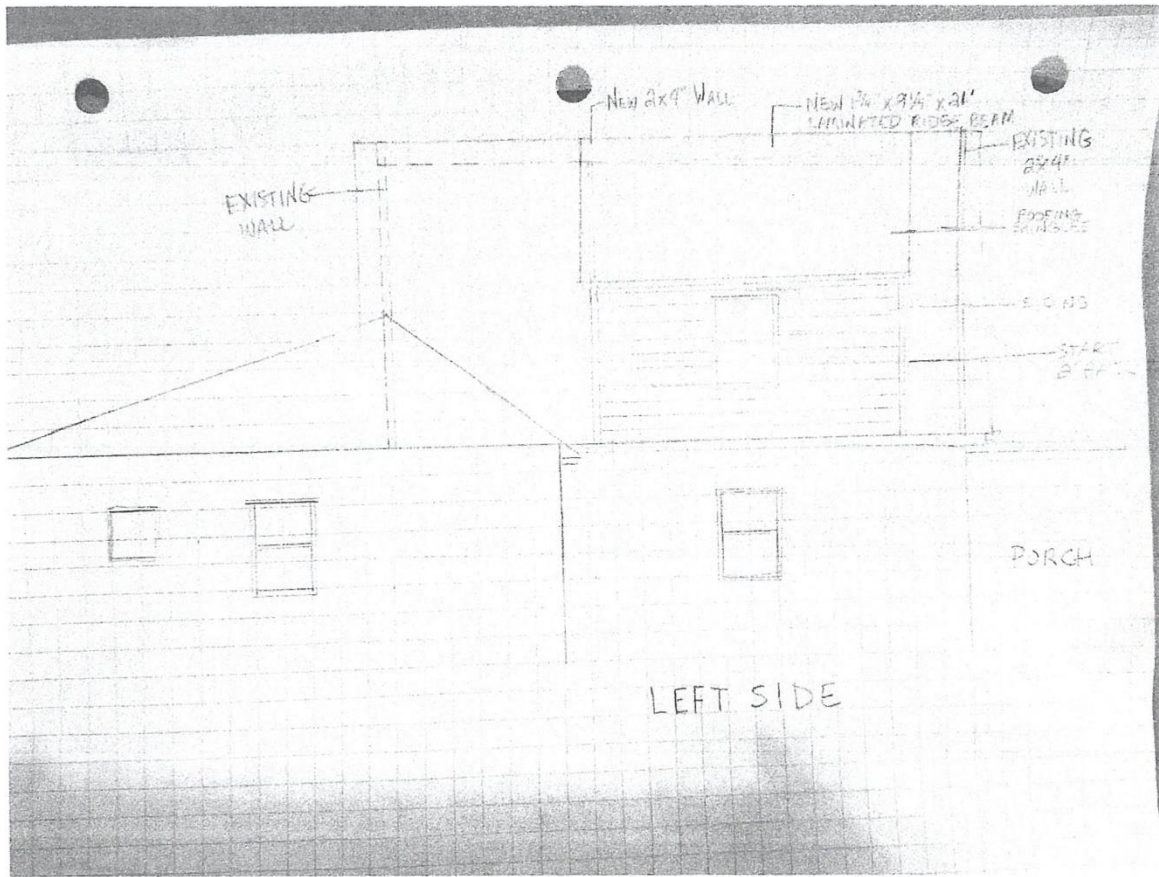


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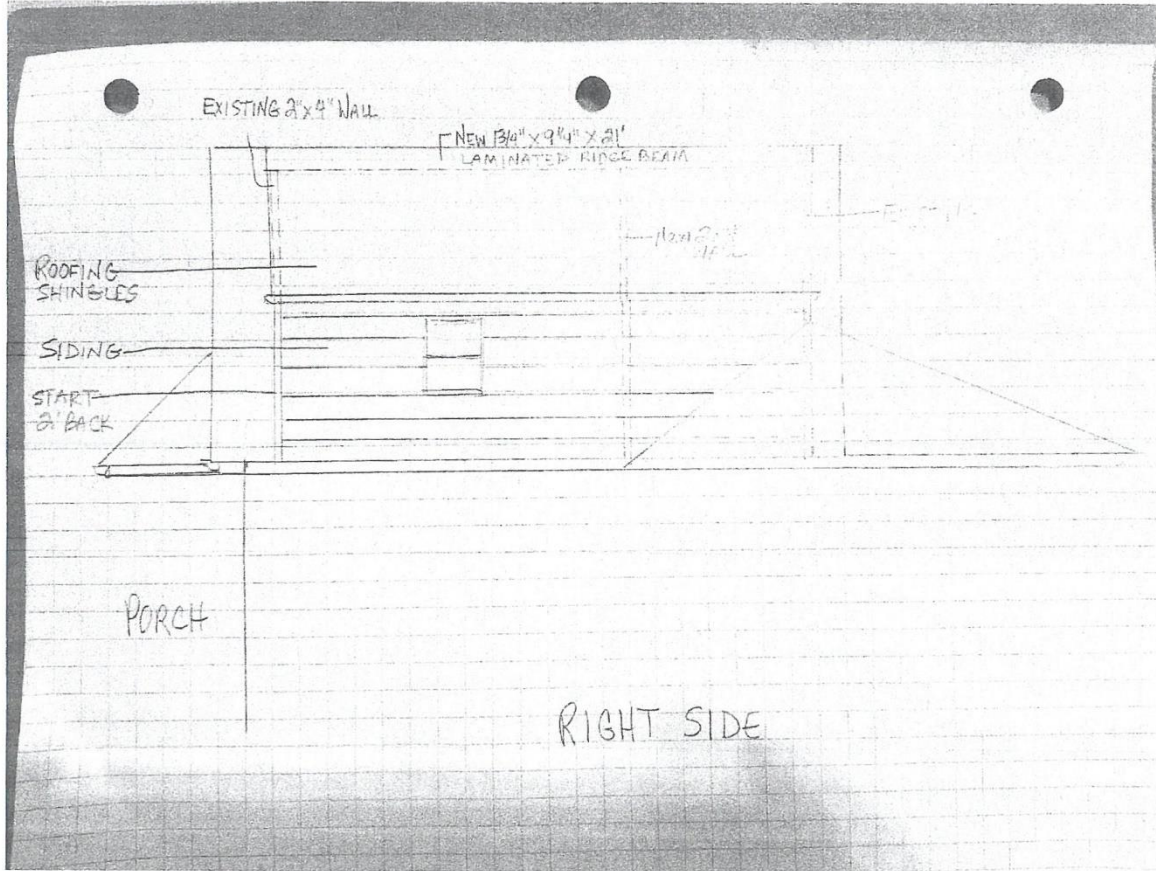
LEFT SIDE

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18 VARIANCE 1029



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5. Site Photos



The front of the subject property.



The property to the right of the subject property.



The property to the left of the subject property.



The properties across S Shelby Street.



The location of the requested variance.