

Board of Zoning Adjustment Staff Report

May 1, 2017



Case No:	17VARIANCE1019
Request:	Variance from the required 20% private yard area
Project Name:	1915 Ivanhoe Court Addition and Garage
Location:	1915 Ivanhoe Court
Area:	4,520 Square Feet
Owner:	Roger & Diana Jolly
Applicant:	Roger & Diana Jolly
Representative:	Roger & Diana Jolly
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variance from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than 20% of the area of the lot for a lot less than 6,000 square feet.

Location	Requirement	Request	Variance
Private Yard Area	904 sq. ft.	480 sq. ft.	424 sq. ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property contains a 1 ½ story single-family residence. The lot is 4,520 square feet in area and is located in the Traditional Neighborhood form district, requiring a private yard area of 904 square feet. The applicants propose to construct a 168 square foot addition onto the rear of the existing structure, and to replace the current single-car garage, which is in poor condition, with a new 748 square foot two-car garage. The house was built in 1920, and is set back 22' 7" from Ivanhoe Court, a walking court. The garage faces Speed Avenue, which serves as an alley for this location. The addition will replace an existing covered porch, and will be used as a mud room. As a result of the proposed garage and addition, the private yard area will be reduced below the required 904 square feet, to 480 square feet. The applicants request a variance from Land Development Code section 5.4.1.D.3 to allow the reduced private yard area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-5A	Traditional Neighborhood
Proposed	Single Family Residential	R-5A	Traditional Neighborhood
Surrounding Properties			
North	Single Family Residential	R-6	Traditional Neighborhood
South	Single Family Residential	R-5A	Traditional Neighborhood
East	Single Family Residential	R-5A	Traditional Neighborhood
West	Single Family Residential	R-5 & R-6	Traditional Neighborhood

PREVIOUS CASES ON SITE

No previous cases on site.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES FROM SECTION 5.4.1.D.3

- (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 proposed reduced private yard area will not be visible to the right-of-way, and the proposed addition and garage will be constructed to meet building code requirements.

- (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 subdivision was designed with small lots and small yards.

- (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 and garage will be constructed according to building code so as not to cause a hazard.

- (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 addition and garage are not proposed to be excessive in size, with the reduced private yard area required due to the small area of the existing lot and location of the existing home set back 22' 7" from the front property line.

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 as the existing home is set 22' 7" back from the front property line, and the subdivision was designed with small yard areas in the rear, while other lots in the vicinity are deeper and have larger yards.

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 replacing a dilapidated single-car garage with a new two-car garage and adding a small addition to the rear of the home.

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 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 yet constructed the proposed addition and garage.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 established in the Land Development Code from section 5.4.1.D.3 allowing the private yard area to be less than the required 20% of the total lot area.

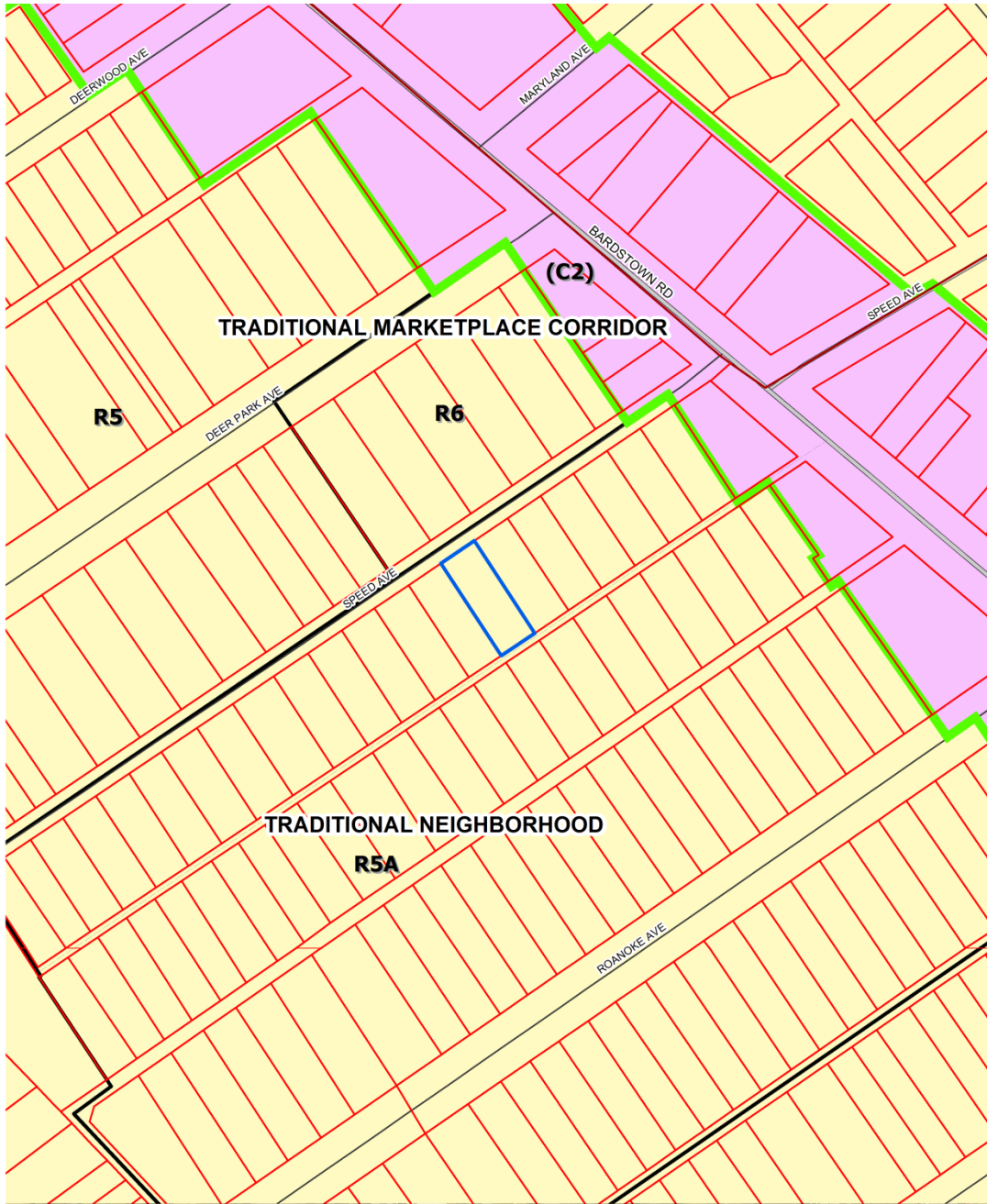
NOTIFICATION

Date	Purpose of Notice	Recipients
04-13-2017	Public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
04-14-2017		Sign posted on property

ATTACHMENTS

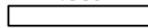
1. Zoning Map
2. Aerial
3. Site Plan
4. Elevations
5. Site Photos

1. Zoning Map



1915 Ivanhoe Court

feet



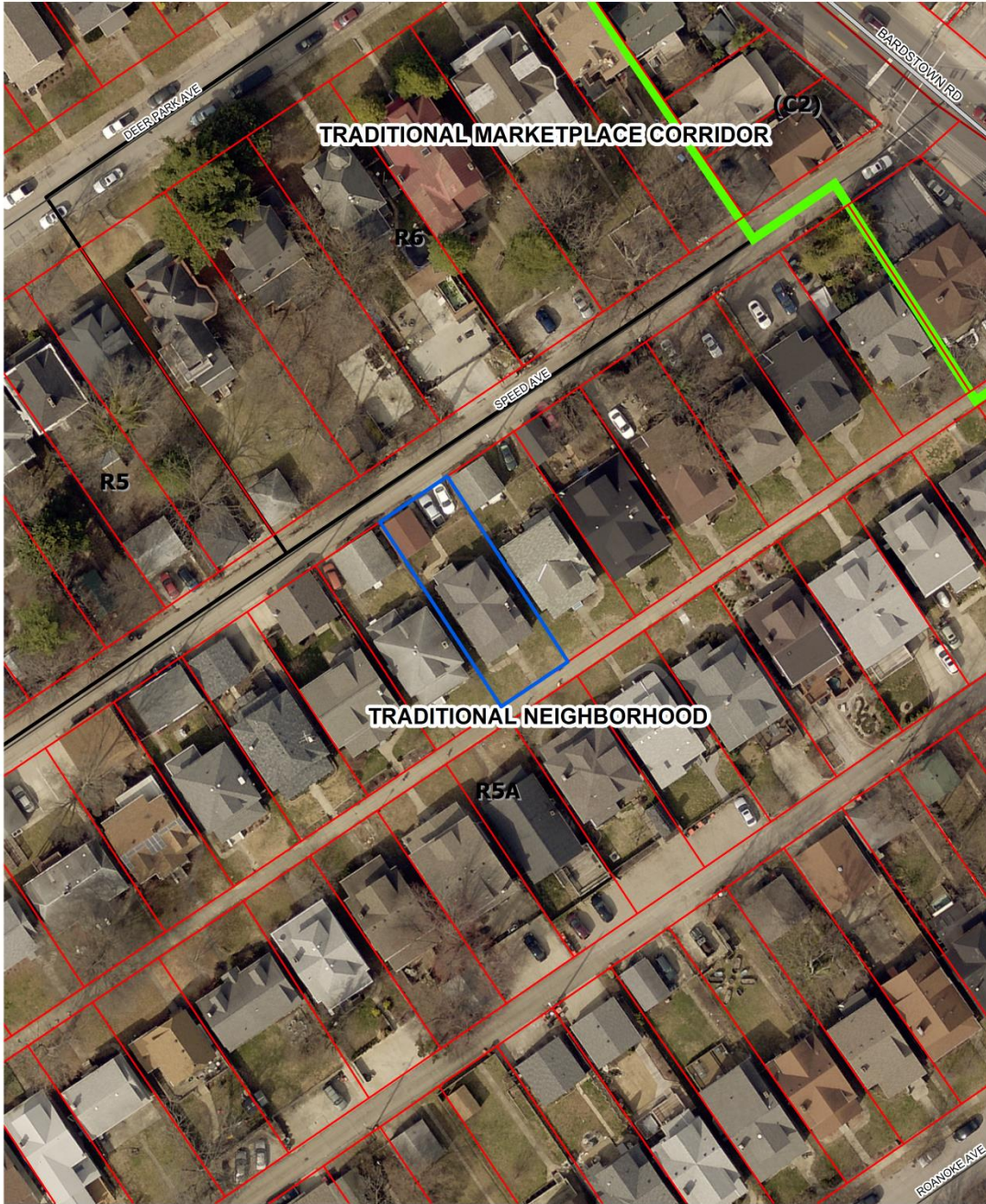
130

Map Created: 4/17/2017

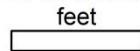


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2. Aerial



1915 Ivanhoe Court



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Map Created: 4/17/2017



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5. Site Photos



The subject property from the front.



The properties across Ivanhoe Court.



The existing garage to be removed.



The rear of the property where the new garage is to be built.



The current private yard area looking north-east.



The current private yard area looking south-west.



The rear of the property, where the addition is to be built onto the house and where the garage is to be constructed.