

Board of Zoning Adjustment Staff Report

June 2, 2014



Case No:	14Variance1042
Project Name:	Proposed House
Location:	1511 S. 31 st St.
Owner(s):	Habitat for Humanity of Metro Louisville
Applicant:	Same
Representative(s):	Same
Jurisdiction:	Louisville Metro
Council District:	3 – Mary Woolridge
Case Manager:	Latondra Yates, Planner II

REQUEST

- Variance of Sec. 5.4.1.C.6.b. of the Land Development Code (LDC) to allow a proposed house to encroach into the required side yard (infill). The requested setback is 2.5 ft., a variance of 1.7 feet.

Variance

Location	Requirement	Request	Variance
Side yard (north property line)	4.2 ft.	2.5 ft.	1.7 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The variance is for construction of a single-family residence on an existing footprint with an addition that meets current LDC standards.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-5 in the Traditional Neighborhood Form District (TNFD). It is surrounded by single-family residential, except for the church to the northeast.

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-family residential	R-5	TNFD
Proposed	Single-family residential	R-5	TNFD
Surrounding Properties			
North	Single-family residential	R-5	TNFD
South	Single-family residential	R-5	TNFD
East	Single-family residential	R-5	TNFD
West	Single-family residential	R-5	TNFD

PREVIOUS CASES ON SITE

The site is in Daisy Realty Company's Southern Addition to Louisville, KY Subdivision, recorded in Plat Book 8, Page 20.

INTERESTED PARTY COMMENTS

None received

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed house appears to be situated in a manner that will not impede sight distance or negatively affect the view of neighboring properties.

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

STAFF: The variance will not alter the essential character of the general vicinity because the house will be constructed upon the same footprint as the previous.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance will not cause a hazard or nuisance to the public because the proposed house appears to be situated in a manner that will not impede sight distance or negatively affect the view of neighboring properties.

- (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 because the house is being built on the same footprint.

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 arises from the request to construct the house.

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 provision of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because it wouldn't allow the house to be built on the same footprint and would require additional expense.

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 the request to construct the house.

TECHNICAL REVIEW

No outstanding technical review items.

STAFF CONCLUSIONS

Staff's analysis of the standards of review supports the granting of the variance.

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 as established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
5/15/2014	BOZA Hearing	1 st and 2 nd tier adjoining property owners
5/20/2014	Sign Posting	On property

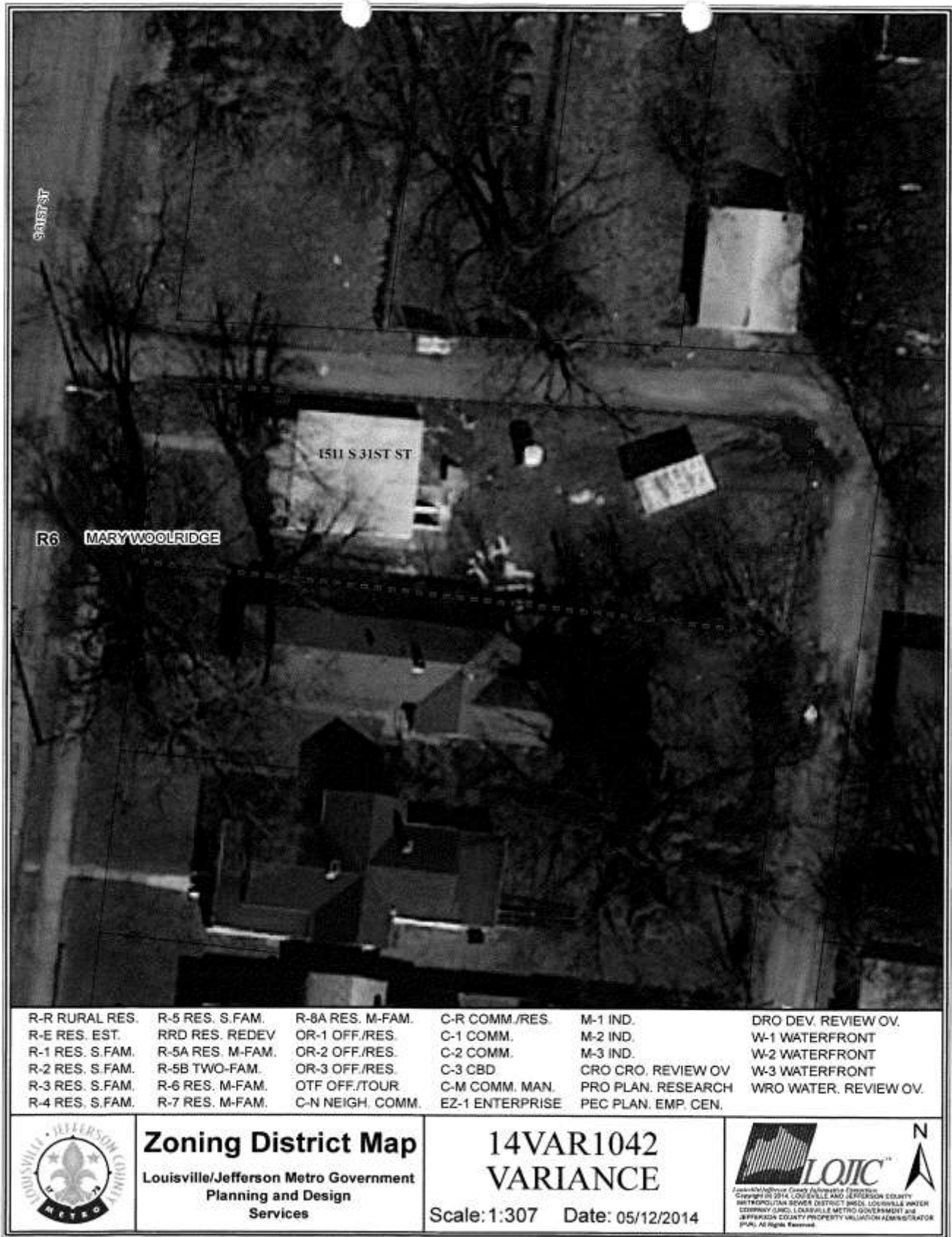
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Survey showing previous house
6. Applicant's Justification Statement

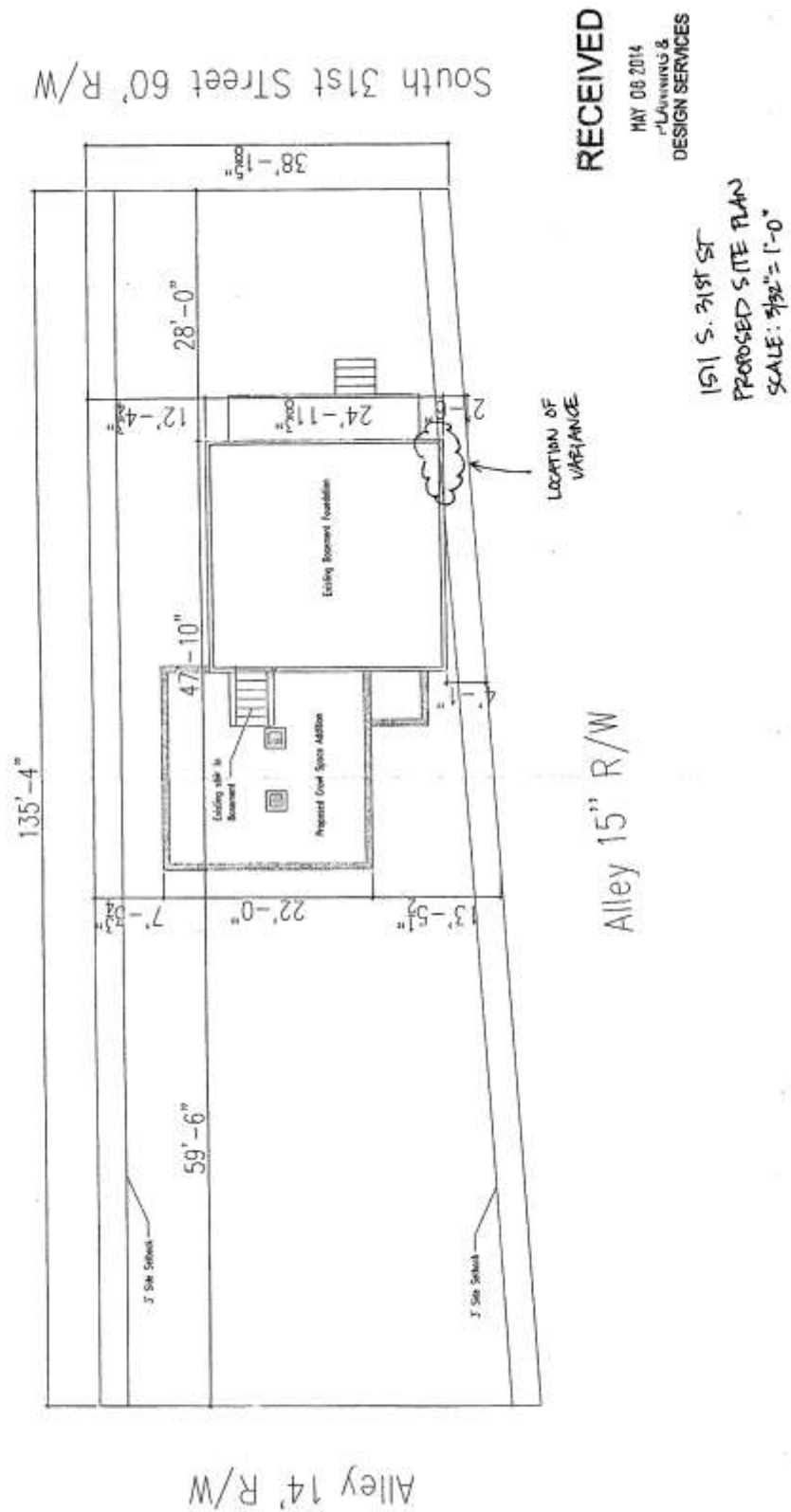
1. **Zoning Map**



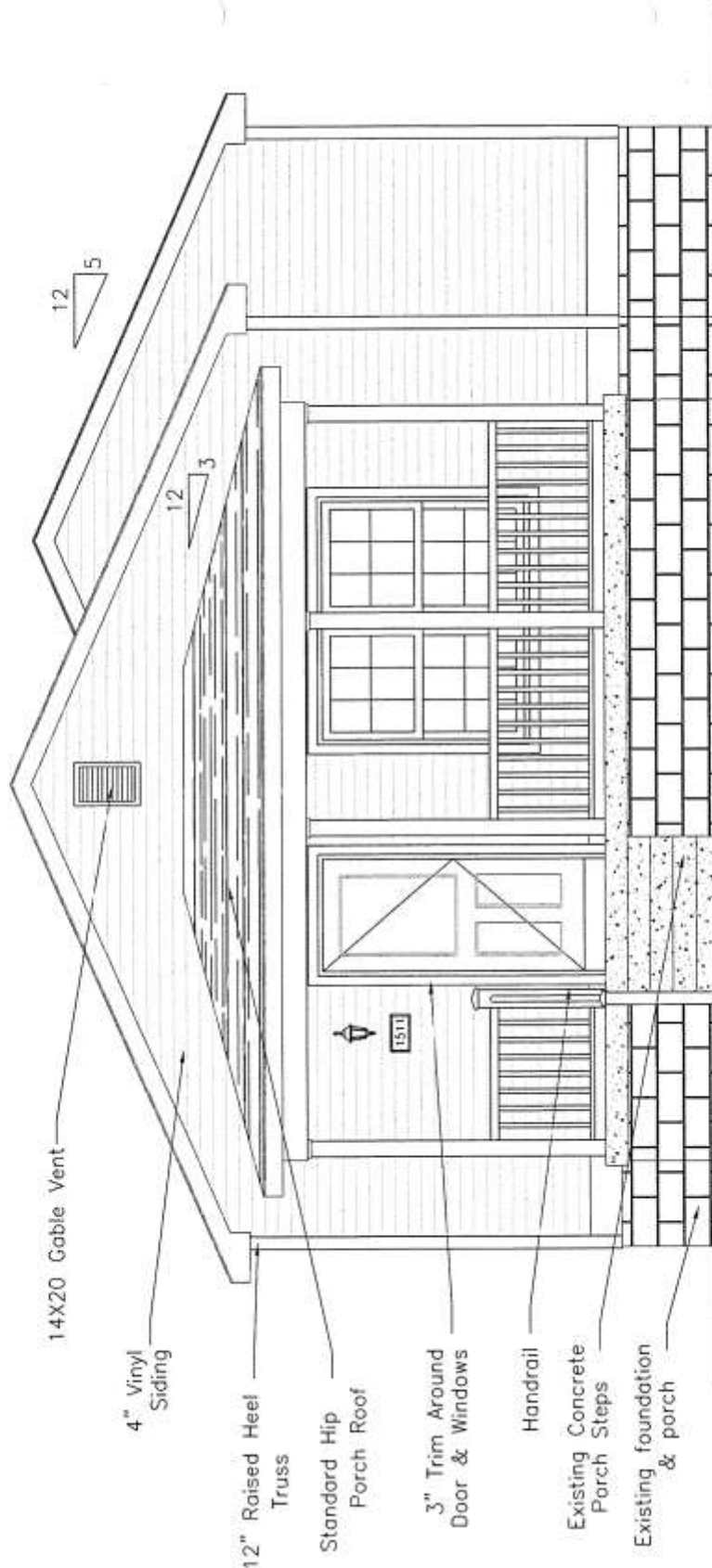
2. Aerial Photo



3. Site Plan



4. Elevations



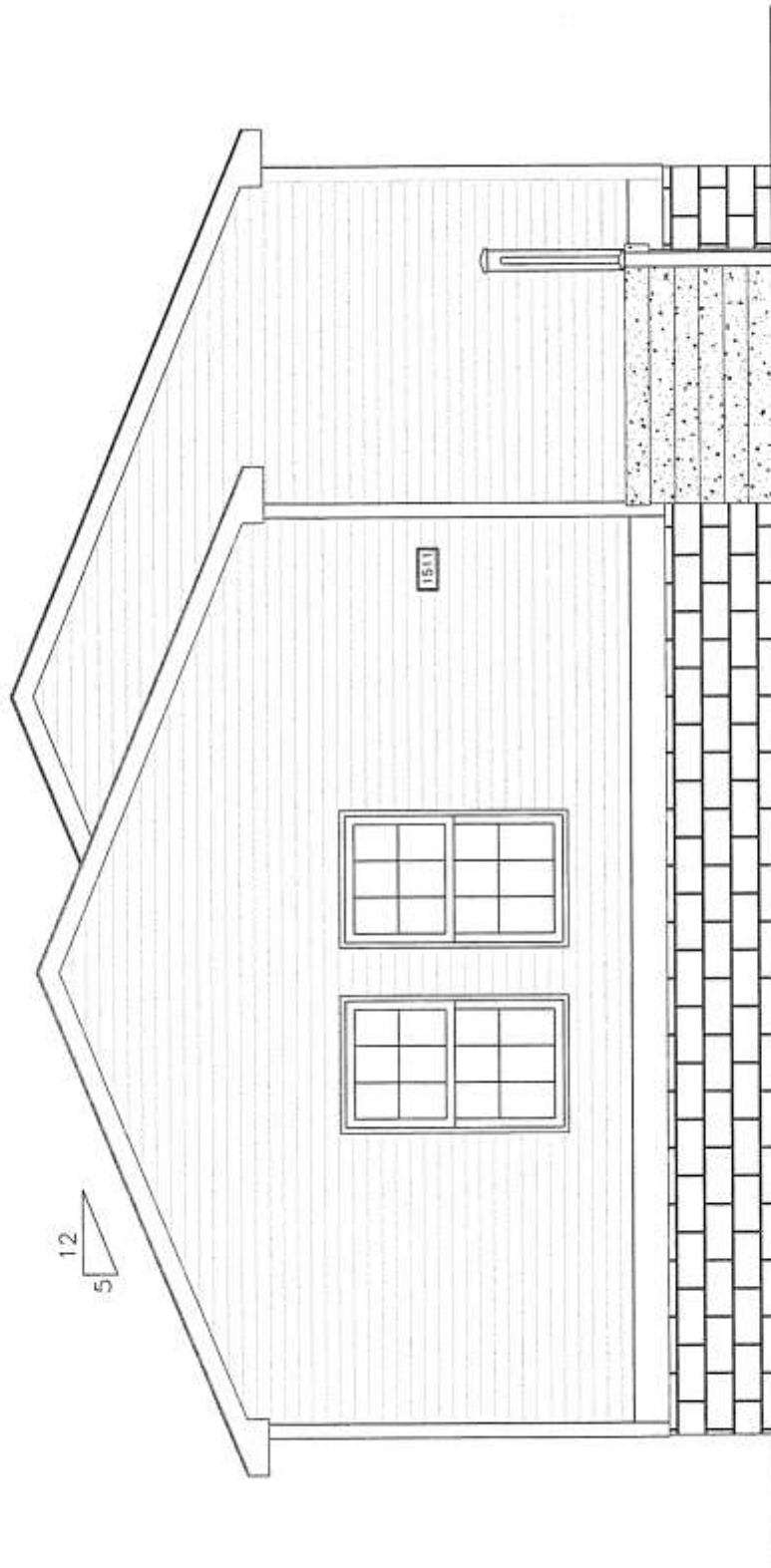
RECEIVED

MAY 08 2014

LANDSCAPING &
DESIGN SERVICES

1511 S. 31ST ST
PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"

1511 S. 31ST ST

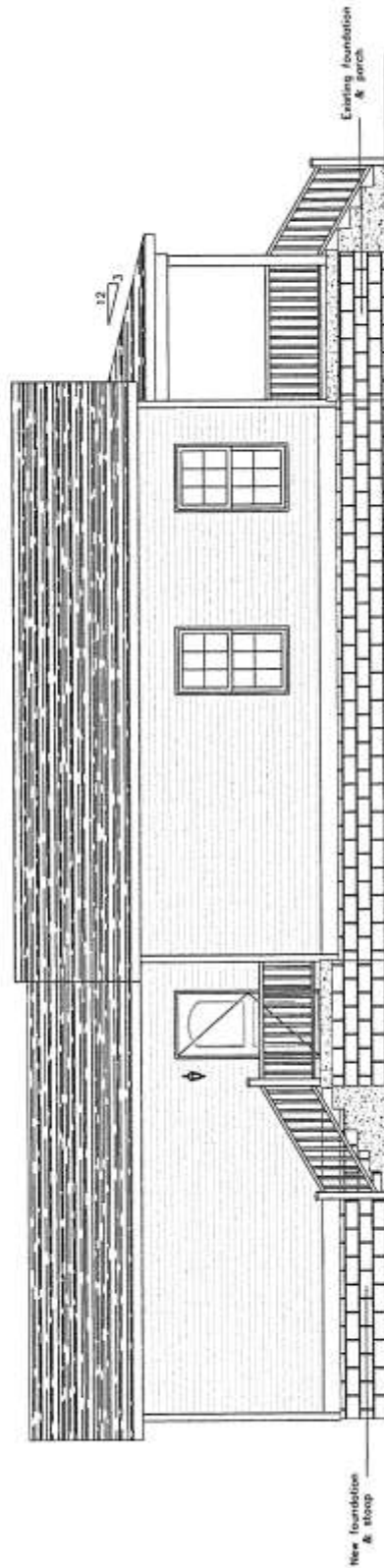


1511 S. 31ST ST
 PROPOSED REAR ELEVATION
 SCALE: $\frac{1}{4}" = 1'-0"$

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 PLANNING &
 DESIGN SERVICES

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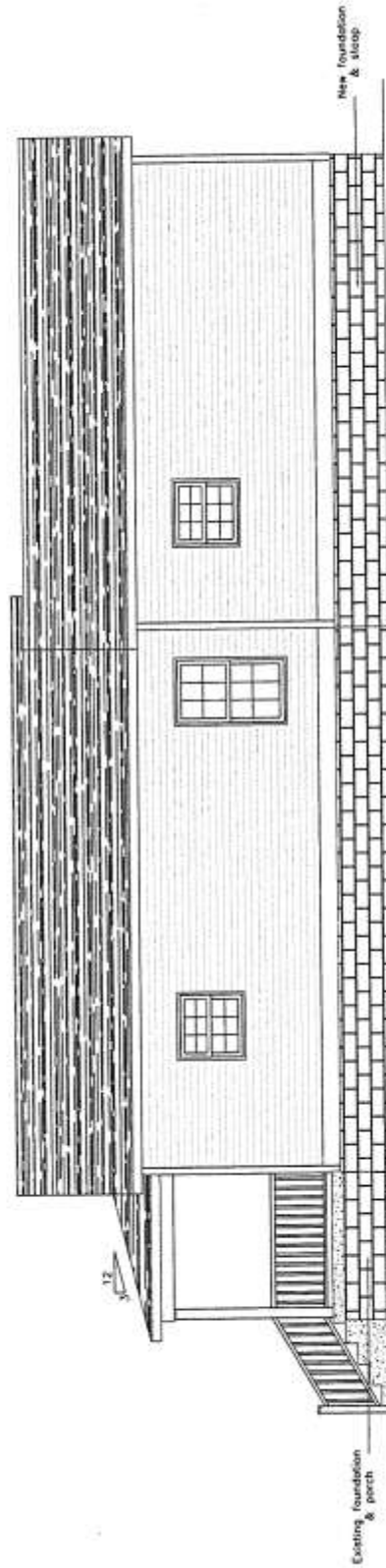


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PLANNING &
DESIGN SERVICES

1511 S. 31ST ST
PROPOSED LEFT ELEVATION
SCALE: 1/8" = 1'-0"

11111/AP/IAN/1042



1571 S. 31ST ST
 PROPOSED RIGHT ELEVATION
 SCALE: 1/8" = 1'-0"

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MAY 08 2014

PLANNING &
 DESIGN SERVICES

1571 S. 31ST ST

5. Survey showing previous house



6. Applicant's Justification Statement

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The existing basement foundation has been in place many years (1920's-1930's) with the existing side setback on the alley side. We propose to rebuild on the existing footprint with an addition that meets the current LDC requirements.

2. Explain how the variance will not alter the essential character of the general vicinity.

From the street, the new construction will have the same proportions as what previously existed. We intend to use design elements used along the block.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

It will allow construction of a single-family owner-occupied dwelling, which will be an improvement to the parcel as it exists.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Because this is an existing foundation, rather than new, it maintain the status quo.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The parcel is not rectangular, like many of the adjacent parcels. Only one corner of the existing foundation requires the variance – the other three are compliant.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Habitat has a buyer and a funder ready to build. Strict application would force us to alter the existing basement & foundation at significant expense and delay. The buyer would be forced to stay in substandard housing for an extended period of time.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The house that existed on this foundation was gone before Habitat acquired the property, but very likely after adoption of the LDC.