

Board of Zoning Adjustment

Staff Report

November 6, 2017



Case No: 17VARIANCE1064
Project Name: 739 S 43rd Street Addition and Garage
Location: 739 S 43rd Street
Owner(s): Kimberly Miles Lightsey
Applicant: Kimberly Lightsey
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
Case Manager: Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than 30% of the area of a lot.

Location	Requirement	Request	Variance
Private Yard Area	30% (1,860 sf)	16% (1,013 sf)	14% (847 sf)

CASE SUMMARY/BACKGROUND

This case is continued from the October 30th, 2017 meeting of the Board of Zoning Adjustment, to give the applicant an opportunity to appear before the Board to answer questions.

The subject property is located in the Chickasaw neighborhood, in Doerhoefer's Subdivision, recorded in 1924 in plat book 4, page 97. The property currently contains a 1 ½ story single-family residence. There is an alley at the rear of the lot, and the applicant proposes to construct a new detached garage at the alley. Additionally, the applicant proposes to construct a new one-story addition onto the rear of the existing residence. The private yard area will be reduced by these constructions to less than 30% of the area of the lot. The applicant requests a variance to allow the reduced private yard area.

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 from section 5.4.1.D.2 to allow a private yard area to be less than 30% of the area of a lot.

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 SECTION 5.4.1.D.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 significant green space will remain in the reduced private yard area.

- (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 neighborhood is characterized by houses both with and without detached garages on the alley.

- (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 reduced private yard area will retain significant green space.

- (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 Traditional Neighborhood form district encourages parking in the rear of the lot off the alley, which the garage will achieve.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and of similar dimensions to other lots in the neighborhood.

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 constructing an addition on the house or constructing a garage.

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.

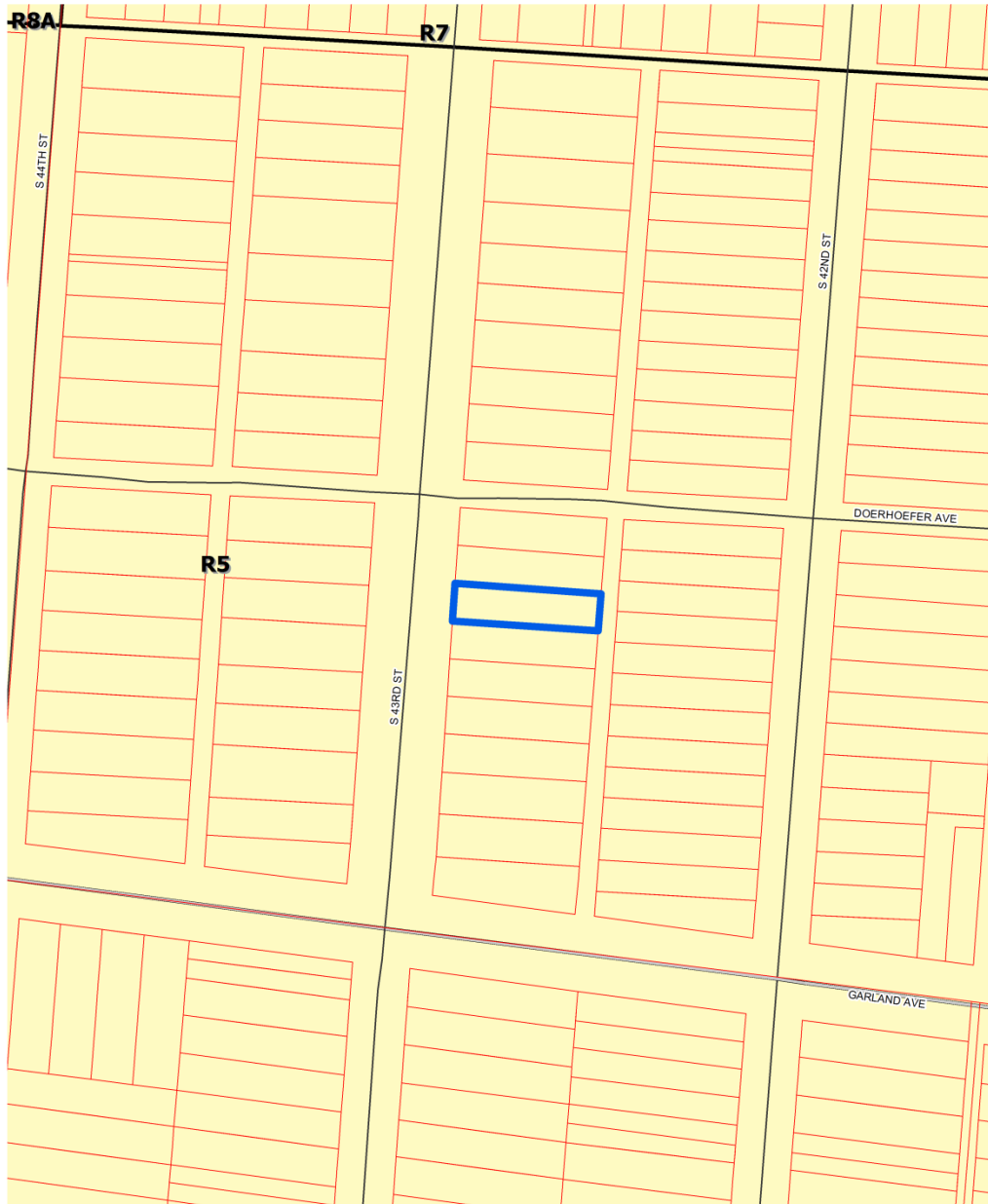
NOTIFICATION

Date	Purpose of Notice	Recipients
10/10/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 1
10/13/2017	Hearing before BOZA	Notice posted on property

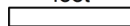
ATTACHMENTS

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

1. Zoning Map



739 S 43rd Street
feet



130

Map Created: 10/18/2017



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2. Aerial Photograph



739 S 43rd Street
feet

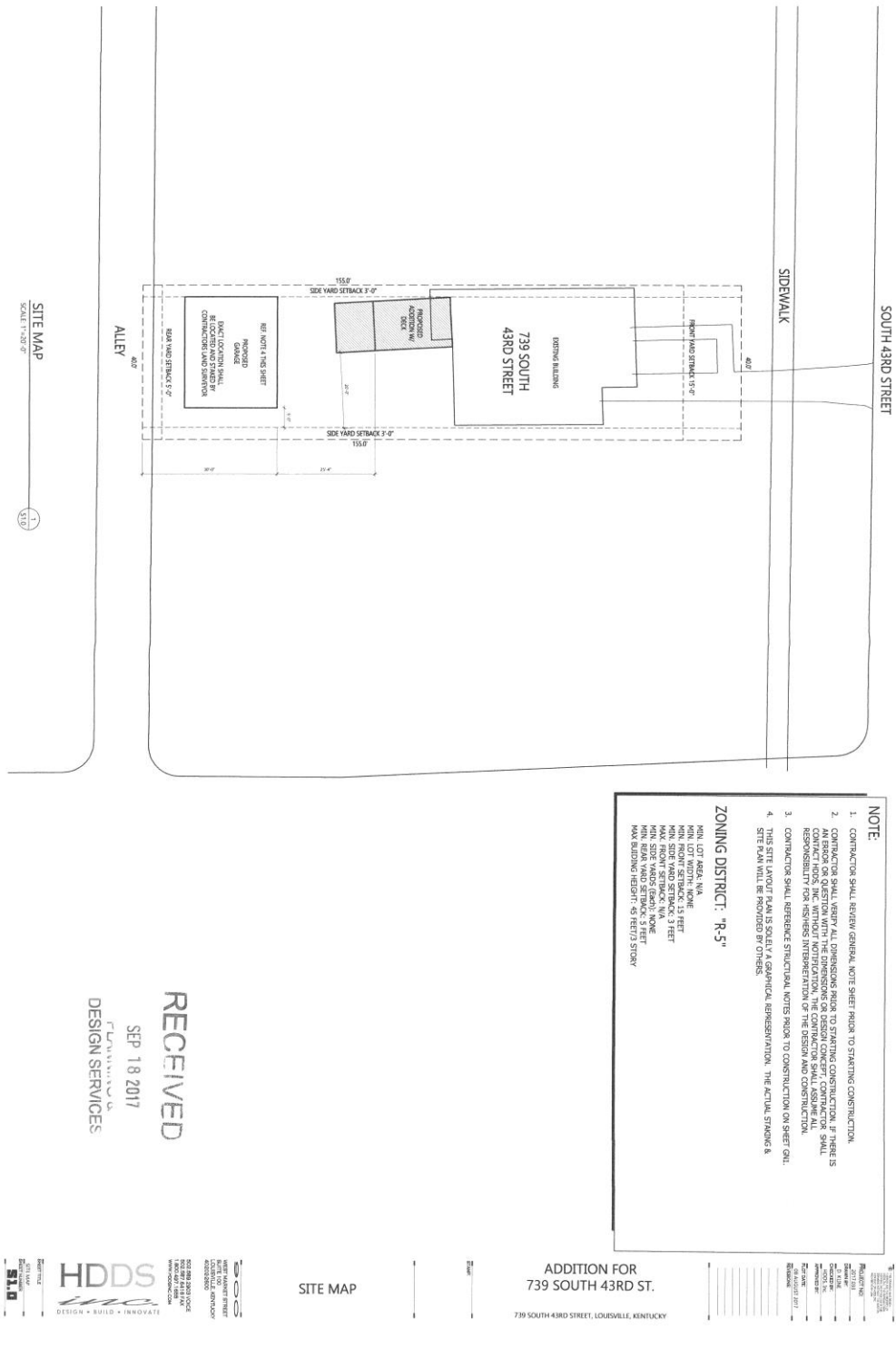
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Map Created: 10/18/2017

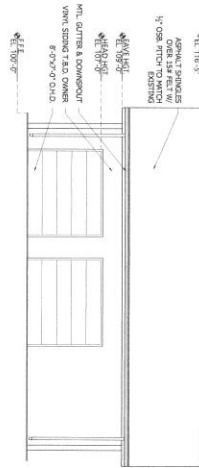


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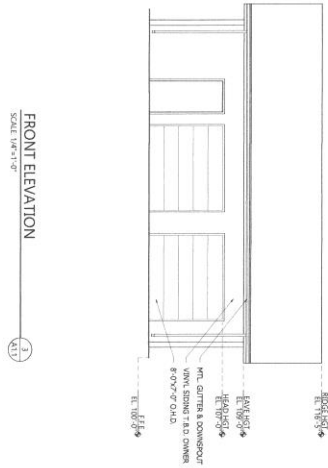
Site Plan



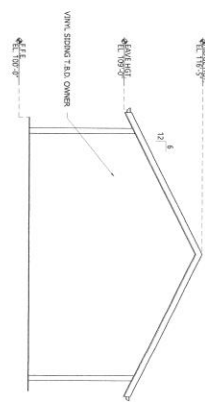
4. Elevation



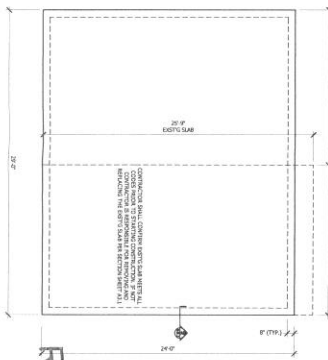
REAR ELEVATION
SCALE 1/4"=1'-0"
A11



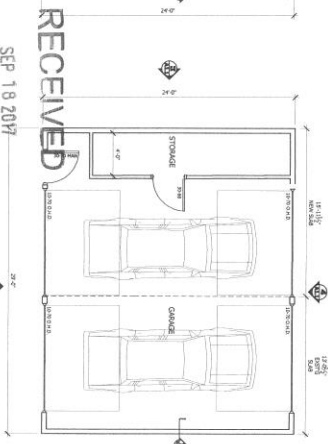
FRONT ELEVATION
SCALE 1/4"=1'-0"
A11



LEFT & RIGHT ELEVATION
SCALE 1/4"=1'-0"
A11



GARAGE SLAB PLAN
SCALE 1/4"=1'-0"
A11



DESIGN SERVICES
GARAGE PLAN
SCALE 1/4"=1'-0"
A11

NOTE:
TABLE 602.4 CONTINUOUS FRAMING
PORTAL FRAME

GARAGE PLANS AND
ELEVATIONS

ADDITION FOR
739 SOUTH 43RD ST.
739 SOUTH 43RD STREET, LOUISVILLE, KENTUCKY

17 VARIANCE 1064

HDDS
inc.
DESIGN • BUILD • INNOVATE
1000 S. 10TH ST.
SUITE 100
LOUISVILLE, KY 40203
502.261.1111
WWW.HDDSINC.COM

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 43rd Street.



The addition being constructed on the rear of the property.



The property's private yard area.



The current parking area to be replaced with a garage.