

**Board of Zoning Adjustment**  
**Staff Report**  
 September 17, 2018



<b>Case No:</b>	18VARIANCE1069
<b>Project Name:</b>	S Brook Street Carriage House
<b>Location:</b>	1214 S Brook Street
<b>Owner(s):</b>	Kathryn & Paul Brown
<b>Applicant:</b>	Kathryn Brown
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Dante St. Germain, Planner II

**REQUEST**

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

Location	Requirement	Request	Variance
Private Yard Area	2,400 sf.	1,774 sf.	626 sf.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Old Louisville neighborhood, and is currently developed with a 2.5-story single-family residence. The applicant proposes to construct a new carriage house on the rear of the property. The construction of the carriage house will reduce the private yard area below the required 30% of the area of the lot. The applicant requests a variance for the reduction.

**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 the required 30% of the area of a lot.

**TECHNICAL REVIEW**

- The proposed plan has received preliminary approval from Transportation Planning.

**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 the reduction in private yard area is relatively small and is unlikely to cause adverse effects.

- (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 reduced private yard area will not be apparent from the right-of-way or from adjacent properties.

- (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 reduction in private yard area is relatively small and unlikely to cause a hazard or nuisance.

- (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 carriage houses are common in the area.

### **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 subject property is regular in shape and similar in area to other lots in the general vicinity.

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 reducing the size of the carriage house below a useable area.

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.

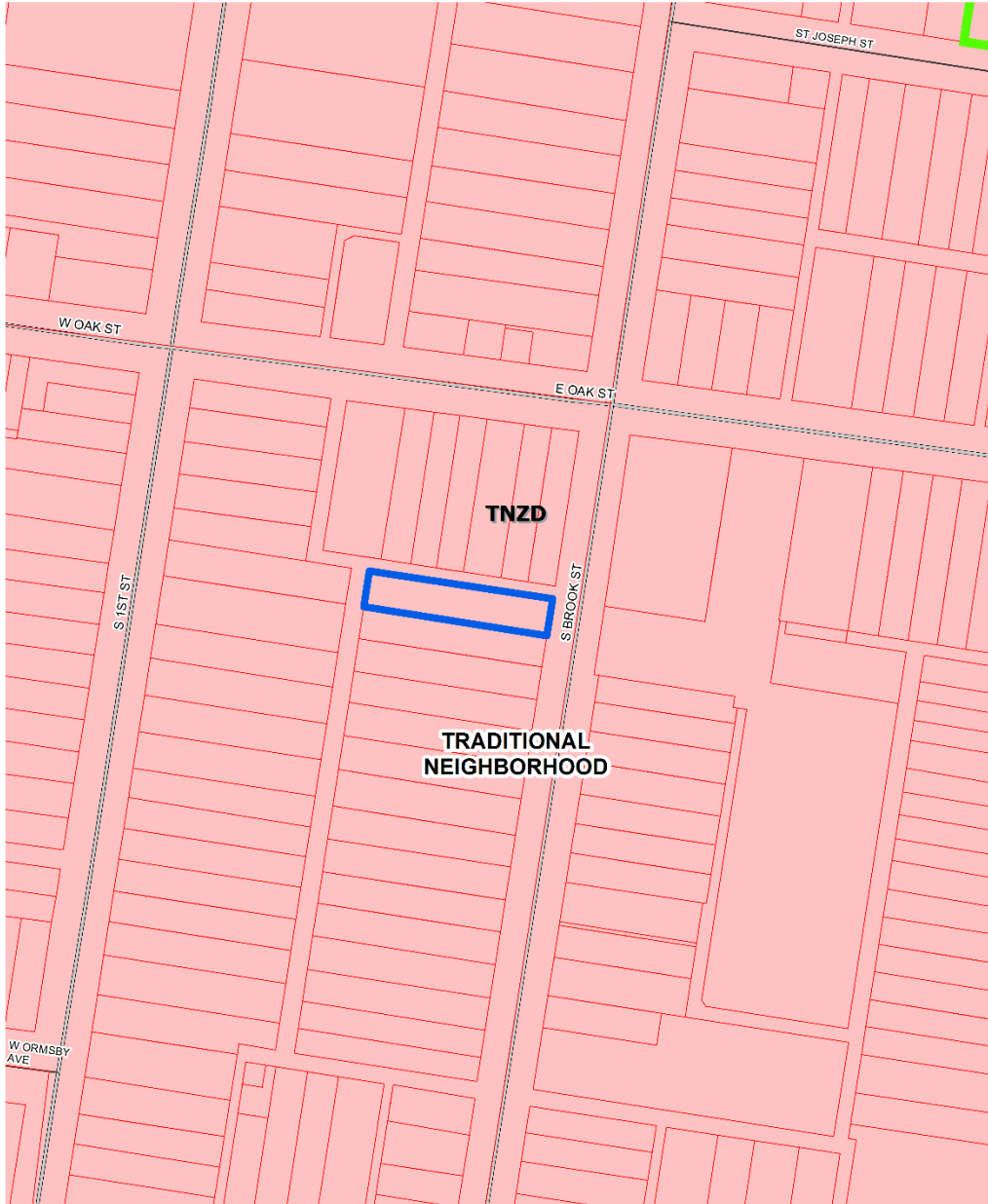
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>08/23/2018</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 6
<b>09/05/2018</b>	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**



1214 S Brook Street  
feet

140  
Map Created: 9/6/2018



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2. Aerial Photograph



1214 S Brook Street  
feet

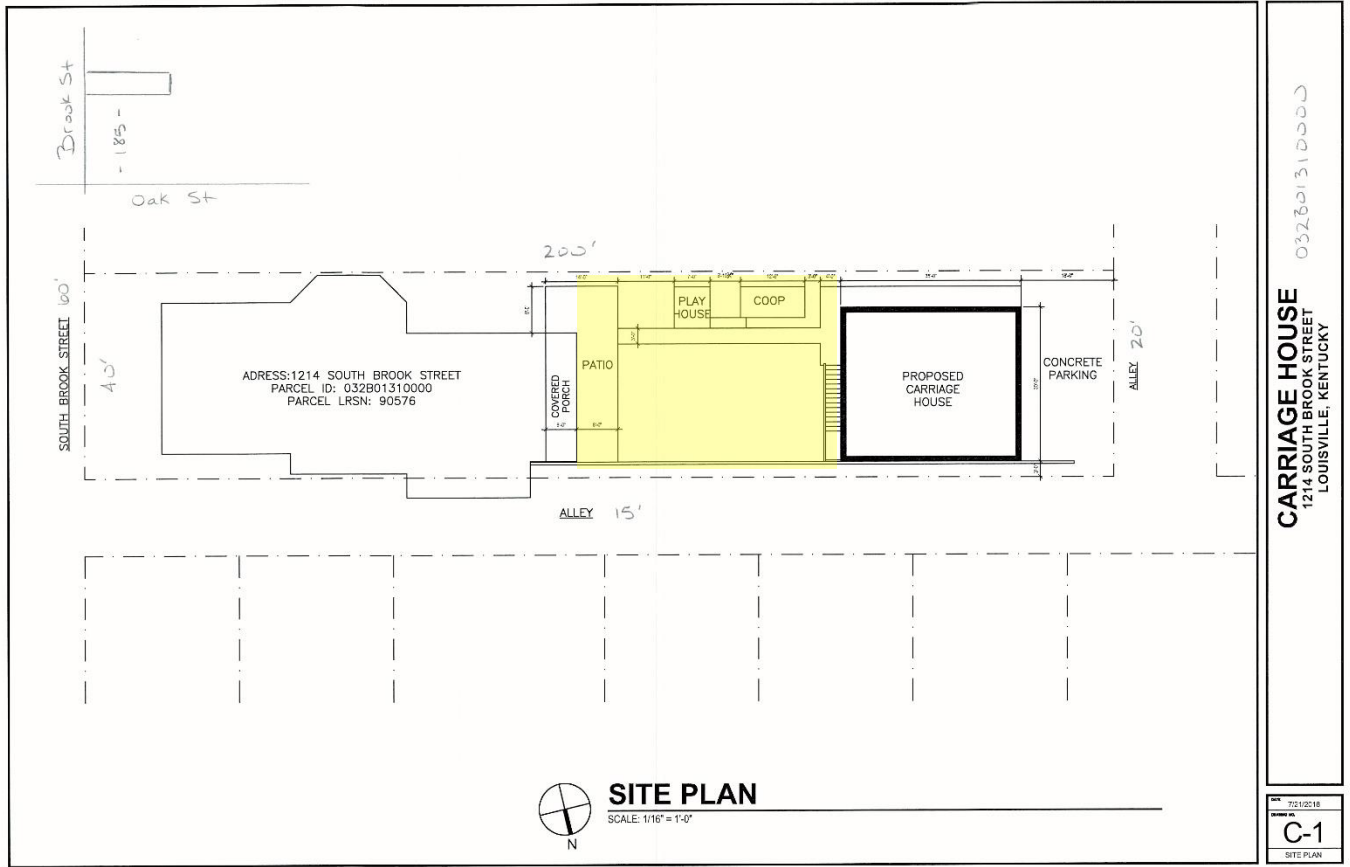
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Map Created: 9/6/2018

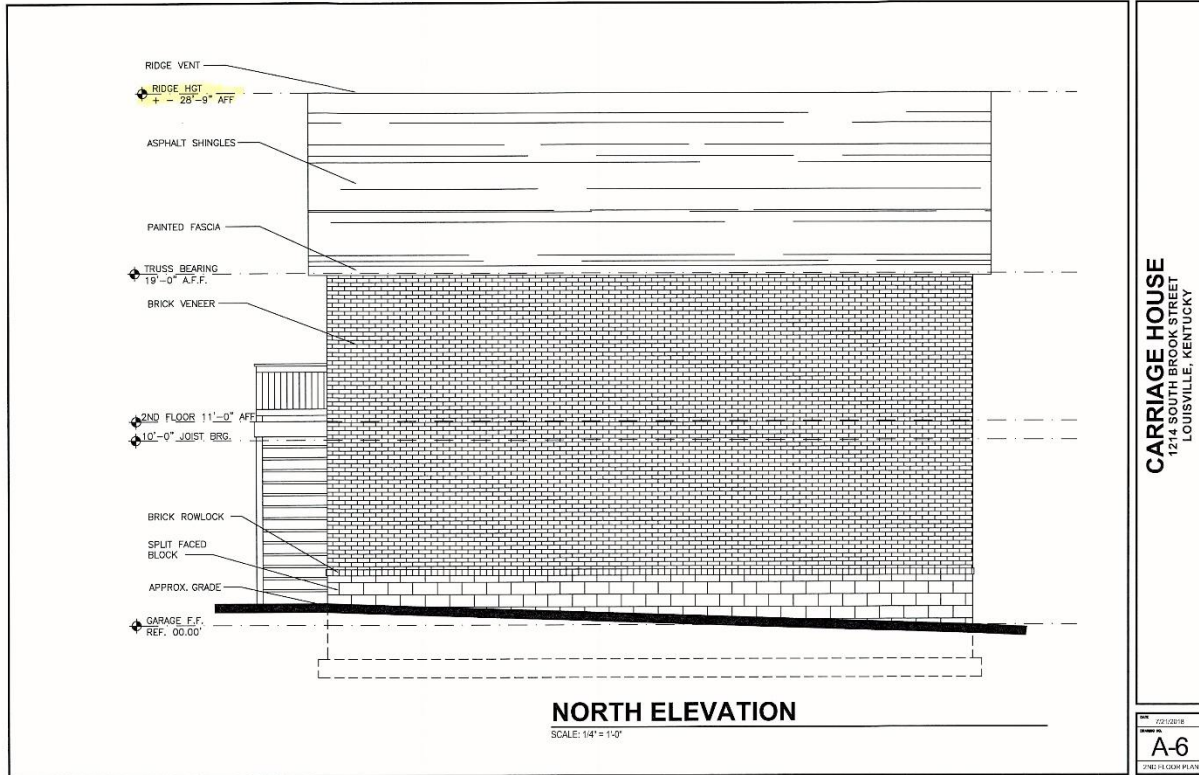


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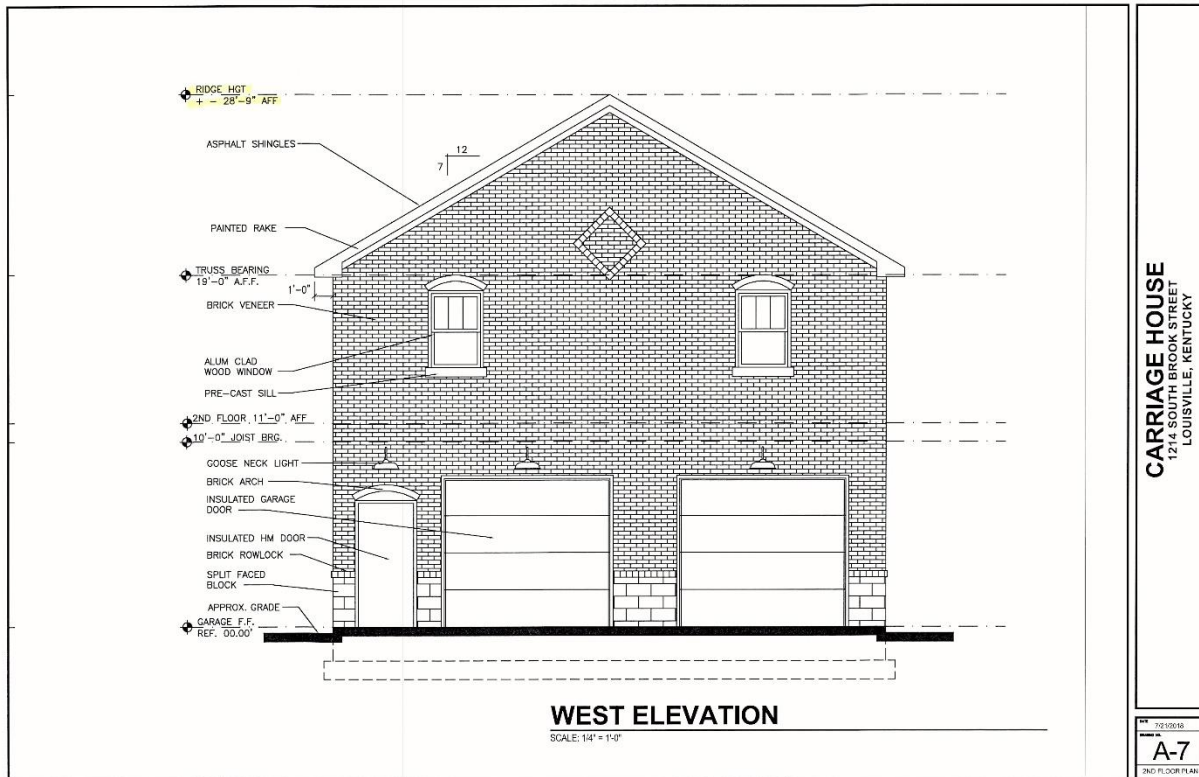
3. **Site Plan**



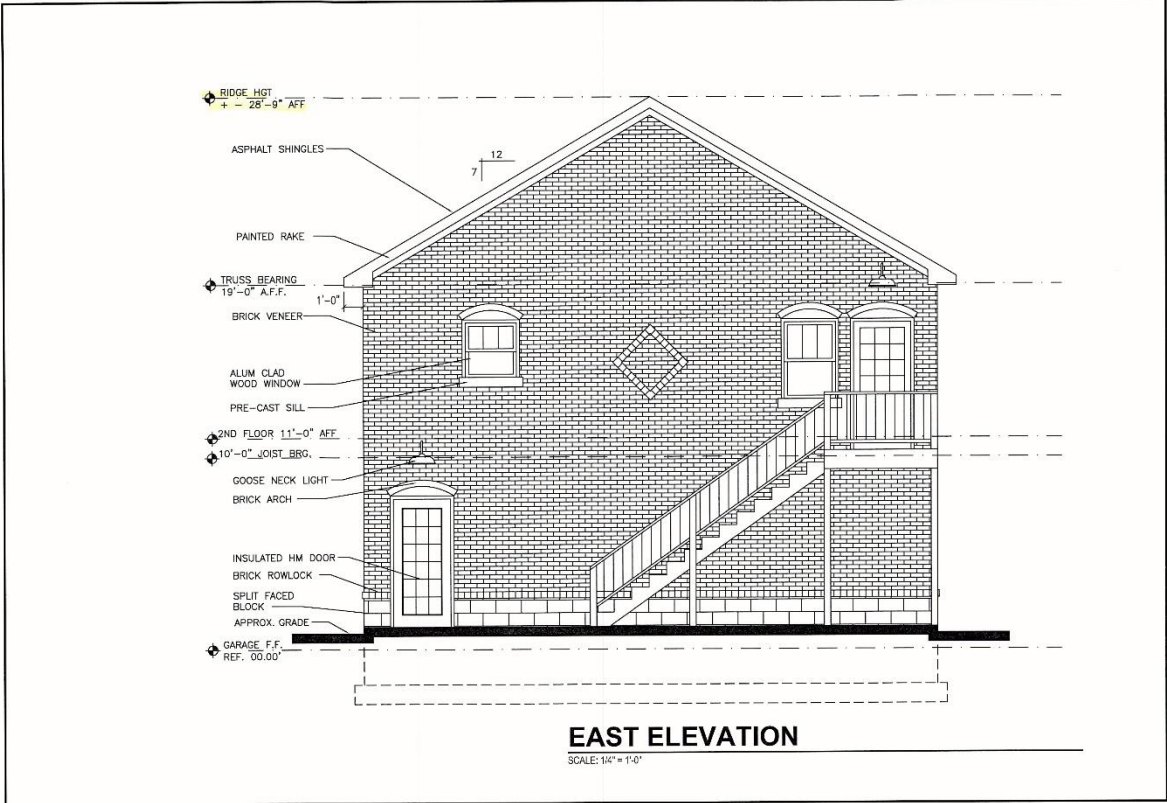
# 4. Elevations



**CARRIAGE HOUSE**  
 1214 SOUTH BROOK STREET  
 LOUISVILLE, KENTUCKY



**CARRIAGE HOUSE**  
 1214 SOUTH BROOK STREET  
 LOUISVILLE, KENTUCKY



**CARRIAGE HOUSE**  
1214 SOUTH BROOK STREET  
LOUISVILLE, KENTUCKY

DATE: 7/2/2018  
DRAWN BY:  
**A-9**  
2ND FLOOR PLAN



5. Site Photos



The front of the subject property.



The property to the left of the subject property.



The property to the right of the subject property.



The alley to the rear of the subject property.



The current rear yard where the carriage house is proposed to be constructed.



The existing private yard area to be reduced.