

Board of Zoning Adjustment

Staff Report

December 18, 2017



Case No:	17VARIANCE1106
Project Name:	1415 Christy Avenue Addition
Location:	1415 Christy Avenue
Owner(s):	STR Capital LLC
Applicant:	Gary Shearer
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joe Haberman, AICP, Planning Manager

REQUEST

- **Variance** from Land Development Code section 5.1.10.F to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	2.5 ft.	2 ft.	0.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Highlands, and currently contains a one-story single-family residence. The applicant proposes to construct a new second-story addition onto the rear of the existing structure. The existing footprint encroaches into the side yard setback, and the addition is proposed to encroach to the same degree.

This property is 25 feet wide. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have side yards equal to 10% of the width of the lot. The required side yard setback is therefore 2.5 feet, into which the applicant proposes to encroach 0.5 feet.

Staff has received all adjoining property owner signatures, and so this case is requested to be a non-public hearing item.

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 5.1.10.F 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 SECTION 5.1.10.F

- (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 addition is proposed to have the same footprint as the existing structure, which has caused no known 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 neighborhood is characterized by narrow lots with buildings that encroach into the required side yard setbacks.

- (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 will have the same setback as the existing structure, which has caused no known 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 requiring the second story to be stepped back to observe the required setback would cause significant engineering challenges to carry the load of the second floor.

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 addition is proposed to follow the existing setback with no expansion to the building footprint.

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 requiring the applicant to offset the second floor from the load-bearing walls of the first floor, creating significant engineering challenges.

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.

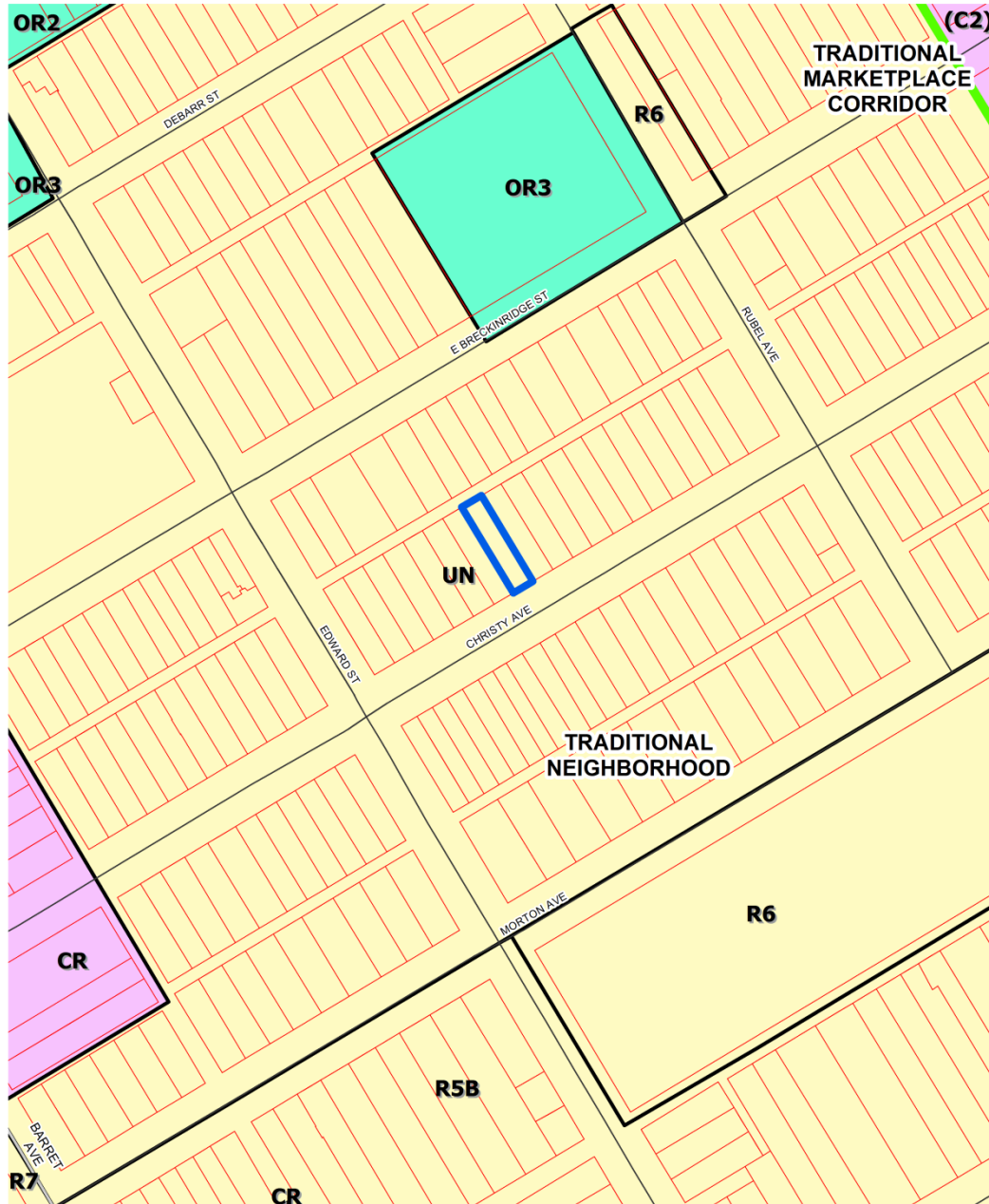
NOTIFICATION

Date	Purpose of Notice	Recipients
12/01/2017	Hearing before BOZA	Not required for Business Session Item

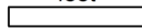
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map



1415 Christy Avenue
feet



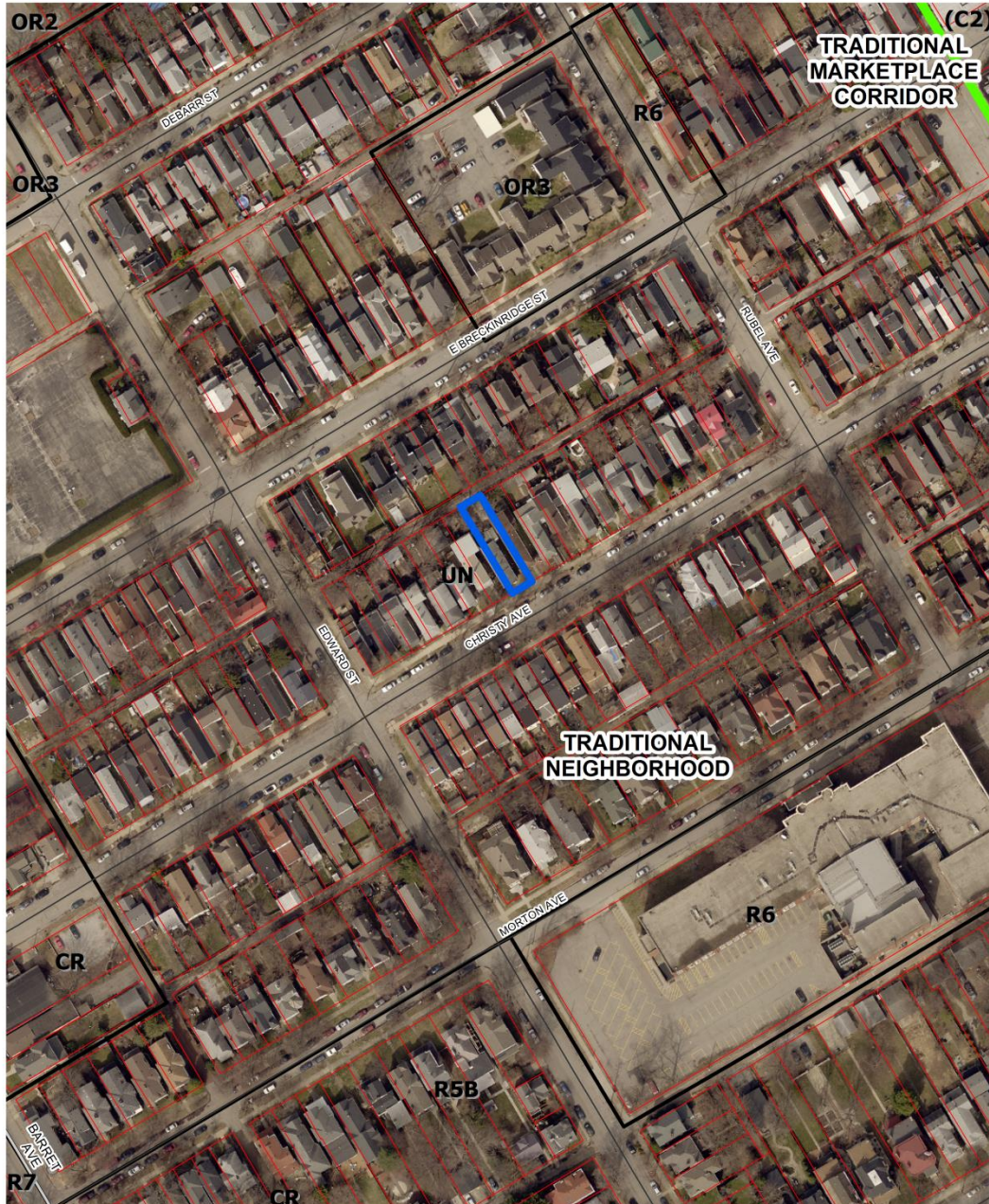
140

Map Created: 12/15/2017

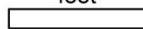


Copyright (c) 2017, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



1415 Christy Avenue
feet



140

Map Created: 12/15/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

3. Site Plan

