

Board of Zoning Adjustment Staff Report

July 6, 2015



Case No:	15VARIANCE1033
Project Name:	None (Residence)
Location:	4640 Bellevue Avenue
Owner(s):	Baron Pieper
Applicant(s):	Baron Pieper
Representative(s):	Baron Pieper
Project Area/Size:	600 square feet
Existing Zoning District:	R-5, Residential Single Family
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variances from the Land Development Code to allow a proposed addition to encroach into the required side yard and fence to exceed the maximum height requirement.

Location	Requirement	Request	Variance
South Side Yard	2'	0	2'
Fence Height	8'	12'	4'

CASE SUMMARY

The applicant is proposing to add a 150 square foot deck onto an existing 450 square foot deck with attached swimming pool. The deck has an existing 8-foot privacy fence attached to it that will be extended.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Residential Single Family	R-5	TN
Proposed	Residential Single Family	R-5	TN
<i>Surrounding Properties</i>			
North	Residential Single Family	R-5	TN
South	Apartments	R-7	TN
East	Residential Single Family	R-5	TN
West	Residential Single Family	R-5	TN

SITE CONTEXT

The site is rectangular in shape and located on the west side of Bellevue Avenue near the northwest corner of West Woodlawn Avenue and Bellevue Avenue. The property has residential uses to the north, east, west, and apartments to the south.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (Side Yard)

(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 because the proposed addition will be matching the current condition on site.

(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 because the proposed addition will be compatible with the existing structure and match the existing building alignment.

(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 because the proposed addition will not affect adjacent residential properties to the east.

(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 there are similar encroachments of this type throughout the surrounding area.

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 site was developed before the current regulations.

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 because the addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (Fence Height)

(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 because the proposed addition will be matching the current condition on site.

(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 because the proposed addition will be compatible with the existing structure and match the existing building alignment.

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

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STAFF: The owner is trying to conform to the existing conditions on site.

TECHNICAL REVIEW

The applicant will need to discuss if a building permit was obtained and/or needed for the original deck. Staff does not know if applicant built the original deck.

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 standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
6/18/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
6/19/2015	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

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.

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

Its a deck and fence that will be in my back yard.

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

The character will be the same as the existing character.

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

Its will match the ex basin code.

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

the variance will not be unreasoned and will not regulate effect anyone.

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).

I want to just add on fence with existing deck.

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.

Getty Getty the variance will allow me to ~~match~~ Match the decor and keep the same character

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

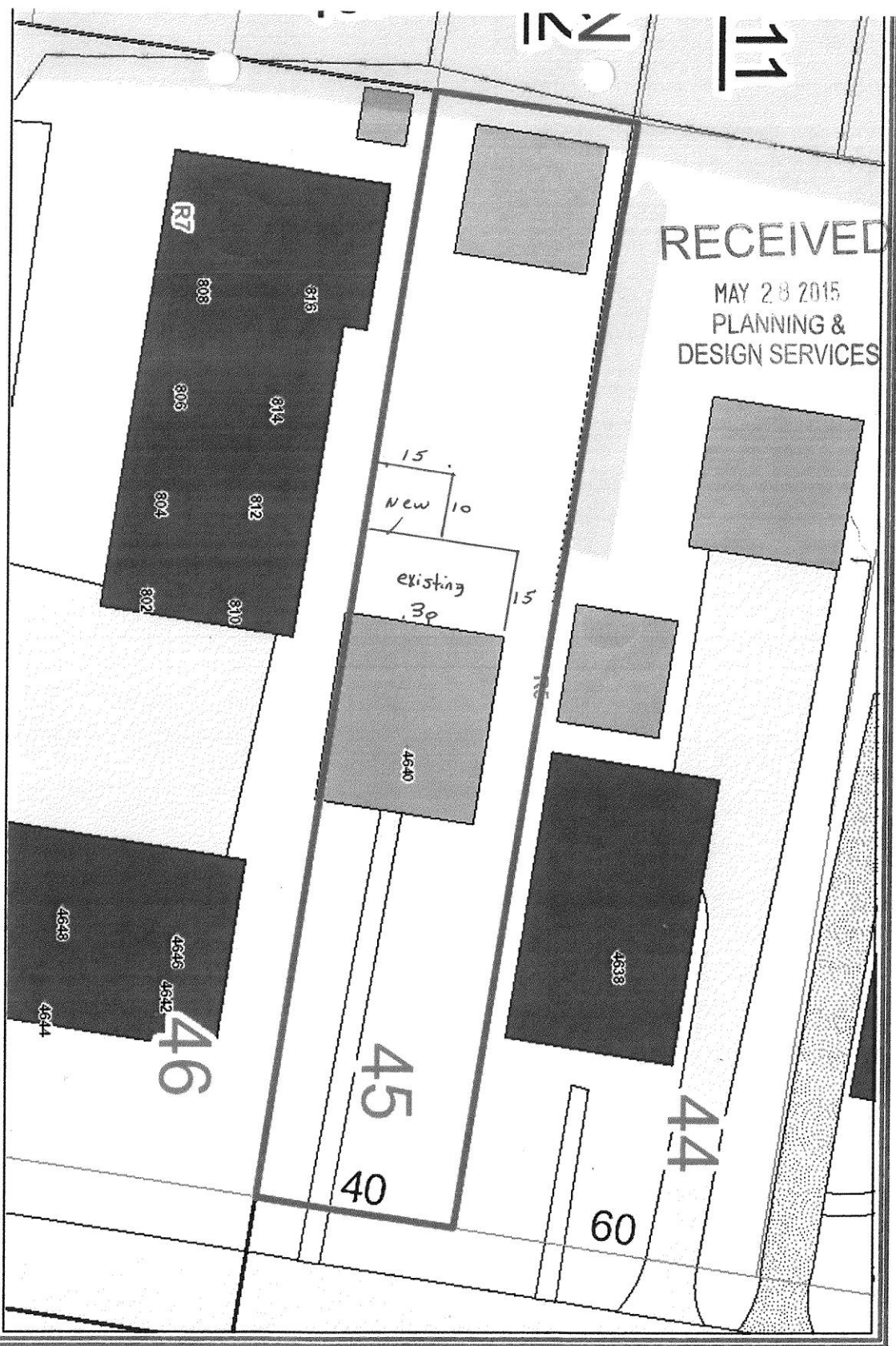
No this is not of actions. I am seeking the variance first

15VARIANCE1033



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Plot Date 5/27/2015
LOIC Quickmap



15VARIANCE1033