

Board of Zoning Adjustment
Staff Report
 August 21, 2023



Case No:	23-VARIANCE-0094
Project Name:	6 th Street Variance
Location:	4531 S. 6 th St.
Owner:	Stephen Speth
Applicant:	Anne DelPrince
Jurisdiction:	Louisville Metro
Council District:	21- Betsy Ruhe
Case Manager:	Amy Brooks, Planner I

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 the lot.

Location	Requirement	Request	Variance
Private Yard Area	5,625 sq. ft. (30% net lot area)	1,800 sq. ft	3,825 sq. ft.

CASE SUMMARY

The subject site is located along 6th Street 2 blocks west of Southern Parkway. It is located in the Traditional Neighborhood form district sites and subject to the four areas of traditional site design, including public realm, principal structure, private yard, and accessory use areas. The applicant has requested a reduction in the private yard area to allow for a two-story addition and enclosed deck to be constructed onto the rear of the principal structure.

STAFF FINDINGS

The variance is adequately justified for approval based on the staff’s analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 reduction of the private yard area does not impede the safe movement of vehicles or pedestrians or encroach upon adjacent property or right-of-way.

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

STAFF: The proposed private yard area reduction will not alter the essential character of the general vicinity as several properties within this block appear to have private yard areas less than what is now required due to the accessory structures located outside of the required accessory use area.

- (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 structure must be constructed to comply with all building codes and does not impede the safe movement of vehicles or pedestrians or encroach upon adjacent property or right-of-way.

- (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 is an established pattern of reduced private yard areas in this neighborhood.

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 does not arise from special circumstances which do generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape to the surrounding properties.

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 as the existing garage would require a variance for most additions to the principal structure. The garage is located closer to the home than what is called for in the LDC for accessory use areas; thus, eliminating available private yard and compliance with the requirements of LDC 5.4.1

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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant has not started construction on the garage and has requested a variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **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 the lot.

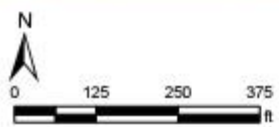
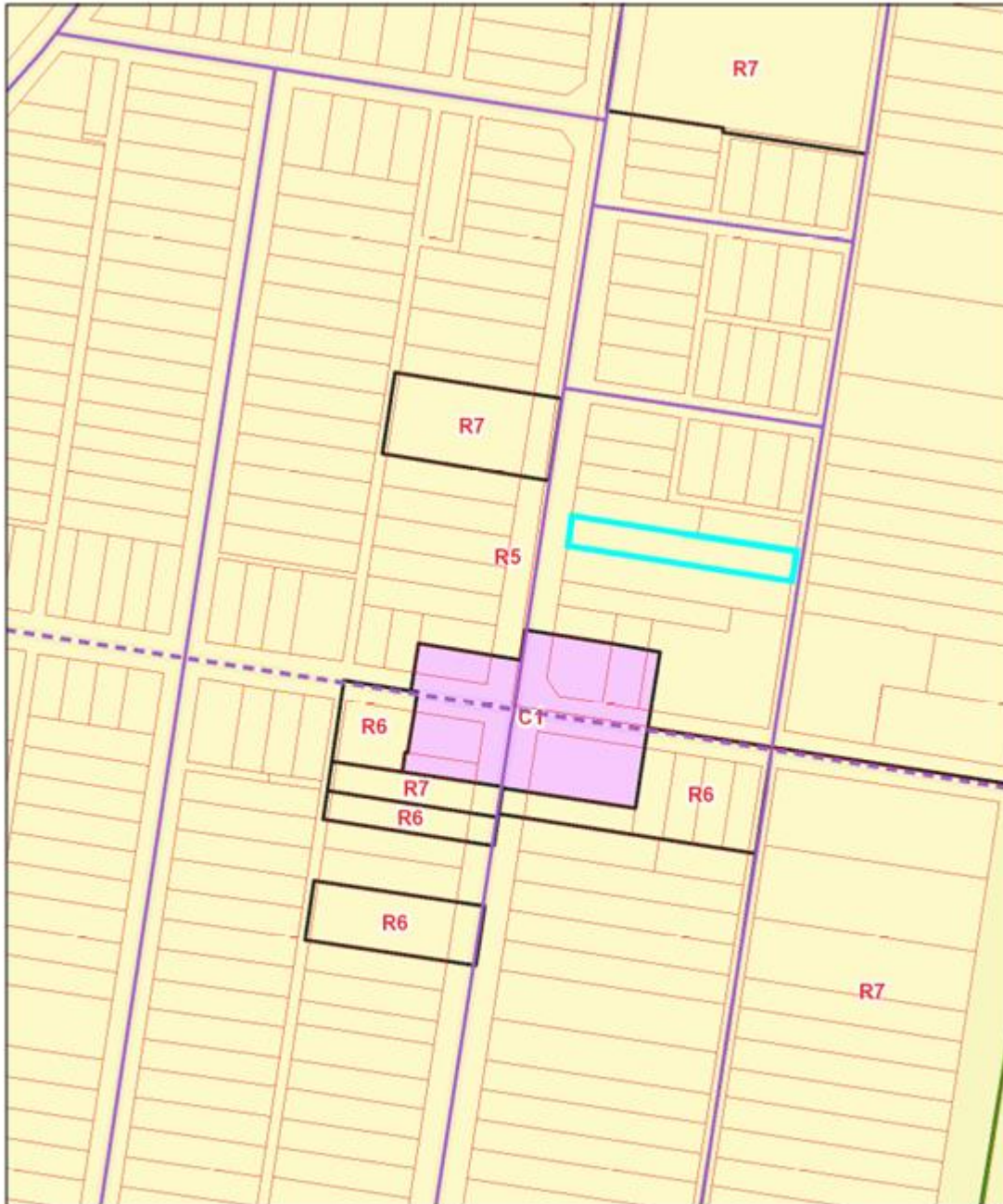
NOTIFICATION

Date	Purpose of Notice	Recipients
8/3/2023	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 21
8/3/023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map

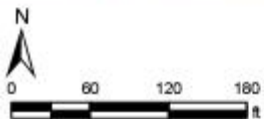


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2. Aerial Photograph



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