

Board of Zoning Adjustment

Staff Report

September 9, 2019



Case No:	19-VARIANCE-0013
Project Name:	S. Brook Street Variance
Location:	1141 S. Brook Street
Owner:	Hollyhock Rentals, LLC
Applicant:	Benjamin Brainard
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

Location	Requirement	Request	Variance
Private yard area	900 sq. ft.	717 sq. ft.	183 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is in the Old Louisville neighborhood and preservation district, and currently contains a 2 ½-story two-family dwelling. The applicant has constructed a 1 ½ story carriage house with a rear deck and stairway, which has reduced the private yard area to be less than 20% of the total area of the lot.

The Old Louisville Architectural Review Committee approved the carriage house on condition under case number 19-COA-0020 on July 26, 2019. Planning & Design Staff does not have any recommended conditions.

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 standard of granting a variance established in the Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

TECHNICAL REVIEW

- No technical review was undertaken.

RELATED CASES

There is an open zoning enforcement case for the private yard area (16PM4809) as well as an open building permit enforcement case (19PR1363).

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3

- (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 carriage house will need to be inspected and approved to comply with all building codes, including fire codes.

- (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 accessory structure has been approved by the Old Louisville Architectural Review Committee.

- (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 carriage house will need to be inspected and approved to comply with all building codes, including fire codes.

- (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 majority of the required private yard area will still be intact.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do 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 land in the general vicinity or the same zone because the lot is similar in shape and size to other lots in the area.

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 because most of the private yard area will be intact.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has begun construction.

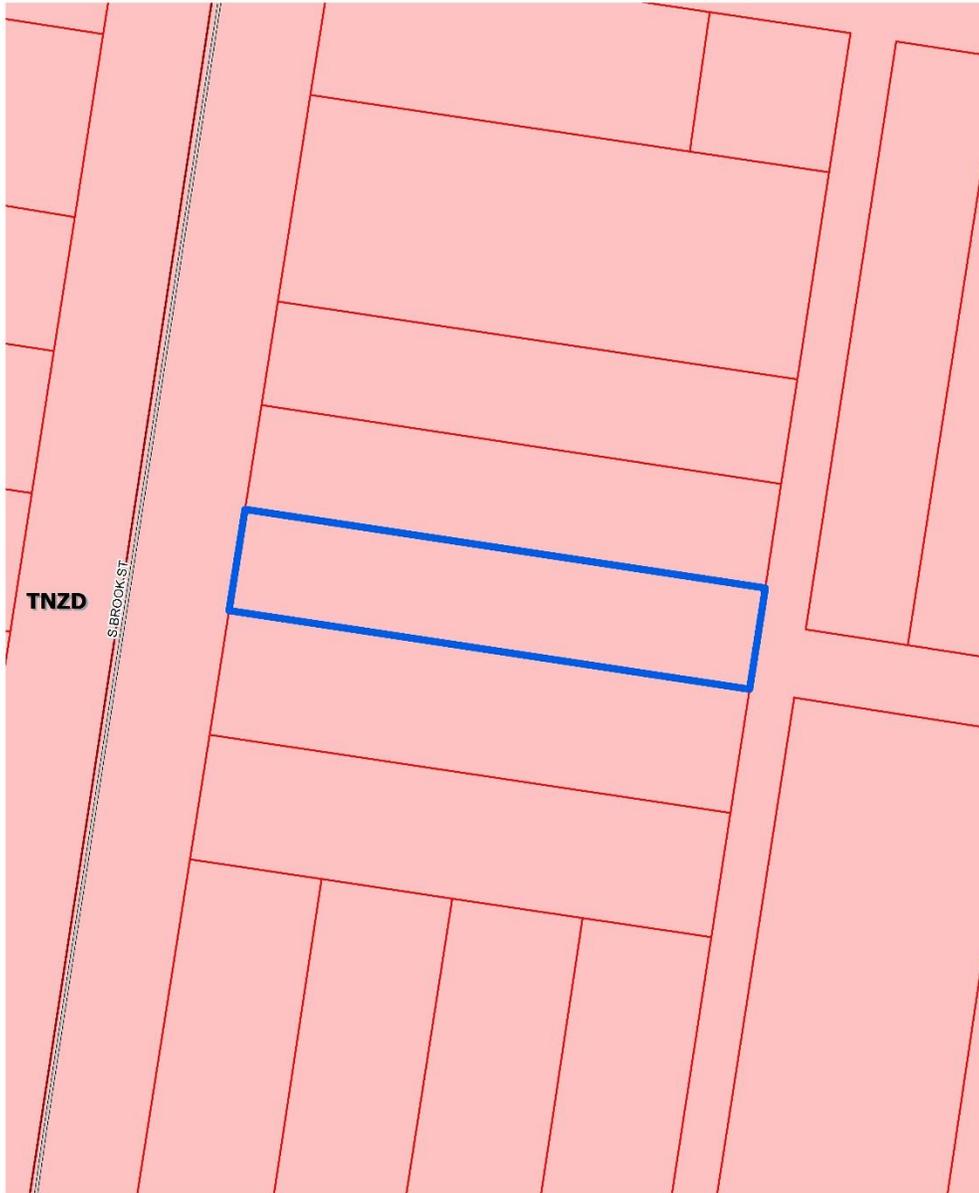
NOTIFICATION

Date	Purpose of Notice	Recipients
07/27/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
08/29/2019	Hearing before BOZA	Notice posted on property

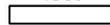
ATTACHMENTS

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

1. **Zoning Map**



1141 S. Brook Street
feet



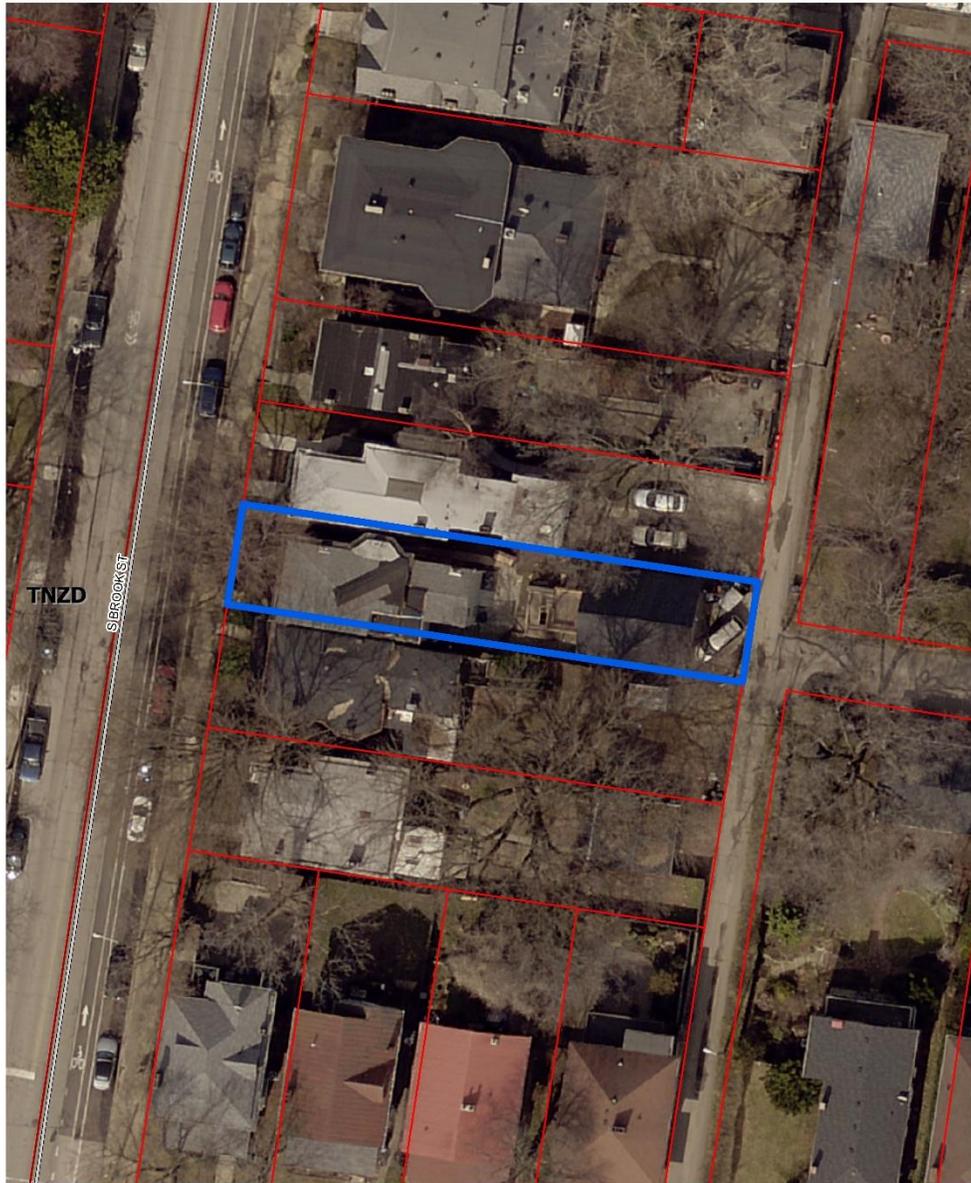
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Map Created: 8/22/2019

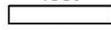


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2. **Aerial Photograph**



1141 S. Brook Street
feet

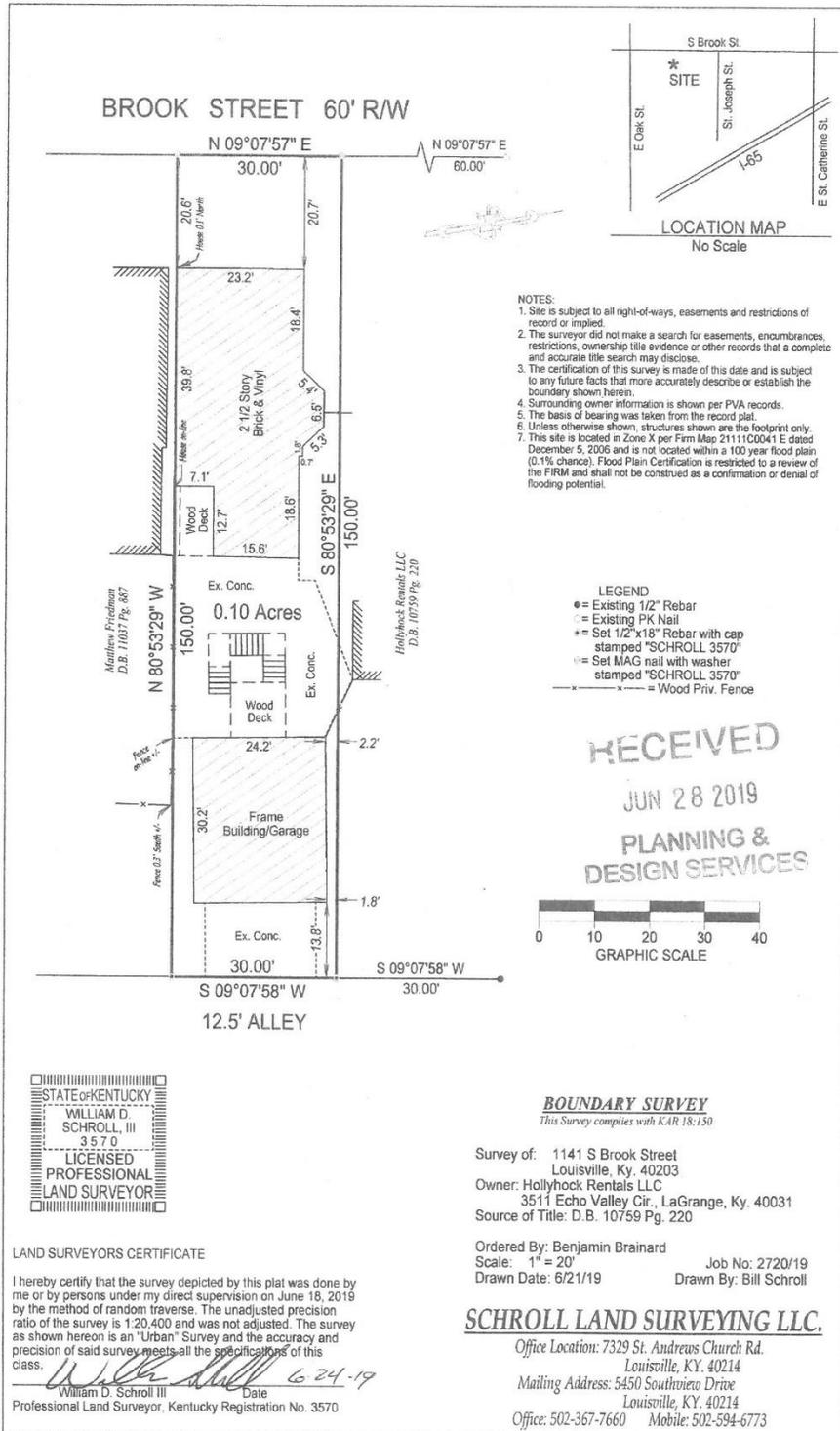


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Map Created: 8/22/2019



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3. **Site Plan**



19-VARIANCE-0013

4. Site Photos



Subject property.



Property to the right of the subject property.



Property to the left of the subject property.



Properties across S. Brook Street.



Location of the private yard area variance.



Private yard area.