

# Board of Zoning Adjustment

## Staff Report

April 30, 2018



<b>Case No:</b>	18VARIANCE1032
<b>Project Name:</b>	3936 Napanee Road Addition
<b>Location:</b>	3936 Napanee Road
<b>Owner(s):</b>	Samuel & Katherine Gaunt
<b>Applicant:</b>	Charlie Williams
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Dante St. Germain, Planner I

**REQUEST**

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	6.33 ft.	1.89 ft.	4.44 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in Bellewood, and currently contains a 1 ½ story single-family residence with an attached carport. The applicant proposes to demolish the carport and construct a new 1 ½ story garage addition onto the side of the principal structure on the same footprint as the carport. A second one-story addition is proposed for the rear of the principal structure. The second addition is proposed to be 11.67 feet from the side property line. The garage addition is proposed to be 1.89 feet from the other side property line, the same distance as the current carport. No variance is on record for the construction of the carport.

Land Development Code table 5.3.1 requires the side yards for lots created prior to August 22, 2000 to be a minimum of 6 feet each, and total not less than 18 feet combined. This lot is part of the Ridgeway Corner subdivision, platted in 1938. Because one side yard setback is proposed to be 11.67 feet, the other side yard setback is required to be 6.33 feet to total 18 feet combined. The applicant requests a variance from table 5.3.1 to allow the reduced side yard setback.

The applicant has received adjoining property owner signatures. However, this request is not eligible for a non-public hearing per Board of Zoning Adjustment bylaws.

**STAFF FINDING**

Staff finds that the requested variance is not adequately justified and does not meet 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 table 5.3.1 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 TABLE 5.3.1**

- (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 structure will have to be constructed according to building code, including all 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 a variety of garage configurations exist in the immediate vicinity, including detached garages in the rear yards and attached garages on the sides of the principal structures.

- (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 all building codes must be followed in the new construction.

- (d) The requested variance will allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance appears to allow an unreasonable circumvention of the zoning regulations as the lot is 80 feet in width, well above the minimum lot width of 60 feet, allowing for a buildable width of 62 feet with compliance with the zoning regulations. The applicant believes the variance would not constitute an unreasonable circumvention of the zoning regulations due to the location of the house and the existing driveway, and the location of the carport the garage is proposed to replace.

### **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 lot is regular in shape and similar in size to other lots in the general vicinity.

2. The strict application of the provisions of the regulation would not 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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as a buildable width of 62 feet is permitted with compliance with the zoning regulations.

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.

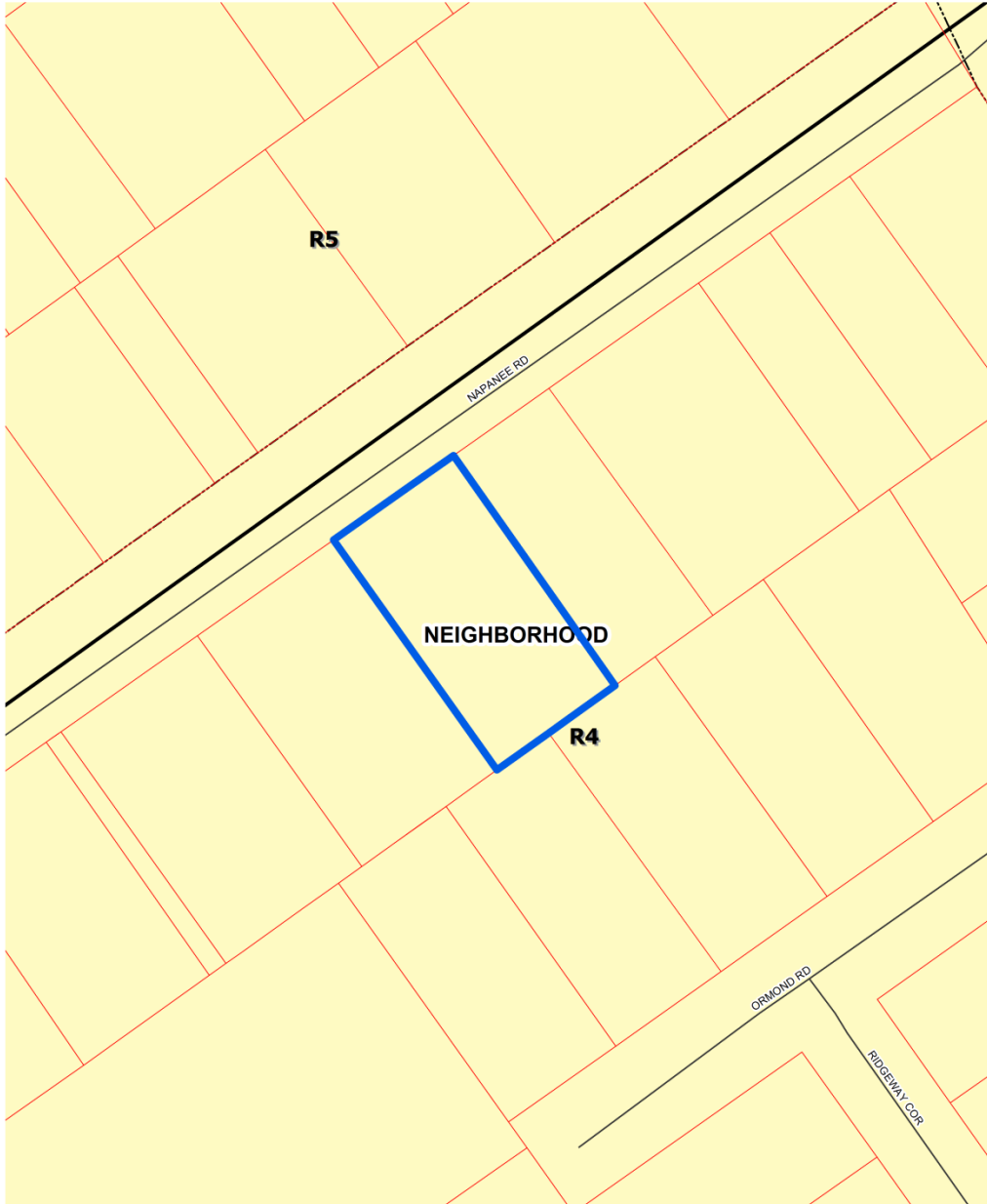
**NOTIFICATION**

Date	Purpose of Notice	Recipients
04/06/2018	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9
04/13/2018	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



3936 Napanee Road  
feet

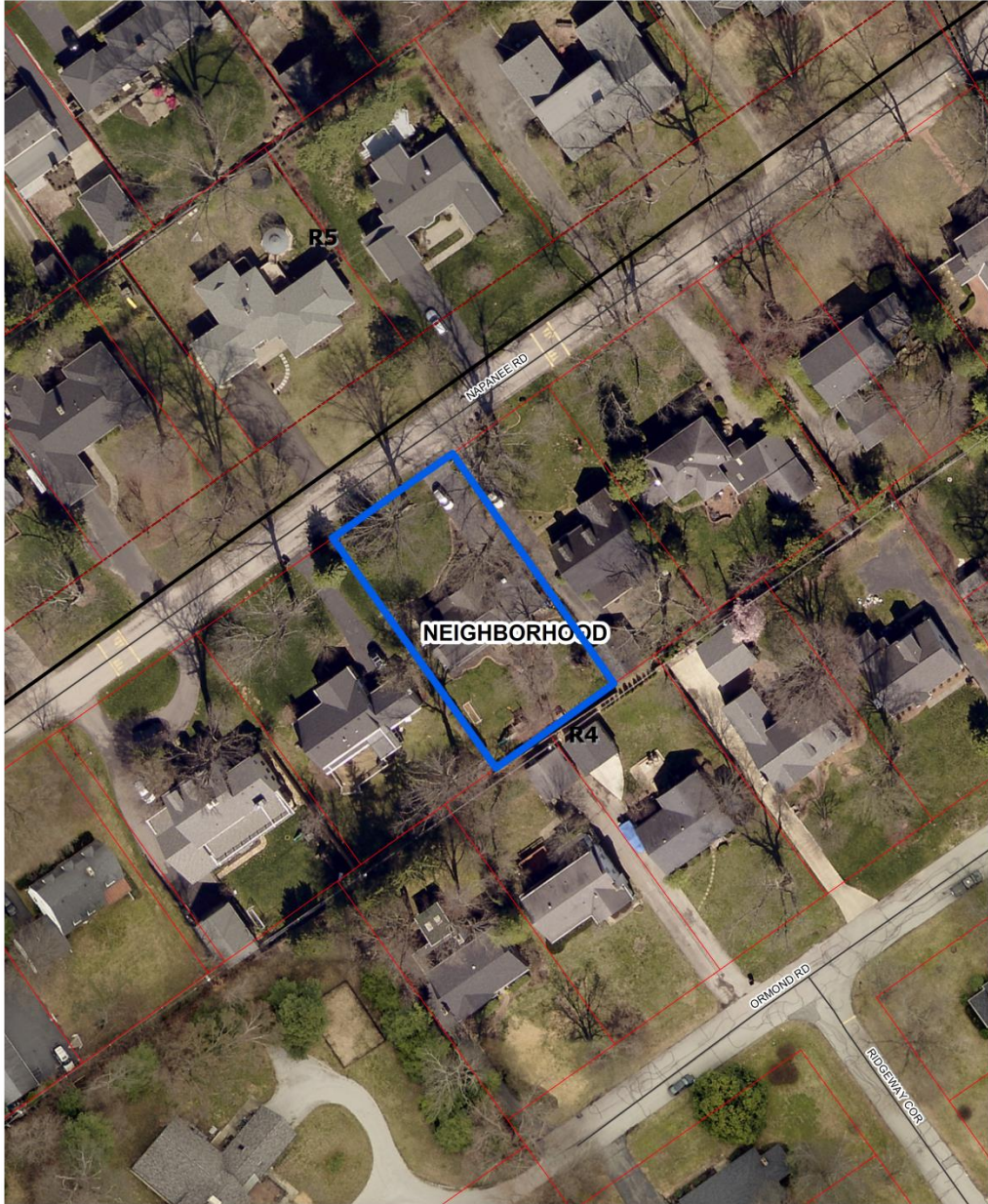
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Map Created: 4/18/2018

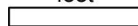


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2. Aerial Photograph



3936 Napanee Road  
feet



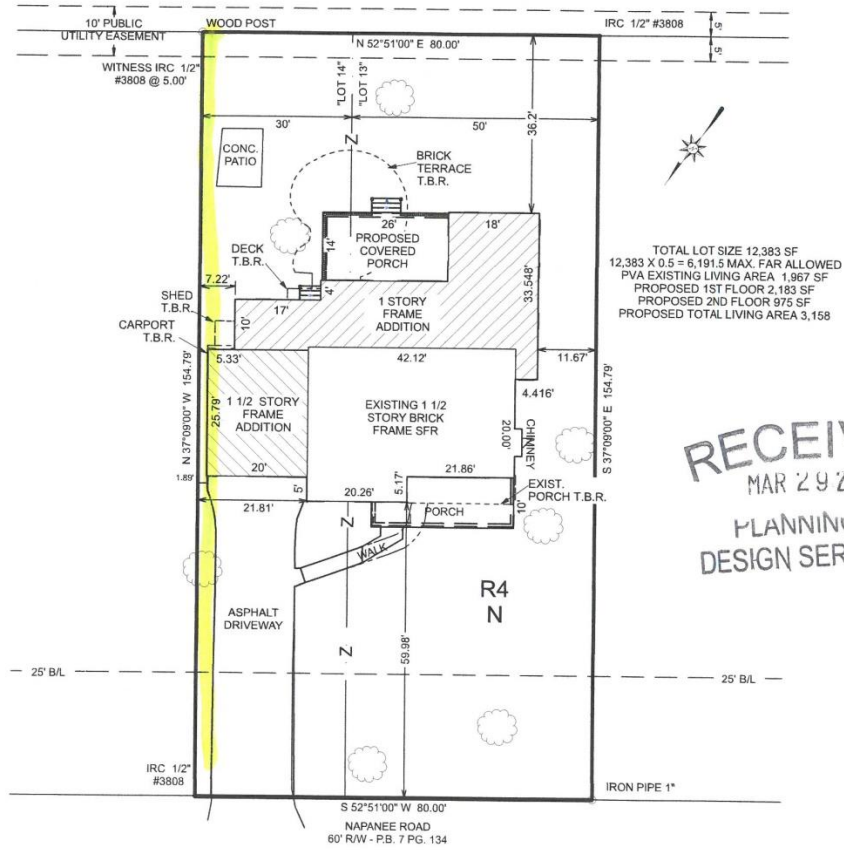
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Map Created: 4/18/2018



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3. Site Plan



**PROPOSED SITE PLAN**

SCALE 1"=30"

3936 NAPANEE ROAD  
LOUISVILLE, KY 40207



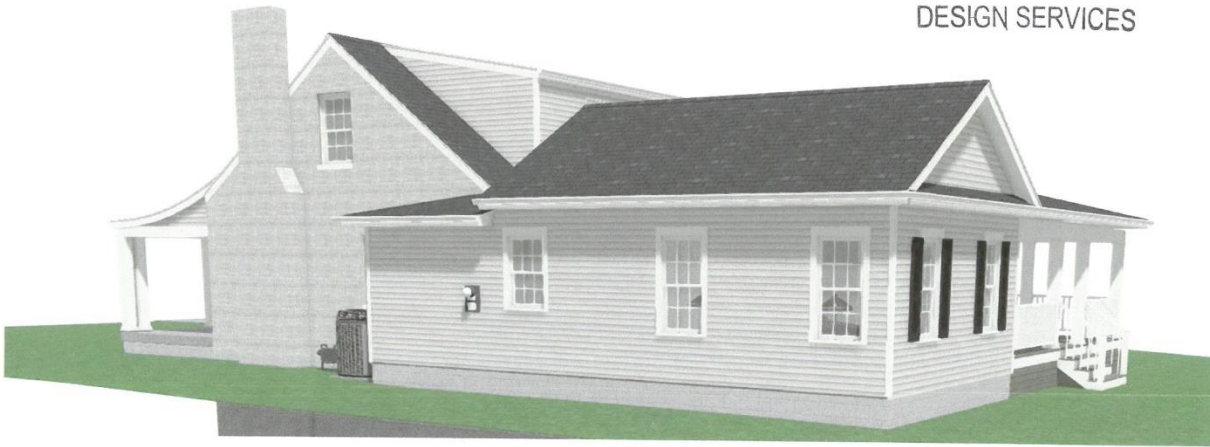
CHARLIE WILLIAMS DESIG  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40206

18 VARIANCE 1032

4. Elevations



RECEIVED  
MAR 29 2018  
PLANNING &  
DESIGN SERVICES



3936 NAPANEE ROAD  
LOUISVILLE, KY 40207

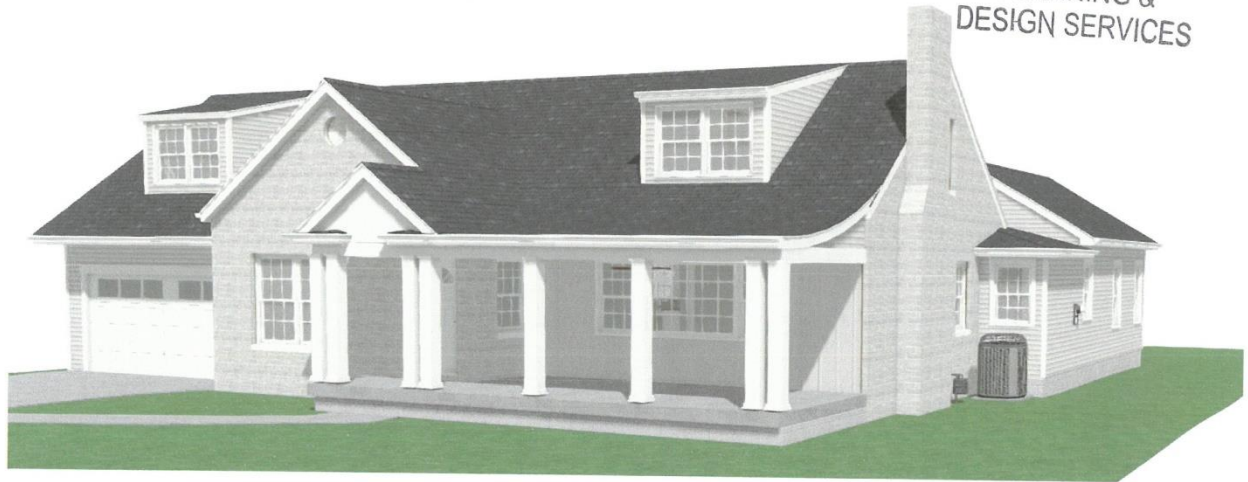


CHARLIE WILLIAMS DESIGN  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40204

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3936 NAPANEE ROAD  
LOUISVILLE, KY 40207



CHARLIE WILLIAMS DESIGN  
1626 WINDSOR PLACE  
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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 property across Napanee Road.



The location of the requested variance.