

Board of Zoning Adjustment Staff Report

September 21, 2015



Case No:	15VARIANCE1058
Project Name:	Residence
Location:	1702 Fernwood Avenue
Owner:	Sarah H. Trinkle
Applicant:	Sean Trinkle
Representative:	Sean Trinkle
Project Area/Size:	660 sq. ft.
Existing Zoning District:	R-5, Single Family Residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Matthew R. Doyle, Planner II

REQUESTS

- Variance from the Land Development Code to allow an accessory structure to encroach into the required side yards

Location	Requirement	Request	Variance
Side yards	2'	1.5'	0.5'

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to build a 1-story, 660 sq. ft. (30' x 22'), detached garage that would be accessible from the alley.

The site is located in the Deer Park neighborhood of the Highlands, south of the Eastern Parkway and Bardstown Road intersection and north of Newburg Road. The lot is substandard and in the traditional neighborhood form district.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family residential	R-5	TN
Proposed	Single family residential	R-5	TN
Surrounding Properties			
North	Single family residential	R-5	TN
South	Single family residential	R-5	TN
East	Single family residential	R-5	TN
West	Single family residential	R-5	TN

PREVIOUS CASES ON SITE

N/A

INTERESTED PARTY COMMENTS

Staff has not received any comments on the proposal.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE to allow an accessory structure to encroach into the required side yards

(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 since the garage would be set back 8' from the alley and would maintain a 1.5' setback from each side yard.

(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 since the garage would maintain a setback from the side yards similar to other accessory structures in the 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 since the garage would be set back 8' from the alley and would maintain a 1.5' setback from each side yard.

(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 since the garage would maintain a setback from the side yards similar to other accessory structures in the 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 variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is similar in size and shape to other lots in the area and subject to the same requirements.

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 deprive the applicant of the reasonable use of the land since the garage would maintain a setback from the side yards similar to other accessory structures in the area.

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.

TECHNICAL REVIEW

N/A

STAFF CONCLUSIONS

The variance requests appear to be adequately justified. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine whether the proposal meets the standards for granting the variances established in the LDC.

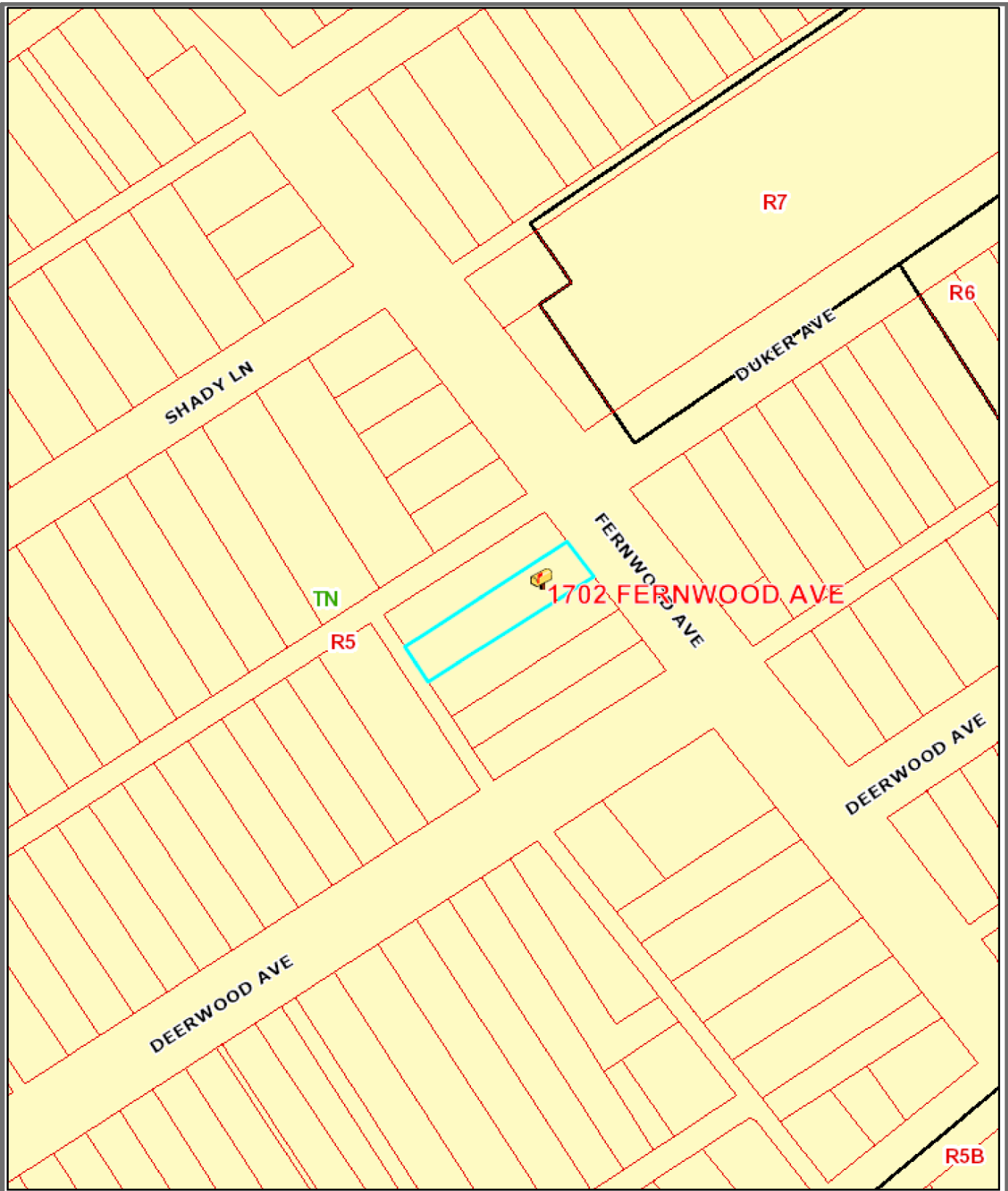
NOTIFICATION

Date	Purpose of Notice	Recipients
9/4/2015	BOZA	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

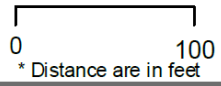
1. **Zoning Map**



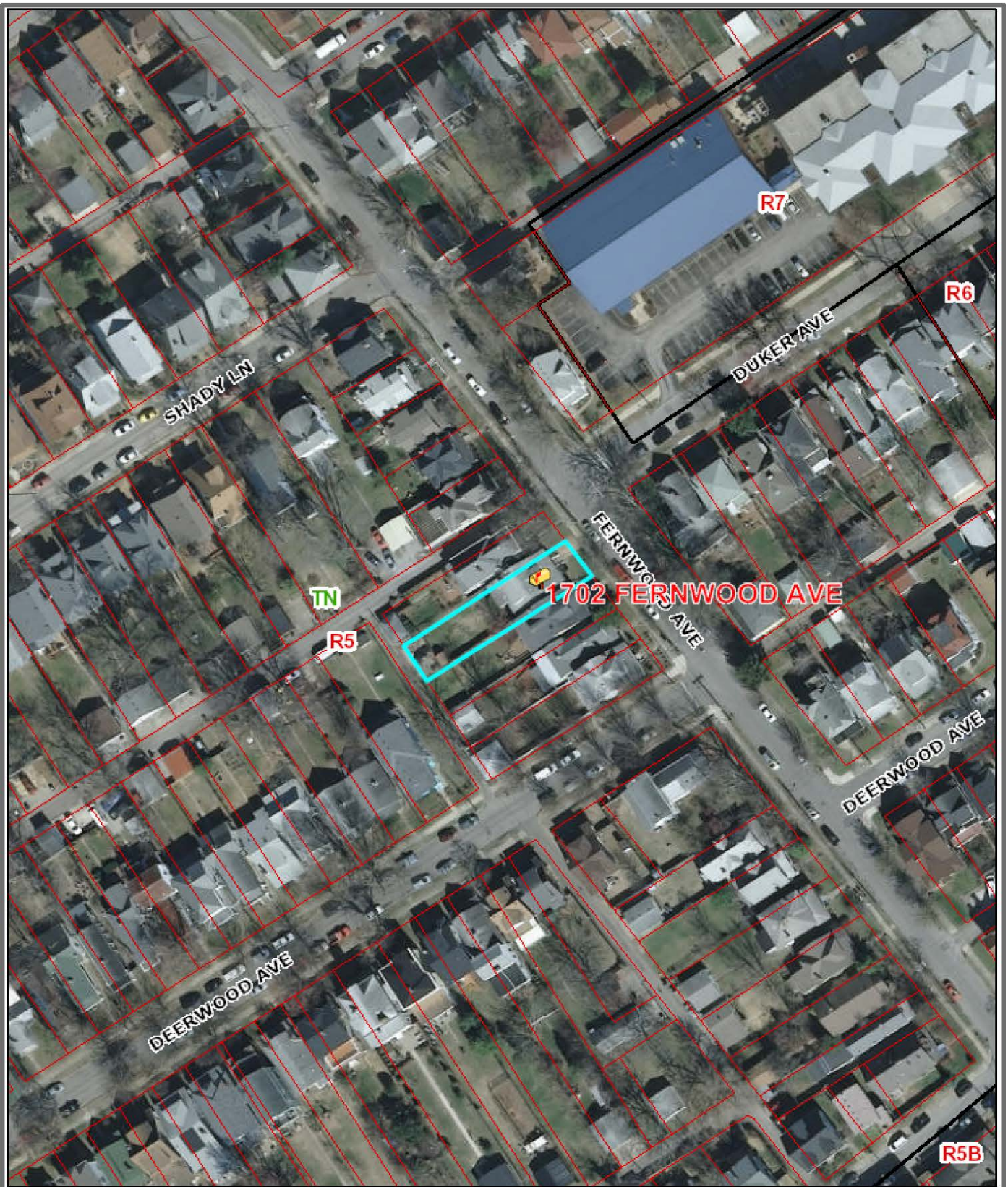
LOJIC Quickmap

1702 Fernwood Ave

Plot Date 8/27/2015



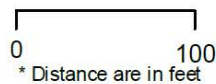
2. Aerial Photograph



LOJIC Quickmap

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