

Board of Zoning Adjustment
Staff Report
 October 7, 2019



Case No:	19VARIANCE1057
Project Name:	Frankfort Avenue Variance
Location:	1848 Frankfort Avenue
Owner/Applicant:	Todd Troy
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUEST

• **Variances**

1. 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 a lot
2. from Land Development Code table 5.2.2 to allow a structure to encroach into the required street side yard setback

Location	Requirement	Request	Variance
Private Yard Area	1,800 sq. ft.	985 sq. ft.	815 sq. ft.
Street Side Yard	3 ft.	2 ft.	1ft.

CASE SUMMARY

The subject property is located in the Clifton neighborhood and preservation district, and currently contains a 2 ½-story multi-family structure (three units). The applicant proposes to construct a two-story carriage house at the rear of the property. The proposed location of the accessory structure results in a reduced private yard area below the required 30% of the area of the lot. The applicant requests a variance to allow the reduced private yard area. The accessory structure will also be located two feet from the street side property line, which encroaches into the required street side yard setback.

The Clifton Architectural Review Committee approved the carriage house on condition under case number 19COA1069 on May 22, 2019. Planning & Design staff does not have any recommended conditions.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet the standards 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 variances established in the Land Development Code from section 5.4.1.D.2 and table 5.2.2 to allow a private yard area to be less than the required 30% of the area of a lot and to allow a structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning.

INTERESTED PARTY COMMENTS

Staff received a phone call in opposition to the size and scale of the building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.2

- (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 be constructed 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 Clifton Architectural Review Committee approved the carriage house.

- (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 structure will be constructed to comply with building 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 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 land in the general vicinity or the same zone because the lot is regular in shape and comparable in area to other lots in the same vicinity.

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 create an unnecessary hardship on the applicant by preventing them from constructing a carriage house.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 be constructed 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 Clifton Architectural Review Committee approved the carriage house.

- (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 structure will be constructed to comply with building 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 request is only for a one foot encroachment into the street side setback.

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 generally apply to land in the general vicinity or the same zone because the lot is regular in shape and comparable in area to other lots in the same vicinity.

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 create an unnecessary hardship on the applicant by preventing them from constructing a carriage house.

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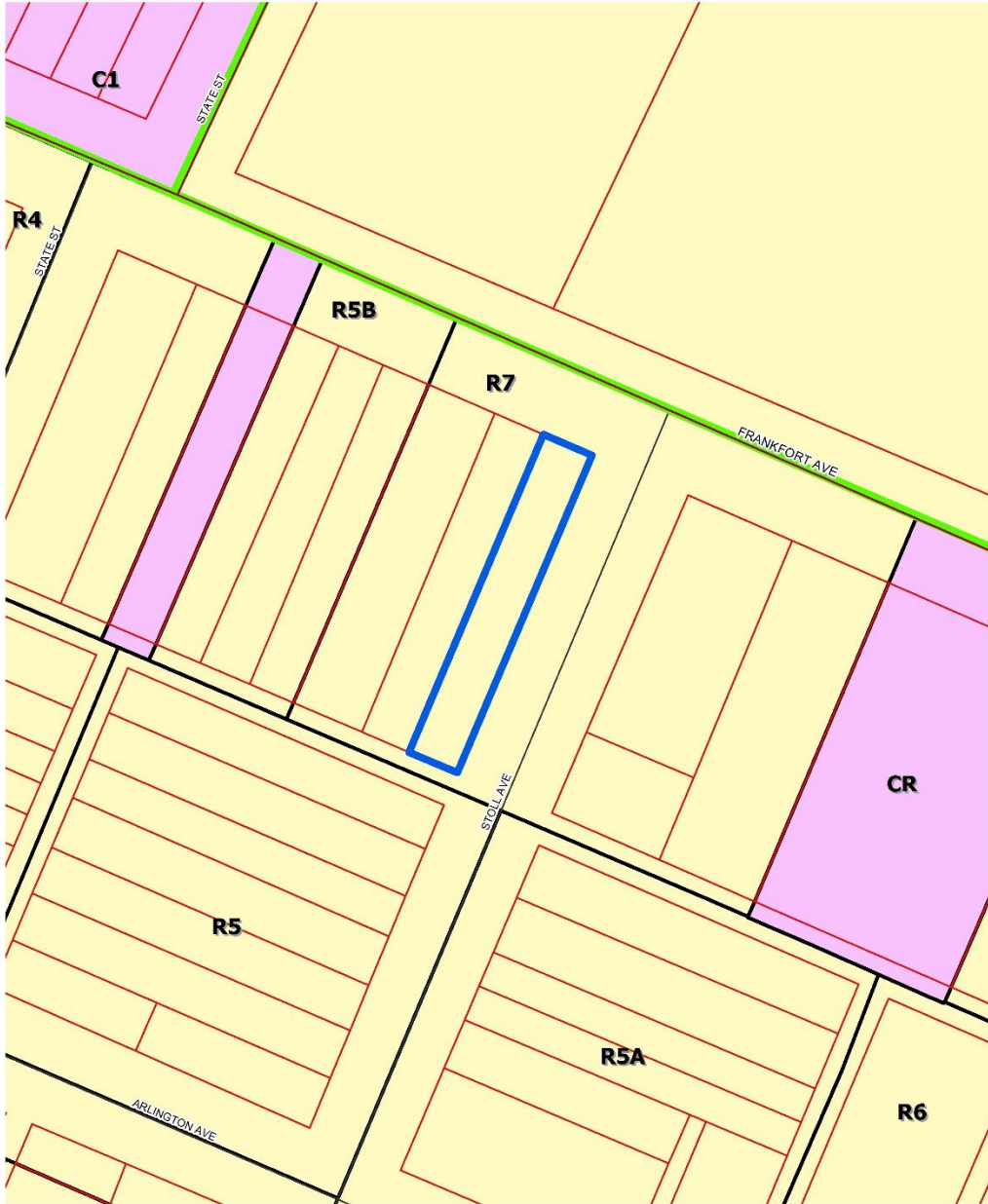
NOTIFICATION

Date	Purpose of Notice	Recipients
09/18/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
09/20/2019	Hearing before BOZA	Notice posted on property

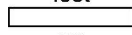
ATTACHMENTS

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

1. Zoning Map



1848 Frankfort Avenue
feet



70

Map Created: 7/15/2019

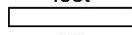


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2. Aerial Photograph



1848 Frankfort Avenue
feet



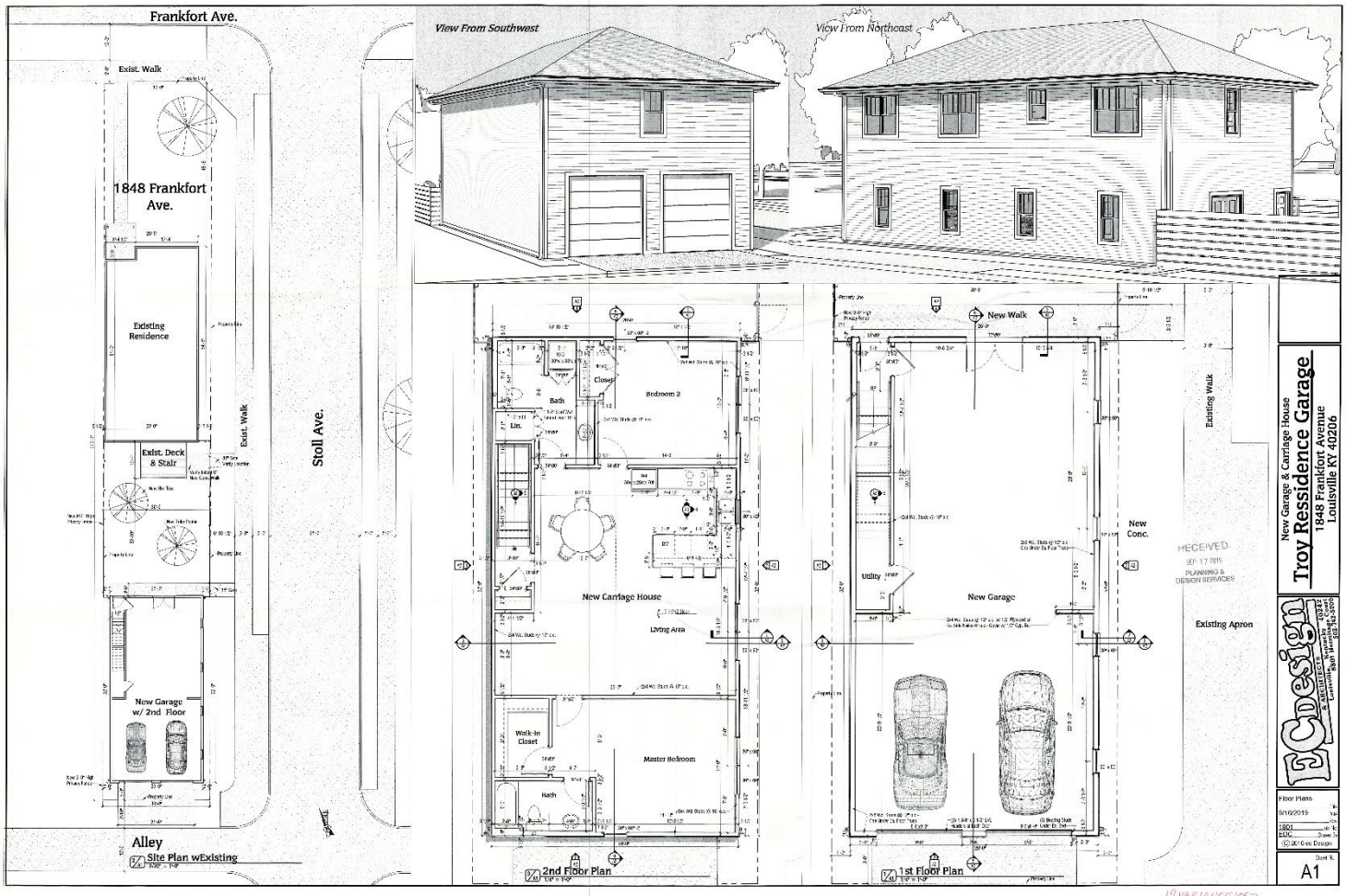
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Map Created: 7/15/2019

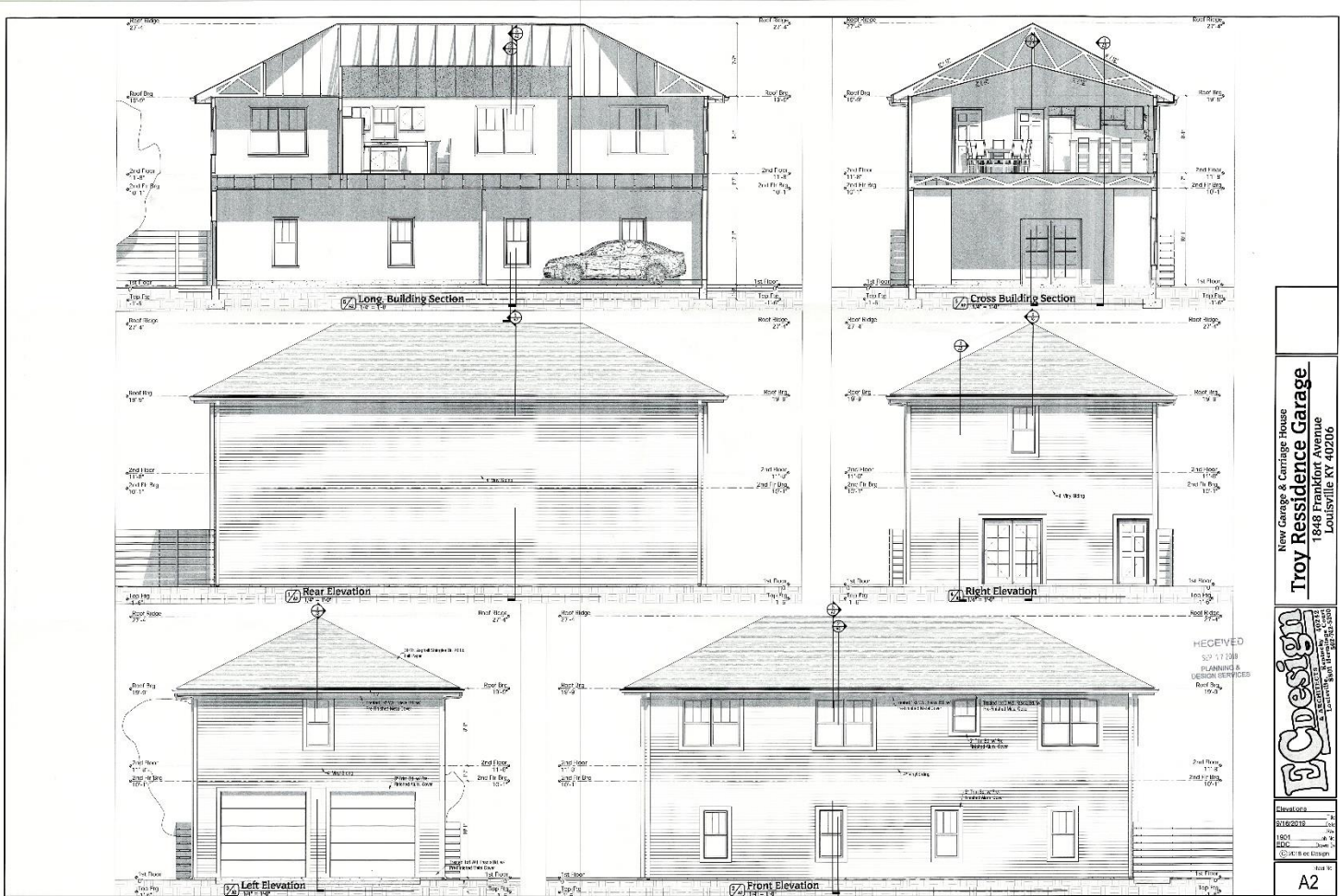


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3. Site Plan



4. Elevations



5. Site Photos



The front of the subject property.



The property to the right.



Property across Stoll Avenue.



Property across Frankfort Avenue.



Existing private yard area.



Existing private yard area.



Private yard area from Stoll Avenue.