

Board of Zoning Adjustment Staff Report

October 17, 2016



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|--------------------------|---|
| Case No: | 16VARIANCE1072 |
| Request: | To allow an unenclosed detached car port to encroach into the street side yard setback. |
| Project Name: | 5301 Dahl Road |
| Location: | 5301 Dahl Road |
| Area: | .25620 acres |
| Owner: | Daniel Menedez |
| Applicant: | Daniel Menedez |
| Representative: | Daniel Menedez |
| Jurisdiction: | Louisville Metro |
| Council District: | 2 – Barbara Shanklin |
| Case Manager: | Ross Allen, Planner I |

REQUEST

- **Variance:** from the Land Development Code section 5.4.2.C.3.a to allow a unenclosed detached car port to encroach 14 feet into the 30 foot street side yard setback along Dahl Road.

| Location | Requirement | Request | Variance |
|---------------------------------------|-------------|---------|----------|
| Street Side Yard (along Dahl Road) | 30 feet | 16 feet | 14 feet |

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant has placed a detached unenclosed car port in the street side yard of the property abutting a garage door and was cited by the Office of Planning and Design Services, Inspector Ernst on 8/29/2016, case no. 16PM23519-2640998. The subject site is located on a corner parcel adjacent to Nellie Bly Drive and Dahl Road and having two driveways, one off of Nellie Bly Drive and the other off of Dahl road where the detached unenclosed carport resides. The car port is encroaching into the 30 foot side yard setback as found along the Dahl Road side of the parcel and requires a variance for approximately 16 feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|---------------------------|--------|---------------|
| Subject Property | | | |
| Existing | Residential Single Family | R-4 | Neighborhood |
| Proposed | Residential Single Family | R-4 | Neighborhood |
| Surrounding Properties | | | |
| North | Residential Single Family | R-4 | Neighborhood |
| South | Residential Single Family | R-4 | Neighborhood |
| East | Residential Single Family | R-4 | Neighborhood |
| West | Residential Single Family | R-4 | Neighborhood |

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

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 since the carport is within the applicant's property and located approximately 15 feet from the edge of pavement along Dahl Road.

- (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 two other homes in the vicinity have car ports located in the side yard attached to the home above a driveway that leads to the rear of the home; this is general to the area but is found on homes that are not corner lots.

- (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 car port is situated approximately 15 feet from the edge of pavement and does not obstruct the vision clearance of Dahl Road and Nellie Bly Drive.

- (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 car port is the only in the general vicinity but provides the applicant with a vehicle shelter and only having a one car garage.

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 not generally apply to land in the general vicinity or the same zone since some homes have carports that are in the side yards and attached to the home usually with a driveway leading to the rear where a garage or rear parking pad is present.

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 some homes in the general vicinity have carports and the applicant's home happens to be on a corner lot where the car port was placed in the street side yard rather than the rear of the home.

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 since the applicant is attempting to obtain the variance for resolution of a Zoning Notice and to come into compliance with the Land Development Code.

TECHNICAL REVIEW

- None

STAFF CONCLUSIONS

The variance and waiver request appear to be adequately justified and meet the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard of review for granting a variance as established in the Land Development Code from section 5.4.2.C.3.a to allow a detached unenclosed car port to encroach approximately 16 feet into the 30 foot side yard setback along Dahl Road.

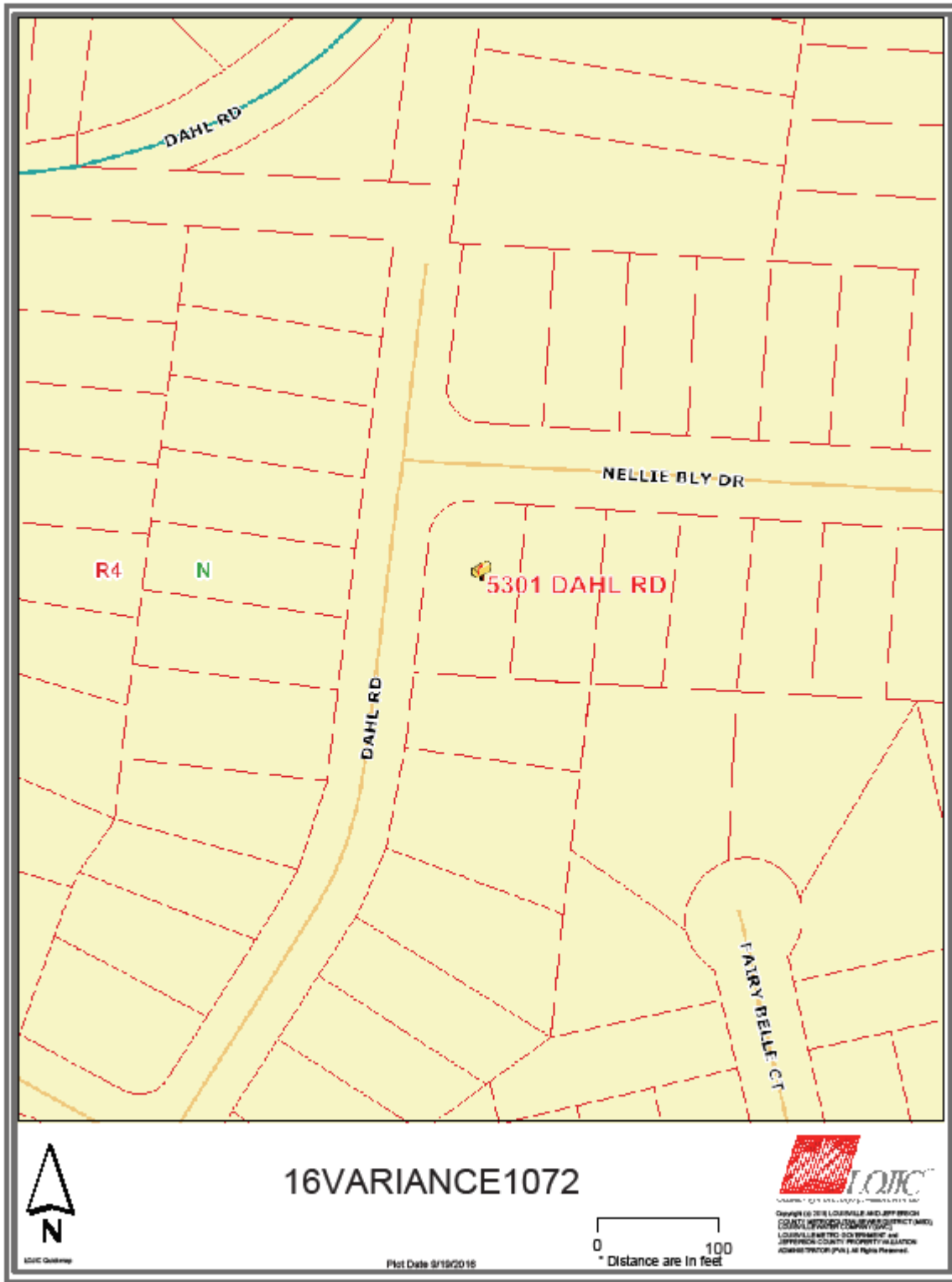
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------------|-----------------------|---|
| Sept. 30, 2016 | Hearing before BOZA | 1 st tier adjoining property owners Subscribers of Council District 2 Notification of Development Proposals |
| Sept. 30, 2016 | Sign Posting for BOZA | Sign Posting on property |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

