

**Board of Zoning Adjustment**  
**Staff Report**  
 April 1, 2019



<b>Case No:</b>	19VARIANCE1014
<b>Project Name:</b>	Harvard Drive Variance
<b>Location:</b>	1846 Harvard Drive
<b>Owner:</b>	Kimberly & Kevin Thieneman
<b>Applicant:</b>	Anne Del Prince
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Zach Schwager, 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
<b>Side Yard</b>	5 ft.	3 ft. 10 in.	1 ft. 2 in.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Belknap neighborhood and contains a two-story single-family residence. The existing structure encroaches into the required eastern side yard setback. This encroachment is permitted because it was built in 1925 and predates the current regulations. The applicant is proposing to add a two-story addition on the rear of the structure. This addition will encroach into the eastern side yard setback four inches less than the existing structure.

**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 standards for granting a variance established in the Land Development Code from table 5.3.1 to allow a structure to encroach into the required side yard setback.

**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 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 addition will not be visible from the right-of-way.

- (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 proposed addition will be further away from the side property line than the existing structure.

- (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 location of the addition is further away from the side property line than the existing structure.

### **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 as the proposed addition will be further away from the side property line than the existing structure.

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 create an unnecessary hardship on the applicant by preventing the applicant from constructing an addition that is further away from the side property line than the existing structure.

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.

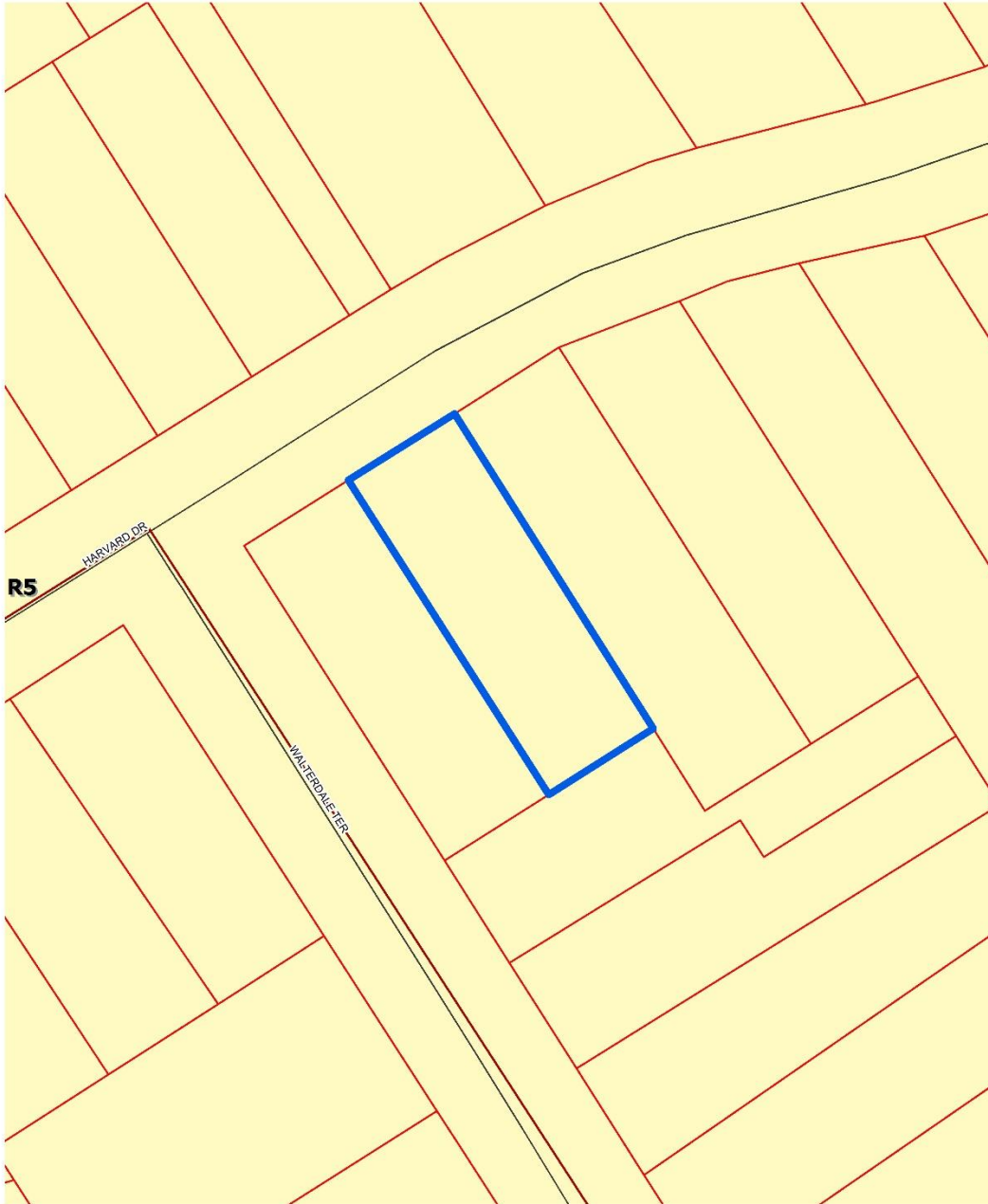
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>03/13/2019</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
<b>03/22/2019</b>	Hearing before BOZA	Notice posted on property

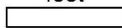
**ATTACHMENTS**

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

1. **Zoning Map**



1846 Harvard Drive  
feet



40

Map Created: 3/21/2019

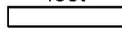


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2. Aerial Photograph



1846 Harvard Drive  
feet



40

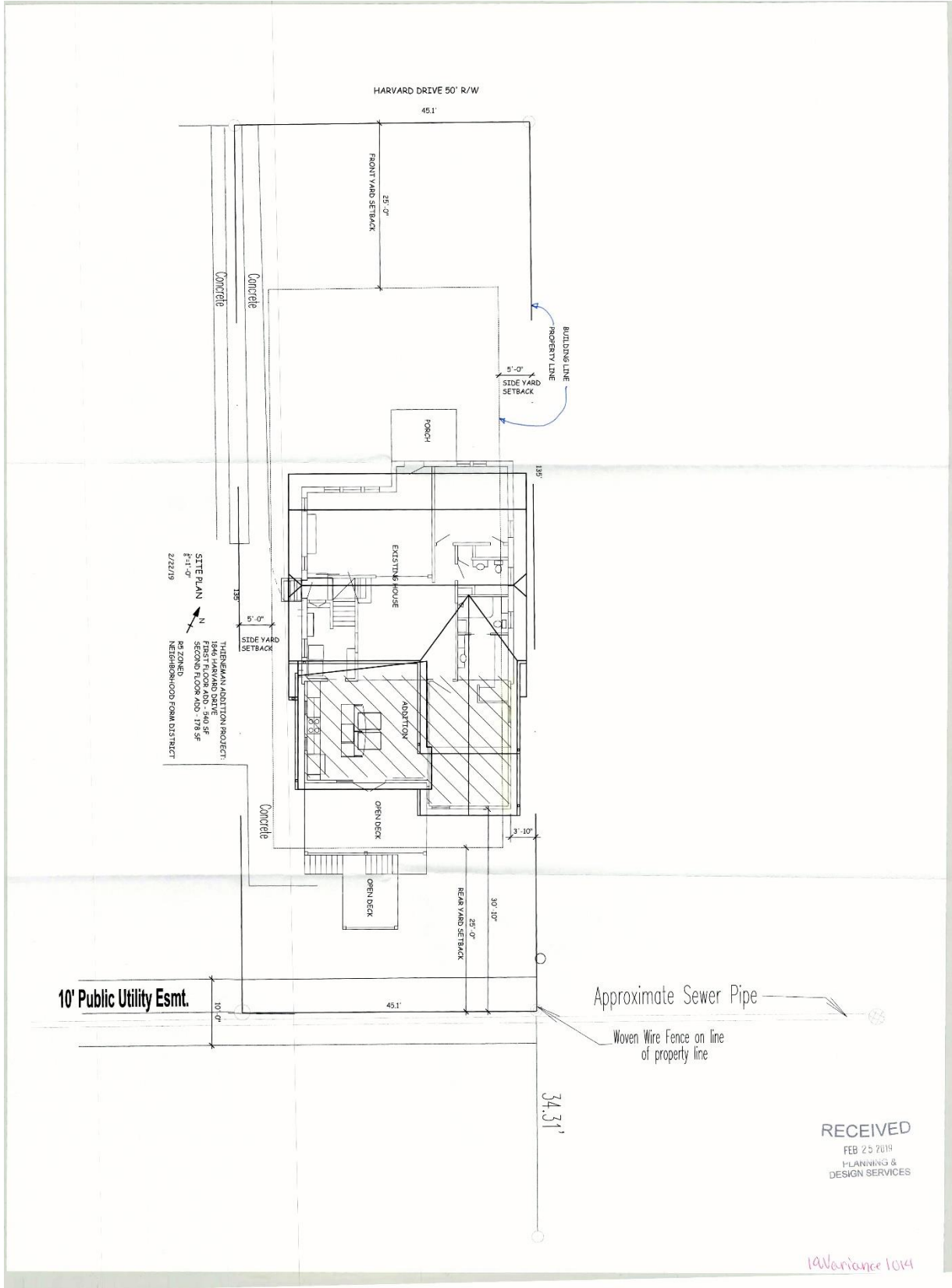
Map Created: 3/21/2019



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3. **Site Plan**





5. Site Photos



Front of the subject property.





Property to the left.





Property to the right.





Property across Harvard Drive.





Side property line that is being encroached upon.





Addition will go on the other side of the existing addition and will be setback further from the side property line than the existing structure.