

# Board of Zoning Adjustment

## Staff Report

November 6, 2017



<b>Case No:</b>	17VARIANCE1074
<b>Project Name:</b>	520 N 27 <sup>th</sup> Street Renovation
<b>Location:</b>	520 N 27 <sup>th</sup> Street
<b>Owner(s):</b>	Vaughn Yeiser Real Estate Inv
<b>Applicant:</b>	Wesley Vaughn
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Cheri Bryant Hamilton
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

- **Variance** from Land Development Code section 5.1.10.F to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	2.16 ft.	0 ft.	2.16 ft.

### CASE SUMMARY/BACKGROUND

The subject property is located in the Portland neighborhood, and currently contains a one-story single-family residence. The applicant is renovating the home, and has found that the rear portion of the building is structurally unsound. Consequently, the applicant proposes to demolish the rear portion and reconstruct it in a structurally sound manner, using the same footprint as the existing building. The applicant therefore requests a variance to allow the new construction to encroach into the side yard setback.

The lot is 21.6 feet wide. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have side yard setbacks equal to 10% of the width of the lot. The required side yard setback is therefore 2.16 feet, and the requested variance is 2.16 feet.

Staff has received signatures from all adjoining property owners approving of the proposed construction, and therefore the applicant requests that this case be considered as a business item.

### 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 section 5.1.10.F 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 SECTION 5.1.10.F**

- (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 renovated section 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 neighborhood is characterized by narrow lots with narrow separations between 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 the proposed renovation will be constructed according to 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 proposed renovation will replace the existing structure on the existing footprint, with no change proposed to the footprint of the building.

## **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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the renovated section of the house is proposed to be located on the same footprint as the existing, unsound section of the house to be replaced.

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 requiring the applicant to move the renovated section to the side of the existing footprint, a costly change to the house's design.

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.

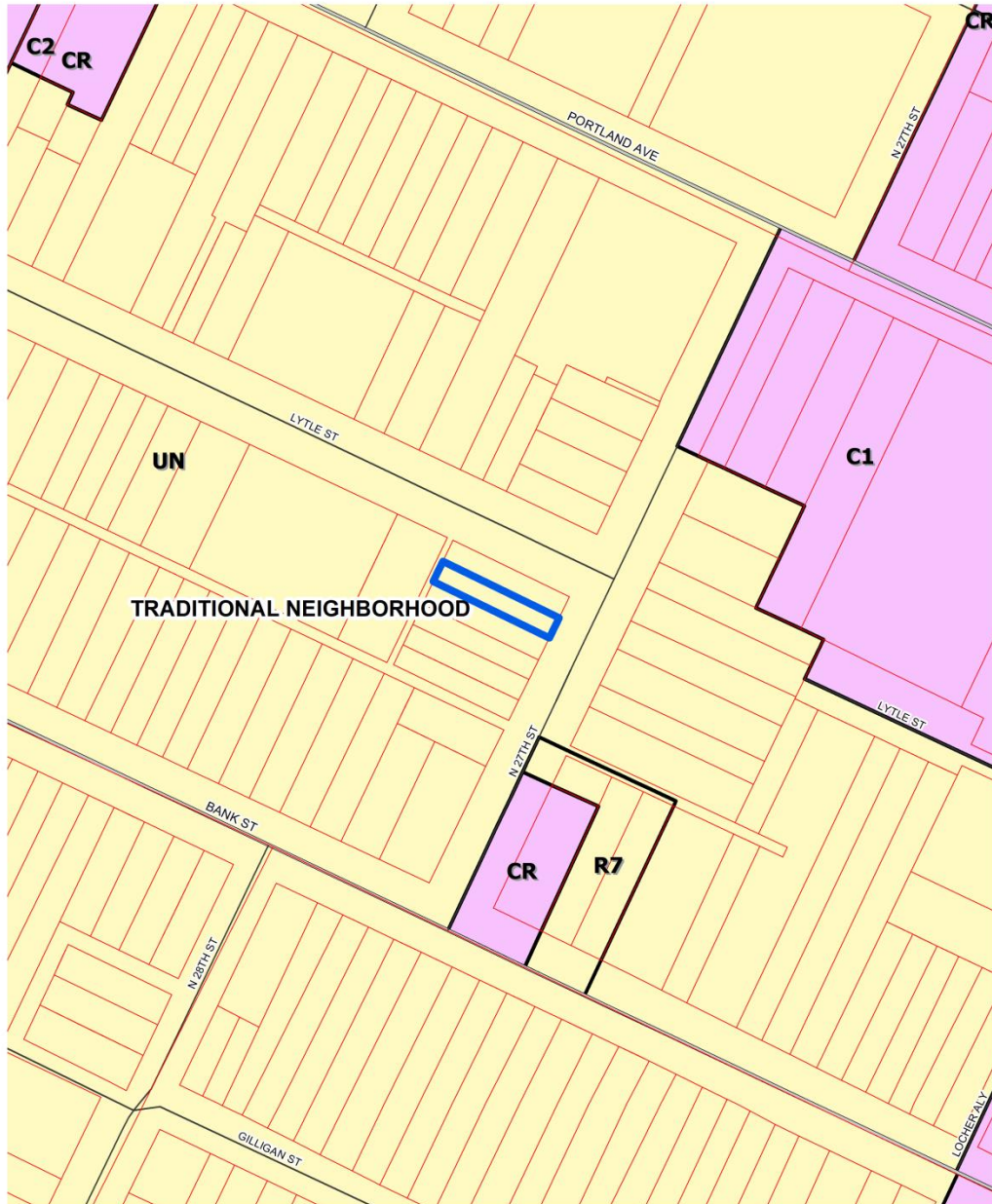
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10/20/2017	Hearing before BOZA	Not Required for Business Session Item

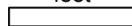
#### **ATTACHMENTS**

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

1. Zoning Map



520 N 27th Street  
feet



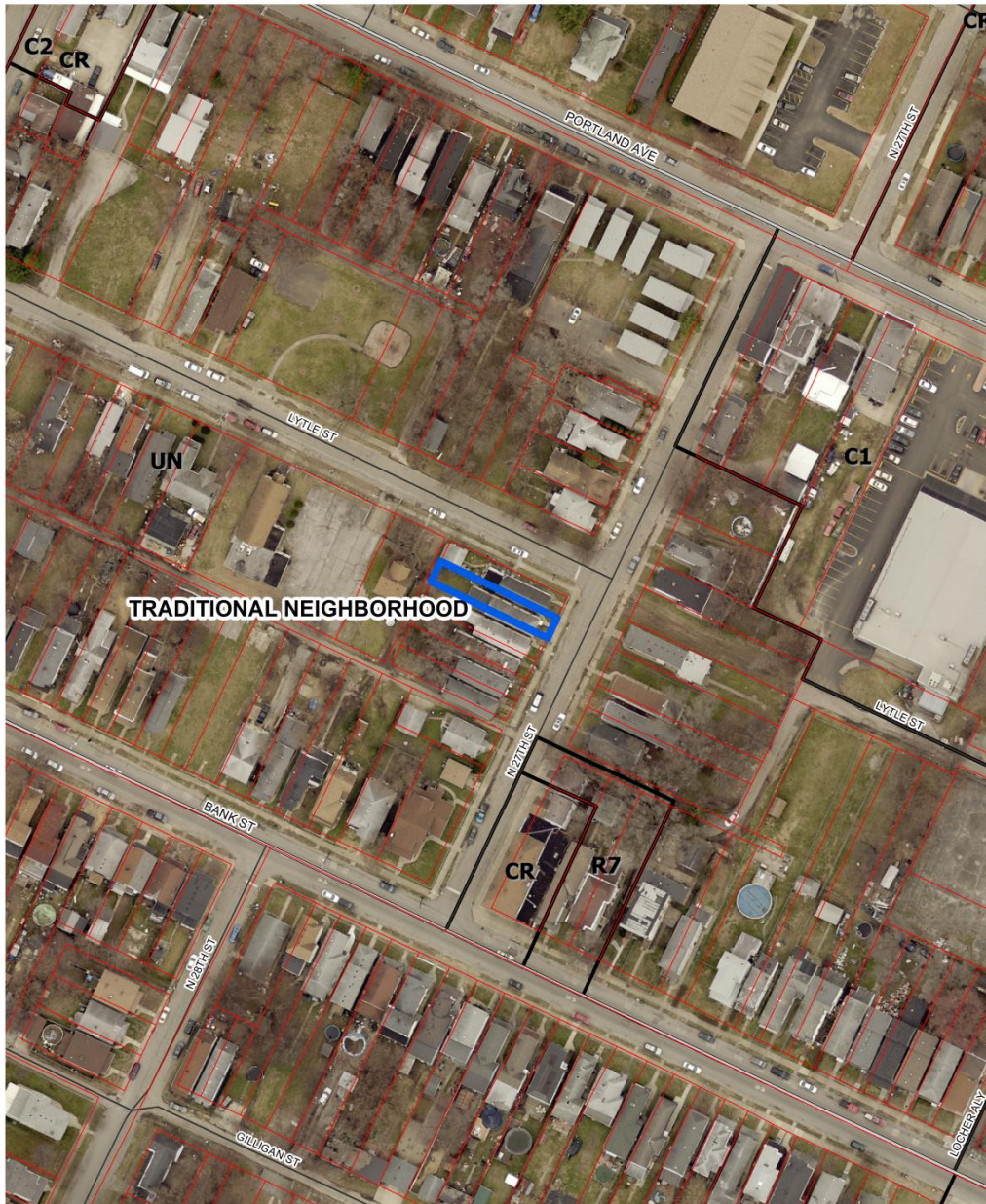
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Map Created: 10/25/2017

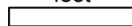


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## 2. Aerial Photograph



520 N 27th Street  
feet

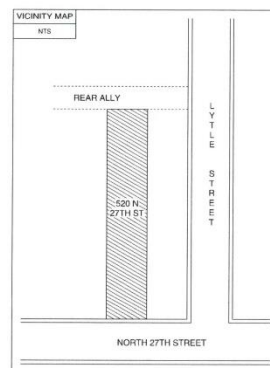


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Map Created: 10/25/2017



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SITE PLAN: VARIANCE FOR PROPERTY LINE SETBACK	
REQUIRED: 3'	
REQUESTING: 0'	
STREET ADDRESS: 520 NORTH 27TH STREET LOUISVILLE, KY 40212	
PARCEL ID:	004B00560000
LOT DIMENSIONS:	21' - 7" X 115' - 0"
ZONING:	UN
SCALE: <b>1" = 10' - 0"</b>	
DATE:	10.13.17
DESIGNED BY:	WESLEY M. VAUGHN PRINCIPAL, CONSTRUCTION & DESIGN VAUGHN+VAUGHN REAL ESTATE INVESTMENT
VP PROJECT NAME:	CENTRAL PORTLAND SHOTGUN
VP PROJECT NUMBER:	0001

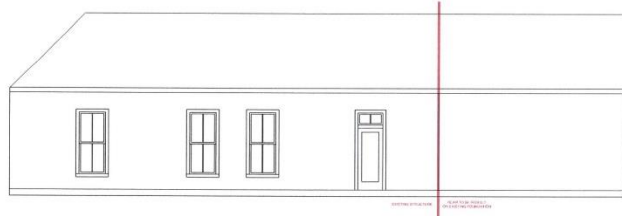


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#### 4. Elevations

##### 520 NORTH 27TH STREET EXTERIOR ELEVATIONS

NORTH  
ELEVATION

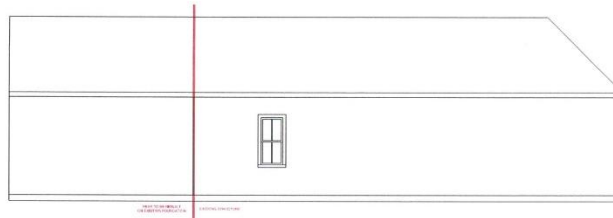


WEST  
ELEVATION



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SOUTH  
ELEVATION



EAST  
ELEVATION



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5. Site Photos

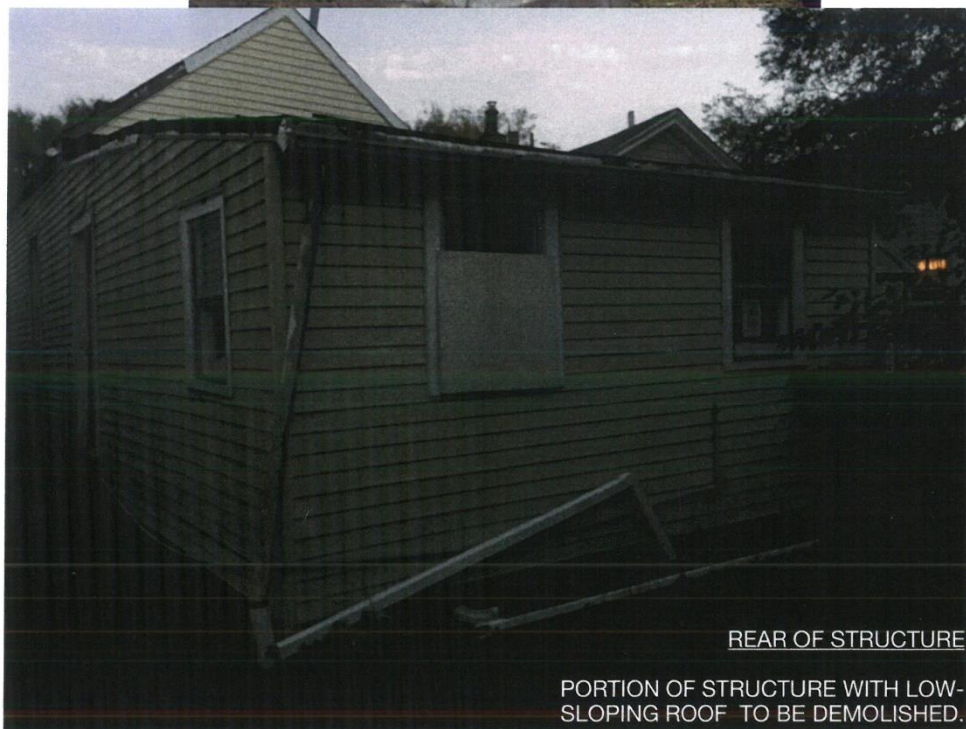
520 N 27TH ST

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FRONT OF STRUCTURE



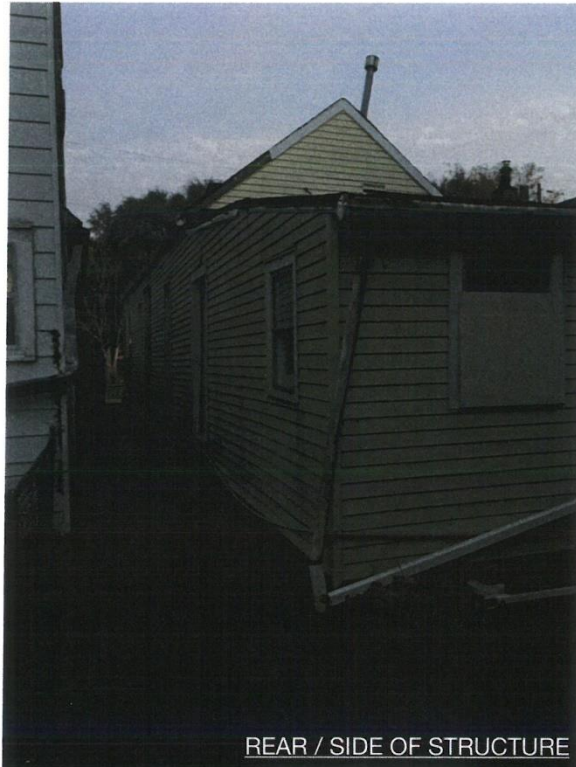
REAR OF STRUCTURE

PORTION OF STRUCTURE WITH LOW-  
SLOPING ROOF TO BE DEMOLISHED.

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520 N 27TH ST

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REAR / SIDE OF STRUCTURE



SIDE OF STRUCTURE, LOOKING TOWARD REAR

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INTERIOR - PORTION OF STRUCTURE TO BE DEMOLISHED

THE DAMAGE TO THE REAR OF THE STRUCTURE IS EXTENSIVE. YEARS OF NEGLECT BY PREVIOUS OWNER(S) HAS ALLOWED PERSISTENT LEAKS TO CAUSE SIGNIFICANT DETERIORATION OF THE FLOOR JOISTS, SILL PLATES, RIM JOISTS, AND ROOF DECK. POOR DESIGN CHOICES AT THE TIME OF CONSTRUCTION OF THESE ADDITIONS IS ALSO TO BLAME (TWO FLAT ROOFS JOINED ONTO ONE ANOTHER).

THE PLAN TO REBUILD THIS ADDITION USES THE SAME FOOT PRINT OF THE EXISTING STRUCTURE. THE ROOF WILL BE GABLED AND ALIGNED WITH THE WALLS AND ROOF OF THE ORIGINAL PORTION OF THE STRUCTURE. THE ADDITION WILL THEN LOOK LIKE A SEAMLESS CONTINUATION OF THE ORIGINAL STRUCTURE.

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