

Board of Zoning Adjustment
Staff Report
 May 20, 2019



Case No:	19VARIANCE1032
Project Name:	Peterson Avenue Variance
Location:	122 S. Peterson Avenue
Owner/Applicant:	Tim Allen
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow an addition to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	3 ft.	6 in.	2 ft. 6 in.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 and is in the Traditional Neighborhood form district. It is located in the Crescent Hill neighborhood and contains a 2 ½ story single-family residence. The applicant has begun construction on a carport that is attached to the principal structure and will encroach into the required side yard setback.

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 standard of granting a variance established in the Land Development Code from table 5.2.2 to allow an addition 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 5.2.2

- (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 need to 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 is comparable to the parking areas of the neighboring parcels.

- (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 addition is similar to the neighboring parking areas.

- (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 encroachment is comparable to the existing side yard setback.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does 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 subject property is similar in size and shape to surrounding properties.

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 not create an unnecessary hardship on the applicant as it could be moved toward the interior of the lot in order to meet the setback requirements.

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 in part the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has begun construction of the addition but has ceased any further work.

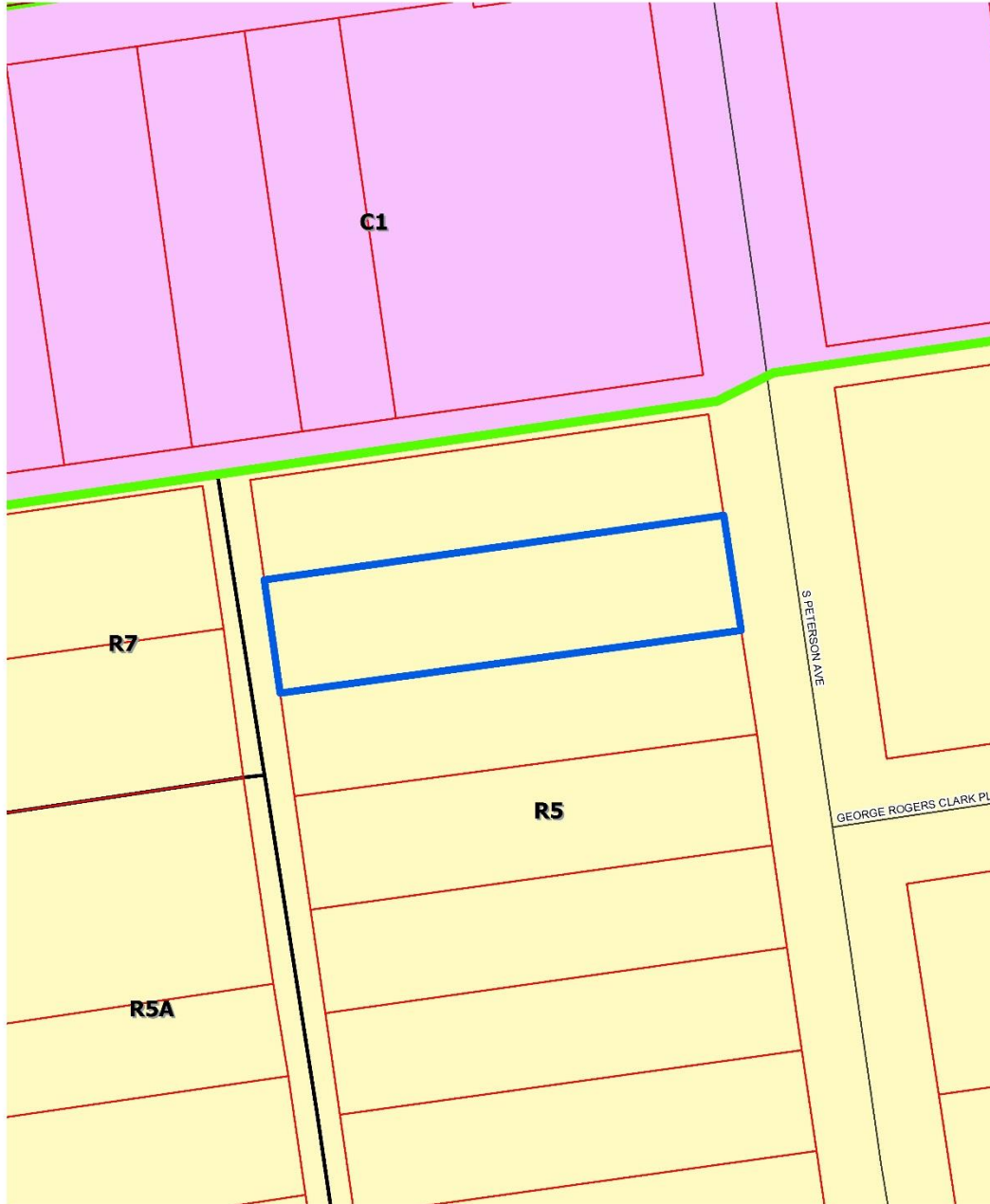
NOTIFICATION

Date	Purpose of Notice	Recipients
04/18/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
05/02/2019	Hearing before BOZA	Notice posted on property

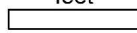
ATTACHMENTS

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

1. Zoning Map



122 S. Peterson Avenue
feet



60

Map Created: 5/13/2019

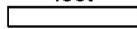


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2. Aerial Photograph



122 S. Peterson Avenue
feet



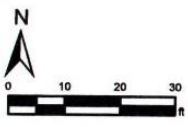
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Map Created: 5/13/2019



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3. Site Plan



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122 S Peterson Ave

Friday, April 5, 2019 | 12:54:09 PM

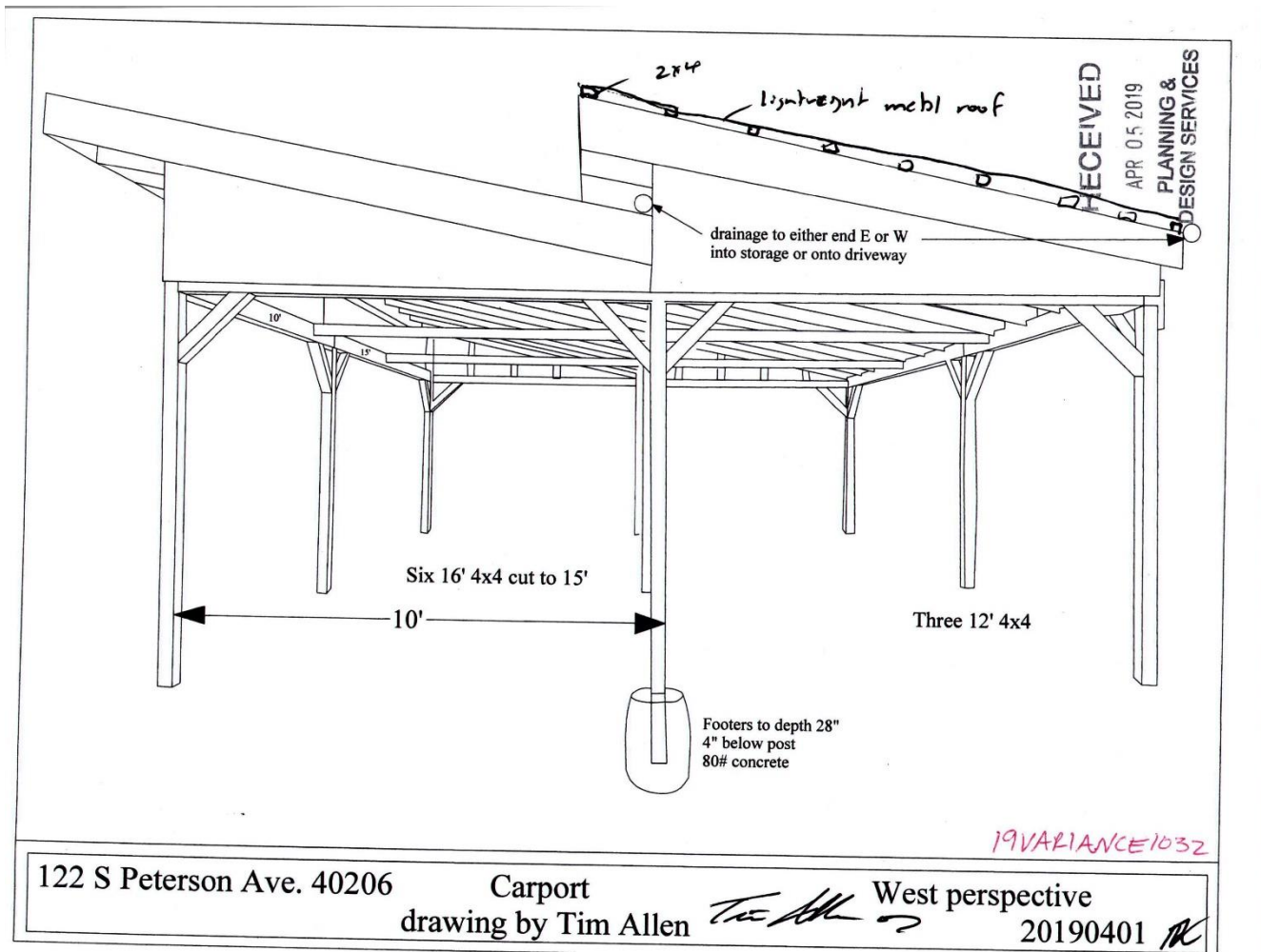


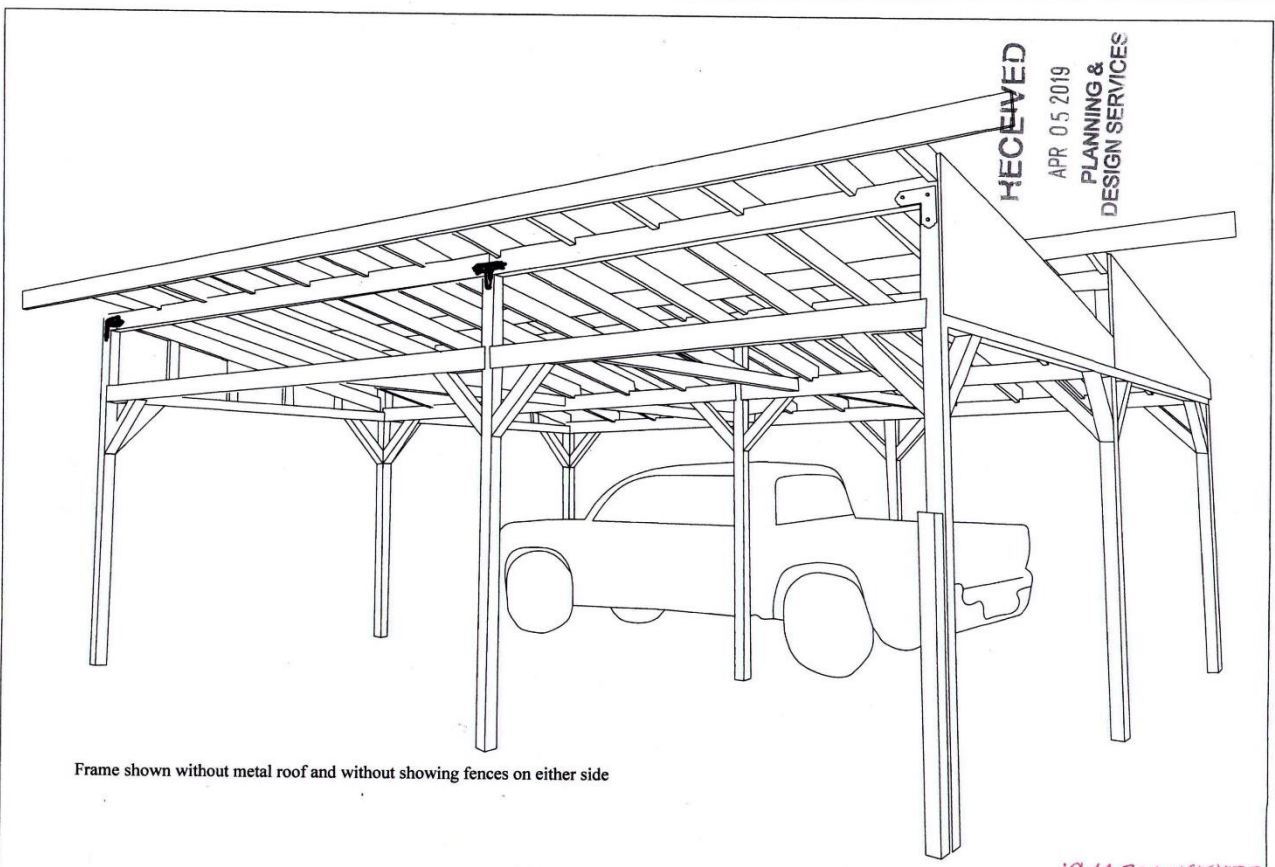
LOJIC © 2019

This map is not a legal document and should only be used for general reference and identification.

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4. Elevations





Frame shown without metal roof and without showing fences on either side

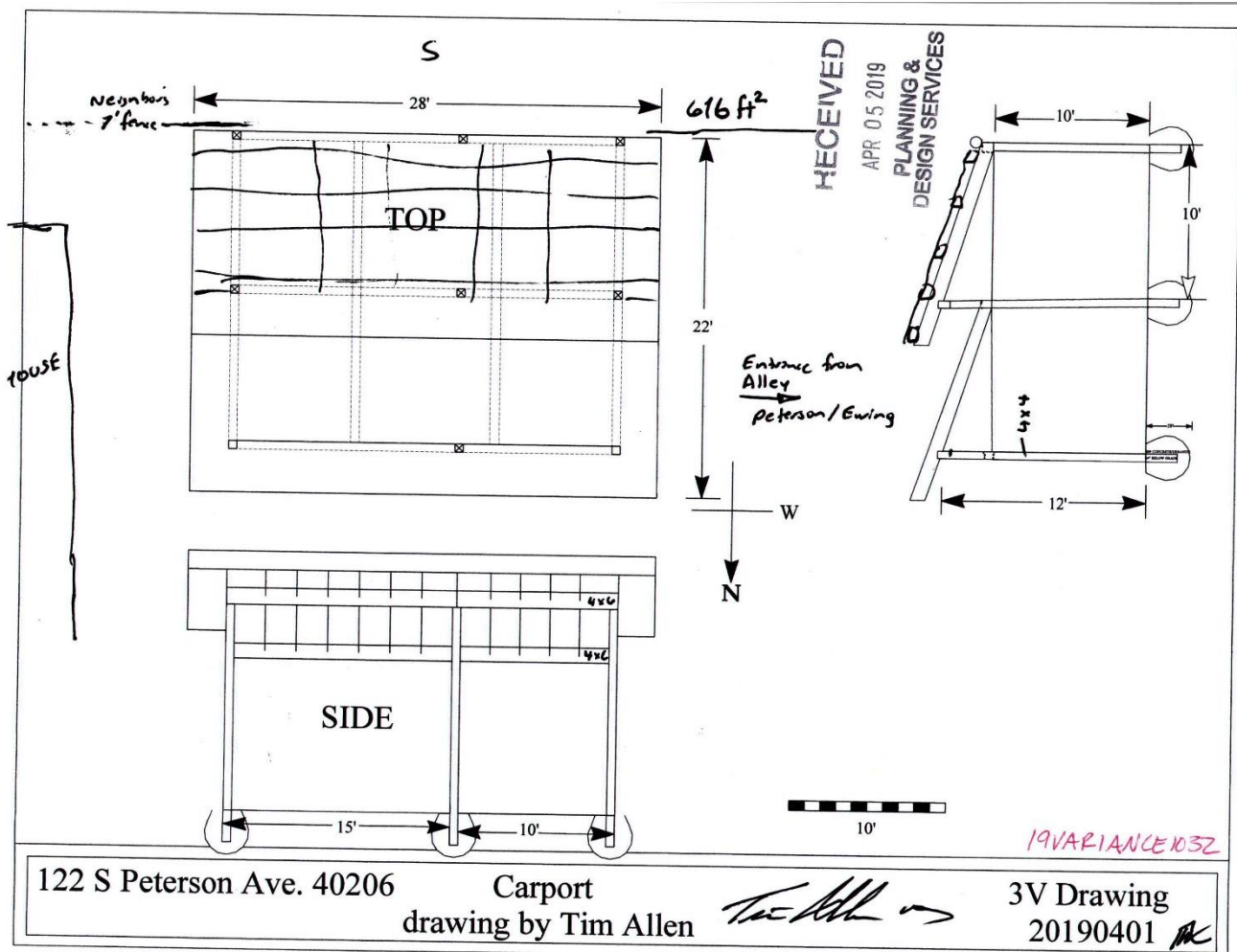
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19VARIANCE1032

122 S Peterson Ave. 40206

Carport
drawing by Tim Allen *Tim Allen*

Northwest perspective
20190319 *AK*



122 S Peterson Ave. 40206

Carport
drawing by Tim Allen

Tim Allen

3V Drawing
20190401

AK

5. Site Photos



The front of the subject property.



The property to the left of the subject property.



The property to the right of the subject property.



The property across Peterson Avenue from the subject property.



Variance area looking toward the alley.



Variance area looking toward Peterson Avenue.