

Board of Zoning Adjustment

Staff Report

September 17, 2018



Case No:	18VARIANCE1074
Project Name:	Barret Avenue Addition
Location:	602 Barret Avenue
Owner(s):	GMJ Properties LLC
Applicant:	Steve Smith
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner II

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 Setback	2.5 ft.	0 ft.	2.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Phoenix Hill neighborhood, and is currently developed with a one-story single-family structure. The applicant proposes to construct a new second-story, camelback-style addition above the rear of the existing structure. The existing structure encroaches into the side yard, being built on the property line. The applicant proposes to construct the addition with the walls in-line with the existing walls, and therefore requests a variance to allow the addition to encroach into the side yard setback.

The applicant has received signatures from all adjoining property owners, and a public hearing is therefore not required by the Board bylaws.

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 addition will have to be constructed according to 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 existing structure already encroaches into the side yard setback, which is part of the essential character of the general vicinity.

- (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 have to comply with all building codes, including fire 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 stepping back the second story would create a costly engineering challenge, and encroachments into the side yard setback are common in the neighborhood.

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 because the existing structure encroaches into the side yard setback.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to step back the second story, which would be infeasible from an engineering perspective.

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.

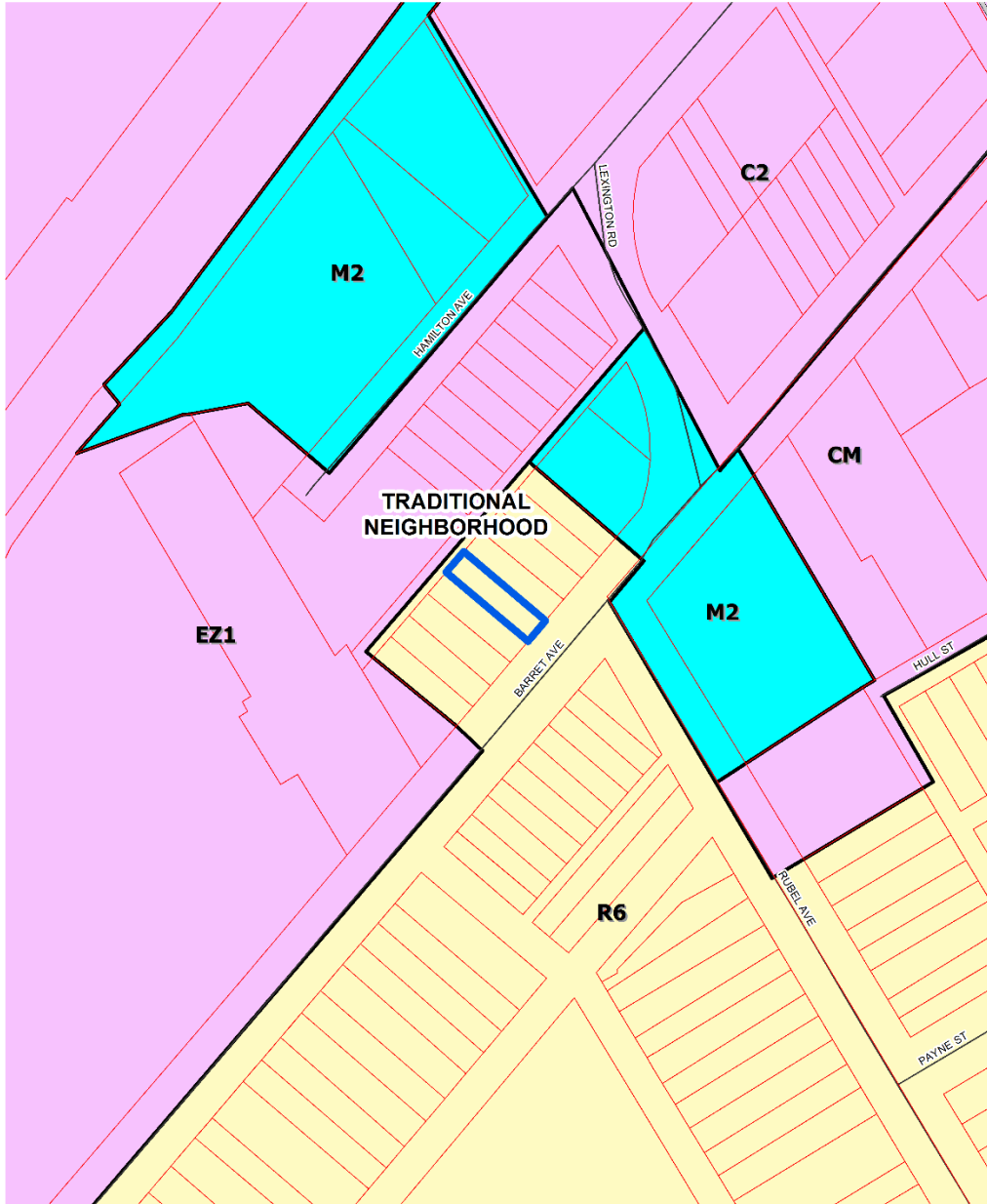
NOTIFICATION

Date	Purpose of Notice	Recipients
08/31/2018	Hearing before BOZA	Not required for non-public hearing.

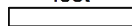
ATTACHMENTS

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

1. Zoning Map



602 Barret Avenue
feet



110
Map Created: 9/7/2018

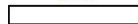


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2. Aerial Photograph



602 Barret Avenue
feet



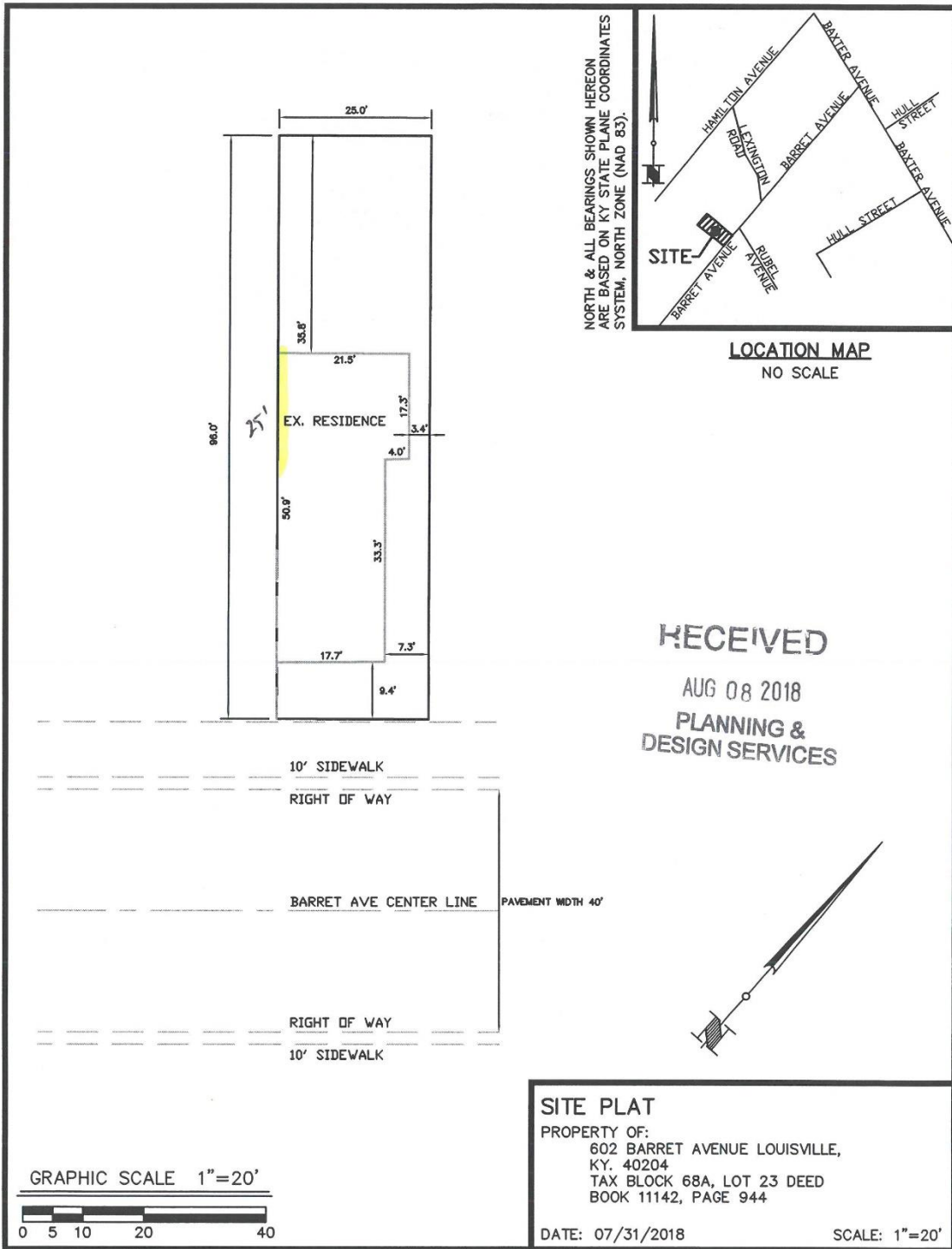
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Map Created: 9/7/2018



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3. Site Plan

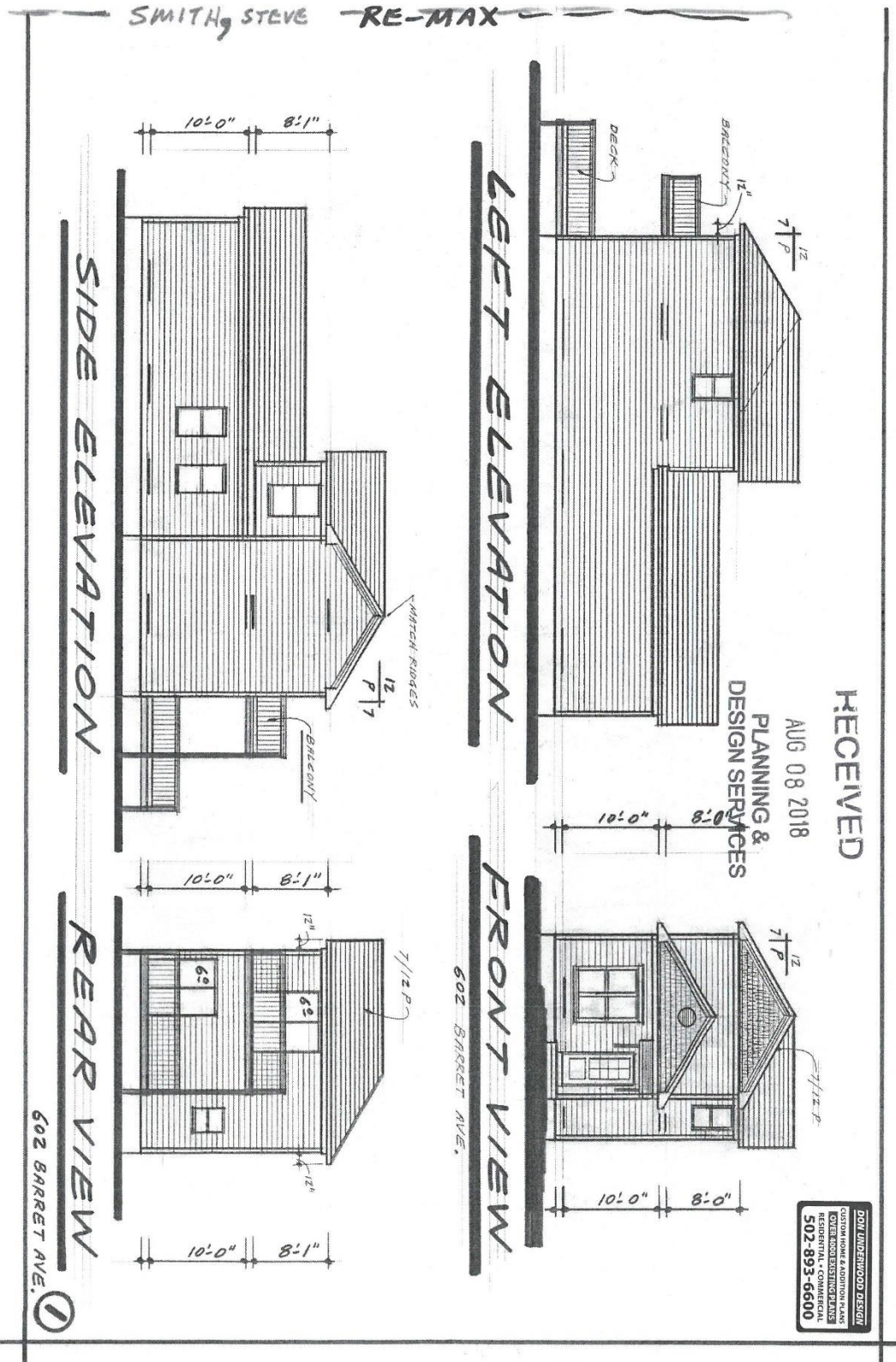


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4. Elevations



5. Site Photos

602 Barret Avenue



Front View



Right Side View



Rear View

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602 Barret Avenue



Left Side View

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