

Board of Zoning Adjustment Staff Report

June 19, 2017



Case No:	17VARIANCE1030
Request:	Variances to encroach into the required 10' side yard setbacks
Project Name:	1122 Rogers Street Addition
Location:	1122 Rogers Street
Area:	4,200 Square Feet
Owner:	Rogers Street Firehouse LLC
Applicant:	Dinsmore & Shohl LLP
Representative:	Cliff Ashburner
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variances from Land Development Code table 5.2.2 to allow a structure to encroach into the required 10' side yard setbacks

Location	Requirement	Request	Variance
Side Yard Setback	10 ft.	0 ft.	10 ft.
Side Yard Setback	10 ft.	0 ft.	10 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to construct a one-story addition onto the rear of the existing two-story structure on the subject property. The existing structure is used as an office, and the addition is proposed to also be used as office space. The existing structure is 3,800 square feet. The addition is proposed to be 740 square feet. The subject property is 30 feet in width, and the existing structure has no side yard setback on either side. The addition is proposed to line up with the existing construction, and will encroach into the side yard setbacks. The applicant requests variances for the side yard setbacks to permit the encroachments. This property is located in the Traditional Neighborhood Form District.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Office	OR-3	Traditional Neighborhood
Proposed	Office	OR-3	Traditional Neighborhood
Surrounding Properties			
North	Single Family Residential	R-6	Traditional Neighborhood
South	Eastern Cemetery	R-1	Traditional Neighborhood
East	Single Family Residential	R-6	Traditional Neighborhood
West	Vacant & Single Family Residential	R-6	Traditional Neighborhood

PREVIOUS CASES ON SITE

9-22-82

Planning Commission approved a change in zoning from R-6 to R-9 on 06-03-1982.

17WAIVER1012

A landscape waiver for the side yard landscape buffer areas is currently under review.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES FROM TABLE 5.2.2

- (a) The requested variances will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare as the proposed addition will be in-line with the existing building, which has caused no known adverse effects.

- (b) The requested variances will not alter the essential character of the general vicinity.

STAFF: The requested variances will not alter the essential character of the general vicinity as zero lot line development is present on other nearby lots and is not uncommon in Traditional Neighborhood Form Districts.

- (c) The requested variances will not cause a hazard or nuisance to the public.

STAFF: The requested variances will not cause a hazard or nuisance to the public as the addition will be in-line with the existing building, which has caused no known hazard or nuisance.

- (d) The requested variances will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as zero lot line development is in character for Traditional Neighborhood Form Districts.

ADDITIONAL CONSIDERATIONS:

1. The requested variances do not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variances do not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is regular in shape and all of the lots in the general vicinity are of similar dimensions.

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 property owner to build an addition only 10 feet wide, which would not provide adequate space for the applicant to use.

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 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 yet begun construction.

TECHNICAL REVIEW

No technical review undertaken.

STAFF CONCLUSIONS

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 standards for granting a variance established in the Land Development Code from table 5.2.2 to allow encroachments into the 10' required side yard setbacks.

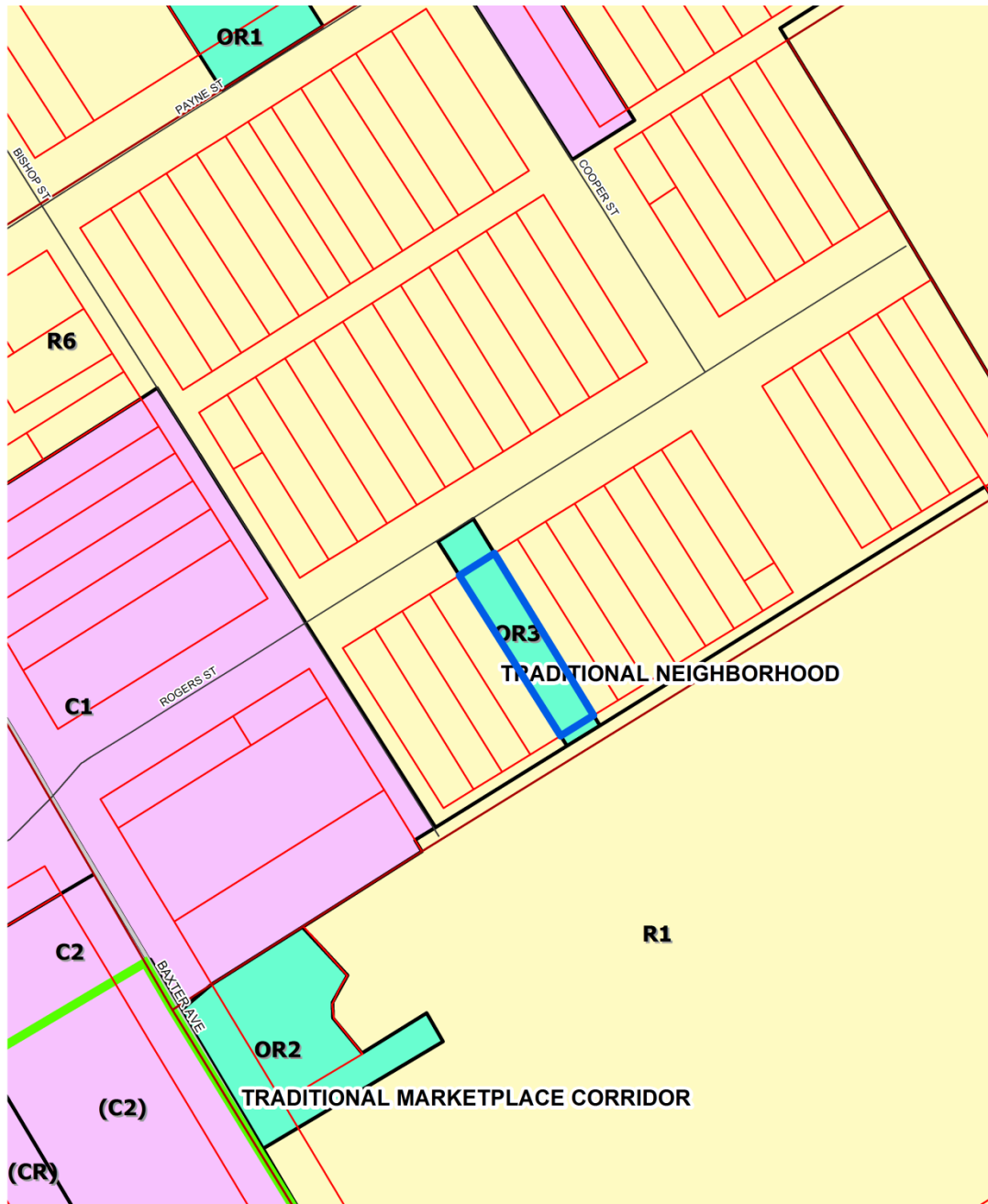
NOTIFICATION

Date	Purpose of Notice	Recipients
05-31-2017	Public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
06-02-2017		Sign posted on property

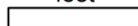
ATTACHMENTS

1. Zoning Map
2. Aerial
3. Site Plan
4. Site Photos

1. Zoning Map



1122 Rogers Street
feet



90

Map Created: 6/8/2017

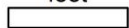


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2. Aerial



1122 Rogers Street
feet



50

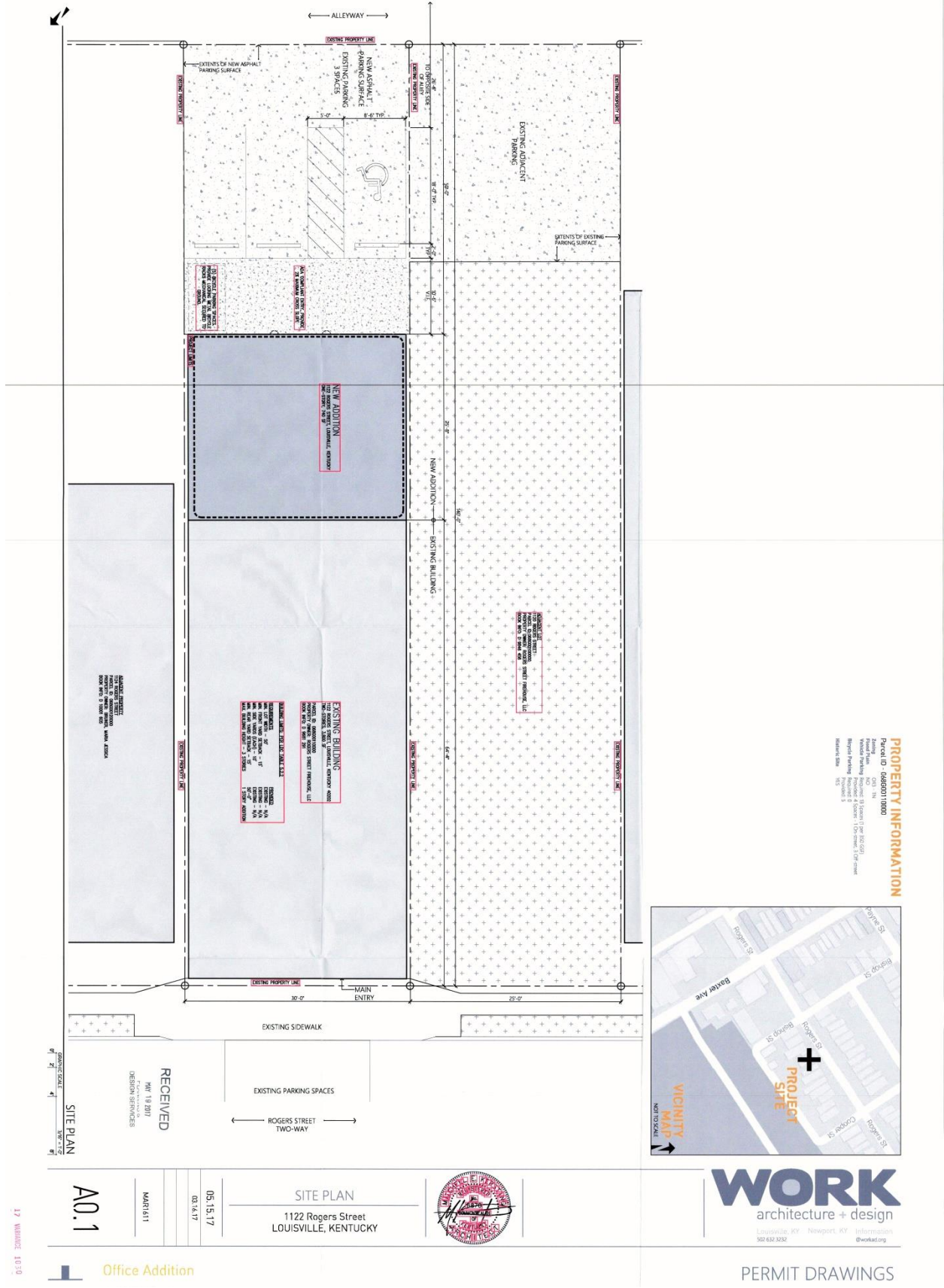
Map Created: 6/8/2017



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3. Site Plan

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4. Site Photos



The front of the subject property.



The residence to the north-east of the subject property.



The vacant lot and the residence to the south-west of the subject property.



The residence across Rogers Street.



The vacant lot to the south-west and the location where the existing structure encroaches into the side yard.



The rear of the existing structure where the new addition will be built.



The rear of the existing structure and existing parking.



The rear of the existing structure where the addition is to be built and where it will encroach into one of the side yards. The white object on the wall marks the approximate location of the rear of the proposed addition.



The north-east property line where the addition will encroach into the other side yard.