

**Board of Zoning Adjustment
Staff Report**
July 21, 2014



Case No:	14Variance1048
Project Name:	(none) Residential
Location:	8812 Terry Road
Owner(s):	William & Marquita Pepper
Applicant:	William & Marquita Pepper
Representative:	same as above
Project Area/Size:	0.2216 acres
Jurisdiction:	Louisville Metro
Council District:	14 - Cindi Fowler
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Variance from the Land Development Code, Chapter 5, Table 5.3.1, to allow a garage addition to encroach into the required northern side yard.

Variance

Location	Requirement	Request	Variance
Side Yard (north)	6 feet	3.16 feet (38 inches)	2.84 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construction a garage addition on the northern side of the house which will encroach into the required side yard. The new addition will be located approximately 8.84 feet from the adjacent house. The applicant attempted to obtain all the necessary signatures for a non-hearing but was unsuccessful.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood Form District (N). It is surrounded by residential property zoned R-4 in the Neighborhood Form District (N).

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single-family residential	R-4	N
Proposed	Single-family residential	R-4	N
<i>Surrounding Properties</i>			
North	Single-family residential	R-4	N
East	Single-family residential	R-4	N
South	Single-family residential	R-4	N
Westt	Single-family residential	R-4	N

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed garage addition is located on the side of the house; there will be approximately 8.84 feet between the adjacent structure and the new addition, plus the new addition is set back from the street the required 30 feet.

- (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 because the garage addition façade materials will match the materials used in the neighborhood and the location of the addition is on the side of the house with the front setbacks being maintained.

- (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 because the proposed garage addition is located on the side of the house and will be located 8.84 feet from the adjacent house.

- (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 because the garage addition is encroaching into only a small portion of the side yard.

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 does not arise from any special circumstances. The applicant is expanding into the required side yard with the proposed garage addition.

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 because the proposed garage addition would not be able to be built.

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. The applicant is not responsible for the existing location of the house, but they would like to expand into the side yard with a garage addition.

TECHNICAL REVIEW

None

STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant the variance, therefore, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Development Code based on the testimony and evidence provided at the public hearing.

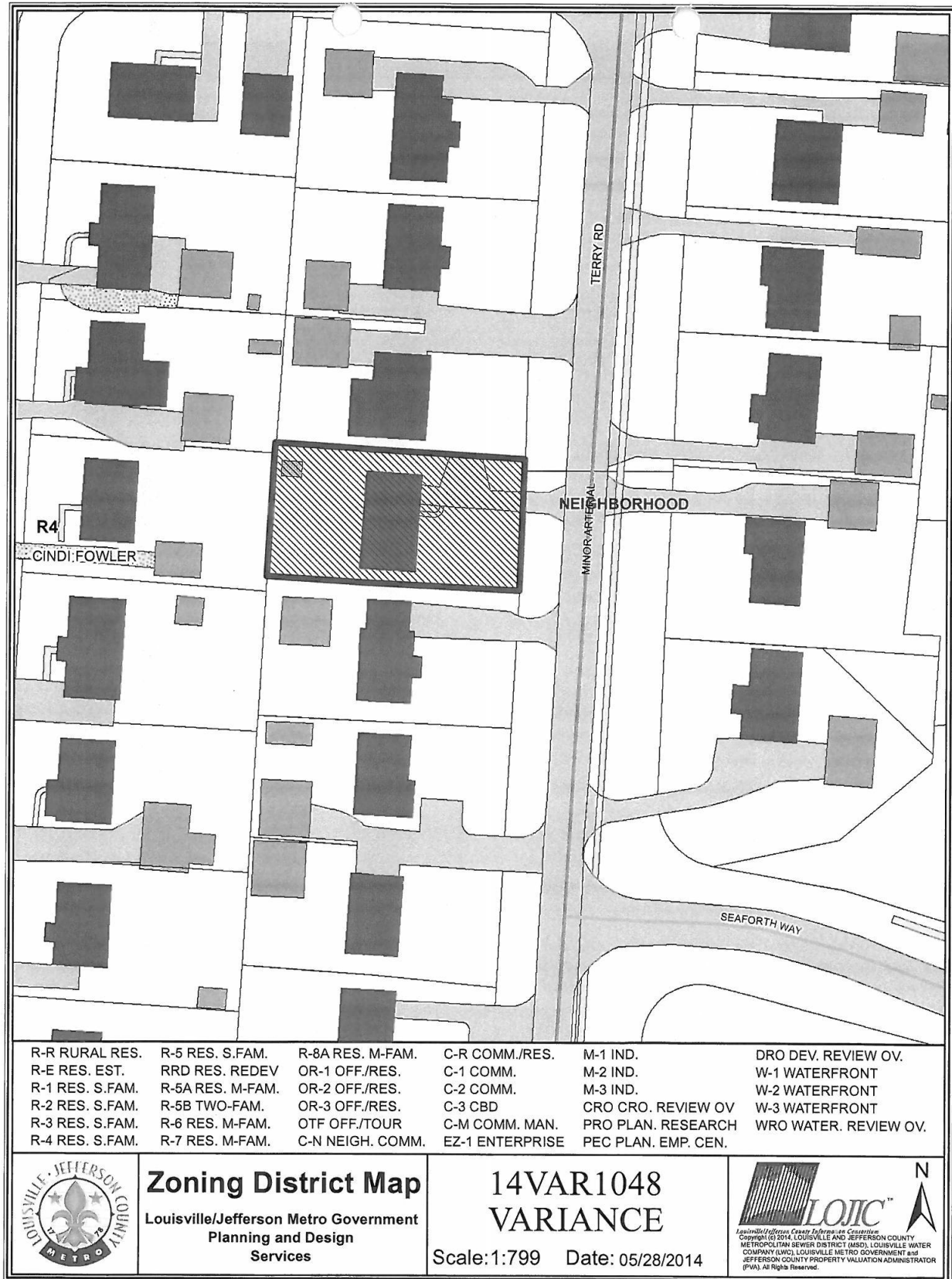
NOTIFICATION

Date	Purpose of Notice	Recipients
07/02/2014	BOZA Hearing	1 st tier adjoining property owners Neighborhood notification recipients
07/03/14	Sign Posting	Subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photo
5. Applicant's Justification Statement

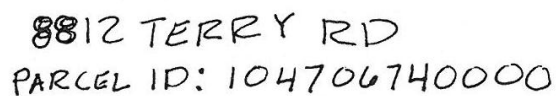
Attachment 1: Zoning Map:



Attachment 2: Aerial Photo:



SITE MAP



Attachment 4: Site Photo:



Attachment 5: Applicant's Justification Statement:

MAY 22 2014

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

addition is deep into property from public egress

2. Explain how the variance will not alter the essential character of the general vicinity.

other / many other residential homes are already within same

3. Explain how the variance will not cause a hazard or a nuisance to the public.

addition is for residential use of parking personal vehicle only.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

other residential homes already within same area - same changes

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

due to interpretation of infill standards, circumstances show other neighbors within same range of property lines and renovations/additions

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

not able to park vehicle inside garage for winter protection for harsh weather conditions

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

no, the land development code has been established for years with neighbors having similar projects completed over the years