

Board of Zoning Adjustment Staff Report

October 19, 2015



Case No:	15Variance1067
Project Name:	New House
Location:	1006 Samuel Street
Owner(s):	Steven and Rebecca LeClair
Applicant:	Owner
Representative:	Owner
Project Area/Size:	0.084
Jurisdiction:	Louisville Metro
Council District:	10 – Steve Magre
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Variance from the Land Development Code, Chapter 5, Section 5.4.1.C.6.b, to allow a proposed house addition to encroach into the required side yards.

Variance

Location	Requirement	Request	Variance
Side Yard (northwest)	3 feet	0.6 feet	2.4 feet
Side Yard (Southeast)	3 feet	2.5 feet	0.5 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is building a new structure on the existing foundation and also renovating a portion of the existing structure.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-5 in the Traditional Neighborhood Form District (TN), surrounded by single family residential property zoned R-5 in the Traditional Neighborhood Form District (TN).

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing/ Proposed	Single family residential	R-5	TN
<i>Surrounding Properties</i>			
North	Single family residential	R-5	TN
East	Single family residential	R-5	TN
South	Single family residential	R-5	TN
West	Single family residential	R-5	TN

PREVIOUS CASES ON SITE

BL956726 – Building permit for the renovation of the existing structure. Pending.

INTERESTED PARTY COMMENTS

No inquiries.

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 new addition will be the same distance from the adjacent property as the existing house. Also the proposed gutter will be contained within the subject property.

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

STAFF: The requested variance will not alter the general character of the general vicinity because the new addition is located on the foundation of the addition which was removed. Plus the location of the new addition is similar to other houses in the vicinity. The construction materials are also similar to other houses in the 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 because the new addition is in the rear of the property and will be located on the foundation of the original structure.

- 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 since the new addition will be built on the foundation of the addition which was removed. Plus, there are other houses in the vicinity which are located close to the side property line with little or no setback being provided.

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 because this lot is very narrow. Plus other houses in this vicinity also are located very close to the property line with little or no setback provided.

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 cause an unnecessary hardship on the applicant because the proposed addition foundation would need to be removed and rebuilt.

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 not the result of actions of the applicant since the existing structure foundation is to remain in place and is being reused for the new construction.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

The standards of review for the variance requests have been met. Therefore the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code based on the testimony and evidence provided.

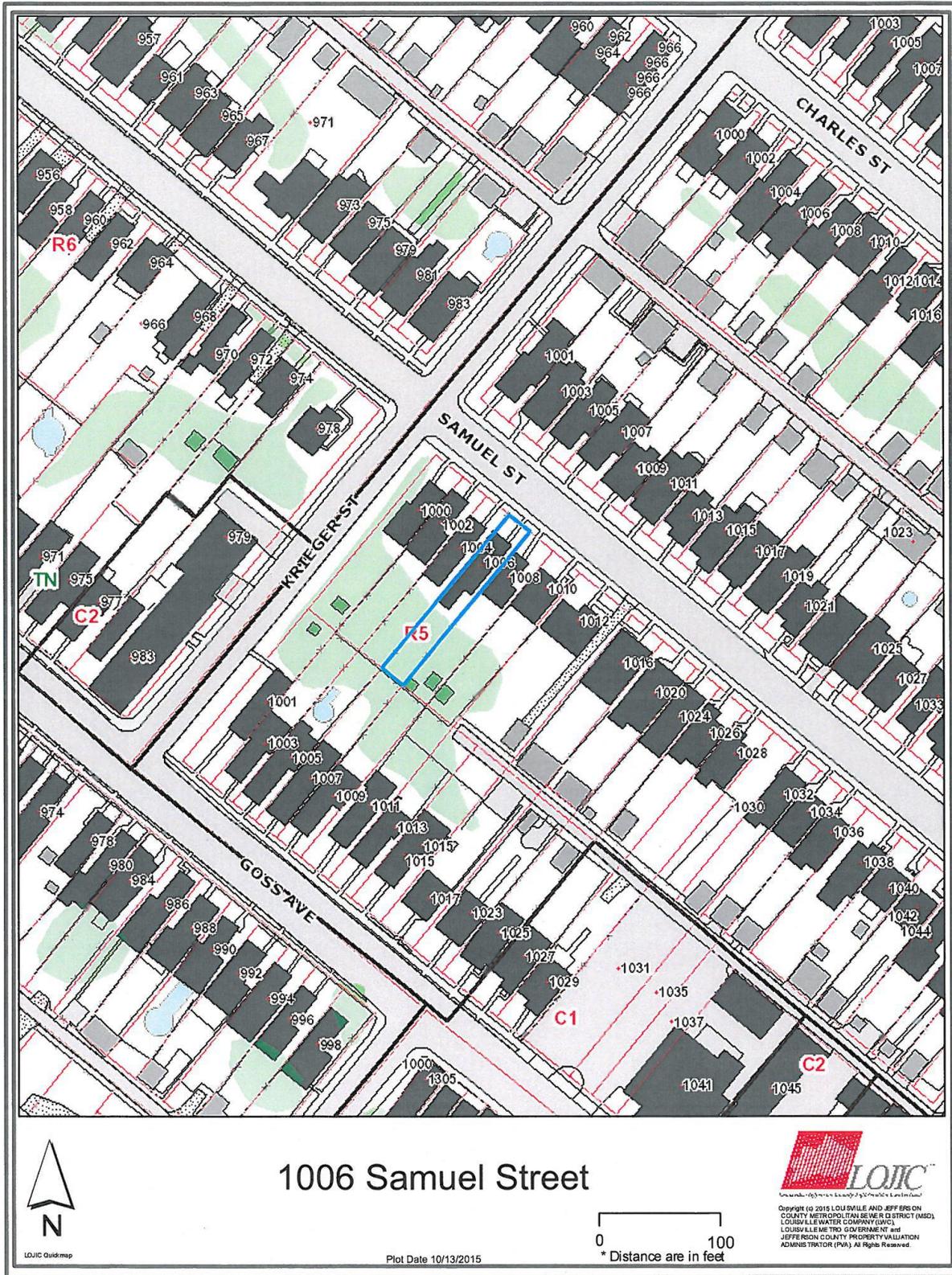
NOTIFICATION

Date	Purpose of Notice	Recipients
10/01/2015	BOZA Hearing	Neighborhood notification recipients
10/05/2015	BOZA Hearing	1 st tier adjoining property owners
10/08/2015	Sign Posting	Subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Survey
4. Floor Plan
5. Elevations
6. Applicant's Justification Statement
7. Site Photographs

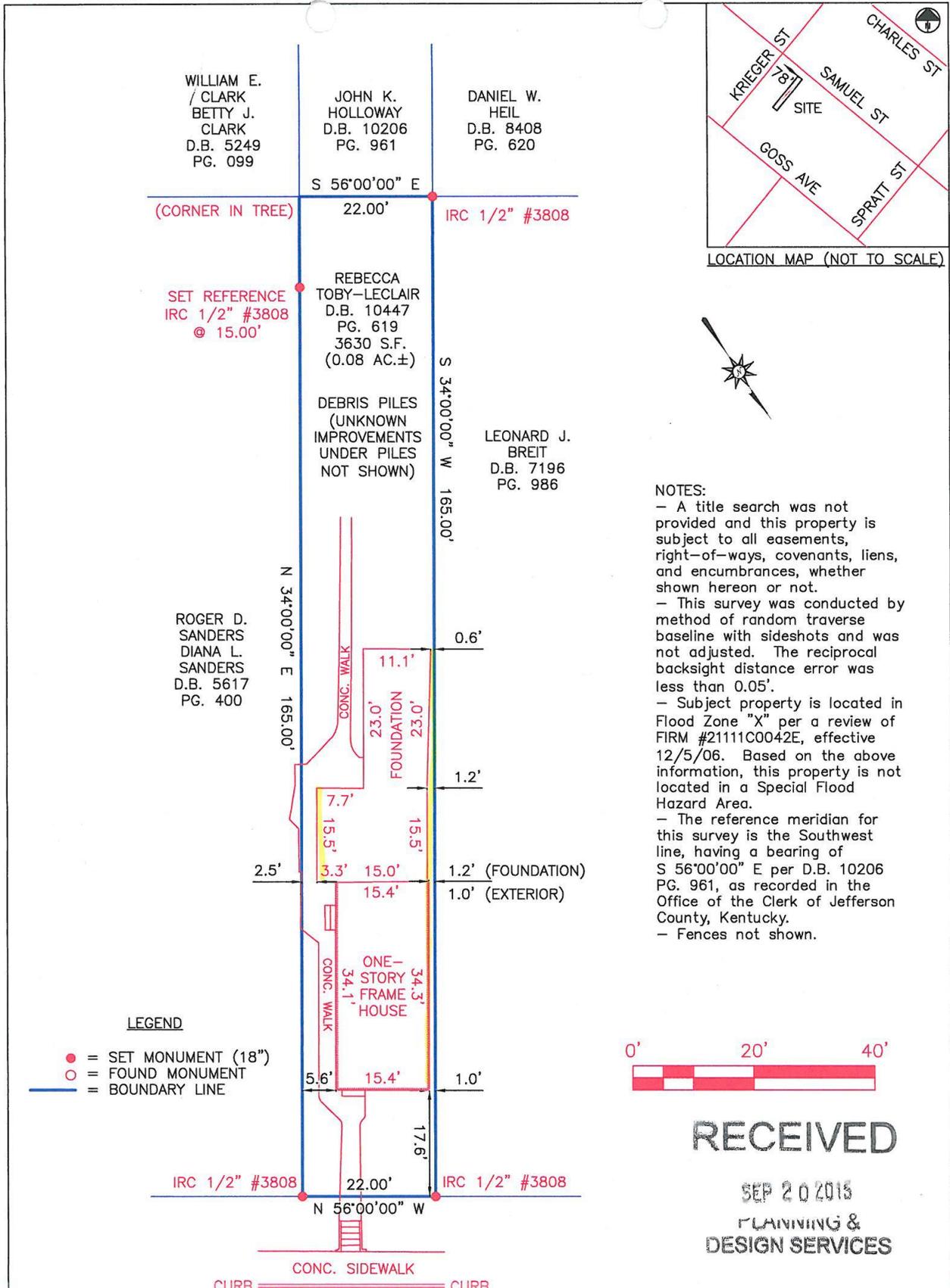
Attachment 1: Zoning Map



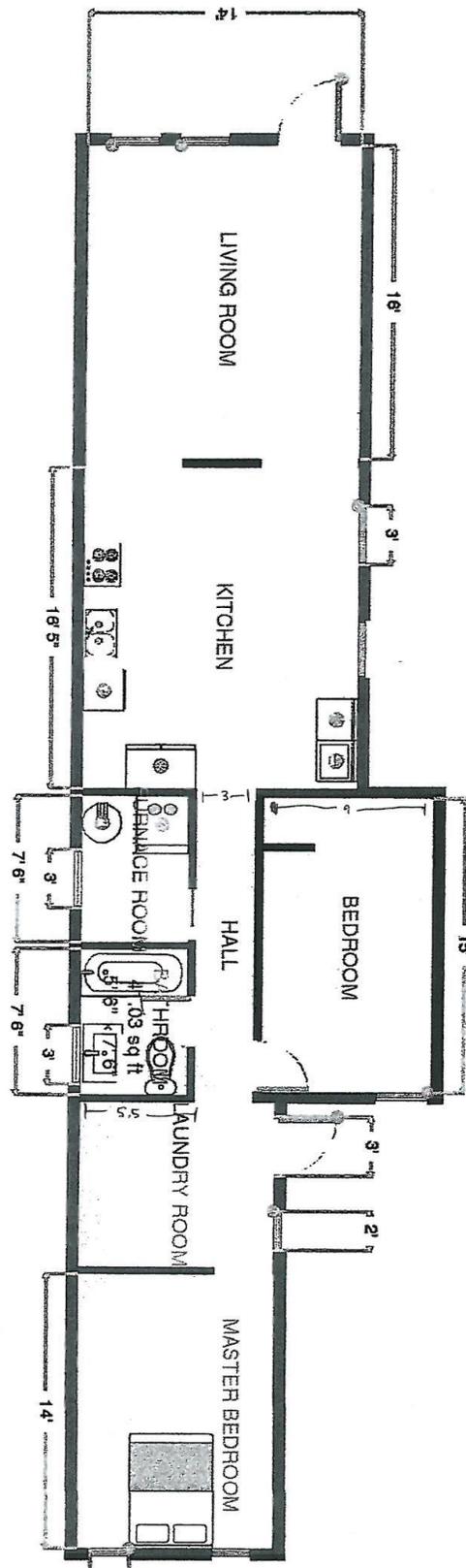
Attachment 2: Aerial Photograph



Attachment 3: Site Survey



Attachment 4: Floor Plan

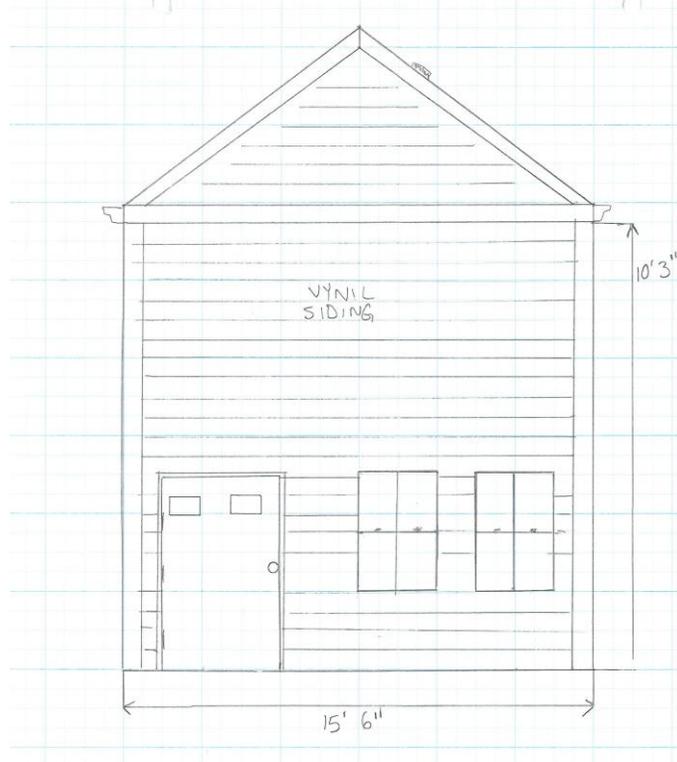


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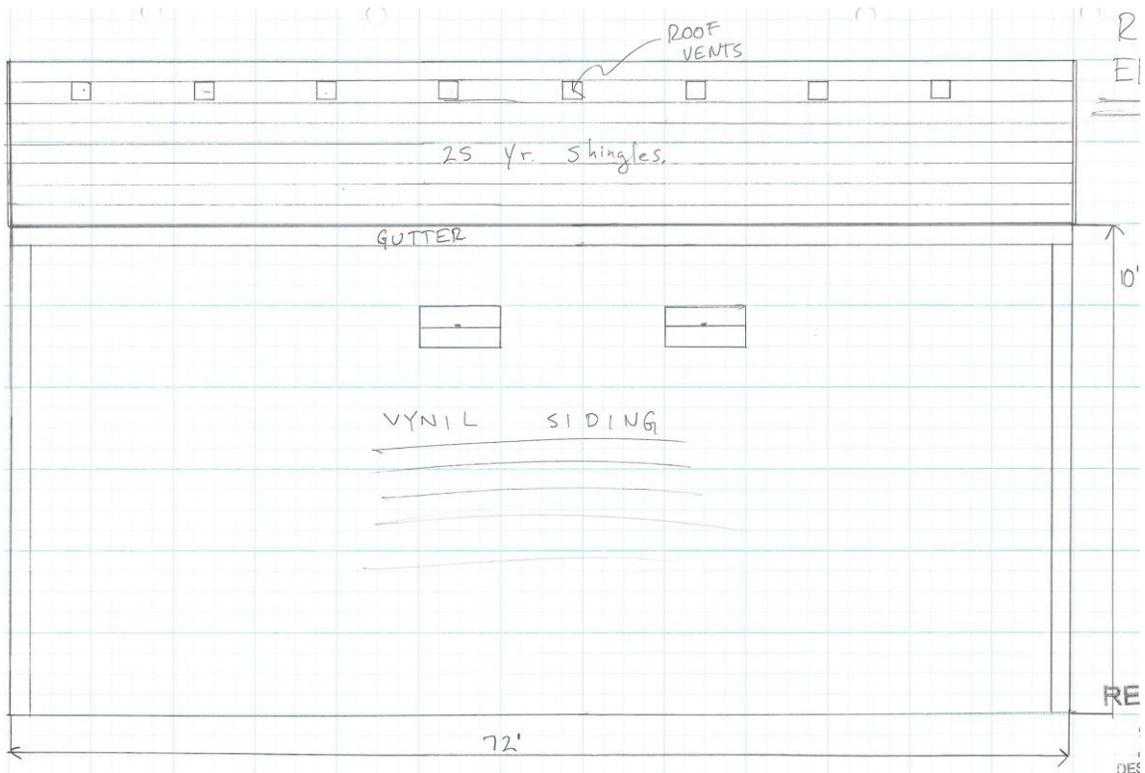
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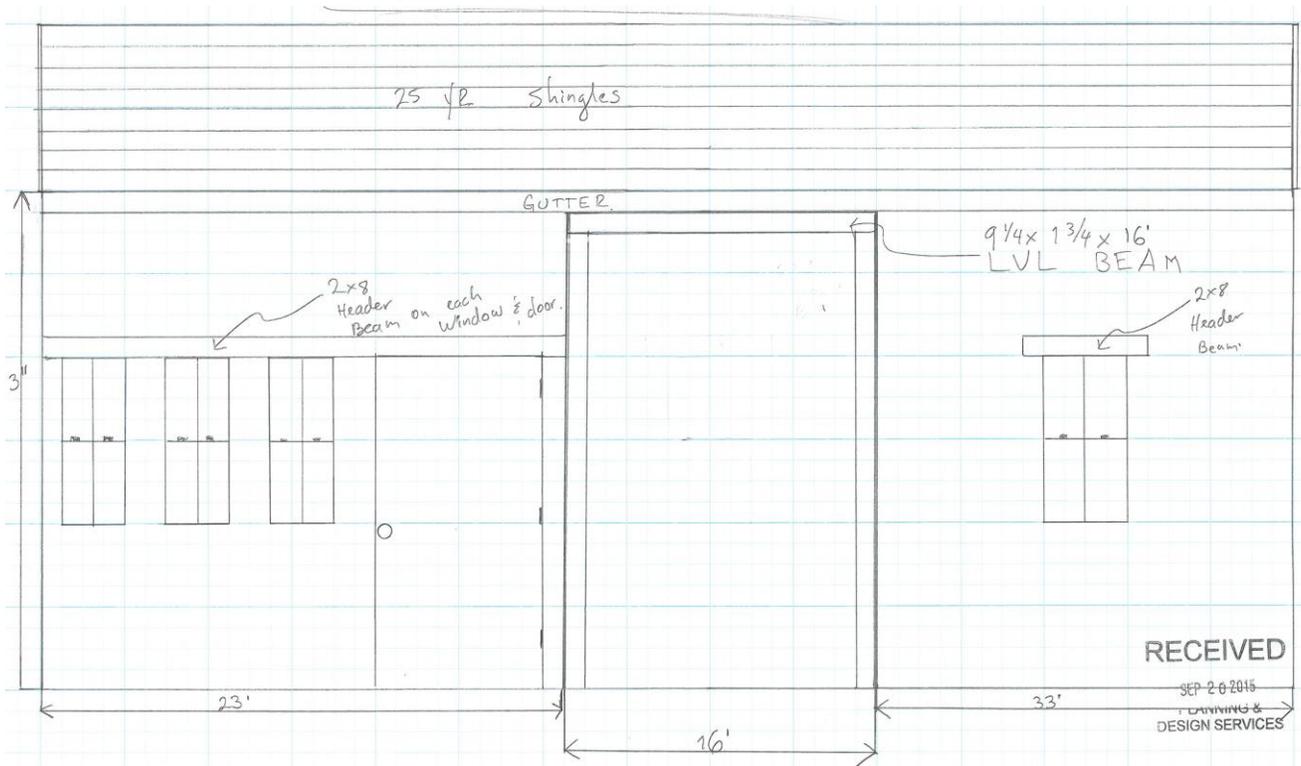
Attachment 5: Elevations



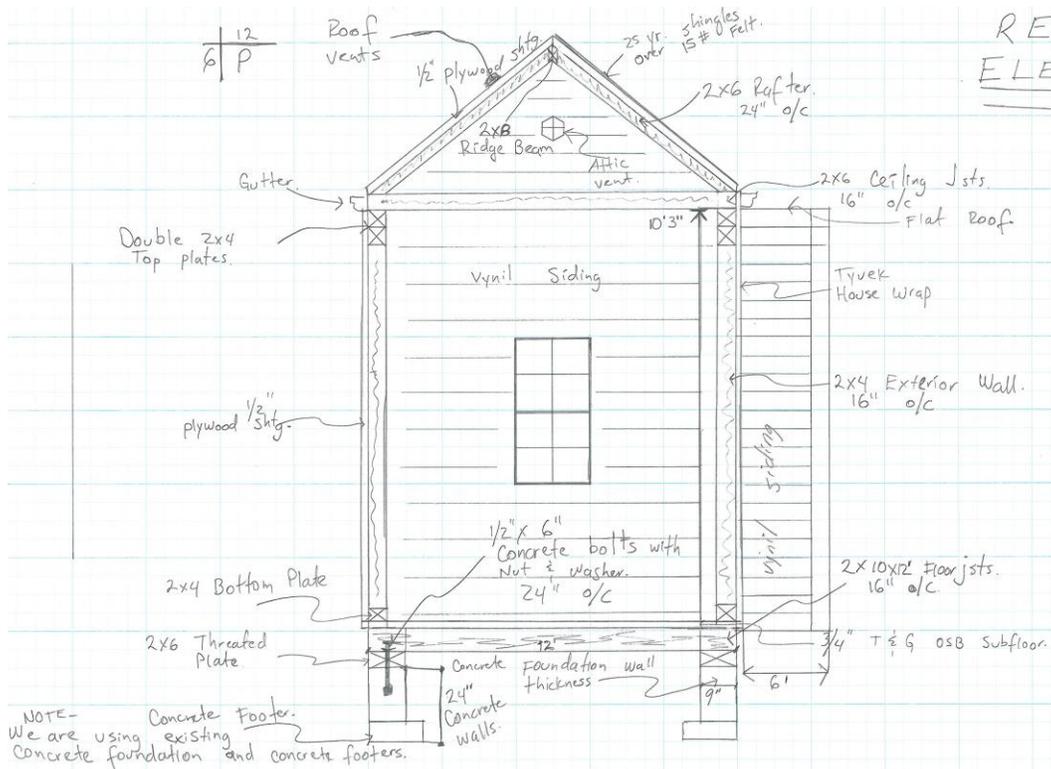
Front Elevation



Right Side Elevation



Left Side Elevation



Rear Elevation

Attachment 6: Applicant's Justification Statement

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.

We are building on the existing footprint of the property that has existed for 115 years.

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

We are making improvements that match the original architecture of the property and all surrounding properties.

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

Because we are preserving the original structure. All neighbors are fully supportive and aware of the plans for this residence.

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

Because we are preserving the original footprint of the residence including the same floor plan, but according to current code regulations.

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).

Most residences in this area are less than 3 feet from the property line, so this variance need is common for this area.

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.

This property would continue to sit empty causing the property value and safety of this neighborhood to decrease.

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

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Attachment 7: Site Photographs



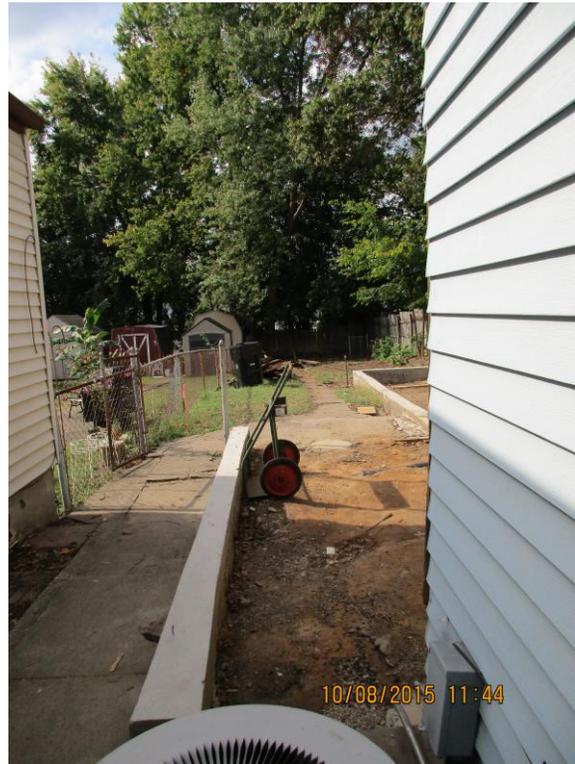
Front of the existing house



Southwest side yard from front of house



Northeast side yard



Northeast side yard



Rear of existing house (removed portion/existing foundation)



Rear of existing house (removed portion)



Northeast side yard



Southwest side yard



Southwest side yard taken from rear of site



View from rear yard