

**Board of Zoning Adjustment**  
**Staff Report**  
 September 4, 2018



<b>Case No:</b>	18VARIANCE1077
<b>Project Name:</b>	Drayton Drive Variance
<b>Location:</b>	2629 Drayton Drive
<b>Owner(s):</b>	Darlene Crutcher
<b>Applicant:</b>	Anne Del Prince
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Dante St. Germain, Planner II

**REQUEST**

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	5 ft.	0 ft.	5 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is lot 15 of the Seneca Vista subdivision, recorded in 1937. It contains a 1 ½ story single-family residence with an existing attached single car garage. The applicant is proposing a new attached garage that would be built to the property line, while the existing garage will be converted into living space. The parcel that shares the side property line is currently vacant and is owned by the Jefferson County Air Board.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

**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 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 5.3.1 to allow a structure to encroach into the required side yard setback.

**Condition of Approval:**

#1) A survey of the southern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

## **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 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 will be constructed to match the existing structure. Also, other structures on the same street have similar designs.

- (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 be abutting a vacant lot.

- (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 garage will be added to the end of the existing driveway.

### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not 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 not generally apply to land in the general vicinity or the same zone as the property is rectangular and has the same topographical constraints as the rest of the lots along Drayton Drive.

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 preventing the applicant from constructing an addition.

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.

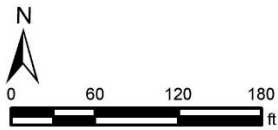
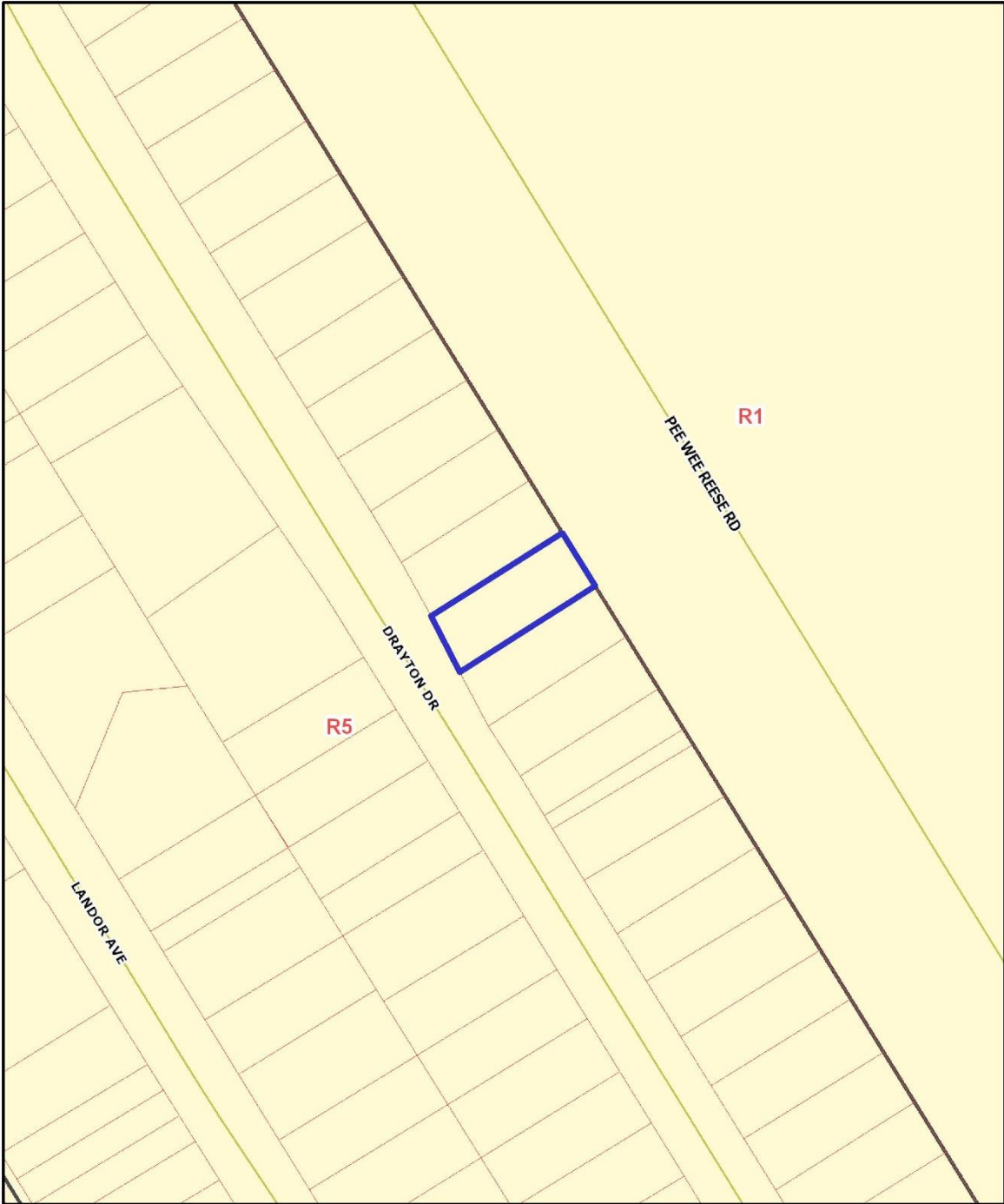
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>08/23/2018</b>	Hearing before BOZA	Not Required for Business Session Item

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan/Elevation
4. Site Photos

1. Zoning Map



**2629 Drayton Drive**

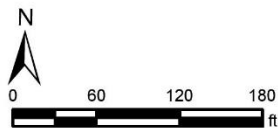
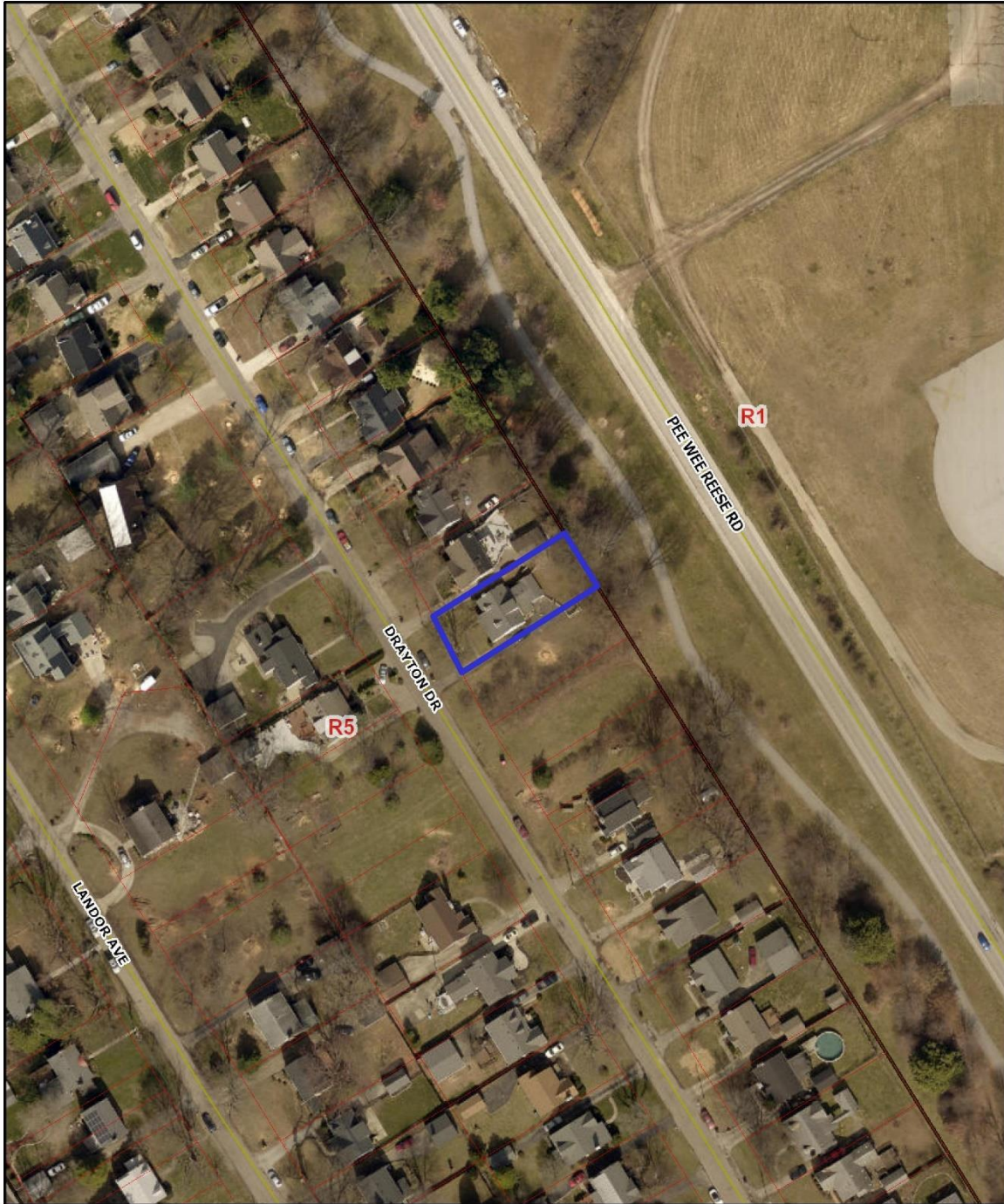
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2. Aerial Photograph



**2629 Drayton Drive**

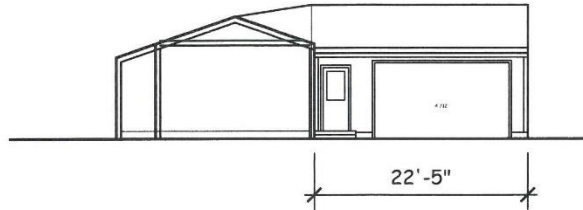
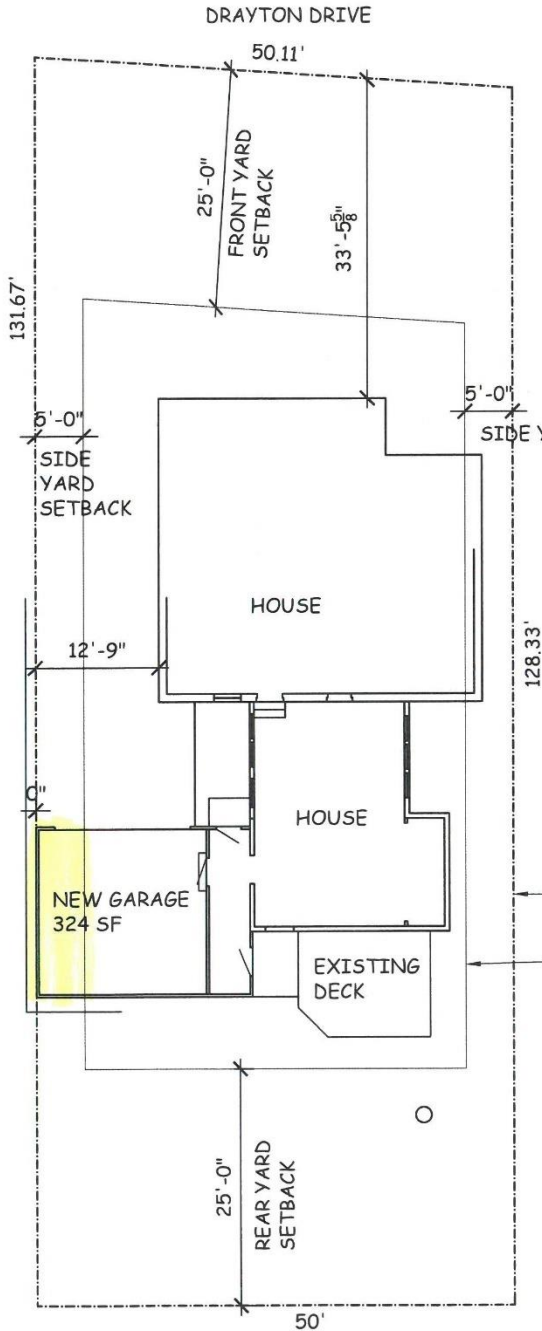
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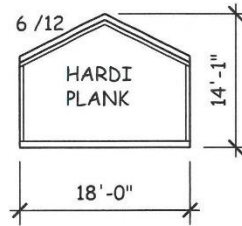
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3. Site Plan/Elevation



FRONT ELEVATION  
1/16"=1'-0"



PROPERTY LINE  
BUILDING LINE

RECEIVED  
AUG 13 2018  
PLANNING &  
DESIGN SERVICES

ZONED R5  
NEIGHBORHOOD FORM DISTRICT  
2629 DRAYTON DRIVE  
PARCEL ID 078L 0120 0000

SITE PLAN  
1/16"=1'-0"  
8/6/18

VARIANCE 1077

4. Site Photos



DRIVE SIDE ELEVATION



REAR ELEVATION

RECEIVED  
AUG 13 2018  
PLANNING &  
DESIGN SERVICES

CRUTCHER  
2629 PRAYTON DR  
8/7/18

18 VARIANCE 1077



FRONT ELEVATION



DRIVE SIDE ELEVATION

RECEIVED  
AUG 15 2018  
PLANNING &  
DESIGN SERVICES

CRUTCHER  
8/7/18  
2629 - DRAYTON DR  
18 VARIANCE 1077





SIDE ELEVATION

↑  
(NEIGHBOR'S DRIVE)

CRUTCHER  
2629 DRAYTON DR  
8/7/18

RECEIVED  
AUG 13 2018  
PLANNING &  
DESIGN SERVICES

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