

Board of Zoning Adjustment Staff Report

July 20, 2015



Case No:	15VARIANCE1038
Project Name:	1852 Edgeland Ave
Location:	1852 Edgeland Ave
Owner(s):	Ronald D. and Jill Bath
Applicant(s):	Charlie Williams Design, Inc.
Representative(s):	Charlie Williams Design, Inc.
Project Area/Size:	3,764 sq. ft.
Existing Zoning District:	R-6, Multi-Family Residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Matthew Doyle, Planner II

REQUEST

- Variance from section 5.4.1.D.2 of the Land Development Code (LDC) to allow a reduction in the required private yard area.

Location	Requirement	Request	Variance
Private yard area	753 sq. ft.	574 sq. ft.	179 sq. ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to construct an addition and a garage on the rear of the principal structure. The addition would be 1 story and approximately 167 sq. ft. The garage would be 1 story, approximately 484 sq. ft. (22' x 22'), and accessible from the alley.

The site is located on the north side of Edgeland Avenue, southwest of Bardstown Road. The lot is small and rectangular with less than 40' of street frontage. It has alley access in the rear that is accessible from either Ray or Bassett Avenue.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family residential	R-6	TN
Proposed	Single family residential	R-6	TN
Surrounding Properties			
North	Single and two family residential	R-5/R-6	TN
South	Single and two family residential	R-5	TN
East	Two family residential	R-6	TN
West	Two family residential	R-5	TN

PREVIOUS CASES ON SITE

N/A

INTERESTED PARTY COMMENTS

Staff has not received any comments on the proposal.

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 requested variance will not adversely affect the public health, safety or welfare since it meets or exceeds all other development standards, including the minimum side yard setback of the form district.

- (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 since it is compatible with other residential lots on the same side of the street that have garages; the private yard area is on the eastern side of the rear yard.

- (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 since it meets or exceeds all other development standards, including the minimum side yard setback of the form district.

- (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 it is compatible with other residential lots on the same side of the street that have garages; the private yard area is on the eastern side of the rear 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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the lots on Edgeland Avenue are nonconforming, substandard lots that do not have the appropriate depth.

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 deprive the applicant of the reasonable use of the land since the proposal is compatible with other residential lots on the same side of the street that have garages; the private yard area is on the eastern side of the rear yard.

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 taken subsequent to the adoption of the zoning regulation from which relief is sought.

TECHNICAL REVIEW

All technical comments have been addressed.

STAFF CONCLUSIONS

The variance request appears to be adequately justified based on staff analysis in the standard of review.

- The proposal meets or exceeds all other development standards, including the minimum side yard setback of the form district.
- The proposal is compatible with other residential lots on the same side of the street that have garages; the private yard area is on the eastern side of the rear yard.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine whether the proposal meets the standards for granting a variance established in the LDC.

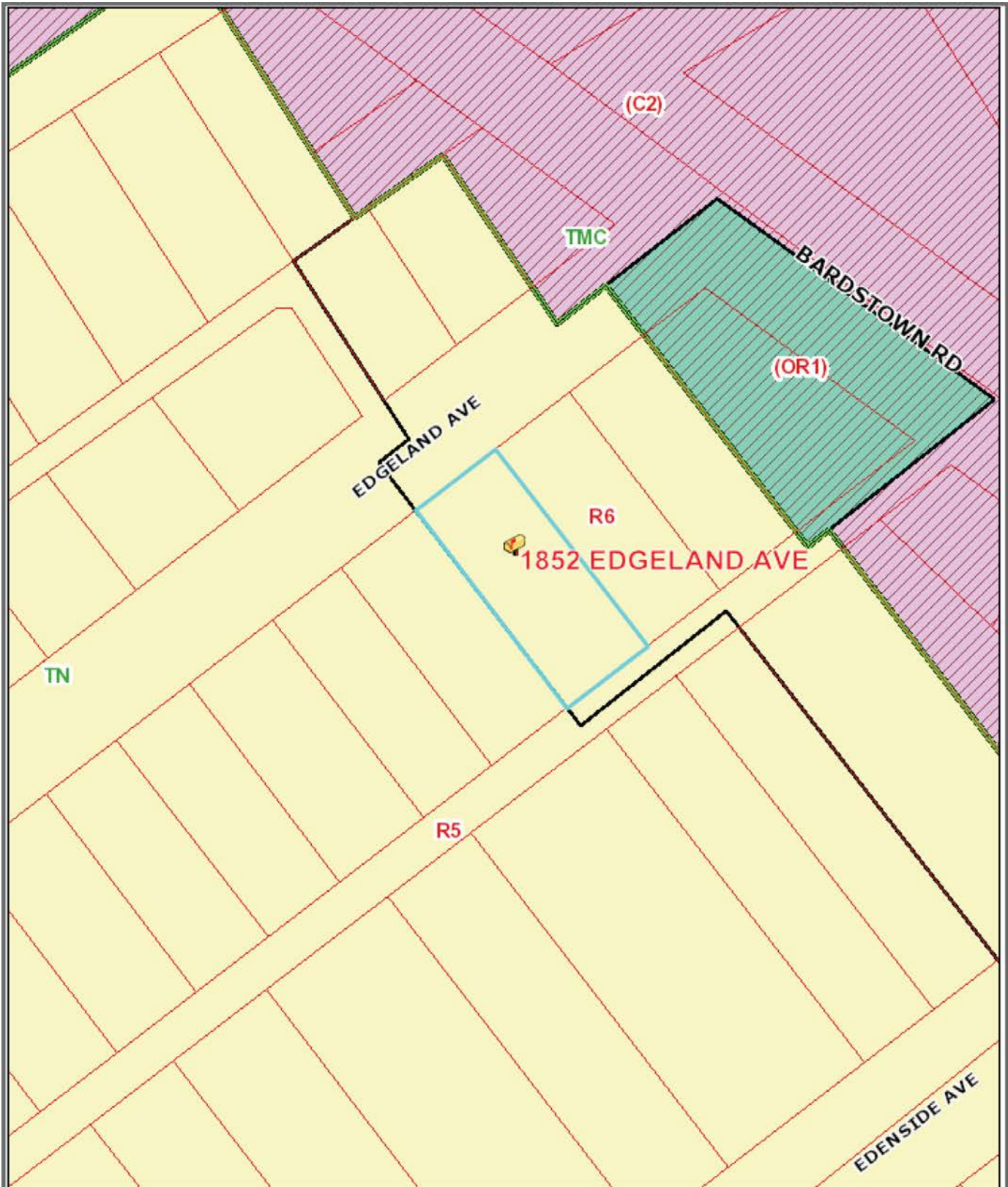
NOTIFICATION

Date	Purpose of Notice	Recipients
7/2/2015	BOZA	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

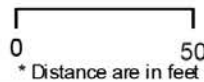
1. **Zoning Map**



1852 Edgeland Ave

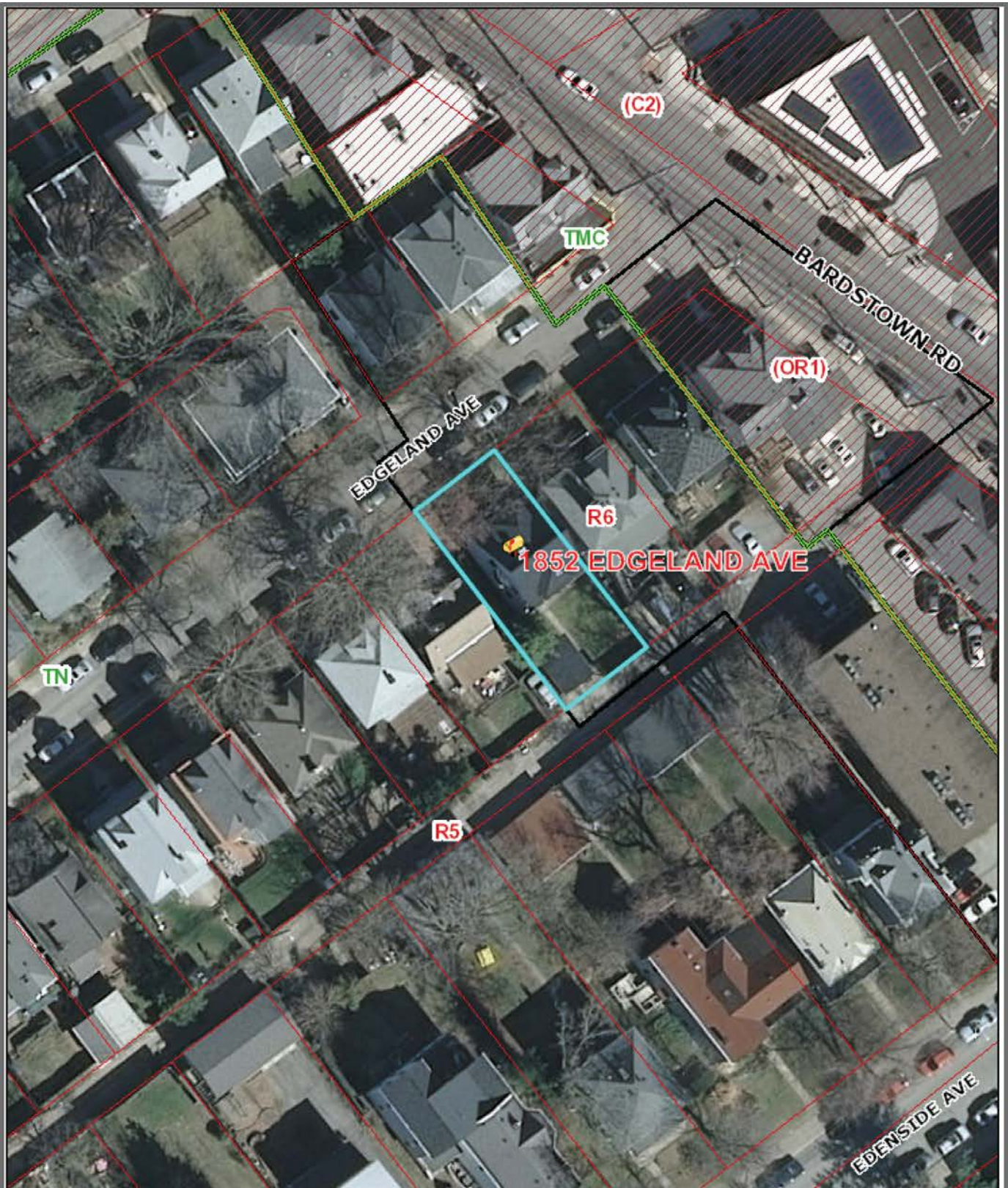


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Plot Date 7/14/2015

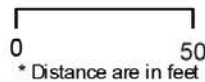
2. Aerial Photograph



LOJIC Quickmap

1852 Edgeland Ave

Plot Date 7/14/2015



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