

Board of Zoning Adjustment

Staff Report

October 03, 2022



Case No:	22-VARIANCE-0104
Project Name:	Crestwood Avenue Variance
Location:	113 Crestwood Avenue
Owner:	David Farmer
Applicant:	David Farmer
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Molly Clark, Planner I

REQUEST:

Variance from the Land Development Code Section 5.4.1.E.2 to allow an accessory structure to encroach into the rear yard setback.

Location	Requirement	Request	Variance
Rear Yard Setback	5 ft.	0 ft.	5 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single Family Residential in the Traditional Neighborhood Form District. The property is located on the east side of Crestwood Ave and in the Traditional Neighborhood Form District. The subject property has a single-family home and an existing garage that is proposed to be torn down. The applicant is proposing to construct a 425.52 sq. ft. garage that will encroach into the rear yard setback.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets the standards of review. There are already other improvements currently in the ROW and based on the proposal, a large portion of this structure is in the ROW with approval from Metro PW. An encroachment is warranted to fully utilize the space in the ROW that they received a permit for, which was for 18.8' 1" x 24' encroachment.

Based upon the information in the staff report, and 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.

TECHNICAL REVIEW

The applicant has received an encroachment permit to encroach into the Crabbs Lane right-of-way and is also required to obtain a building permit for the proposed garage.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.4.

- (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, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. The applicant has also received an encroachment permit from Louisville Metro to allow the encroachment into Crabbs Lane right-of-way.

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

STAFF: The structure will not alter the essential character of the general vicinity as it will be built with material that is in character with the surrounding residential neighborhood.

- (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 structure must be constructed to comply with all building codes.

- (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 subject property has double frontage and the applicant is proposing access off of the rear from Crabbs Lane which is where the other residential properties use to access the rear of their properties.

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 special circumstances which do generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape to the surrounding properties.

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 not create an unnecessary hardship on the applicant as the proposed garage could be moved to meet the setback requirements.

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 as the applicant has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

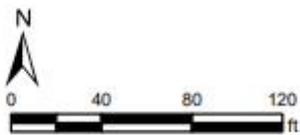
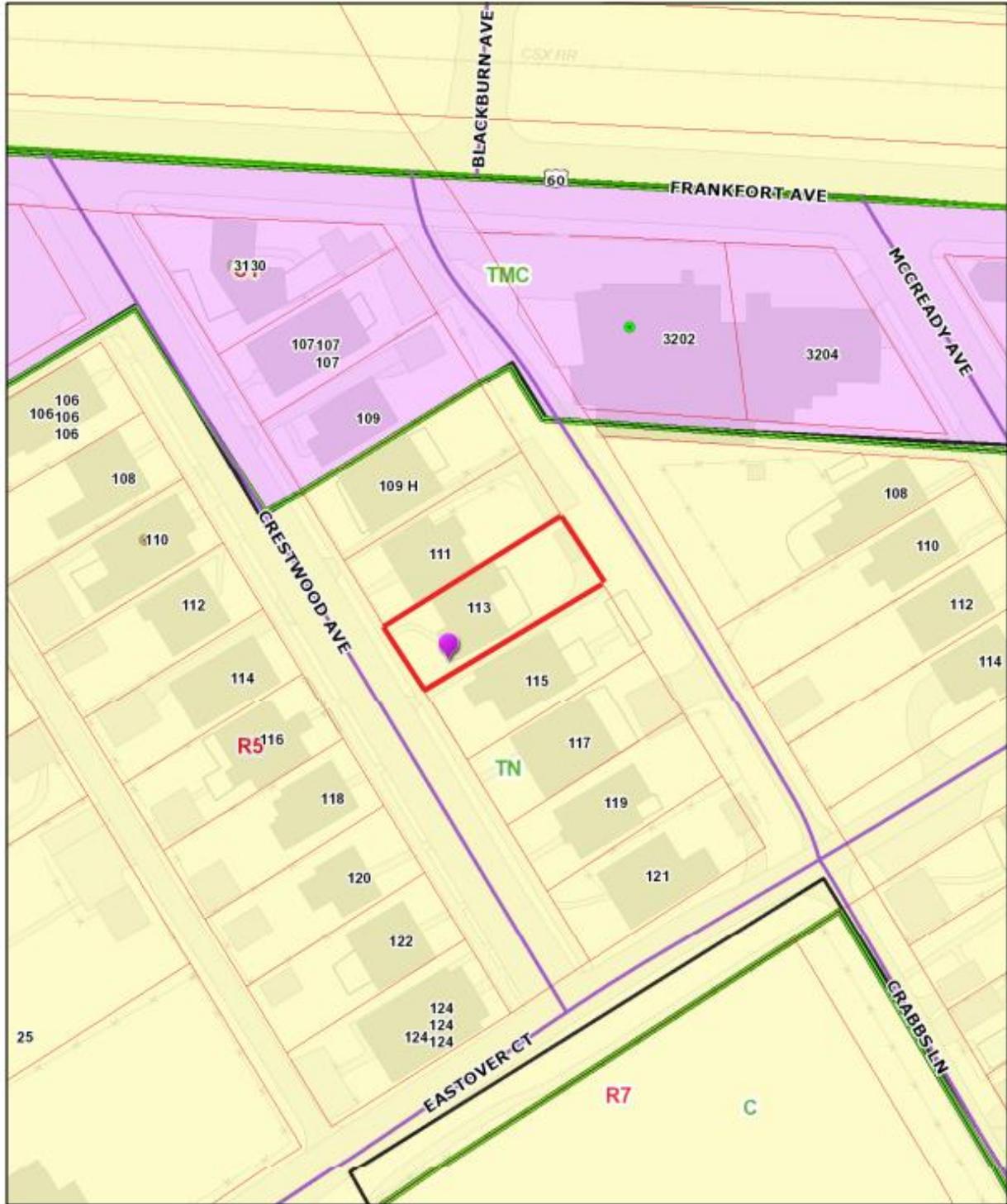
NOTIFICATION

Date	Purpose of Notice	Recipients
09/16/2022	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
09/21/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



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2. Aerial Photograph



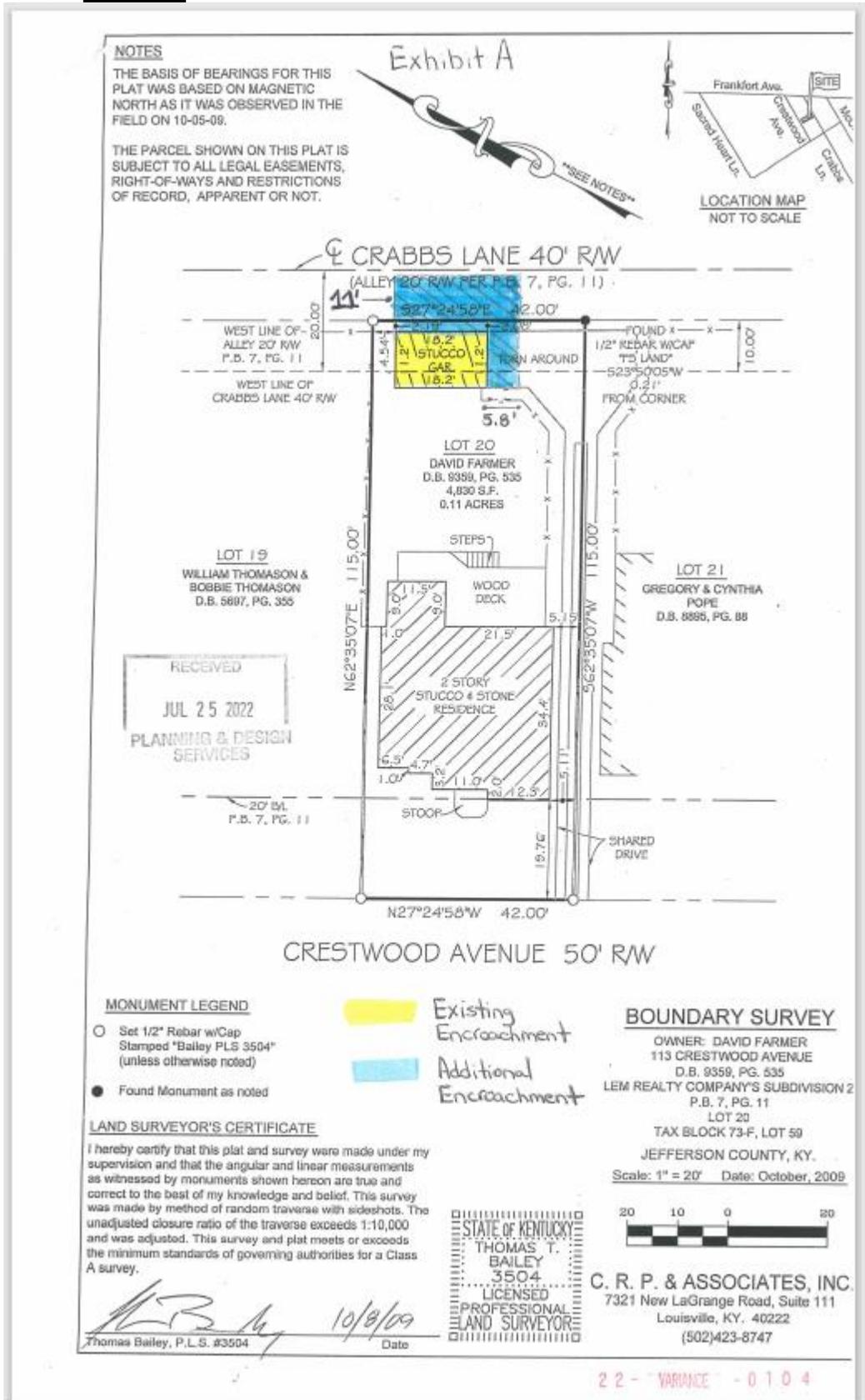
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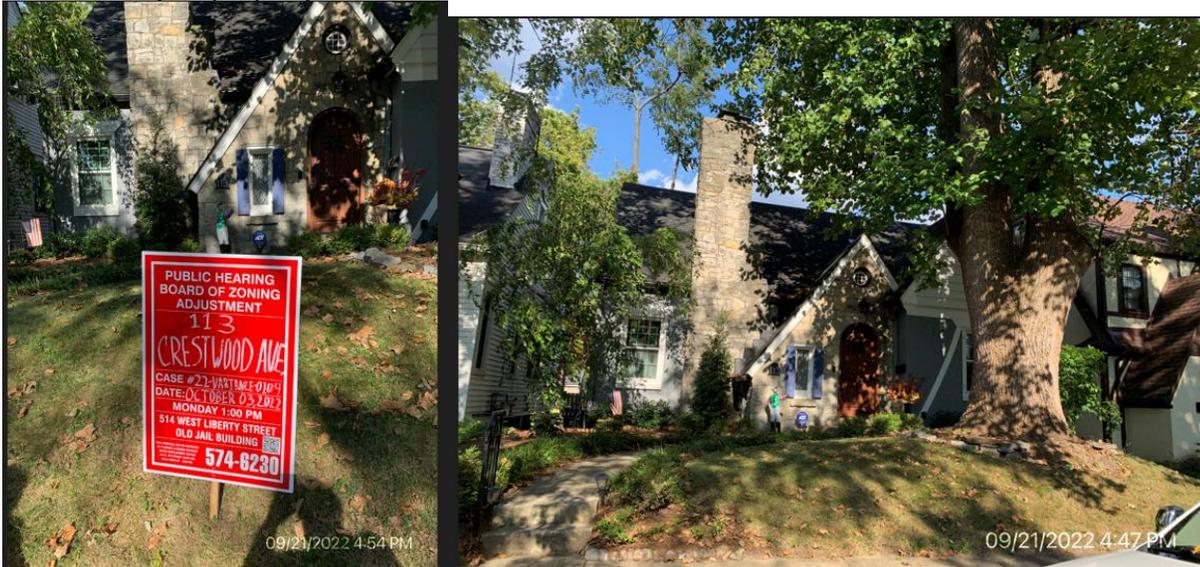
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3. Site Plan



4. Site Photos

Front of subject property.



Property to the left.



Property to the right.



View of variance area.

