

Board of Zoning Adjustment
Staff Report
 September 23, 2019



Case No:	19-VARIANCE-0026
Project Name:	Klemenz Caldwell Variance
Location:	1023 E. Caldwell St
Owner(s):	David Klemenz, C & D Construction, LLC
Applicant:	David Klemenz, C & D Construction, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zachary Schwager, Planner I

REQUESTS:

Variance from Land Development Code table 5.2.2 to allow a principal structure to encroach into the required side yard setbacks.

Location	Requirement	Request	Variance
East Side Yard	3 ft.	2.02 ft	0.98 ft
West Side Yard	3 ft.	0.40 ft	2.60 ft

CASE SUMMARY/BACKGROUND

The subject site is located in the Germantown neighborhood and is a single-family structure. It is zoned R-6 Multi-Family Residential in the Traditional Neighborhood Form District. The applicant is proposing to add additional square footage to the 2nd story, located in the rear of the home. This second story addition will encroach into the eastern and western side yard setbacks at the same distance as the existing first story.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets the standard of review.

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 from table 5.2.2 to allow a principal structure to encroach into the required side yard setbacks.

TECHNICAL REVIEW

No technical review was undertaken.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 structure 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 align with the existing side yard setbacks of the principal structure.

- (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 it is an existing structure and the addition will be constructed to comply with all building codes, including fire 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 addition will be setback the same distance from both side property lines as the existing structure.

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 generally apply to land in the general vicinity or the same zone as the subject property is similar in size 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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the proposed addition will be setback the same distance from both side property lines as the existing structure.

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.

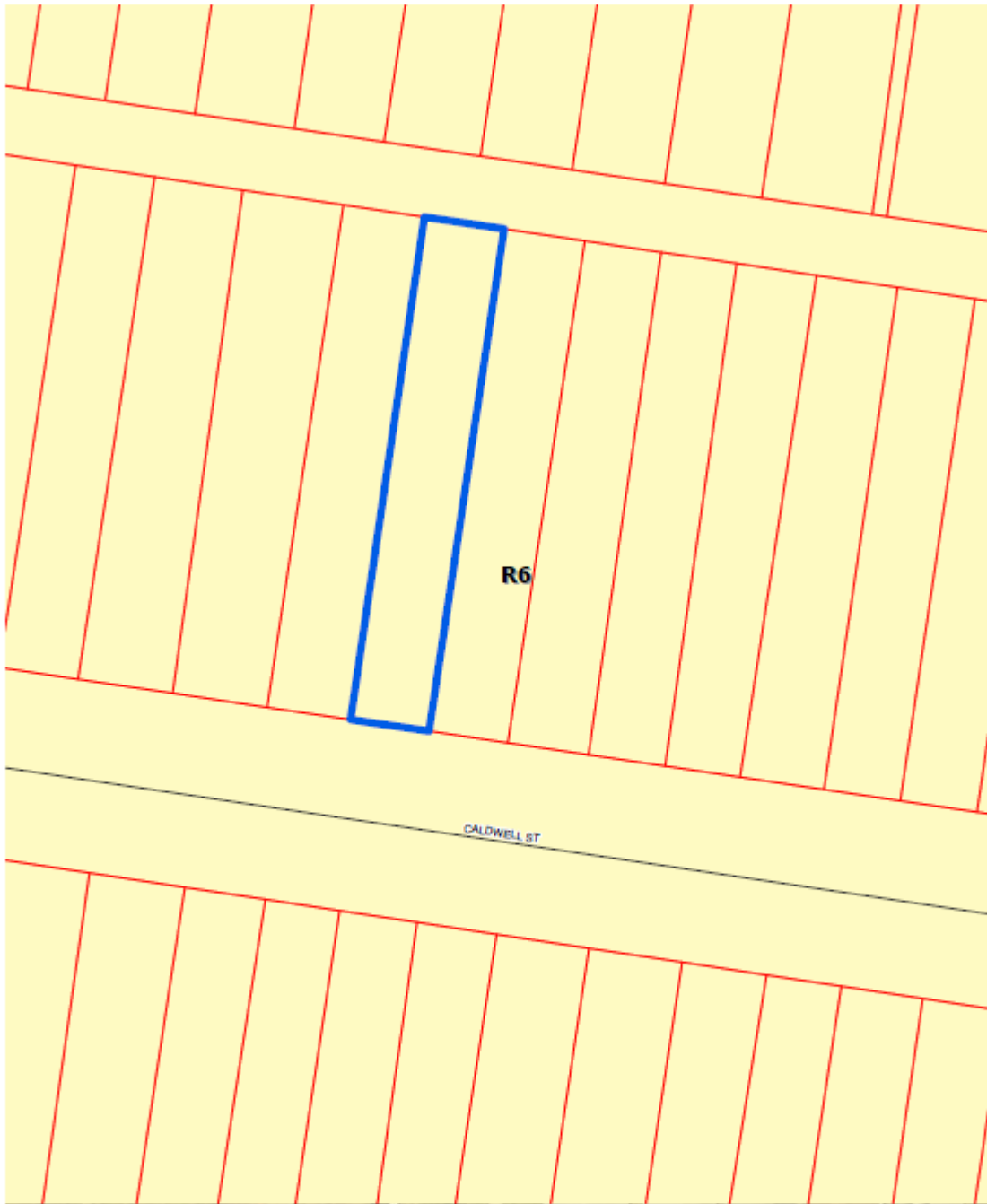
NOTIFICATION

Date	Purpose of Notice	Recipients
09/06/2019	Hearing before BOZA	1 st tier adjoining property owners
09/11/2019		Registered Neighborhood Groups in Council District 4
09/11/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

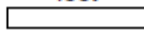
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map



1023 Caldwell Street

feet



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Map Created: 1/9/2019

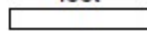


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2. Aerial Photograph



1023 Caldwell Street
feet

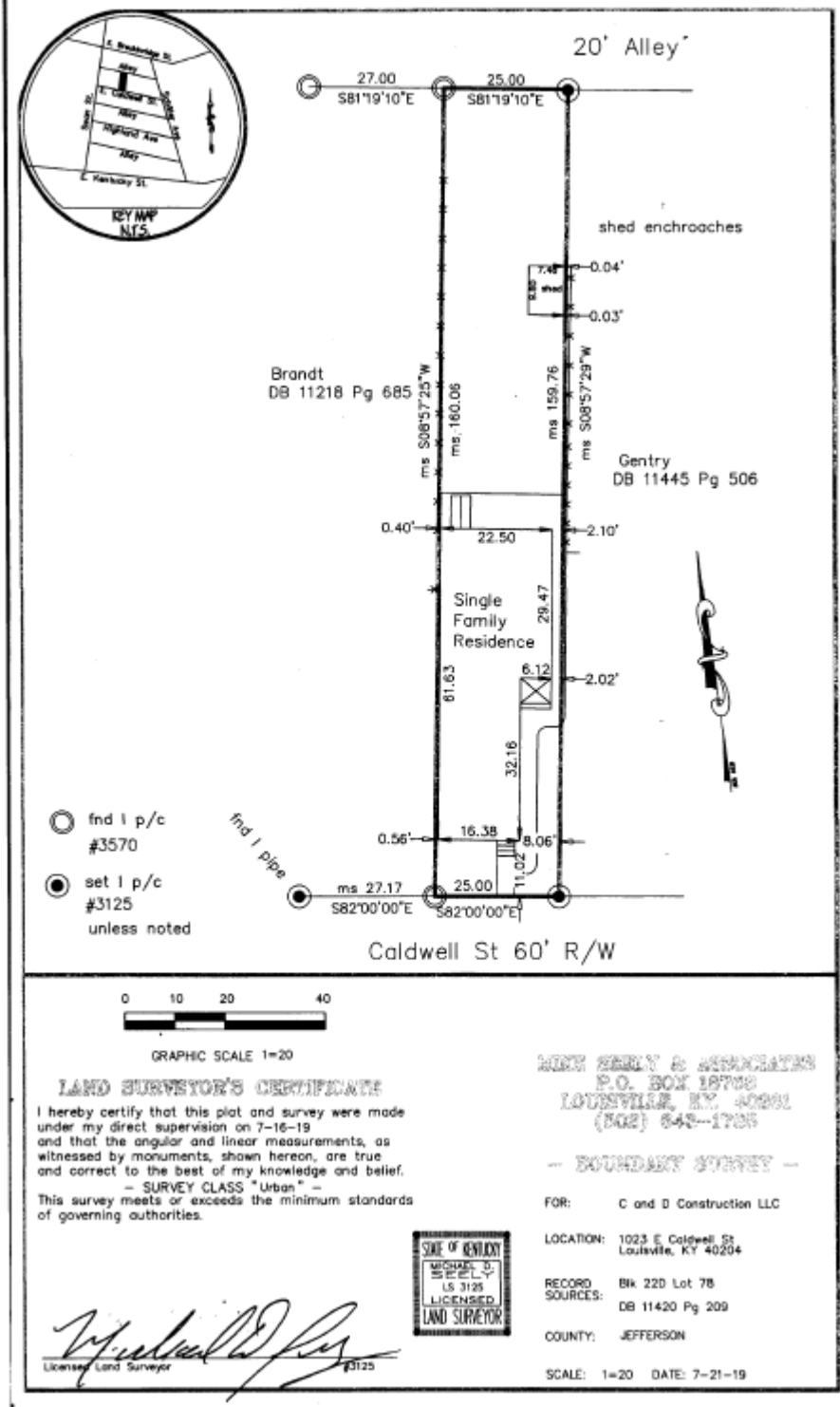


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Map Created: 1/9/2019



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3. **Site Plan**



4. Site Photos



Front of the Subject Property.



Property to the left of subject property.



Property to the right of subject property.



West side yard area.



East side yard area.



Rear addition and variance area.



Notice of public hearing.