

# Board of Zoning Adjustment

## Staff Report

May 20, 2019



<b>Case No:</b>	19VARIANCE1031
<b>Project Name:</b>	Bonnycastle Avenue Variance
<b>Location:</b>	2014 Bonnycastle Avenue
<b>Owner:</b>	Glen & Christy Nash
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot.

Location	Requirement	Request	Variance
Private yard area	2,655 sq. ft.	2,250 sq. ft.	405 sq. ft.

**CASE SUMMARY/BACKGROUND**

The subject property is in the Bonnycastle neighborhood, and currently contains a 2 ½-story multi-family structure with three dwelling units. The applicant proposes to demolish an existing garage and construct a new carriage house, which will reduce the private yard area to be less than 30% of the total area of the lot. The applicant also proposes a change in nonconforming use to move one of the units in the principal structure to the new accessory structure (case number 19NONCONFORM1012).

**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, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard of granting a variance established in the Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot.

**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 5.4.1.D.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 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 proposed accessory structure will be similar in scale to other structures in the general 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 as the addition will be constructed to comply with 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 majority of the required private yard area will still be intact.

### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise from special circumstances which do 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 because the lot is similar in shape and size to other lots in the area.

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 most of the private yard area will be intact.

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.

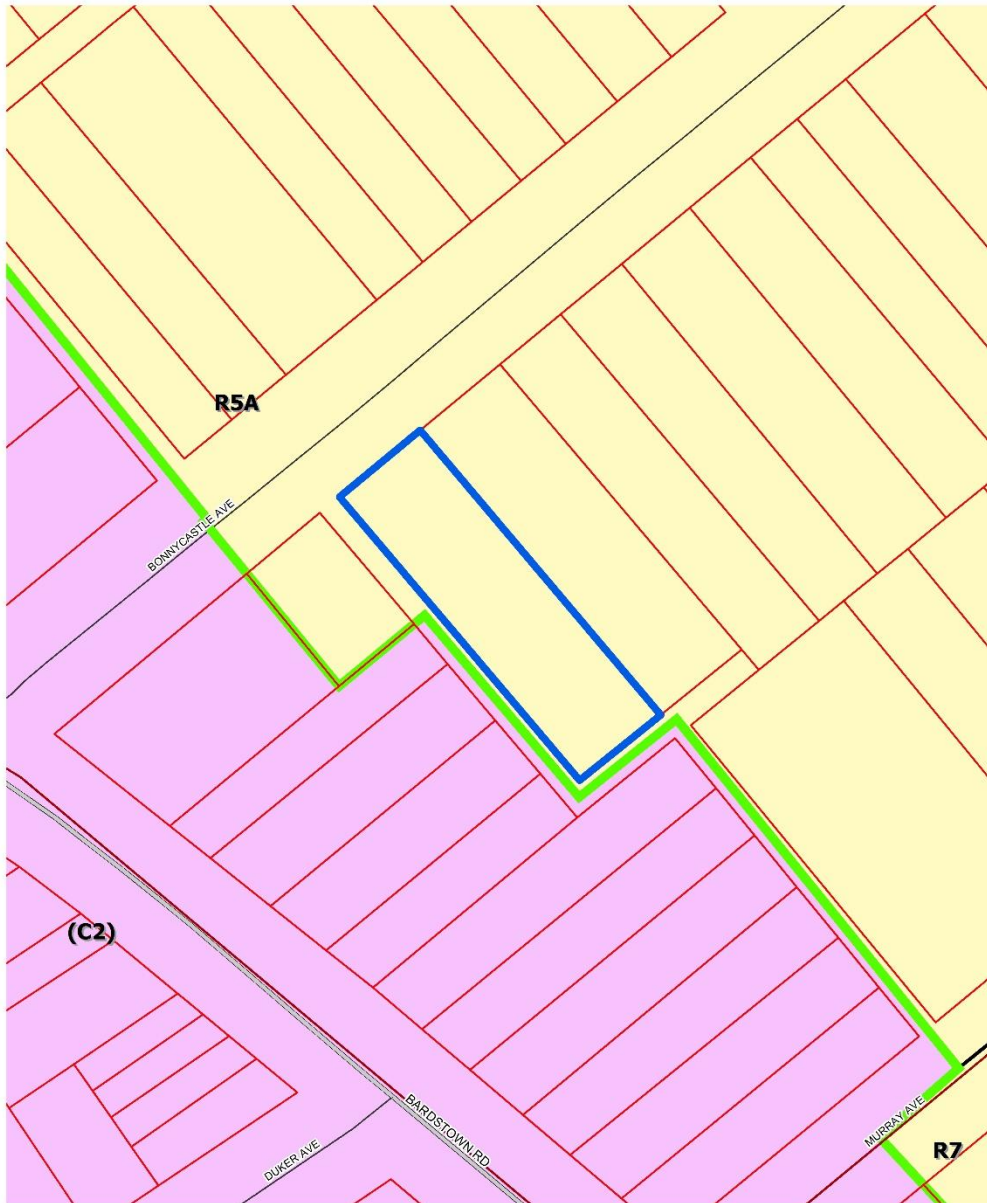
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>04/13/2019</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
<b>05/02/2019</b>	Hearing before BOZA	Notice posted on property

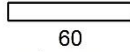
**ATTACHMENTS**

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

1. **Zoning Map**



2014 Bonnycastle Avenue  
feet

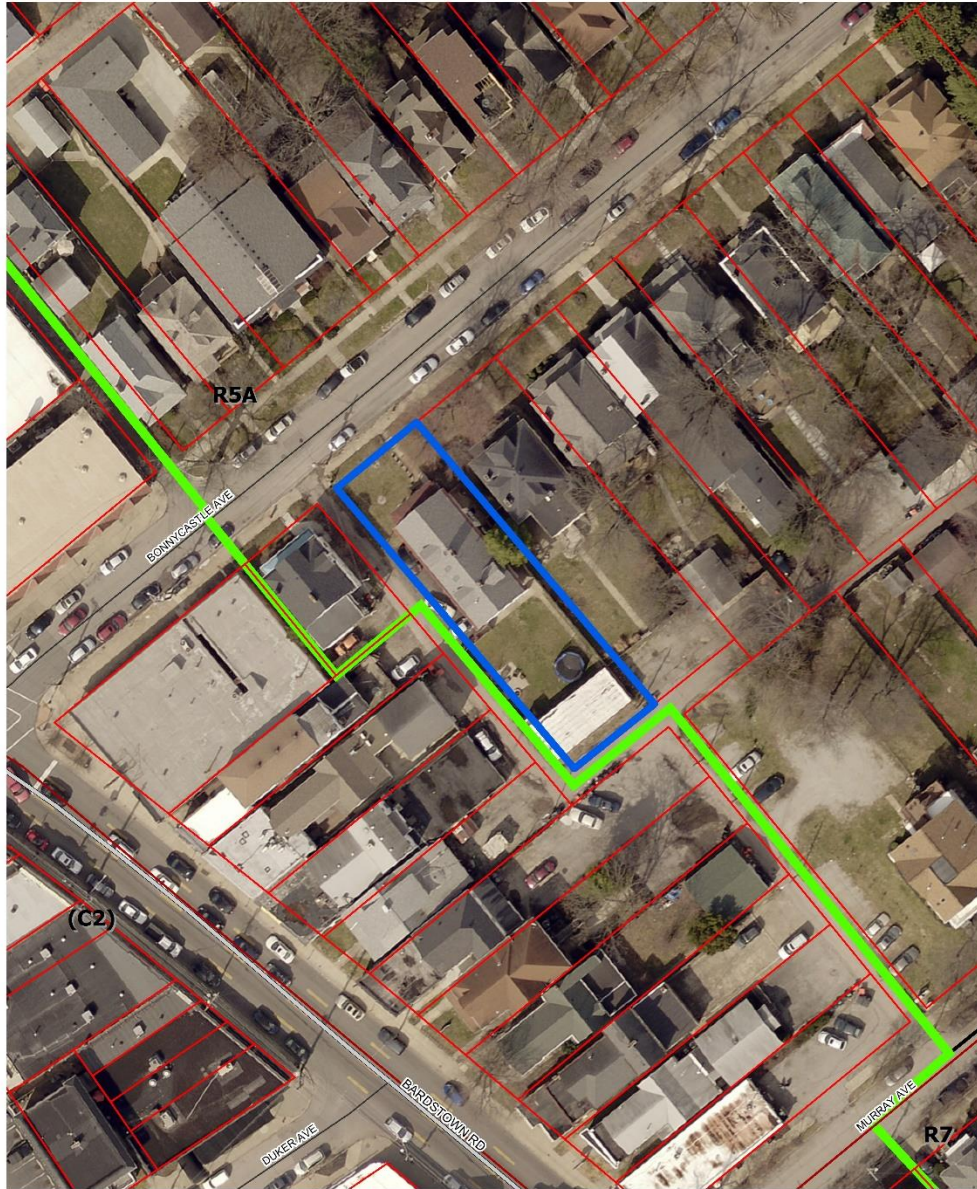


Map Created: 5/10/2019

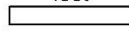


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2. Aerial Photograph



2014 Bonnycastle Avenue  
feet



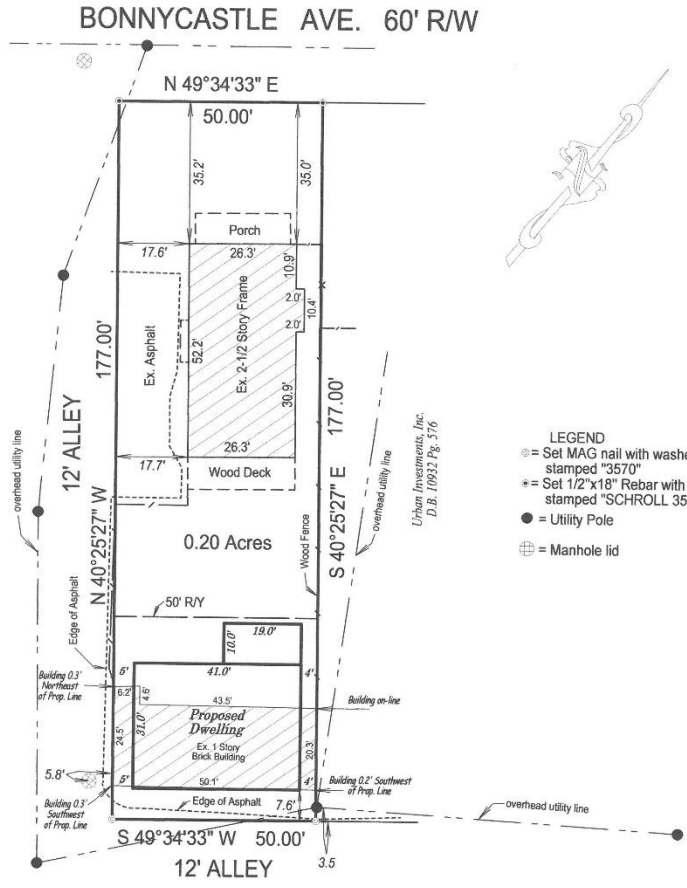
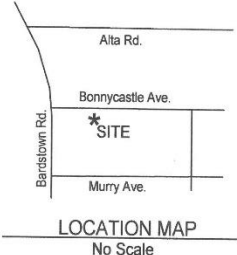
60  
Map Created: 5/10/2019



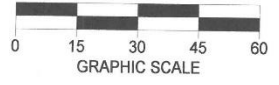
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3. **Site Plan**

- NOTES:
1. Site is subject to all right-of-ways, easements and restrictions of record or implied.
  2. The surveyor did not make a search for easements, encumbrances, restrictions, ownership title evidence or other records that a complete and accurate title search may disclose.
  3. The certification of this survey is made of this date and is subject to any future facts that more accurately describe or establish the boundary shown herein.
  4. Surrounding owner information is shown per PVA records.
  5. The basis of bearing was taken from the record plat.
  6. Unless otherwise shown, structures shown are the footprint only.
  7. Title to roads not found and shown per tax map drawn 4-4-46.
  8. This site is located in Zone X per Firm Map 21111C0043 E dated December 5, 2006 and is not located within a 100 year flood plain (0.1% chance). Flood Plain Certification is restricted to a review of the FIRM and shall not be construed as a confirmation or denial of flooding potential.



- LEGEND
- ⊙ = Set MAG nail with washer stamped "3570"
  - \* = Set 1/2"x18" Rebar with cap stamped "SCHROLL 3570"
  - = Utility Pole
  - ⊕ = Manhole lid



**SITE PLAN**

*This Site Plan does not comply with KAR 18:150*

Plot of: 2014 Bonnycastle Ave.  
Louisville, Ky. 40205  
Owner: Glen & Christy Nash  
PO Box 6092, Louisville, Ky. 40206  
Source of Title: D.B. 11057 Pg. 181

Ordered By: Glen Nash  
Scale: 1" = 30'  
Drawn Date: 3/21/19  
Job No: 2560R/18  
Drawn By: Bill Schroll

**SCHROLL LAND SURVEYING LLC.**

Office Location: 7329 St. Andrews Church Rd.  
Louisville, KY. 40214  
Mailing Address: 5450 Southview Drive  
Louisville, KY. 40214  
Office: 502-367-7660 Mobile: 502-594-6773

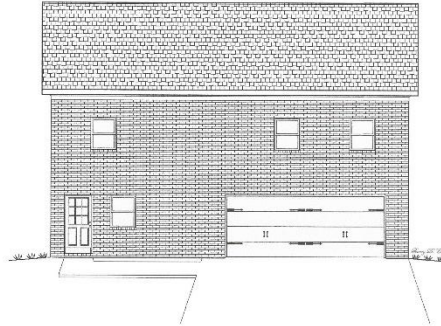
NOT FOR RECORDING OR LAND TRANSFER

STATE OF KENTUCKY  
WILLIAM D.  
SCHROLL, III  
3 5 7 0  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR

THIS SITE PLAN DOES NOT REPRESENT A SURVEY. THIS SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND ON THE DATE SHOWN. THE DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN TAKEN FROM PUBLIC RECORDS, PLANS, DEEDS AND/OR RECORD PLAT. THIS PLAN IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE.

*William D. Schroll III* 3-21-19  
WILLIAM D. SCHROLL III Date  
Professional Land Surveyor, Kentucky Registration No. 3570

4. Elevations



*The Nash Carriage House*



FRONT ELEVATION  
*Berry D. Early Design*  
 ARCHITECTURAL RESIDENTIAL  
 DESIGN DRAFTING  
 3000 N.W. 20th Street, Suite 200, Ft. Lauderdale, FL 33311  
 (954) 561-1111  
 (954) 561-1111  
 PAGE 1 of 8



LEFT SIDE ELEVATION  
 RIGHT SIDE ELEVATION  
*Berry D. Early Design*  
 ARCHITECTURAL RESIDENTIAL  
 DESIGN DRAFTING  
 3000 N.W. 20th Street, Suite 200, Ft. Lauderdale, FL 33311  
 (954) 561-1111  
 (954) 561-1111  
 PAGE 5 of 8

19 VARIANCE 1031



**UBuildIt!** THE BEST VALUE IN THE BUSINESS  
*The Nash Carriage House*

REAR ELEVATION

*Barry D. Early Designs*  
ARCHITECTURAL RESIDENTIAL  
DESIGN DRAFTING

*Serving No Stone Green, So No Stone Here.*  
1180 Main Street, Charlestown, Indiana 47111  
(812) 256-6920 or (812) 697-0041

PAGE 6 of 8



5. Site Photos



The front of the subject property.



Property to the right of the subject property.



Property to the left of the subject property.



Property across Bonnycastle Avenue from the subject property.



Location of the private yard area variance.



Existing private yard area.



Private yard area looking toward the principal structure.



Private yard area looking west.





Private yard area looking east.