

Board of Zoning Adjustment Staff Report

April 17, 2017



Case No:	17VARIANCE1011
Project Name:	620 S. Campbell Street
Location:	620 S. Campbell Street
Owner(s):	Kersey and Kersey, Inc
Applicant(s):	Kersey and Kersey Architects
Representative(s):	Kersey and Kersey Architects
Project Area/Size:	2,322 square feet/0.053 acres
Existing Zoning District:	OR-2, Office-Residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton-Smith
Case Manager:	Joel P. Dock, Planner II

REQUEST

- **Variance** of Land Development Code (LDC), section 5.4.1.D to reduce the private yard area
- **Waiver** of LDC, section 5.4.1.C.1 to allow the principal entrance to not be oriented to the primary street

CASE SUMMARY

The applicant proposes a single-family residential dwelling on a vacant lot roughly one block North of E. Broadway abutting the West right-of-way of Campbell Street. The dwelling will provide a garage served by Springer Alley along the North property line. Campbell Street serves as the primary street and the front property line is established from this roadway. The North and South property lines are side lines and the West boundary is the rear line. The minimum required five foot rear yard has been provided along the West line. The private yard area required for the property is four hundred sixty-four square feet or twenty percent of the size of the lot. Staff has allowed side yard areas extending from the rear yard to be included as private yards when the minimum dimension for the yard has been met. In this case, the private yard is provided to the South of the dwelling and contains three hundred seventy-five square feet. The principal entrance to the dwelling is being provided from this area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	OR-2	TN
Proposed	Single-family	C-1	TN
Surrounding Properties			
North	Mixed-use	M-2	TN
South	Office	OR-2	TN
East	Campbell Street Connector	R/W	TN
West	Parking lot	OR-2	TN

PREVIOUS CASES ON SITE

No previous cases on the subject site

INTERESTED PARTY COMMENTS

Staff has not received any comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)

Section 5.4.1.D to reduce the private yard area

- (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 reduced size does not impact the safe movement of pedestrians or vehicular traffic in the immediate vicinity.

- (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 vacant lot is unusually situated with its front property line being similar in dimension to a common street side yard within the area and having a lot width from front to rear that is not consistent with the traditional pattern of lots. The applicant has provided a plan that respects the intent of the traditional pattern, while adjusting for the characteristics of the lot.

- (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 proposal is for a single-family dwelling in a mixed-use neighborhood and does not impact the safe movement of people or obstruct views which are ordinarily expected.

- (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 characteristics of the lot do not allow for conformance with all standards of residential site design in Traditional Neighborhood form districts and the applicant has attempted to design a project that meets the intent of many of the design elements of a traditional neighborhood.

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 as the vacant lot is unusually situated with its front property line being similar in dimension to a common street side yard within the area and having a lot width from front to back that is not consistent with the traditional pattern of lots

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 as it does not appear that the proposal adversely affects the public health, safety, or welfare and no apparent nuisance or hazard would be created by the requested variance.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Section 5.4.1.C.1 to allow the principal entrance to not be oriented to the primary street

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the entrance is for a single-family residential dwelling.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 1 & 3 call for compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district; and encourages residential character that is compatible with adjacent residential areas. The design of the project, given the characteristics of the lot, is compatible with surrounding areas and the intent of traditional design patterns established by the form district. The orientation of the entrance allows for a safe area of entry into the dwelling.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as a principal entrance could be provided from the primary street.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as there do not appear to be any site constraints that would prevent the installation of an entrance along the primary street or limit the ability of the applicant to also provide an entrance to the private yard.

TECHNICAL REVIEW

Yards are as follows:

- Front – Campbell Street
- Side – North (alley) and South property lines
- Rear – West property line abutting parking lot

STAFF CONCLUSIONS

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

The waiver does not appear to be adequately justified or meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for approving a variance(s) and waiver(s).

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variance** of Land Development Code (LDC), section 5.4.1.D to reduce the private yard area from 464 sq. ft. to 375 sq. ft.
- **APPROVE** or **DENY** the **Waiver** of LDC, section 5.4.1.C.1 to allow the principal entrance to not be oriented to the primary street

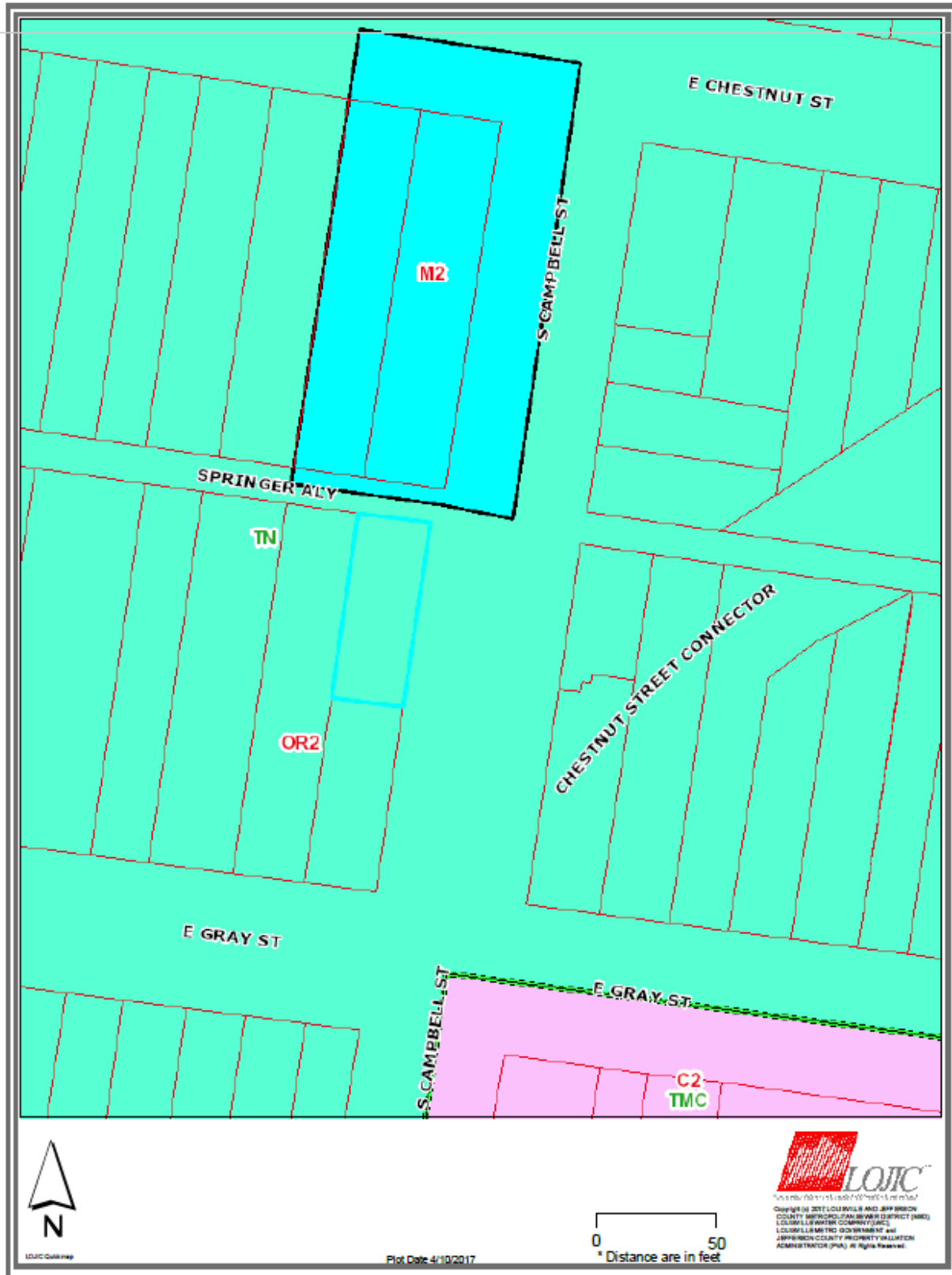
NOTIFICATION

Date	Purpose of Notice	Recipients
3/31/17	BOZA	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 4.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

