

Board of Zoning Adjustment

Staff Report

October 30, 2017



Case No:	17VARIANCE1070
Project Name:	2307 Wibben Avenue
Location:	2307 Wibben Avenue
Owner(s):	Chris Martin
Applicant:	Anne Del Prince
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.E.2 to allow a structure to encroach into the required rear yard setback.
- **Variance** from Land Development Code section 5.4.1.D.3 to eliminate the private yard area.

Location	Requirement	Request	Variance
Rear Yard Private Yard Area	5 ft. 436 sq. ft.	6 in. 0 sq. ft.	4.5 ft. 436 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the E.V. Thompson Sr. subdivision, recorded in 1904 in plat book 1, page 30. It currently contains a one-story single-family residence. The applicant proposes to construct an attached garage to the rear of the principal structure. The applicant therefore requests variances to allow the new construction to encroach into the rear yard setback and eliminate the private yard area. The existing concrete driveway on Wibben Avenue will be removed and converted to green space. Access to the garage will be achieved through the existing alley. The applicant also proposes to construct an unenclosed front porch which encroaches into the front yard setback. This encroachment is permitted according to section 5.4.1.B.1.b of the Land Development Code.

Staff has received signatures from all adjoining property owners approving of the proposed construction and therefore a public hearing is not required.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet 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 variances established in the Land Development Code from sections 5.4.1.E.2 and 5.4.1.D.3 to allow a structure to encroach into the required rear yard setback and to eliminate the private yard area.

TECHNICAL REVIEW

- No technical review undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.E.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 new construction will 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 new garage will be accessed through the alley instead of the existing driveway (to be removed), making the property more in character with the surrounding properties.

- (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 garage will 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 garage will be accessed from the alley, which is to the side of the property rather than the rear.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the subject property is considerably smaller than surrounding properties and is oriented sideways to the alley, rather than perpendicular to the alley as is typical for other nearby 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 create an unnecessary hardship on the applicant by preventing the construction of a garage which will utilize the alley in the manner intended.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3

- (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 new green space will be constructed at the side of the house to reduce impermeable surface.

- (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 driveway from Wibben Avenue will be removed, bringing the property into greater compliance with the character of the neighborhood than the current condition.

- (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 new green space will be developed to replace the existing concrete driveway, reducing impermeable surface.

- (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 applicant proposes to convert the existing driveway and carport into green space, making up for the lack of private yard area.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the subject property is considerably smaller than surrounding properties and is oriented sideways to the alley, rather than perpendicular to the alley as is typical for other nearby properties.

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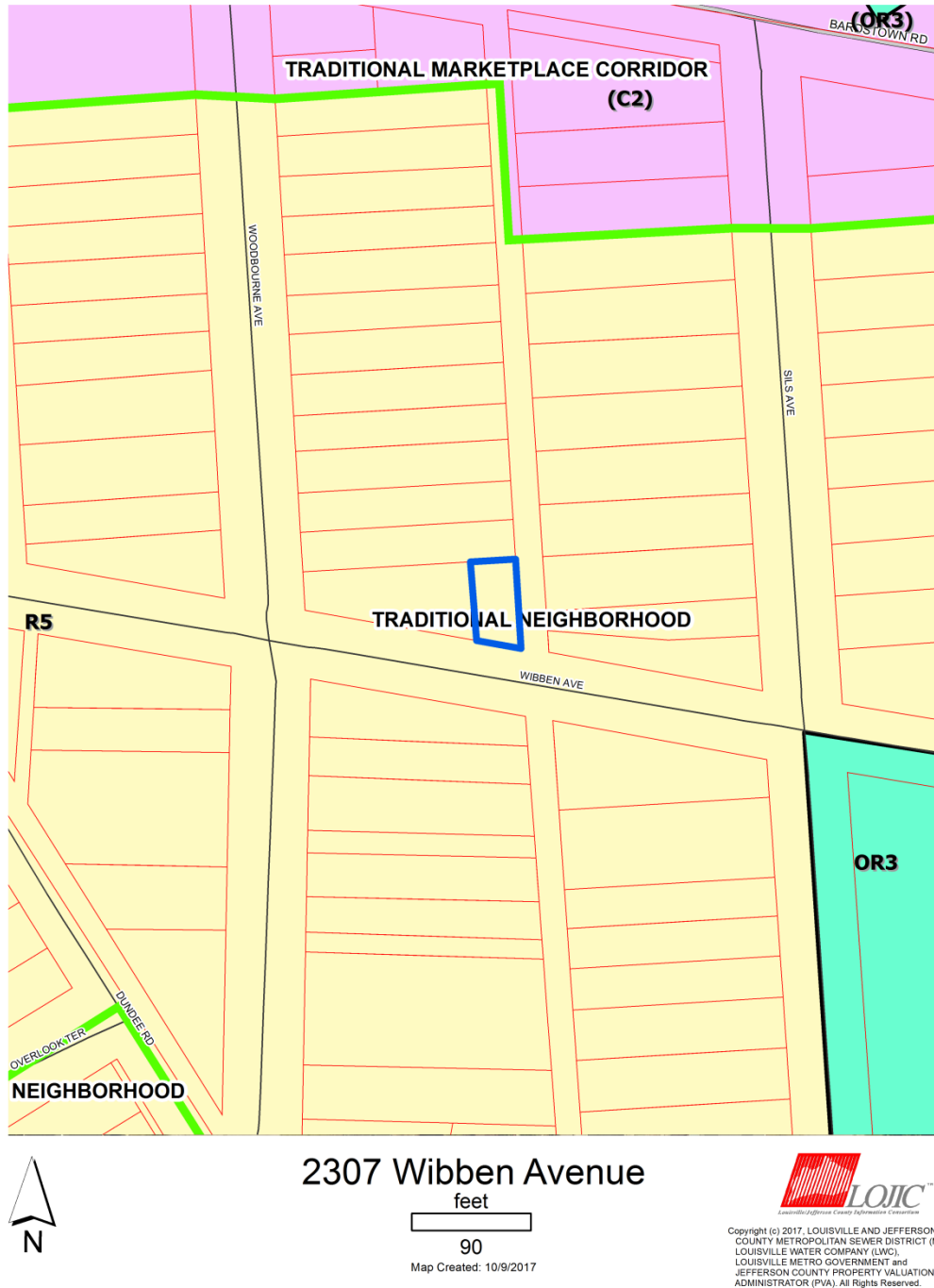
NOTIFICATION

Date	Purpose of Notice	Recipients
10/13/2017	Hearing before BOZA	Not Required for Business Session Item

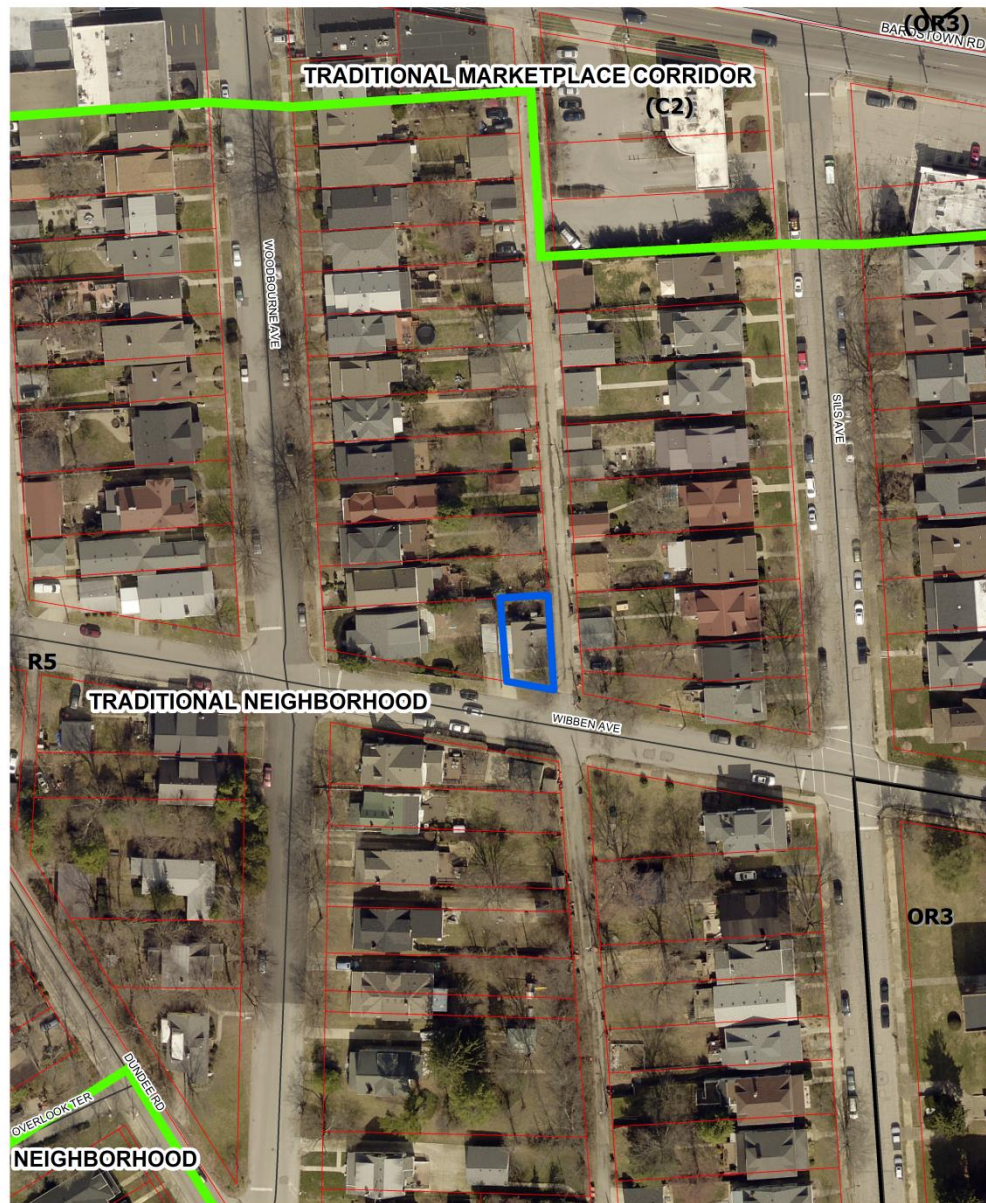
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



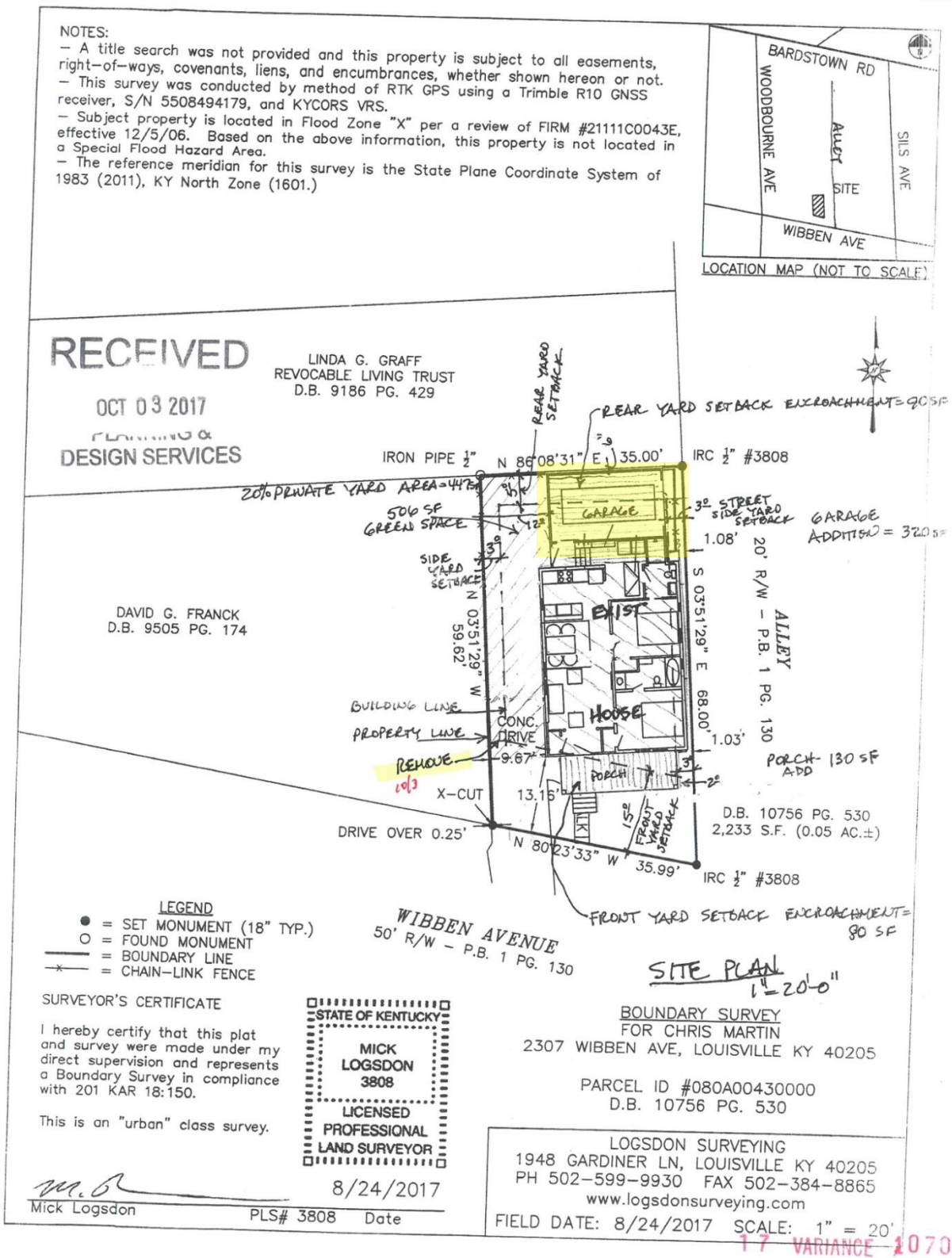
2307 Wibben Avenue
feet

90
Map Created: 10/9/2017



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
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JEFFERSON COUNTY PROPERTY VALUATION
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3.

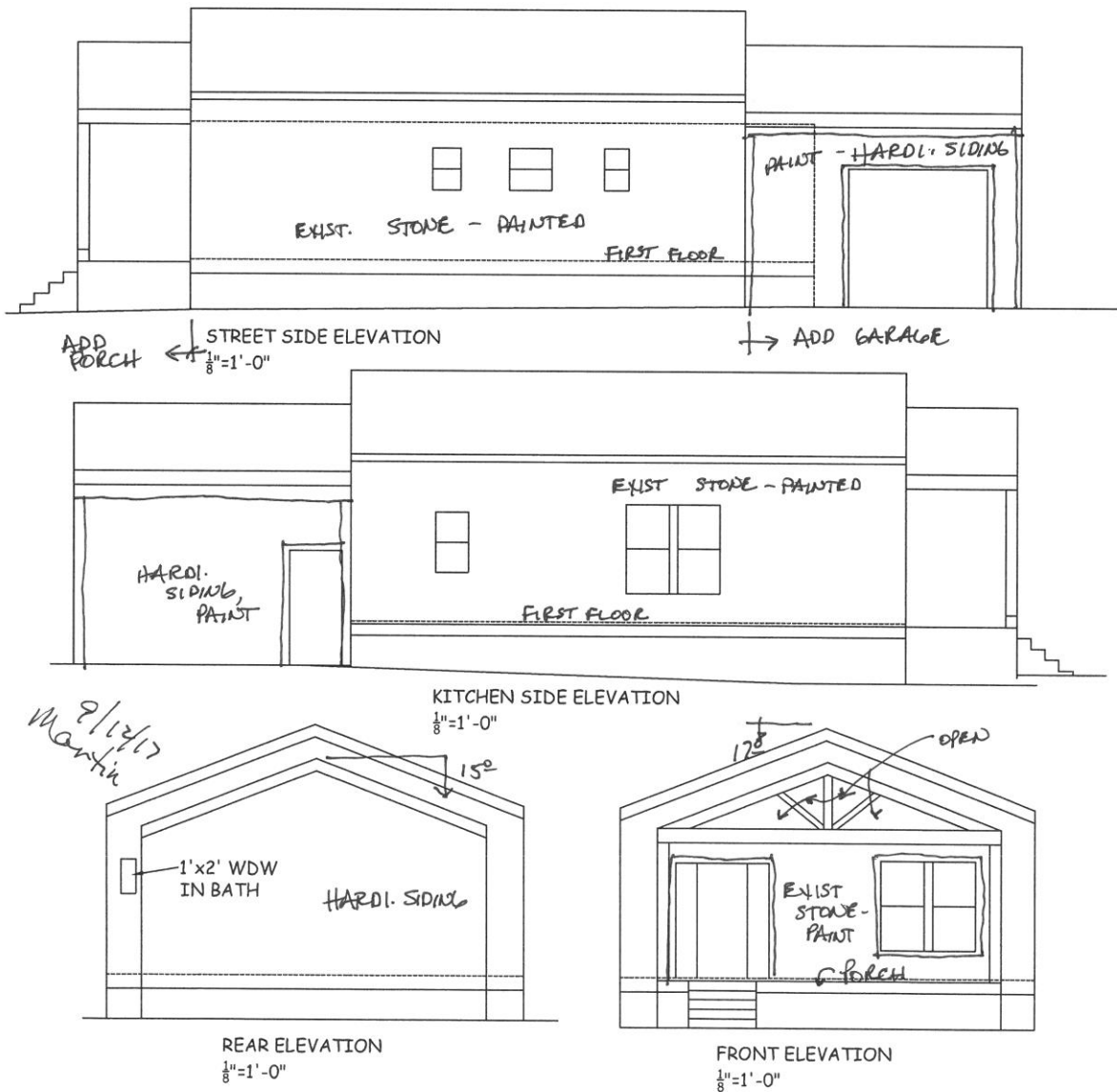


4. Elevations

RECEIVED

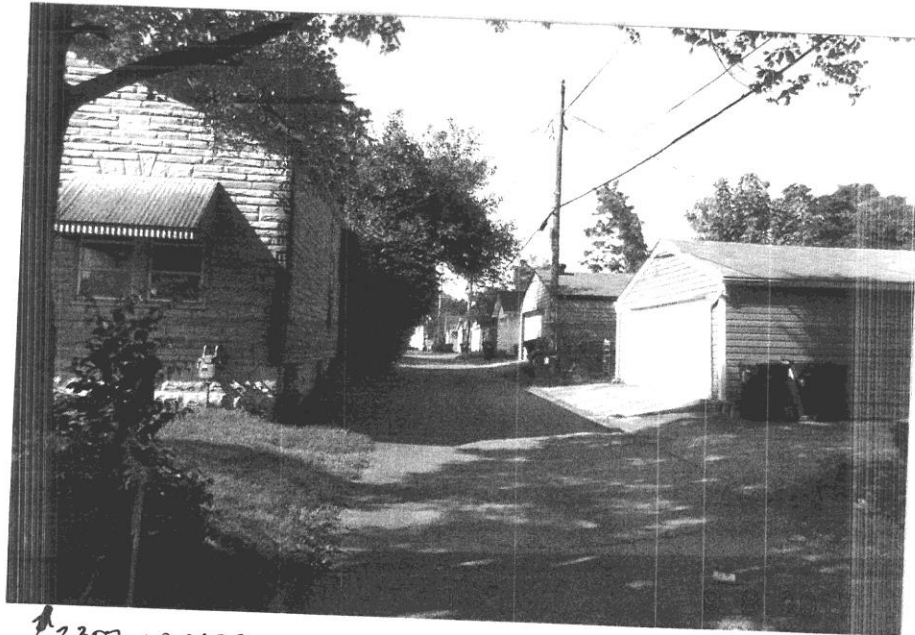
SEP 22 2017

PLANNING &
DESIGN SERVICES



MARTIN
9/16/17 $\frac{1}{8}" = 1'-0"$
17 VARIANCE 1070

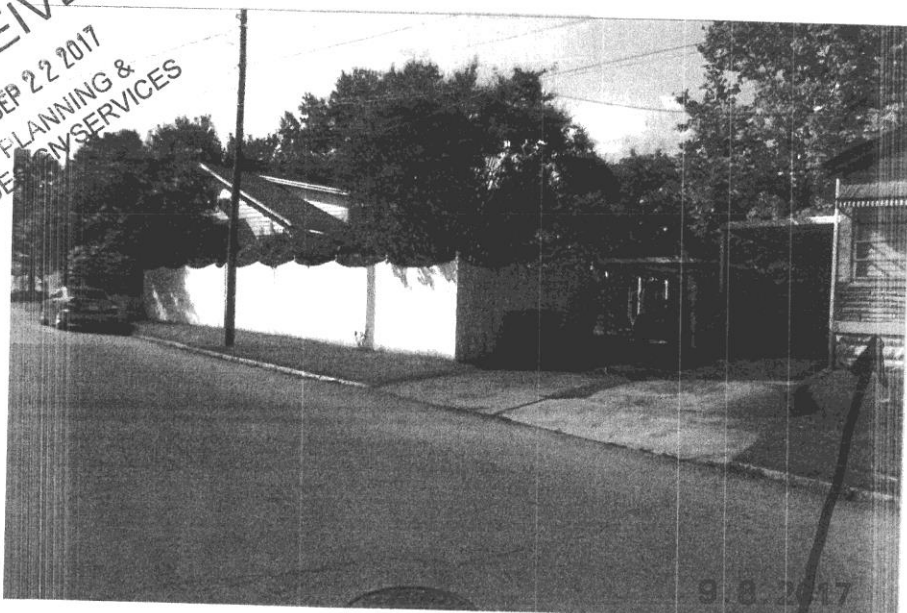
5. Site Photos



2307 WILBEN

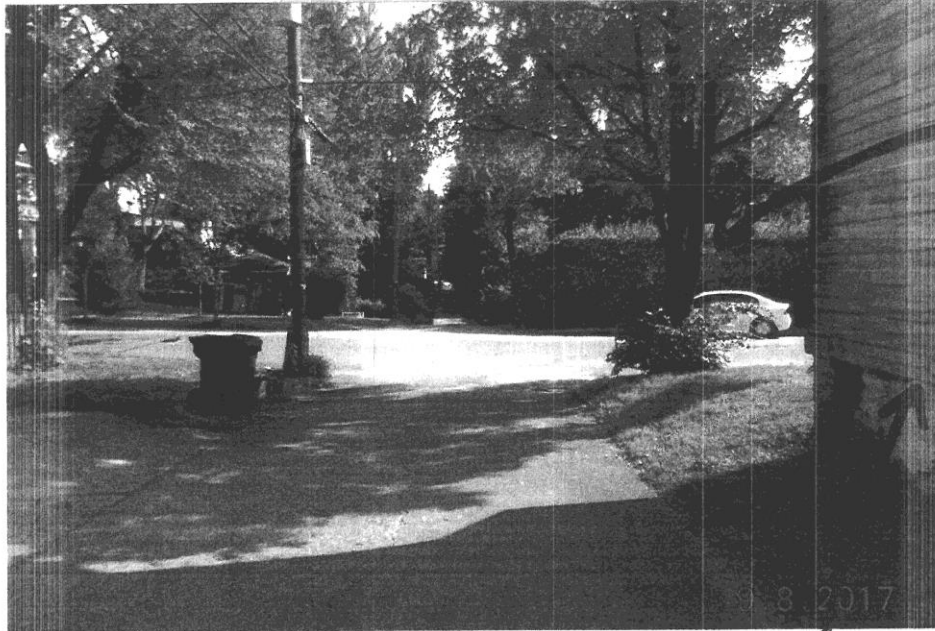
MARTIN

RECEIVED
SEP 22 2017
PLANNING &
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2307 WILBEN

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GARAGE

RECEIVED
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LOOKING ACROSS
WIBBEN

2307 WIBBEN
MARTIN



← 2307 WIBBEN

LOOKING DOWN ALLEY

17 VARIANCE 1070