

Board of Zoning Adjustment
Staff Report
 December 06, 2021



Case No:	21-VARIANCE-0130
Project Name:	Iroquois Avenue Variance
Location:	630 Iroquois Avenue
Owner/Applicant:	Kelly Levine
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Heather Pollock, 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 the lot.

Location	Requirement	Request	Variance
Private Yard Area	2,328.60 sq. ft.	2,300.71 sq. ft.	27.89 sq. ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Residential Single-Family in the Traditional Neighborhood Form District. The property is located on the south side of the 600 block of Iroquois Ave. in the Iroquois neighborhood. The subject property currently has a detached garage that is accessed via the street, that will remain. The applicant is proposing to build a 1,493.44 sq. ft. single family home. The new construction will reduce the private yard area to be less than the required 30% of the area of the lot.

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 section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

There are no related cases.

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, because the structure must 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 proposed residential structure will not alter the essential character of the general vicinity as the proposed home will be similar in size and location to the other homes in 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 location of the proposed single family home lines up with others and there is additional open space that cannot be included in the calculation. If this area could be counted toward the private yard, then a variance would not be required.

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 create an unnecessary hardship on the applicant as the location and size of the proposed home lines up with others along this street and it would have to be reduced in order to meet the private yard area. There is additional open space that cannot be counted toward the private yard area, and if it could, a variance would not be needed.

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 is requesting the variance and has not begun construction.

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.

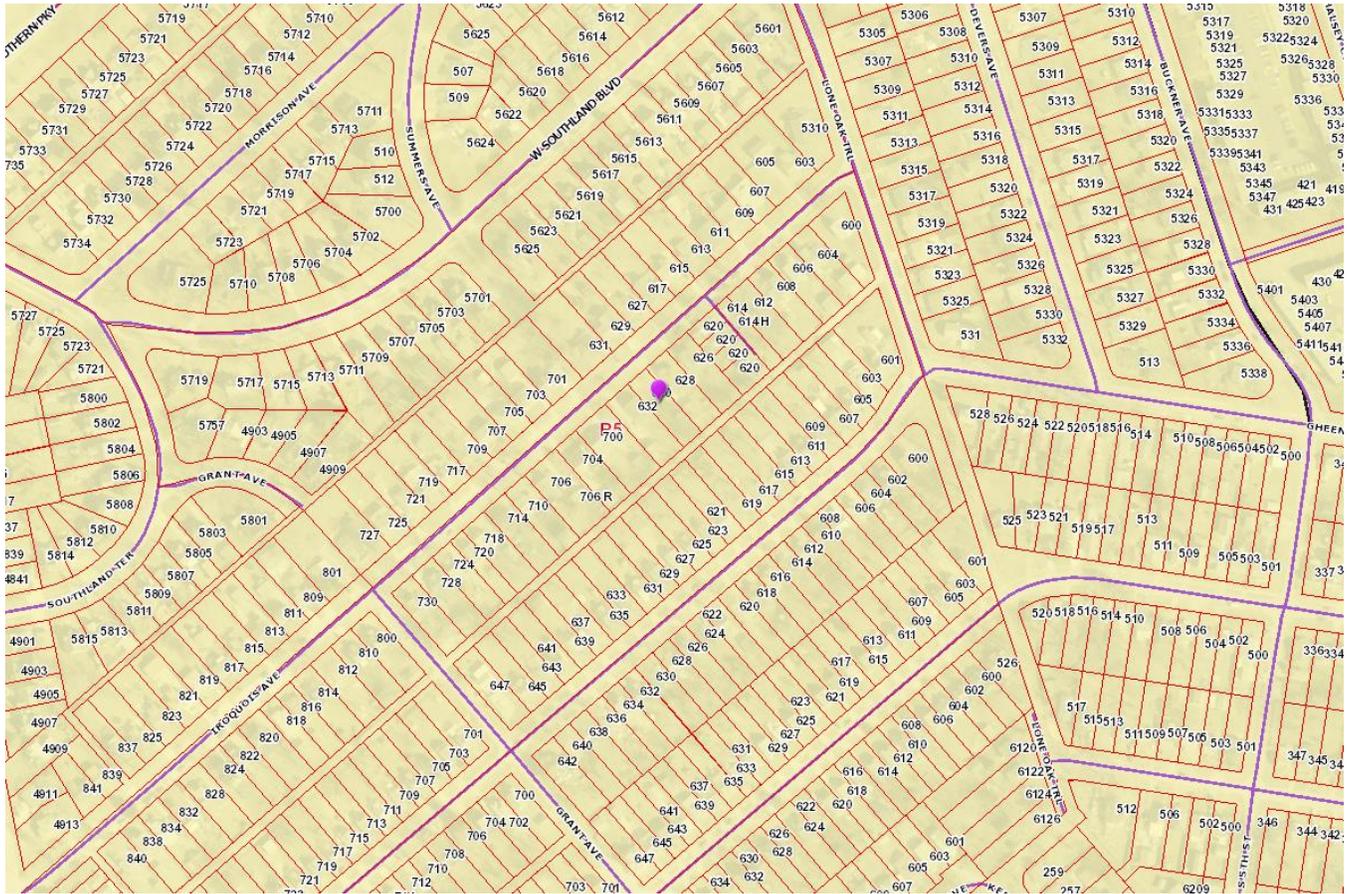
NOTIFICATION

Date	Purpose of Notice	Recipients
11/05/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 21
11/18/2021	Hearing before BOZA	Notice posted on property

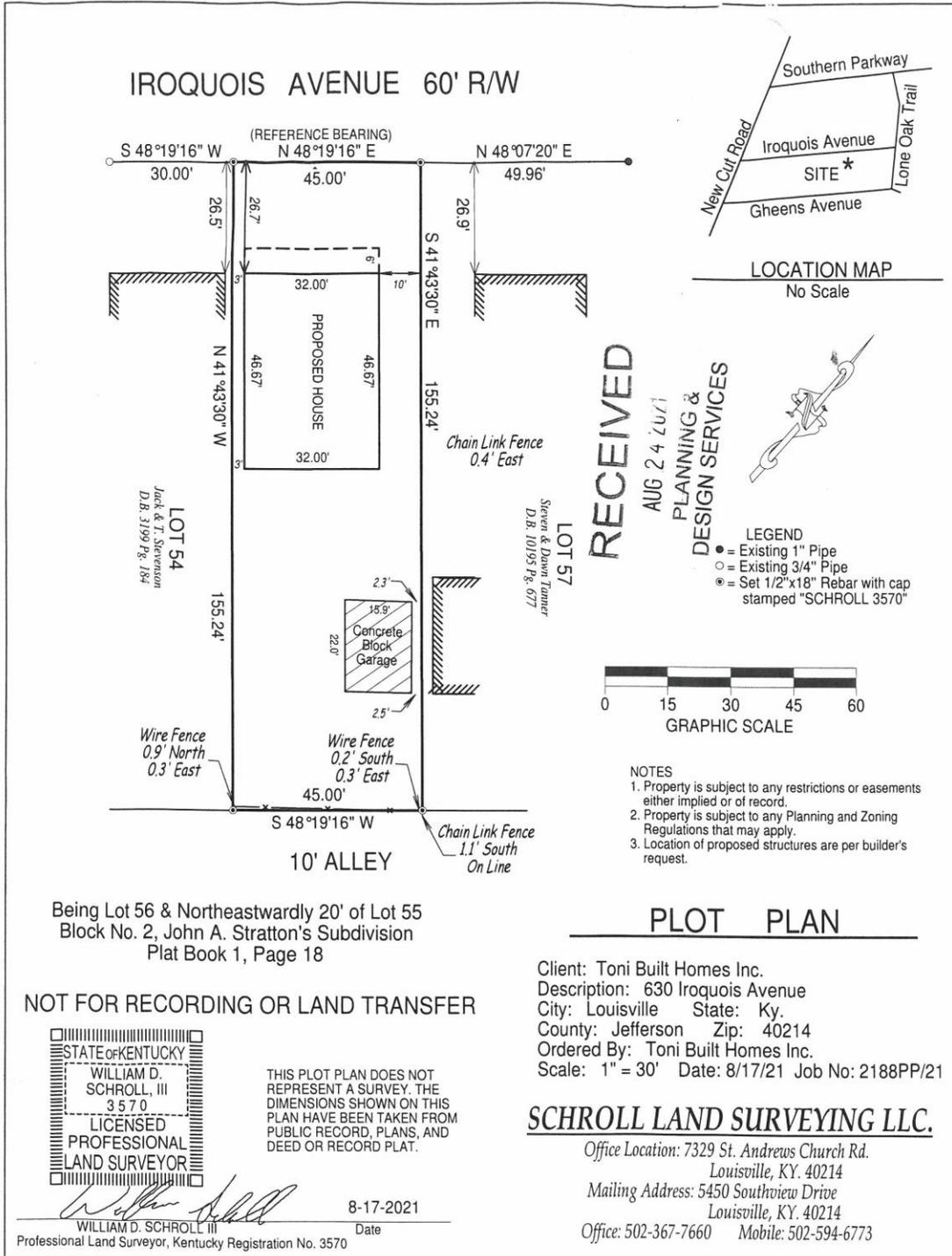
ATTACHMENTS

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

1. Zoning Map



3. Site Plan



21 - VARIANCE - 0130

Site Photos



Front of subject site



Property to the left.



Property to the right.



Across the street.



Variance area.



Open space behind accessory structure.



Variance Area.