

**Board of Zoning Adjustment
Staff Report**
August 17, 2015



Case No:	15VARIANCE1046
Project Name:	Residence
Location:	2105 Bradley Ave
Owner:	Joe Brooks
Applicant:	Louisville Room Additions
Representative:	Joe Willis
Project Area/Size:	528 sq. ft.
Existing Zoning District:	R-6, Multi-Family Residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Matthew R. Doyle, Planner II

REQUESTS

- Variance from the Land Development Code to allow a reduction in the required private yard
- Variance from the Land Development Code to allow the maximum depth of the accessory structure/ use area to exceed 50'
- Variance from the Land Development Code to allow an accessory structure to encroach into the required side yards

Location	Requirement	Request	Variance
Private yard	742 sq. ft.	400 sq. ft.	342 sq. ft.
Accessory structure/ use area	50'	59'	9'
Side yards	2'	1'	1'

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant wants to build a 1-story, detached garage. It would be 528 sq. ft. (24' x 22') with the garage doors perpendicular to the alley.

The site is located in the St. Joseph neighborhood near the intersection of Bradley Ave. and Crittenden Dr. and E. Barbee Ave. The lot is substandard and in the traditional neighborhood form district.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family residential	R-6	TN
Proposed	Single family residential	R-6	TN
Surrounding Properties			
North	Single family residential	R-6	TN
South	Single family residential	R-6	TN
East	Single family residential	R-6	TN
West	Single family residential	R-6	TN

PREVIOUS CASES ON SITE

N/A

INTERESTED PARTY COMMENTS

Staff has not received any comments on the proposal.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE to allow a reduction in the required private yard

- (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 since the garage will be set back 16' from the principal structure and accessible from the alley.

- (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 since some of the private yard area will be maintained similar to other lots in the area.

- (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 since the garage will be set back 16' from the principal structure and accessible from the alley.

- (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 since some of the private yard area will be maintained similar to other lots in the 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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as a utility pole and ground wire obstruct access to the rear of the property from the alley.

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 since a utility pole and ground wire obstruct access to the rear of the property from the alley.

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 VARIANCE to allow the maximum depth of the accessory structure/ use area to exceed 50'

- (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 since the garage will be set back 16' from the principal structure and accessible from the alley.

- (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 since some of the private yard area will be maintained similar to other lots in the area.

- (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 since the garage will be set back 16' from the principal structure and accessible from the alley.

- (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 since some of the private yard area will be maintained similar to other lots in the 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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since a utility pole and ground wire obstruct access to the rear of the property from the alley.

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 since a utility pole and ground wire obstruct access to the rear of the property from the alley.

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 VARIANCE to allow an accessory structure to encroach into the required side yards

- (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 since the garage will maintain a 1' setback from each side yard.

- (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 since the garage would maintain a setback from the side yard similar to other accessory structures in the area.

(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 since the garage will maintain a 1' setback from each side yard.

(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 since the garage would maintain a setback from the side yard similar to other accessory structures in the 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 variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the lot is substandard.

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 since the garage would maintain a setback from the side yard similar to other accessory structures in the area.

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.

TECHNICAL REVIEW

N/A

STAFF CONCLUSIONS

The variance requests appear to be adequately justified. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine whether the proposal meets the standards for granting the variances established in the LDC.

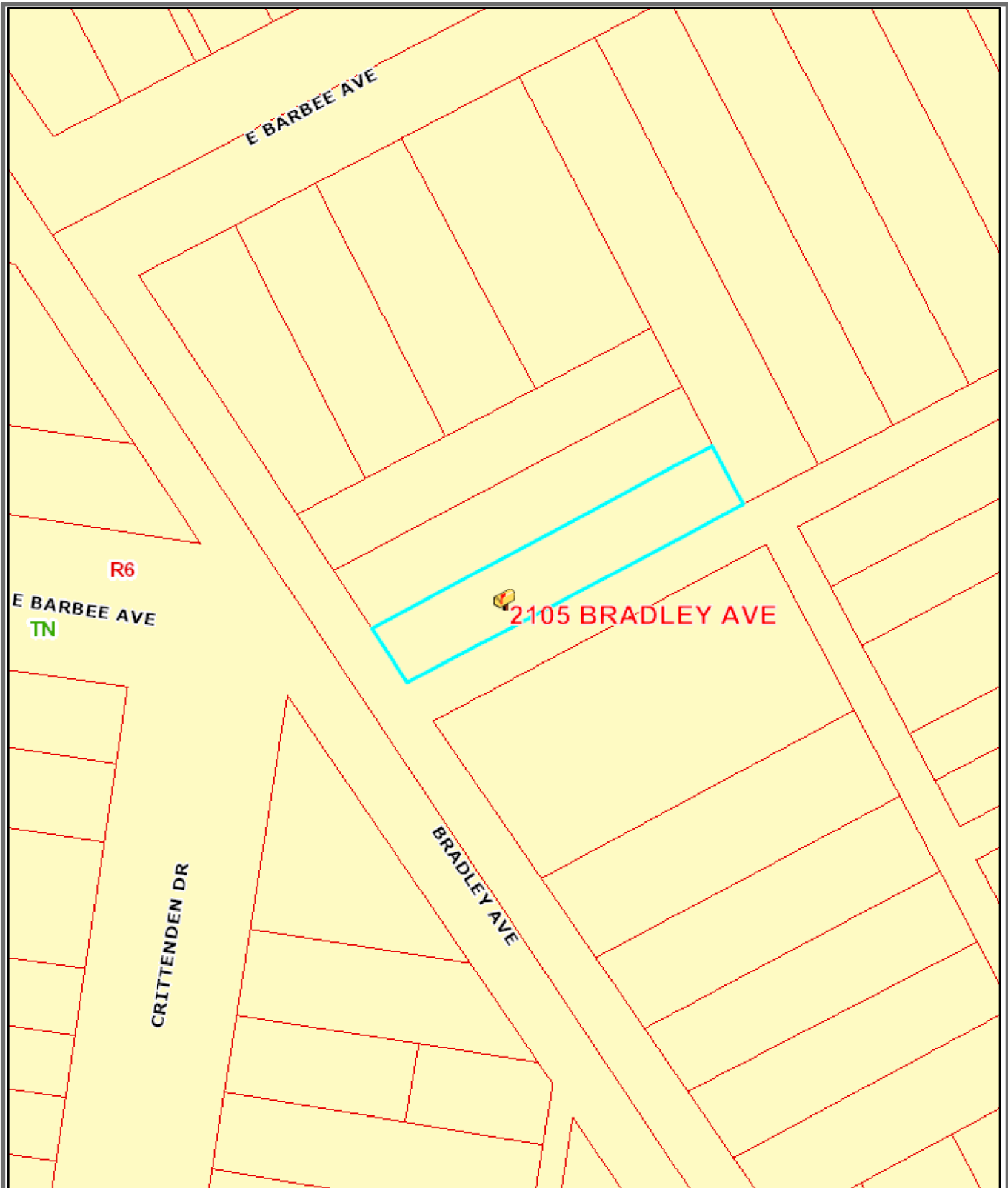
NOTIFICATION

Date	Purpose of Notice	Recipients
8/3/2015	BOZA	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

ATTACHMENTS

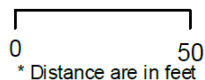
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



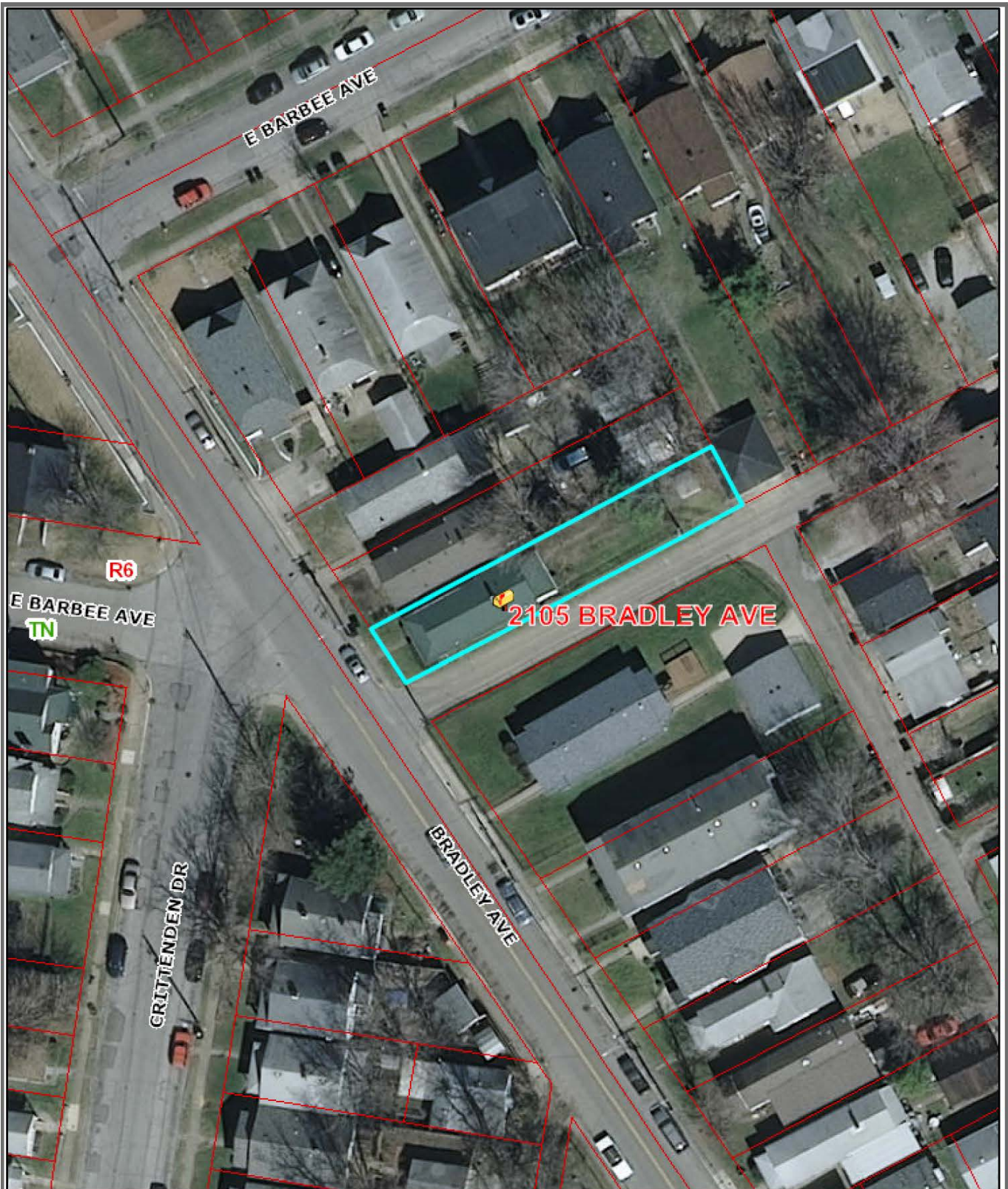
LOJIC Quickmap

2105 Bradley Ave



Plot Date 8/11/2015

2. Aerial Photograph



LOJIC Quickmap

2105 Bradley Ave

Plot Date 8/11/2015

0 50
* Distance are in feet



Copyright (c) 2015 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.