

Board of Zoning Adjustment
Staff Report
 October 15, 2018



Case No:	18VARIANCE1088
Project Name:	Dean Covered Parking & Storage Addition
Location:	1122 Ellison Avenue
Owner(s):	Garrett Dean
Applicant:	Garrett Dean
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUEST

- **Variance** from Land Development Code from Table 5.2.2 to allow a proposed structure to encroach into the required side yard setback.
- **Variance** from Land Development Code from Table 5.2.2 to allow a proposed structure to encroach into the required rear yard setback.

Location	Requirement	Request	Variance
East Side Yard	3'	1'	2'
Rear Yard	5'	1'	4'

CASE SUMMARY/BACKGROUND

The applicant is proposing to build a 357 square foot parking and storage addition that will be attached to the existing residence on site.

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 a variance established in the Land Development Code table 5.2.2 to allow a structure to encroach into the required side and rear yard setback.

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 TABLE 5.2.2

- (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 proposed addition will be attached to the existing wall of the residence which causes no known adverse effects.

- (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 reduced side and rear yard setbacks are common 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 according to building codes, including fire 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 reduced side and rear yards are common in the general area.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the existing residence on site is built toward the rear property line while every other house on the block is built toward the front property lines.

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 by requiring the applicant to move the parking and storage area toward the front of the existing residence and/or reduce the size.

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.

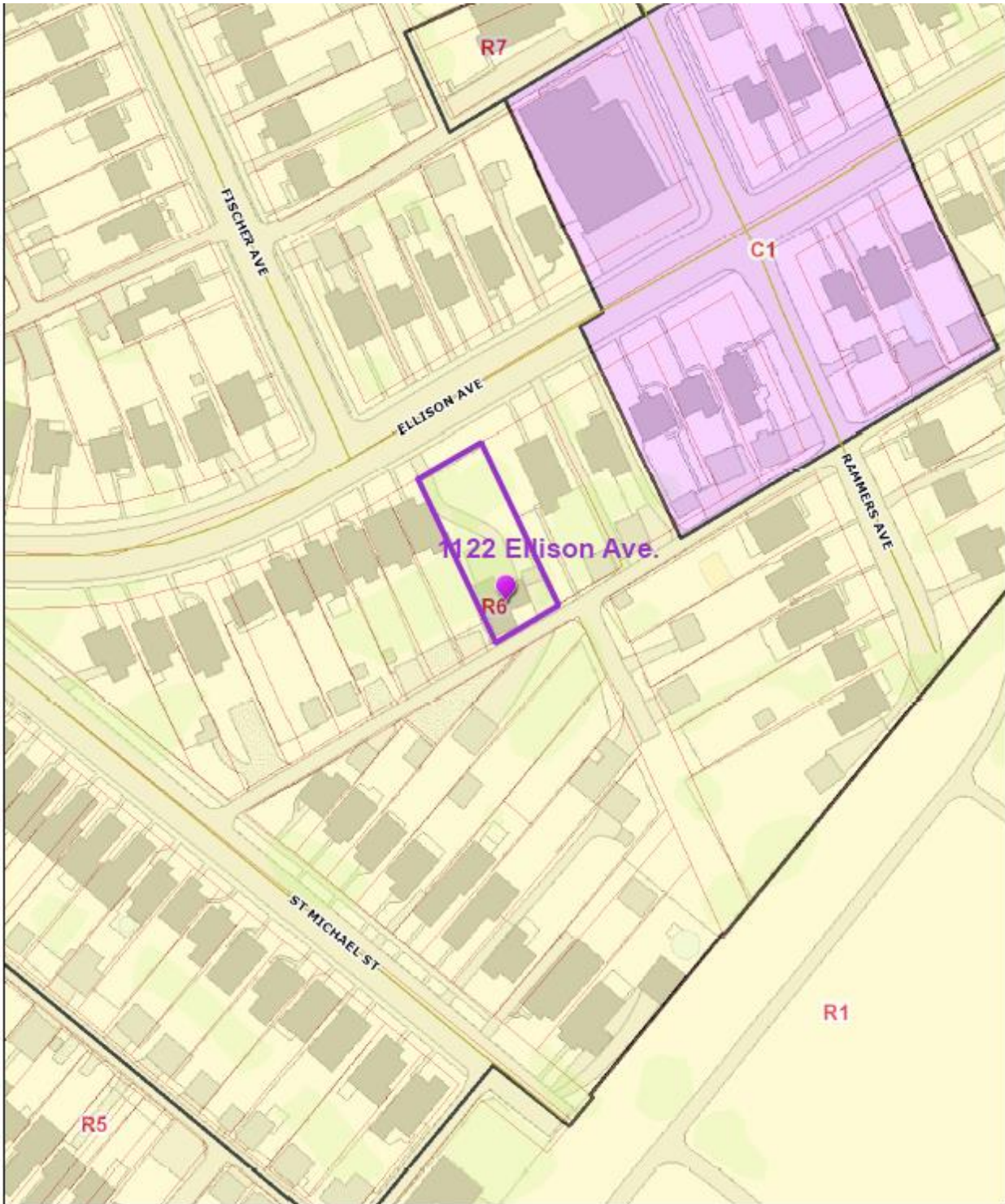
NOTIFICATION

Date	Purpose of Notice	Recipients
9/28/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 10
9/28/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

