

Board of Zoning Adjustment
Staff Report
 October 17, 2022



Case No:	22-VARIANCE-0091
Project Name:	Woodland Avenue Variance
Location:	2328 Woodland Avenue
Owner/Applicant:	Robert Harris
Jurisdiction:	Louisville Metro
Council District:	6- David James
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 and a **Variance** from the Land Development Code section 5.4.1.E.1 to allow an accessory use area to exceed the maximum depth.

Location	Requirement	Request	Variance
Private Yard Area	2,850 sq. ft.	0 sq. ft.	2,850 sq. ft.
Accessory Use Area Depth	50 ft.	89.33 ft.	39.33 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single Family Residential in the Traditional Neighborhood Form District. The property is located on the south side of Woodland Ave. close to the intersection with S. 25th St. It is the in the Park Hill neighborhood. The subject property has a one and a half story single-family home. Previously there was a carport to the rear of the home that has been removed. The applicant is proposing to build a 1,071 sq. ft. garage that will reduce the private yard area to be less than the required 30% of the area of the lot and will increase the accessory use area depth beyond the maximum permitted.

STAFF FINDINGS

Staff finds that the request variance is adequately justified and meets the standards 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.

TECHNICAL REVIEW

No outstanding technical comments.

INTERESTED PARTY COMMENTS

Applicant submitted signatures from adjoining property owners on either side of property.

RELATED CASES

18RW4718: Encroachment permit to build a 20 ft. wide driveway off Woodland Ave.

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 applicable building codes, including fire codes, and the Land Development Code, except where relief is requested.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed garage will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the existing residence and surrounding residential neighborhood. In addition, many of the other properties on this side of the block do not use the alley for access.

- (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 there is significant open space behind the accessory structure that cannot be counted towards the private yard calculation. The proposed structure could be moved back however, this location allows the applicant to use the existing driveway.

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 not create an unnecessary hardship on the applicant as there is sufficient open space behind the proposed garage to allow it to be moved to meet the requirements.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.E.1

- (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 proposed garage must be constructed to comply with all building codes, including fire codes, and land development code regulations, except where relief is requested.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed garage will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the surrounding area. There are other homes in the area that have driveways off of the street rather than the alley.

- (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 existing access is off of Woodland Ave. and not the alley. Moving the location of the proposed garage further back would require a longer driveway and increase the impervious surface 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 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 vehicle access for this property is off the street rather than 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 as the applicant has not started construction and is requesting the variance.

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.

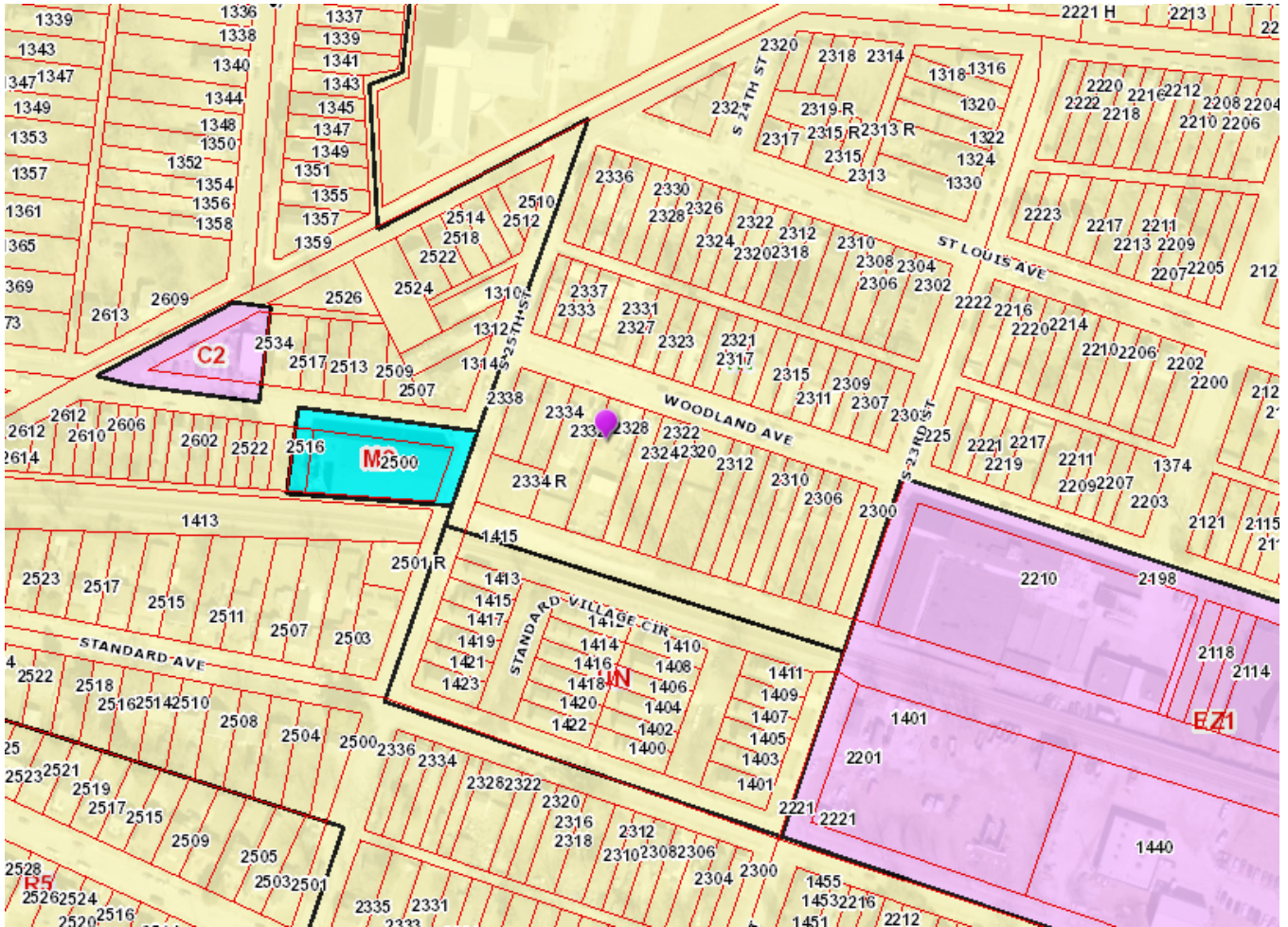
NOTIFICATION

Date	Purpose of Notice	Recipients
09/29/2022	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
10/03/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Plan

1450
1050

Site Plan



Setbacks:
2 ft from sides
5 ft from rear

R-5 TN
.2156
9304. sq ft
30%
2,791 ÷ 50

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4. Elevations

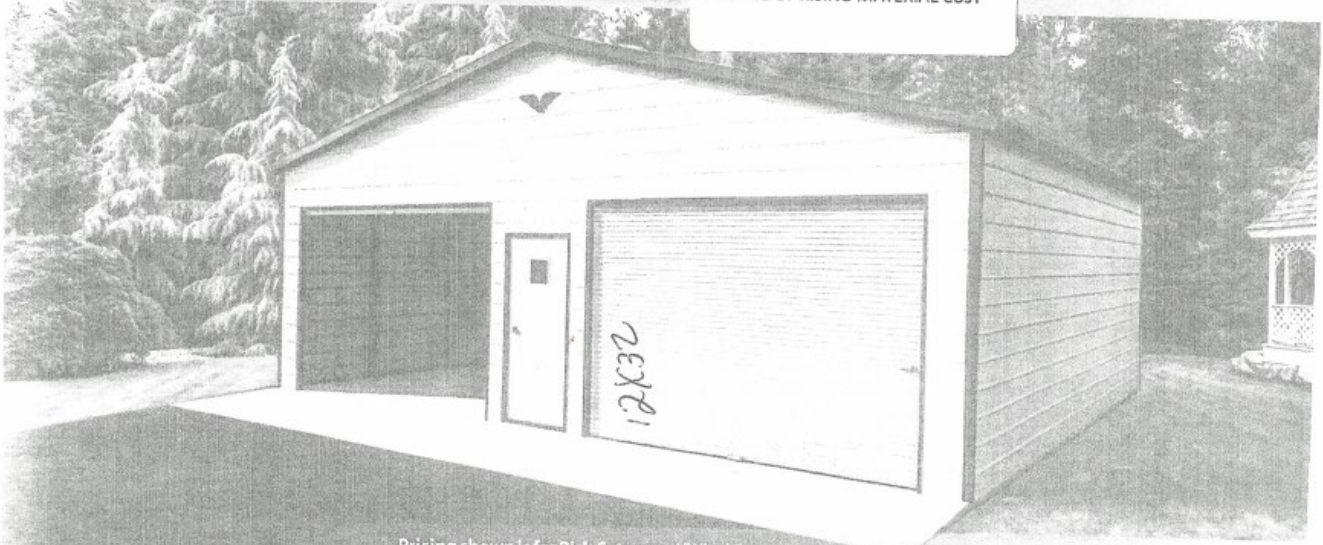
Call Me For More Information
 Richard Fowler 502-523-6081
 Barns, Carports, Swingsets, Cabins

Enclosed Garage Packages

MO, MS, NC, OK, SC, TN, TX, VA

PRICES EFFECTIVE

ADD 20% SURCHARGE TO BROCHURE
 PRICE.
 BECAUSE OF RISING MATERIAL COST



Pricing shown is for Risk Category I/Wind Exposure B. Please call for Risk Category III/Wind Exposure C options.

STANDARD FEATURES Rated for 35PSF-140MPH (3 second gusts, not sustained)

Garage package features include the following: one 36"x80" walk-in door, two 24"x36" windows, listed garage doors, 14 gauge galvanized steel framing, 19 gauge metal roofing with 20 year Beckers paint system, framing spaced 3' on center. Garage packages include both peak and leg bracing for additional strength and stability. Concrete Anchors or Rebar Anchors, and Earth Auger Anchors are included in base price. Eagle Carports, Inc. is not responsible for topping, or repairing leaks under base rails. *Base package height is 9' tall.* Please note: Eagle Carports, Inc. does not provide site work.



FREE EAGLE
 W/ PURCHASE OF GABLE END OR CLOSED END

FREE INSTALLATION
 ON YOUR LEVEL LOT

90 DAY WORKMANSHIP
WARRANTY

FINANCING & RTO
AVAILABLE

FLYING HIGH WITH GREAT DEALS

5. Site Photos



Front of subject property.



Left of subject property, Google 2019.



Right of subject property, Google 2019.

Network: Aug 26, 2022 at 2:01:48 PM EDT
Local: Aug 26, 2022 at 2:01:48 PM EDT



Across street.



Existing driveway off Woodland Ave.



Rear yard and variance area.