

Board of Zoning Adjustment Staff Report

December 19, 2016



Case No:	16VARIANCE1090
Request:	Variance to reduce the private yard area to less than the required 20% of the total lot area.
Project Name:	351 Hillcrest Ave. Variance
Location:	351 Hillcrest Ave.
Area:	.11310 acres
Owner:	Eric Call
Applicant:	Andrew Smallwood – Renaissance Design Build Inc.
Representative:	Andrew Smallwood – Renaissance Design Build Inc.
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variance:** from the Land Development Code section 5.4.1.D.3 to reduce the private yard area to less than the 20% of the total lot area.

Location	Requirement	Request	Variance
Private Yard Area (20% of total lot area)	1,008 sf.	360 sf. (36%)	648 sf. (64%)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 22' by 32' (704 sf.) one story one car detached garage (accessory structure) at the rear of the property abutting an alley with a 20' right of way. The proposed garage has appropriate side yard setbacks of 2 ft. (south), 6 ft. (north), and rear 5 ft. (east). The distance between the rear of the principal and the front of the accessory structure is approximately 8.47 feet at the widest point and encompassing an area of approximately 360 sf. for the private yard area. The applicant is requesting a variance from the required 20% of the total lot area, 1,008 sf., for approximately 648 sf. The subject site is located between two R-5 zoned residential properties (north and south) with a 20' wide alley in the rear and a frontage along Hillcrest Ave. of 40.25'. The depth of the lot is 126 feet in length (longest side) with the home setting approximately 39.40 feet from the front property line, the house is elongated on the parcel having a length of approximately 47.5'. The combined total of the setback (39.4') and the principal structure (47.5') encompassing approximately 69% of the depth of the lot and leaving 39' for the rear yard where the applicant is proposing a 22 foot length garage, meeting the 5 foot rear setback as required for accessory structures.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-5	Traditional Neighborhood
Proposed	Single Family Residential	R-5	Traditional Neighborhood
Surrounding Properties			
North	Single Family Residential	R-5	Traditional Neighborhood
South	Single Family Residential	R-5	Traditional Neighborhood
East	Single Family Residential	R-5	Traditional Neighborhood
West	Single Family Residential	R-5	Traditional Neighborhood

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code (Oct. 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 proposed garage meets the setbacks as required for the Traditional neighborhood in the rear (5 ft.), the side yards (minimum of 2 ft.), and the distance between the principal structure and the accessory structure (8.47 ft.).

- (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 twelve other residences along the same block face have accessory structures to the rear abutting the alley. Three of the twelve are comparable in size if not larger than that proposed by the applicant.

- (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 proposed garage meets the setbacks as required for the Traditional neighborhood in the rear (5 ft.), the side yards (minimum of 2 ft.), and the distance between the principal structure and the accessory structure (8.47 ft.).

- (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 because the proposed garage will conform to all setback requirements established in the LDC but the situation of the principal structure on the lot prevents the applicant from having enough space to meet the required private yard area. The lot size is considered sub-standard for an R-5 zoning type, being less than 6,000 sf. in the Traditional Neighborhood form district.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does arise from special circumstances which do generally apply to land in the general vicinity or the same zone since the lot size is considered sub-standard for an R-5 zoning type, being less than 6,000 sf. in the Traditional Neighborhood form district.

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 since the lot being less than 6,000 sf. and the situation of the residence having a front setback of approximately 39.4 ft. restricts the rear yard area and the proposed garage reduces the private yard area as a result.

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 since the lot size is considered sub-standard for an R-5 zoning type, being less than 6,000 sf. in the Traditional Neighborhood form district.

TECHNICAL REVIEW

- None

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard of review for granting a variance as established in the Land Development Code (Oct. 2016) from section 5.4.1.D.3 to allow a an 22' x 32' one story one car detached garage to reduce the private yard area by approximately 648 square feet from the required 1,008 sf. as defined by the Land Development Code.

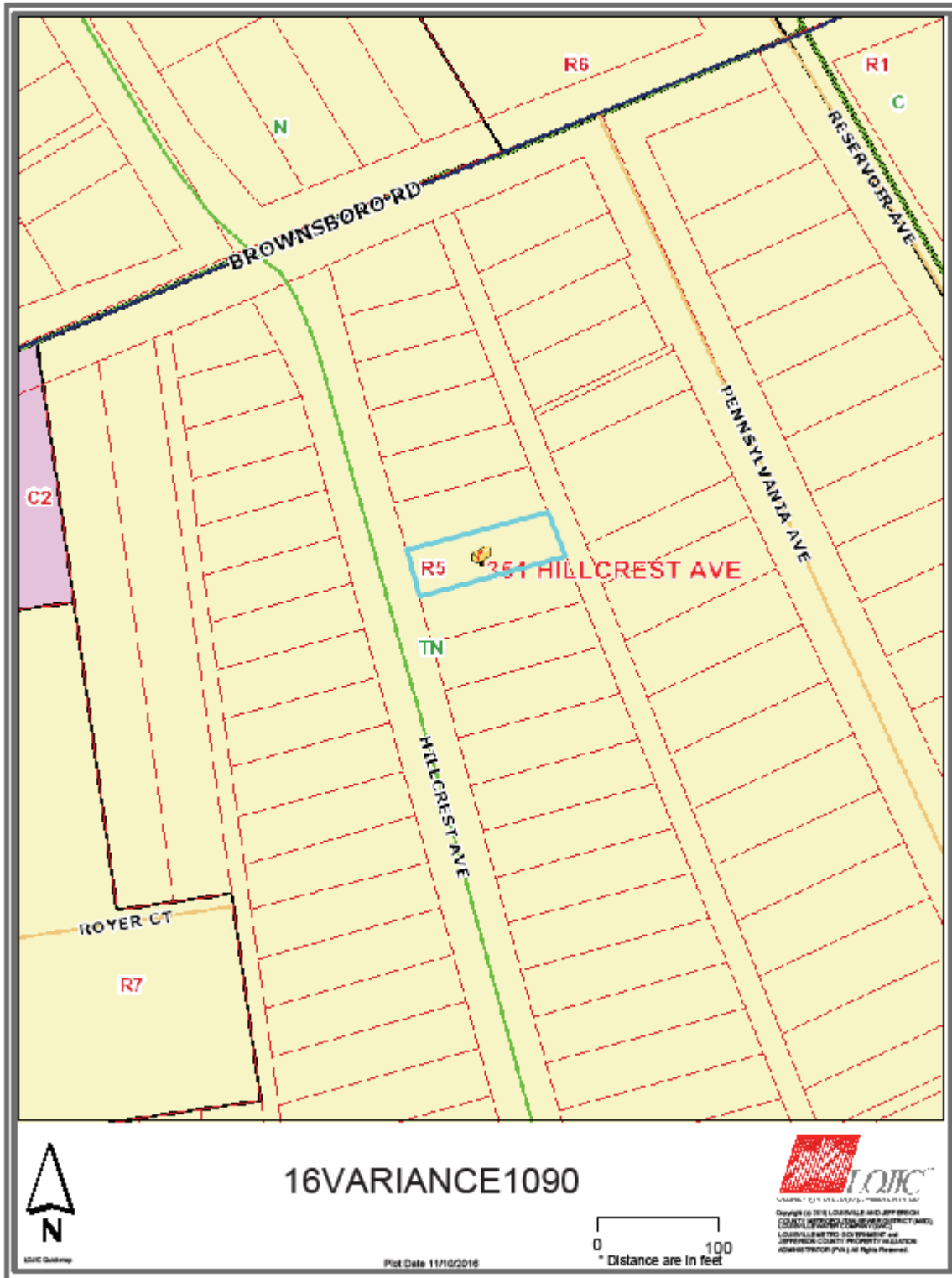
NOTIFICATION

Date	Purpose of Notice	Recipients
December 19, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
December 2, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

