

Board of Zoning Adjustment Staff Report

May 23, 2022



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| Case No: | 22-VARIANCE-0040 |
| Project Name: | Village Drive Variance |
| Location: | 2311 Village Drive |
| Owner: | Paula J. Vissing |
| Applicant: | Mary Jackson |
| Jurisdiction: | Louisville Metro |
| Council District: | 8 – Cassie Chambers Armstrong |
| Case Manager: | Chris French, AICP, Planning & Design Supervisor |

REQUESTS

- **Variance** from Land Development Code Table 5.3.1 to allow an addition to encroach into the side yard setback.

| Location | Requirement | Request | Variance |
|--------------------------------|-------------|-----------------|-----------------|
| Southwestern Side Yard Setback | 6 feet | 4 feet 4 Inches | 1 foot 8 inches |

CASE SUMMARY/BACKGROUND

The applicant proposes to construct a 2-story addition that is 11 feet by 12 feet 6 inches at the rear of the home closest to the Southwestern side property line. In addition, the applicant is constructing a 1-story covered porch addition that is 19 feet from the Northeastern side property line. The side yard requirement is a 6-foot minimum and 18-foot total. The total side yard for the additions is in excess of the 18-foot total; however, the two-story addition is proposed to be 4 feet 4 inches from the Southwestern side property line which requires the variance.

STAFF FINDING

Staff finds that the requested variance meets the standard of review for variances established within the Louisville Metro Land Development Code.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the proposed addition may require alterations to the proposed building plans in order to meet building code requirements.

INTERESTED PARTY COMMENTS

No interested party comments received.

RELATED CASES

None

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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, and welfare, because the proposed structure must be constructed to comply with all building codes.

- (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 because the existing structure is up to 4 feet off the side property line and the proposed addition will be setback 4 feet 4 inches from the side property line and is located at the rear of the existing structure.

- (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 cause a hazard or nuisance to the public because the proposed addition will be setback further from the side property line than the existing structure.

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 not generally apply to land in the general vicinity or the same zone as the property is similar in size and shape to other properties in the subdivision.

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 the proposed addition could be moved to meet the setback requirement.

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 addition has not been built.

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.

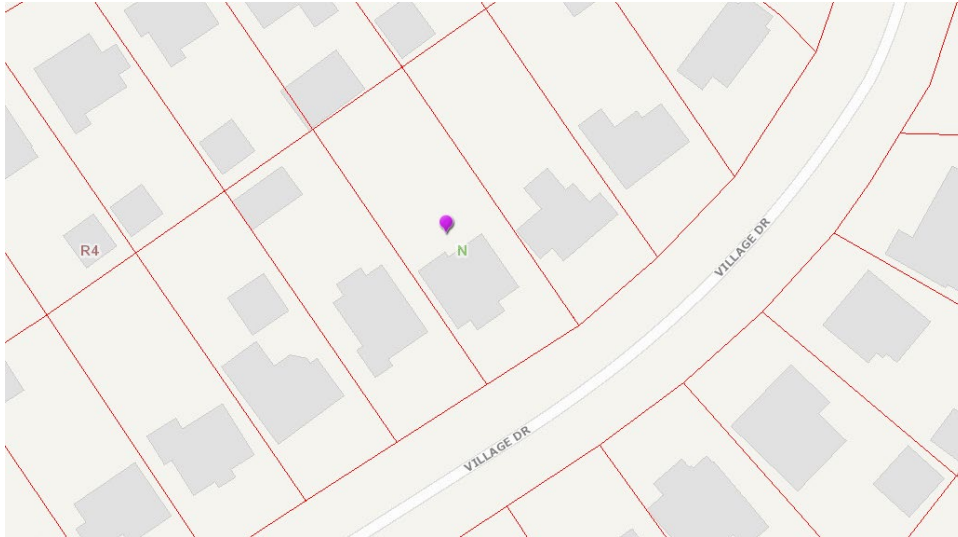
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------------|--------------------------|--|
| 5/5/22 | Hearing before BOZA | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8 |
| 5/10/22 | Hearing before BOZA | Notice posted on property |

ATTACHMENTS

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

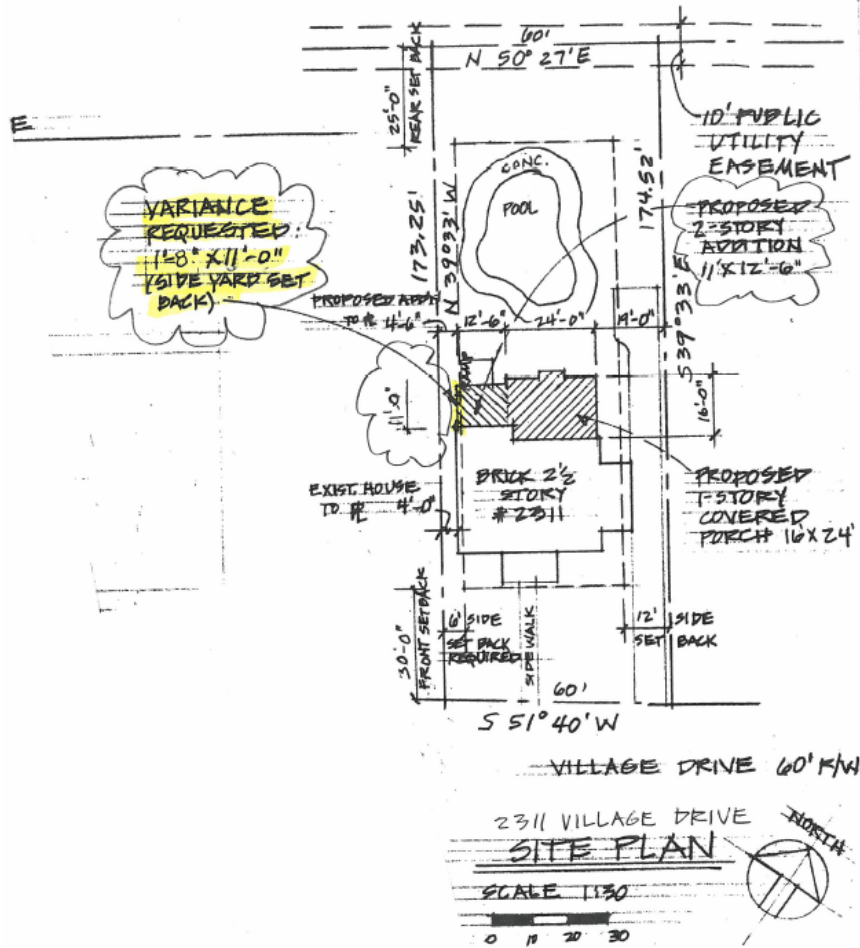
1. **Zoning Map**



2. **Aerial Photograph**



3. Site Plan



Front of Subject Property



Rear of Subject Property