

# Board of Zoning Adjustment

## Staff Report

May 23, 2022



**Case No:** 22-VARIANCE-0052  
**Project Name:** Sylvia Street Variance  
**Location:** 1125 Sylvia Street  
**Owner:** Richard Burnette  
**Applicant:** Richard Burnette  
**Jurisdiction:** Louisville Metro  
**Council District:** 15 – Kevin Triplett  
**Case Manager:** Zach Schwager, Planner I

### **REQUESTS:**

**Variance** from Land Development Code table 5.2.2 to allow a second story addition to encroach into the required side yard setback.

Location	Requirement	Request	Variance
West Side Yard	3 ft.	0.6 ft.	2.4 ft.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-5 Residential Single-Family and is in the Traditional Neighborhood Form District. It is on the north side of Sylvia Street between Hickory Street and Texas Avenue. The property currently has a one-story single-family residence and the applicant is proposing to construct a second story addition that will encroach into the required side yard setback the same distance as the existing structure.

### **STAFF FINDINGS**

Staff finds that the requested variance is adequately justified and meets 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 Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

### **TECHNICAL REVIEW**

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

### **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

## **RELATED CASES**

No related cases.

## **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, because the structure must be constructed to comply with all building codes, including fire 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 as there is another two-story structure four lots to the west and multiple other two-story residential 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 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 proposed addition will have the same setback as 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 generally apply to the land in the general vicinity or the same zone as the property is similar in size and shape to 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 applicant is proposing an addition that is the same distance from the side property line as the existing structure.

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.

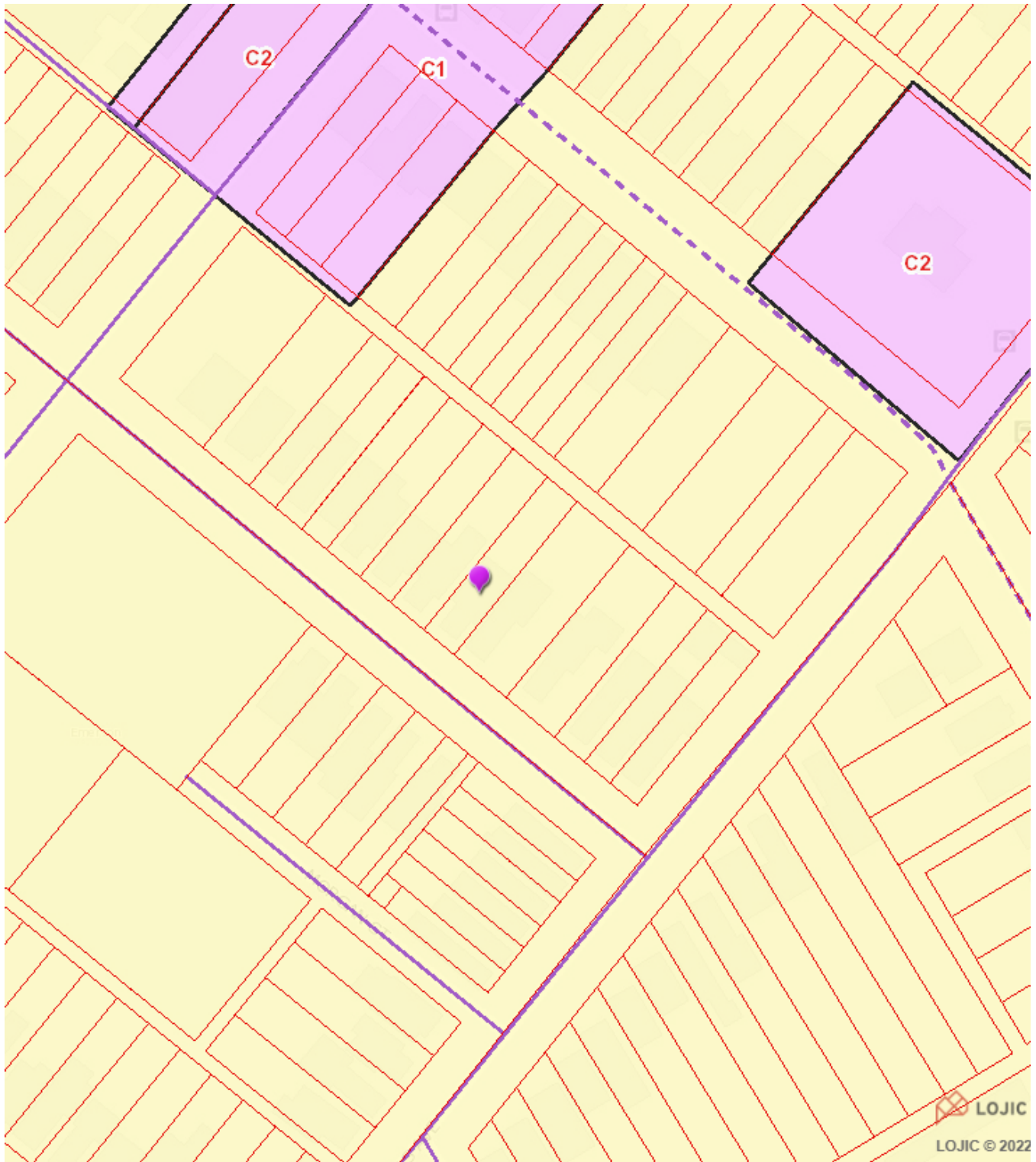
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
5/6/2022	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 15
5/9/2022	Hearing before BOZA	Notice posted on property

### **ATTACHMENTS**

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

## 1. Zoning Map

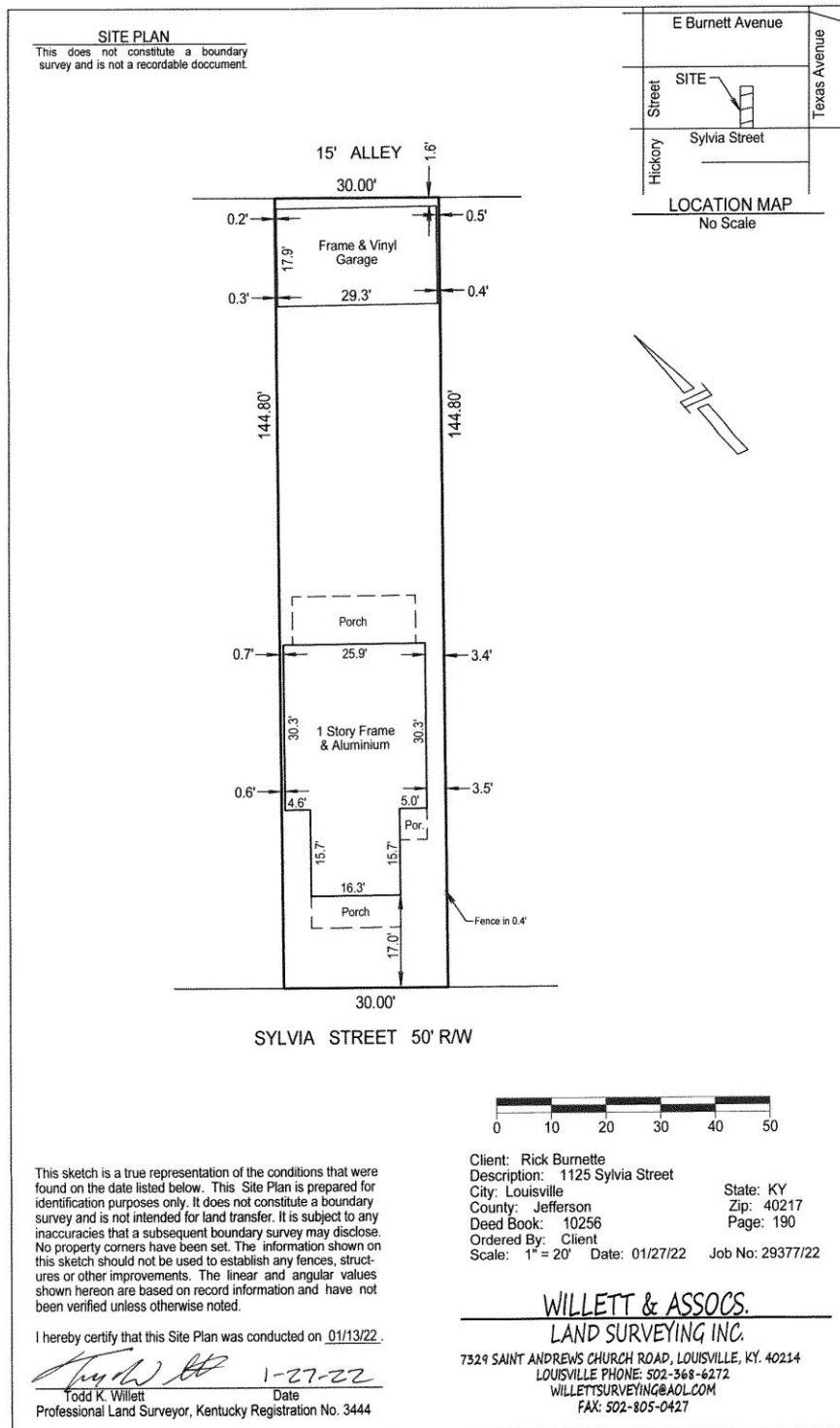




## 2. Aerial Photograph



### 3. Site Plan





#### 4. Site Photos



Front of subject property.





Property to the left and variance area.





Two-story structure four lots to the west.