

# Board of Zoning Adjustment

## Staff Report

May 23, 2022



<b>Case No:</b>	22-VARIANCE-0057
<b>Project Name:</b>	Dunvegan Road Variance
<b>Location:</b>	5101 Dunvegan Road
<b>Owner:</b>	KLGWA, LLC
<b>Applicant:</b>	Daniel Grimm
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	16 – Scott Reed
<b>Case Manager:</b>	Zach Schwager, Planner I

### **REQUESTS:**

**Variance** from the Land Development Code table 5.3.1 to allow a structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side	25 ft.	14 ft. 8 in.	10 ft. 4 in.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-4 Residential Single Family and is in the Neighborhood Form District. It is a corner lot located at the intersection of Regal Road and Dunvegan Road. The site currently has a 576 S.F. attached garage on the northwest side of home. The applicant proposes to construct an addition to the existing garage that will be, according to the applicant, is 14 ft. 8 in. from the street side property line; therefore, a variance is required.

### **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 the Land Development Code table 5.3.1 to allow a structure to encroach into the required street 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 to meet building code requirements.

### **INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

### **RELATED CASES**

No related cases

### **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, 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 similar and more odious addition at the intersection of Regal Road and Innes Trace Road.

- (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 addition is a similar distance as other additions in the vicinity.

### **ADDITIONAL CONSIDERATIONS:**

- a. 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.

- b. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would 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 addition could be reduced in size and/or location.

- c. 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 the Land Development Code Section 4.4.8 Portions of this regulation that govern height or length, or setback requirements may be modified by the appropriate Board of Zoning Adjustment. The Board may grant a dimensional variance after a public hearing if the requirements of KRS 100.243 are found to be met.

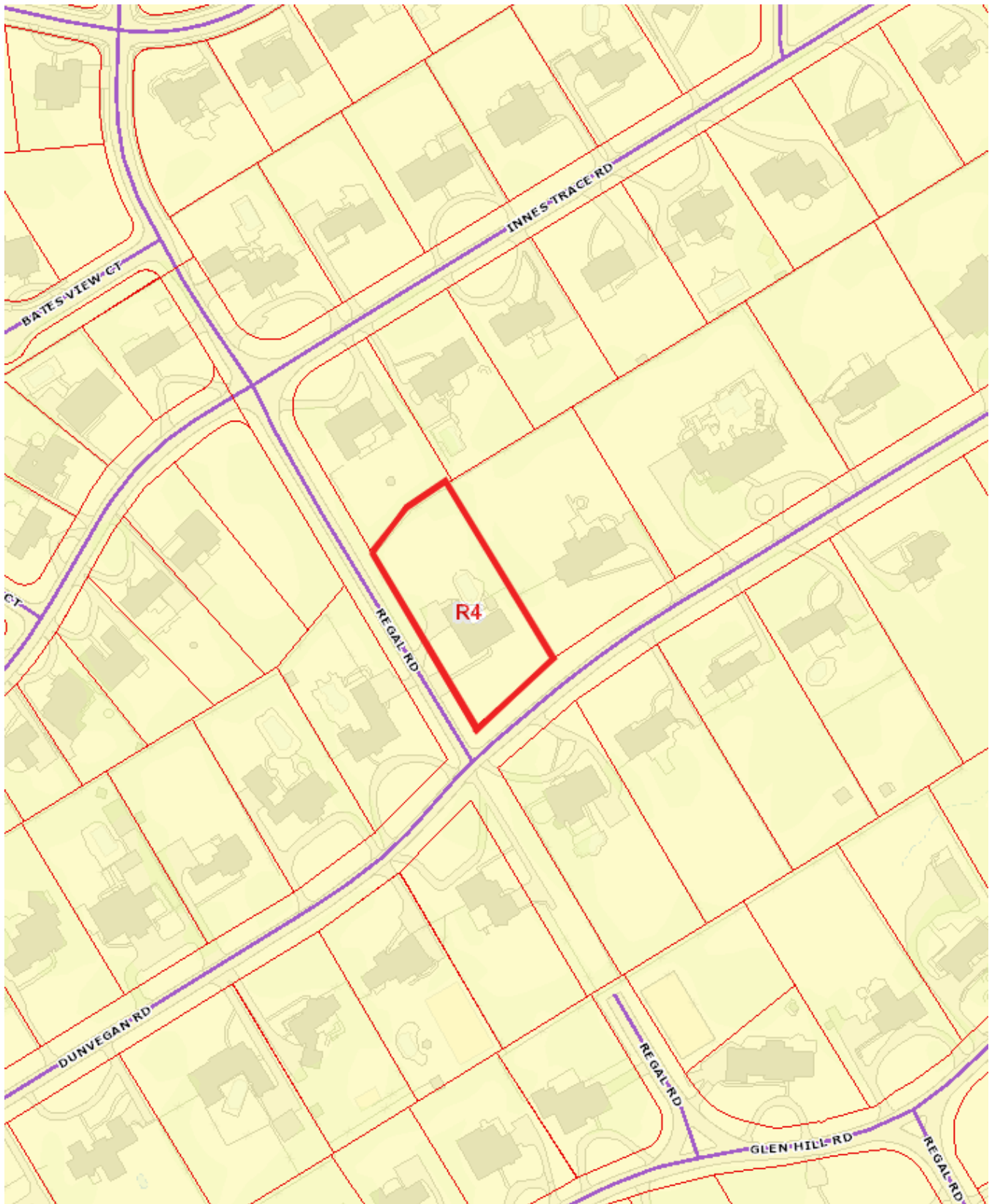
## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>5/6/22</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 16
<b>5/10/22</b>	Hearing before BOZA	Notice posted on property

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Condition of Approval

## 1. Zoning Map

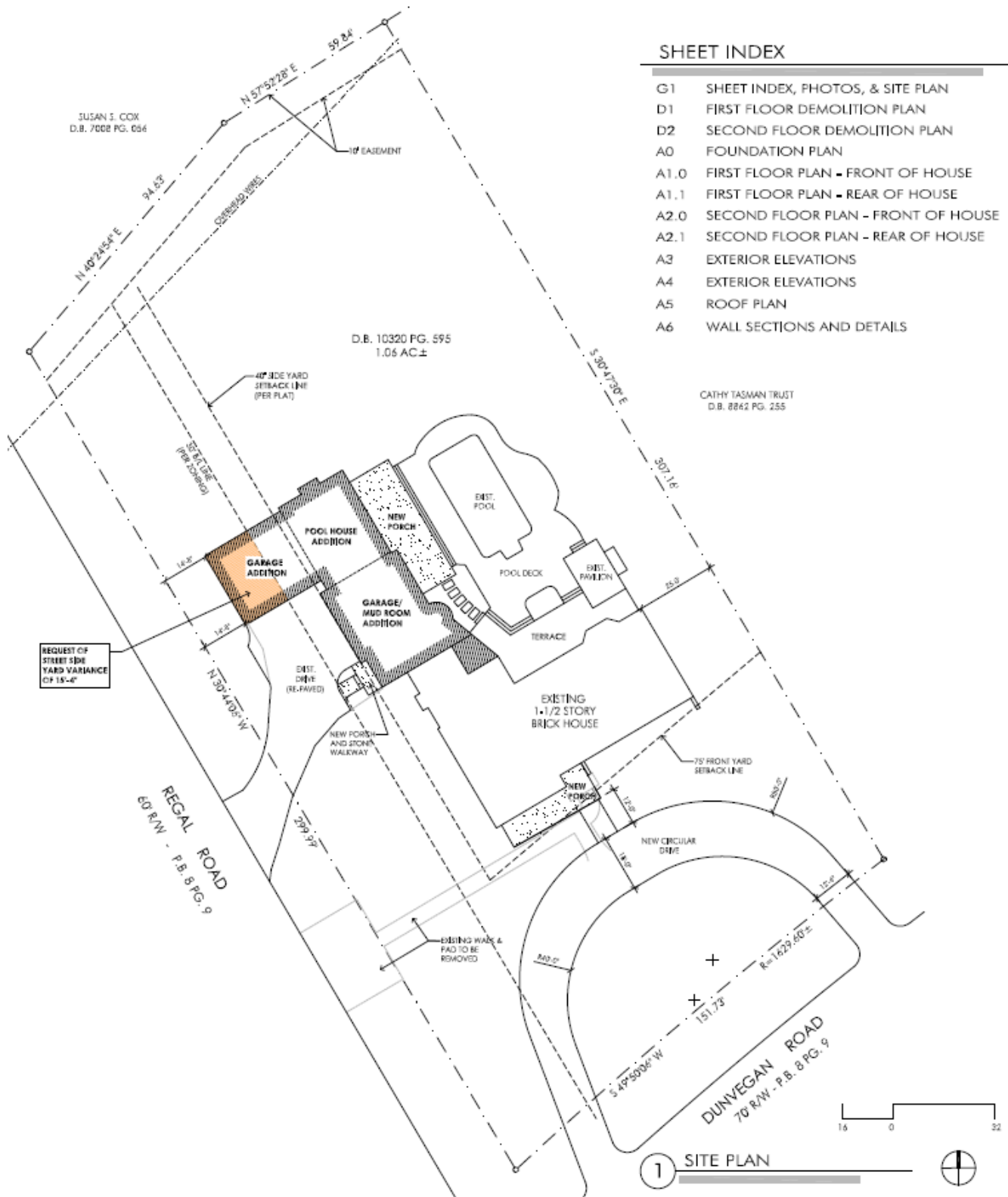




## 2. Aerial Photograph



### 3. Site Plan





#### 4. Site Photos



Front of subject property from the intersection.



Variance area from Dunvegan Road.





Variance area from Regal Road.

## **5. Condition of Approval**

- 1) A minor subdivision plat shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's Office prior to the issuance of building permits.