

# Board of Zoning Adjustment Staff Report

May 23, 2022



<b>Case No:</b>	22-VARIANCE-0049
<b>Project Name:</b>	928 Franklin Street
<b>Location:</b>	928 Franklin Street
<b>Owner/Applicant:</b>	Regan Atkinson
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Joel Dock, AICP, Planning Coordinator

## **REQUEST:**

- **Variance** from Land Development Code, Section 5.2.2 to reduce the side yard setback from 3' to 0'

## **CASE SUMMARY/BACKGROUND**

The subject property is located 2 blocks north of E. Main Street on Franklin Street. A covered porch at the rear of the home will be removed and replaced with an enclosed room addition. The proposed setback continues the setback present along each side of the principal structure. Abutting properties are under the same ownership as the subject site.

## **STAFF FINDINGS**

Staff finds that the requested variance is adequately justified based on staff's analysis contained in 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.

## **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 as it will not impede the safe movement of pedestrians or vehicles and will be constructed to comply with all building codes.

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

STAFF: The proposal will not alter the essential character of the general vicinity as it continues the current setback of the principal structure and it is located in an area where minimal setback from property lines and attached units are common.

- (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 as it is located to the rear of the property away from the public realm and maintains consistent setbacks to what is found in the area and on the subject site.

- (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 it presents no adverse impacts to public safety, does not alter the character, and does not create a hazard or nuisance.

#### 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 arises from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the regulations do not accurately convey the existing conditions in older neighborhoods where setbacks are often closer than the required 3' minimum.

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 items 'a' through 'd' of the standard of review have been satisfied.

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 appropriate relief.

#### 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.

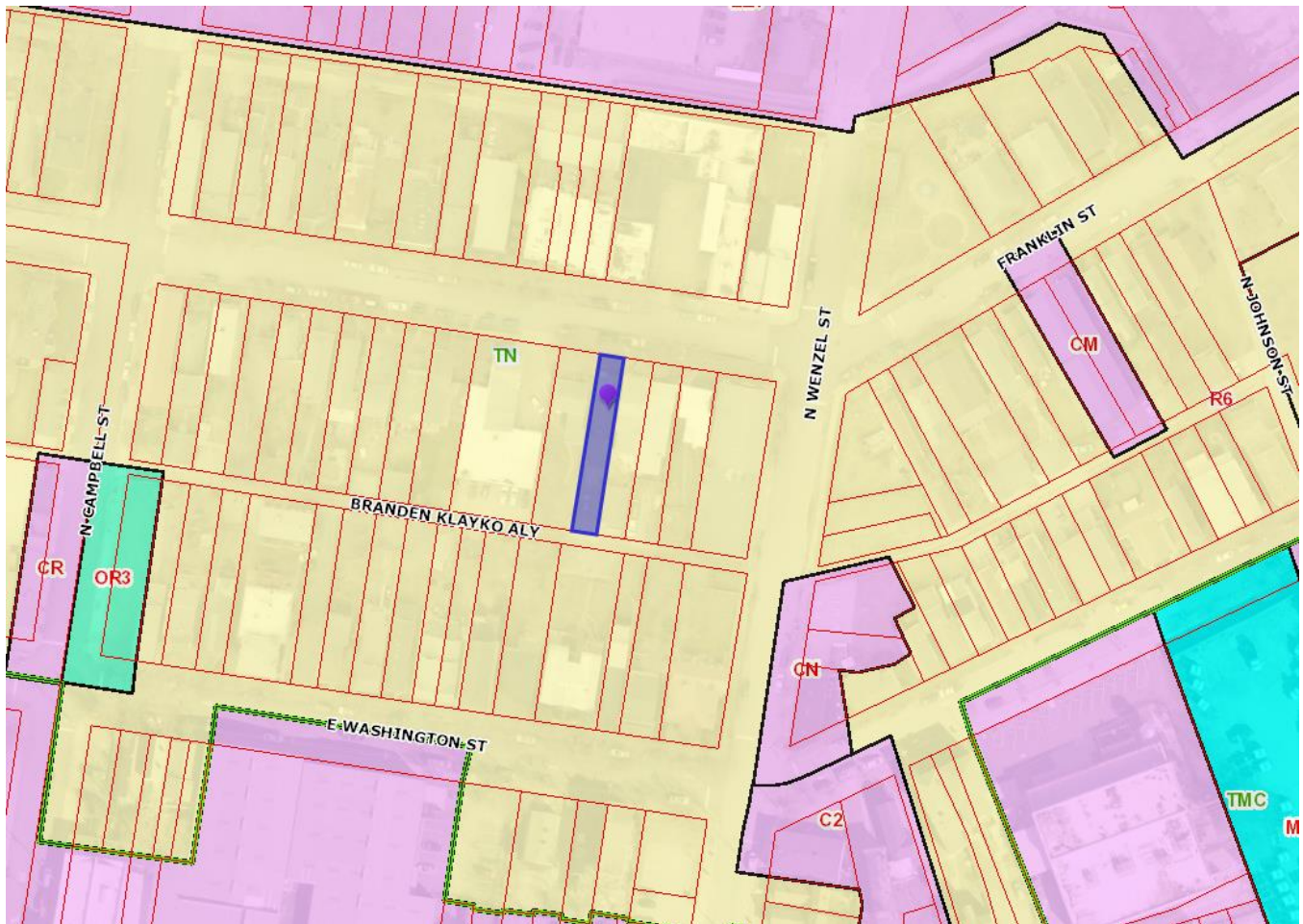
#### NOTIFICATION

Date	Purpose of Notice	Recipients
05/06/22	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
05/09/22	Hearing before BOZA	Notice posted on property

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

## 1. Zoning Map





## 2. Aerial Photograph

