Board of Zoning Adjustment
Staff Report
August 15, 2022

Case No:	22-VARIANCE-0087
Project Name:	220 N. 22nd Street Variance
Location:	220 N. 22nd Street
Owner/Applicant:	Elite Home Investments, LLC
Representative:	Garron Board
Jurisdiction:	Louisville Metro
Council District:	5- Donna Purvis
Case Manager:	Heather Pollock, Planner I

REQUEST:

Variance from the Land Development Code Table 5.2.2 to allow an addition to the primary structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	2.5 ft.	0 ft.	2.5 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned UN Single Family Residential in the Traditional Neighborhood Form District. The property is located on the west side of the 200 block of N. 22nd St. in the Portland neighborhood. The subject property has a one-story single-family home. The applicant is proposing to add a 244 sq. ft. addition the rear of the primary structure that will encroach into the side yard setback.

The subject property is 25 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setback is therefore 2.5 feet.

STAFF FINDINGS

Staff finds that the requested variance meets standards (b) and (d), but staff is concerned that the variance request does not meet standard (a) because construction and maintenance of the addition may have an adverse impact on the adjoining property owner, additionally staff has concerns that it does not meet standard (c) because the proposed addition may be encroaching over the property line.

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.

TECHNICAL REVIEW

No outstanding technical comments.

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 5.2.2

(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 proposed addition must be constructed to comply with all building codes, including fire codes, and land development code regulations, except where relief is requested. However, staff is concerned that the variance could adversely affect the adjacent property owners because construction and maintenance of the addition may require encroachment onto the adjacent properties along the north side yard.

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

STAFF: The proposed addition will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the existing residence and surrounding residential neighborhood.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance may cause nuisance to the public because we do not have a survey and cannot confirm that the proposed addition will not encroach over the property line.

(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 property is only 25 ft. in width and the existing home is already encroaching into the side yard setback and the proposed addition will encroach the same amount.

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 lot is similar in shape to the 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 this lot is only 25 ft. in width and the existing house is already encroaching into the side yard setback.

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.

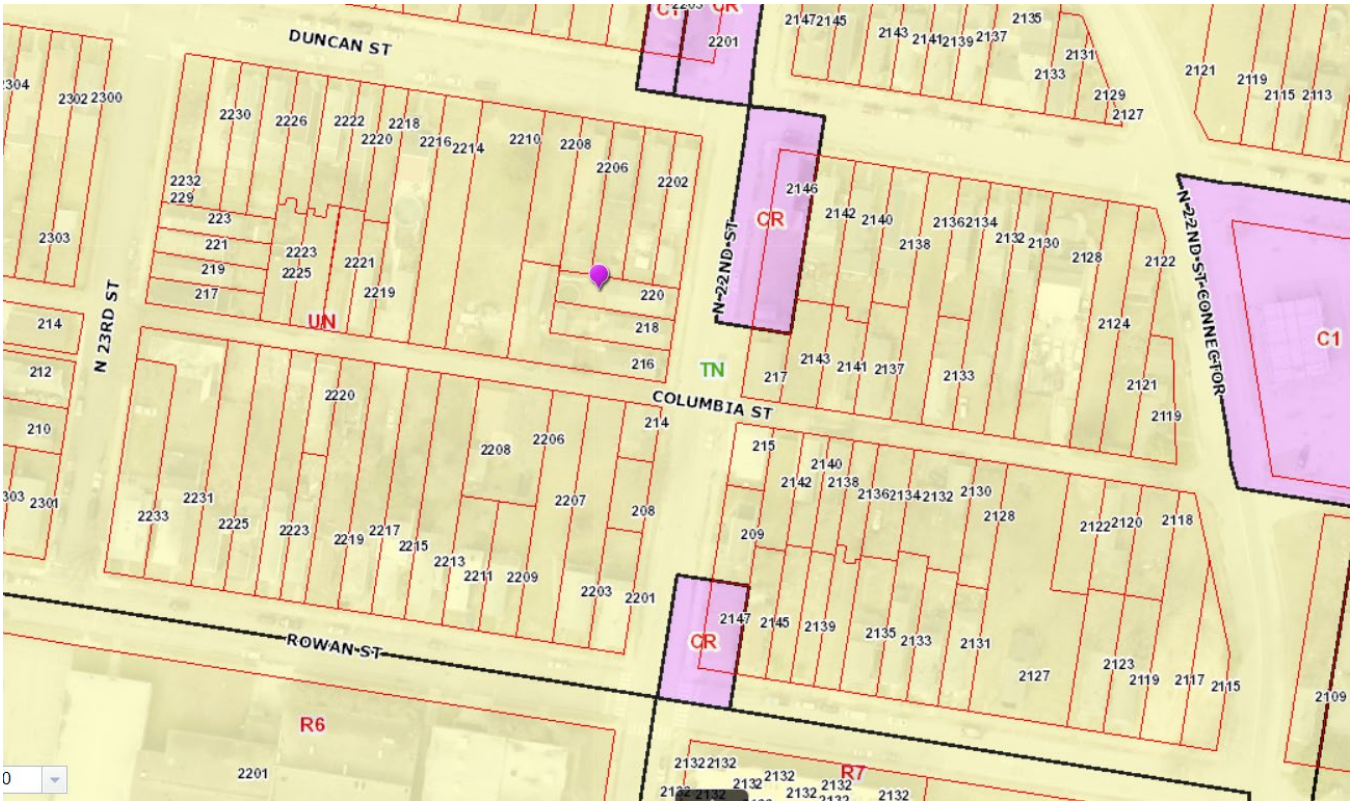
NOTIFICATION

Date	Purpose of Notice	Recipients
07/28/2022	Hearing before BOZA	1st tier adjoining property owners Registered Neighborhood Groups in Council District 5
07/29/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

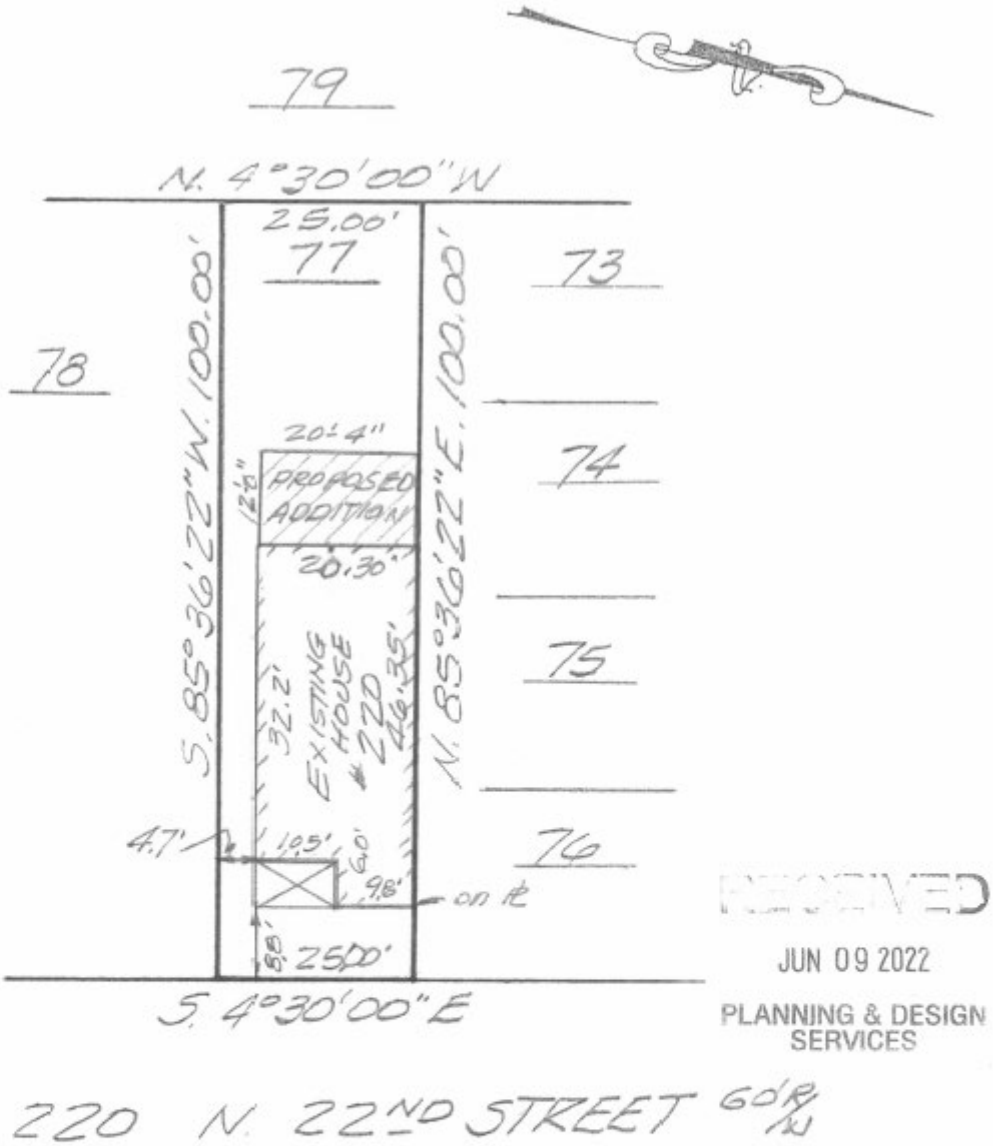
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map


DUNCAN ST
N 23RD ST
N 22ND ST
N 22ND ST CONNECTOR
COLUMBIA ST
ROWAN ST
UN
TN
CR
C1
R6
R7

2. Aerial Photograph

3. **Site Plan**



RECEIVED
JUN 09 2022
PLANNING & DESIGN SERVICES

PLOT PLAN ONLY
DO NOT SCALE

Survey For ELITE HOME INV. LLC.
Location 220 N. 22ND ST
D.B. 12345, Pg. 422
BLK 3F LOT #77 Jeff. Co.
Scale: 1"= 20' Date: 6-6-22
20' 0 20' 40'

C.R.P. & ASSOC., INC.
7321 New LaGrange Road, Suite 111
Louisville, KY 40222
(502) 423-8747•Fax (502) 429-0602

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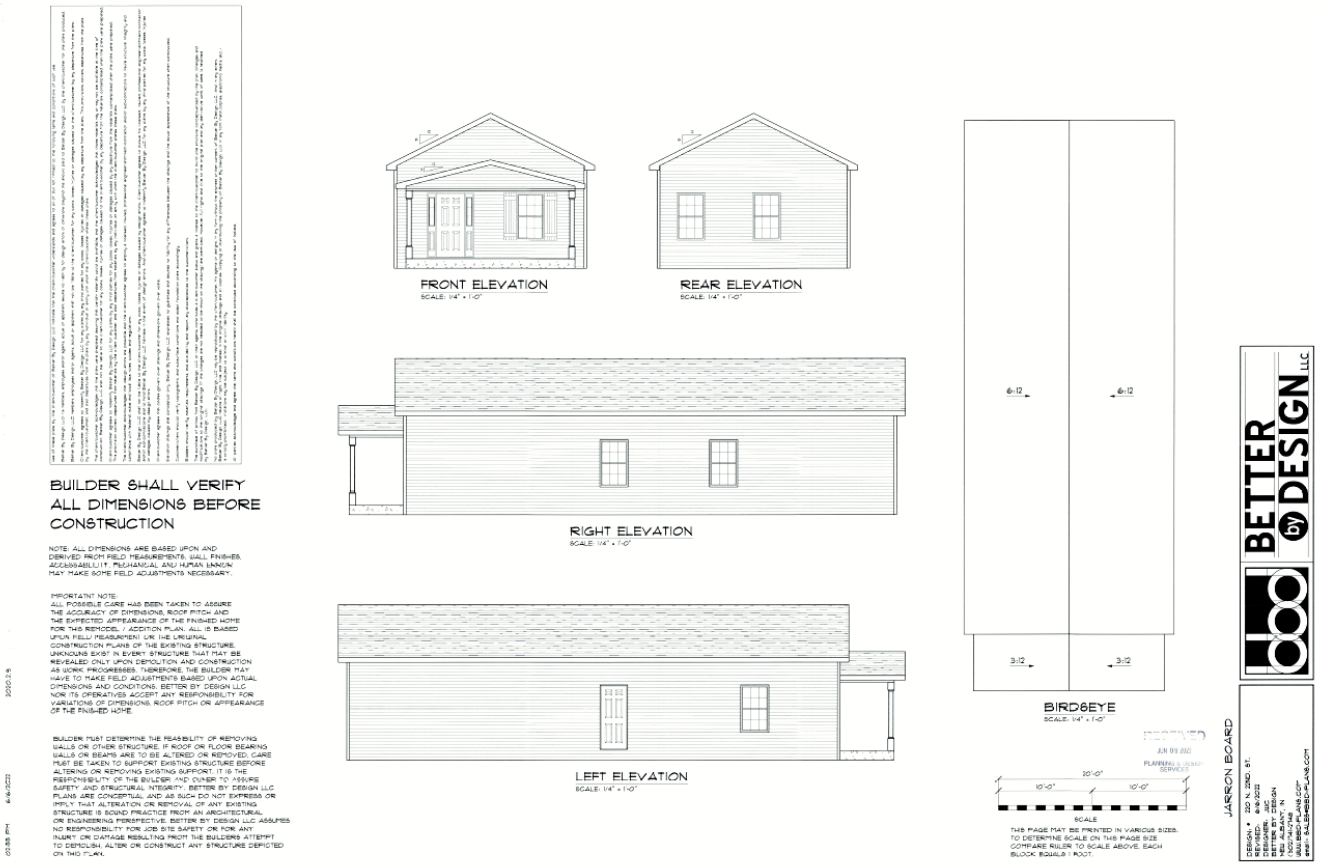
4. Elevations



5. Conditions of Approval

1) A survey of the north property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

6. Site Photos

Front of subject property.

Left of subject property.

Right of subject property and variance area

Across street.

Rear yard and variance area.