

# Board of Zoning Adjustment

## Staff Report

January 9, 2022



|                          |                                       |
|--------------------------|---------------------------------------|
| <b>Case No:</b>          | 22-VARIANCE-0129                      |
| <b>Project Name:</b>     | 2 <sup>nd</sup> Street Variance       |
| <b>Location:</b>         | 1330 S. 2 <sup>nd</sup> St            |
| <b>Owner:</b>            | Kevin Uhls                            |
| <b>Applicant :</b>       | Cassidy Cook, High Bridge Development |
| <b>Jurisdiction:</b>     | Louisville Metro                      |
| <b>Council District:</b> | 6- Vacant                             |
| <b>Case Manager:</b>     | Amy Brooks, Planner I                 |

### **REQUEST:**

**Variance** from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

| Location          | Requirement | Request     | Variance    |
|-------------------|-------------|-------------|-------------|
| Private Yard Area | 1995 sq. ft | 1715 sq. ft | 280 sq. ft. |

### **CASE SUMMARY/BACKGROUND**

The subject site is located in the Traditional Neighborhood Zoning District on the western side of 2<sup>nd</sup> Street between West Ormsby and West Magnolia Avenues in the historic Old Louisville neighborhood. The property is currently developed with a two and half story single-family home, and an existing garage located to the rear of the lot. The applicant is proposing to demolish the existing garage in order to erect a new one and a half story accessory structure that will contain a two-car garage on the ground level with an accessory apartment above. However, as proposed, the new accessory structure will reduce the private yard area to less than the required 30% of the area of the lot.

### **STAFF FINDINGS**

The Private Yard Area 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.

### **TECHNICAL REVIEW**

No outstanding technical comments.

## **INTERESTED PARTY COMMENTS**

No interested party comments

## **RELATED CASES**

None

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.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 applicable building codes, including fire codes, and the Land Development Code, except where relief is requested.

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

STAFF: The proposed private yard area reduction will not alter the essential character of the general vicinity as many properties in the area seemingly have reduced private yard areas to accommodate for the more compacted urban lots that are common in this area of the Old Louisville neighborhood. In addition, the applicant has already received a certificate of appropriateness from the Old Louisville Architectural Committee attesting that the proposed garage/carriage house will complement the existing character of the neighborhood as the surrounding area includes a diverse array of garages and carriage houses of varying styles and sizes.

- (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 accessory structure will comply with all other regulations, except where relief is requested, and there are other properties within the block that have seemingly reduced open space between the principal and accessory use areas.

## **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 lot is similar in size and 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 not create an unnecessary hardship on the applicant as the proposed plan could be modified to reduce its encroachment into the private yard area.

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. The applicant has not started construction on the garage and has requested a 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.

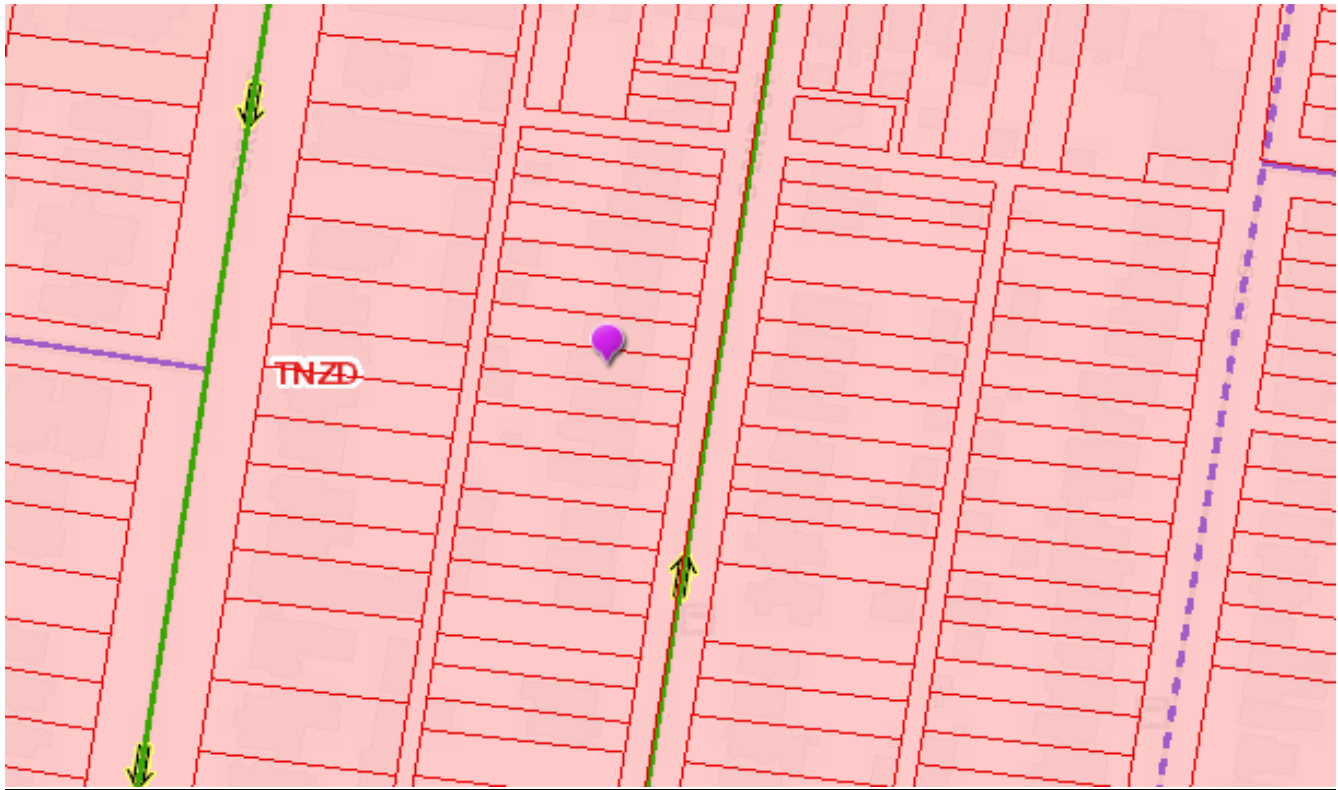
### **NOTIFICATION**

| Date       | Purpose of Notice   | Recipients  |
|------------|---------------------|---|
| 12/21/2022 | Hearing before BOZA | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 15 |
| 12/28/2022 | Hearing before BOZA | Notice posted on property   |

### **ATTACHMENTS**

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

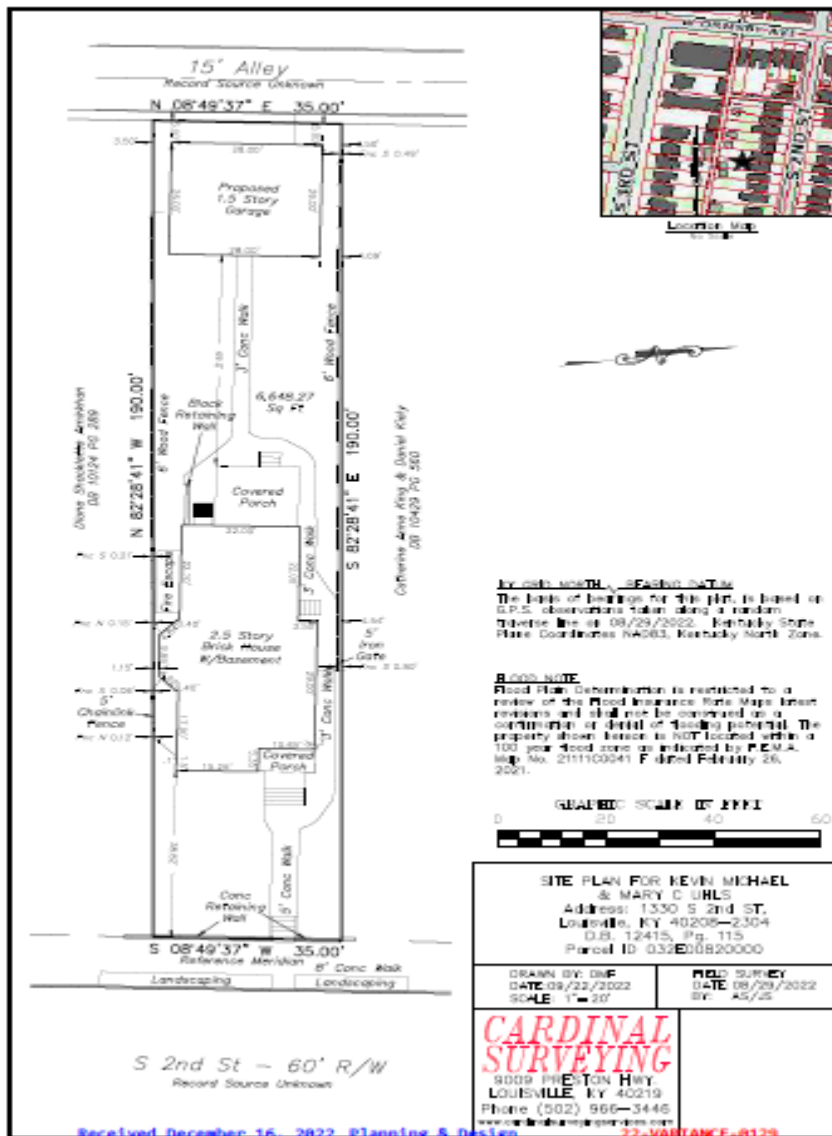
1. **Zoning Map**



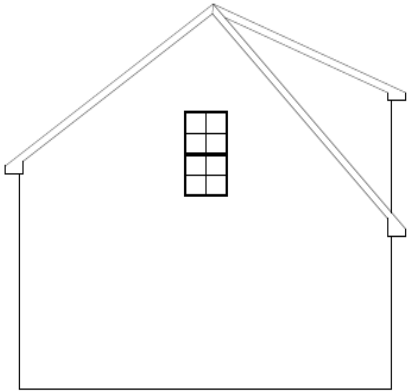
## 2. Aerial Photograph



### **3. Site Plan**

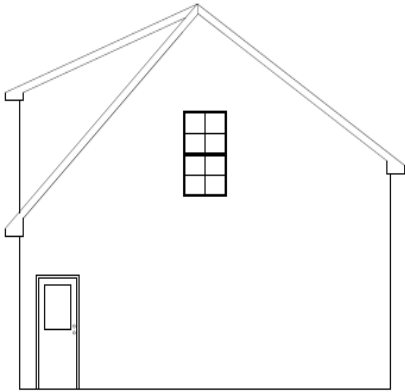


4. Elevations



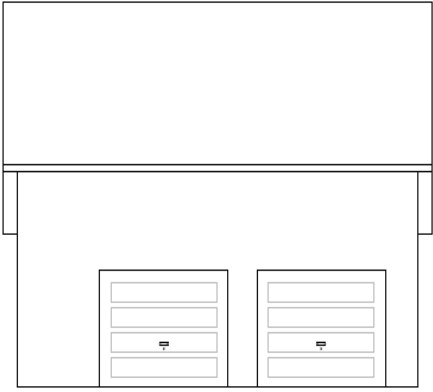
24 ft.

LEFT ELEVATION

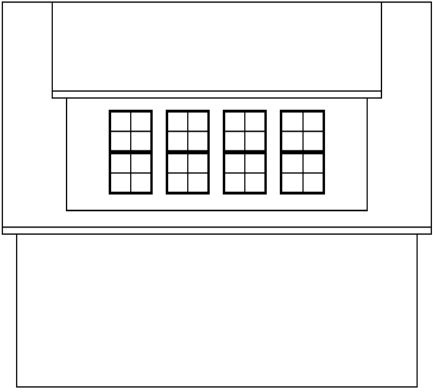


RIGHT ELEVATION

NOTE:  
THIS IS AN ALL VINYL SIDING EXTERIOR



REAR ELEVATION



FRONT ELEVATION

11/15/22

Scale: 1/4" = 1'0"

ERIC HAMMES

E

UHLS GARAGE ELEVATIONS

HAWK DESIGN 502-548-2405

HAWKDESIGNKY@GMAIL.COM

| DATE | DESCRIPTION |
|------|-------------|
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NOTE:  
BUILDER MUST VERIFY ALL DIMENSIONS, DRAWING AND CODE COMPLIANCE BEFORE STARTING CONSTRUCTION.

HIGH BRIDGE DEVELOPMENT



## 5. Site Photos



Front of subject property.



Right of the subject property.





Left of subject property.



Across the street from subject property.





View of Private Yard Area.



View of Accessory Use Area





View of current garage from alleyway.