

Board of Zoning Adjustment

Staff Report

April 10, 2023



Case No: 23-VARIANCE-0020
Project Name: Eastview Avenue Variance
Location: 2141 Eastview Avenue
Owner: Jordan and Lenae Price
Applicant: Jordan Price
Jurisdiction: Louisville Metro
Council District: 8-Benjamin Reno-Weber
Case Manager: Amy Brooks, Planner I

REQUEST:

Variance from the Land Development Code Table 5.3.1 to allow a structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	5 ft.	3.0 ft.	2.0 feet

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single- Family Residential in the Neighborhood Form District. The property is located on Eastview Avenue between Bardstown Road and Trevilian Way in the Belknap Neighborhood. The subject site is currently developed with a 1.5 story single home and a detached garage. The applicant is proposing to build a 376 square foot partially-enclosed deck that will align with the rear of the principal structure. As the existing principal structure encroaches into the side yard setback on the western property line, the proposal for an attached deck has triggered the need for a dimensional exception to the current regulation.

STAFF FINDINGS

Staff finds that the requested variance for the side yard setback has been 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

None

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES:

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM Section 5.1.12.B.2.e.i.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 deck must be constructed to comply with all applicable building 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 requested variance will not alter the essential character of the general vicinity as there are other principal structures along this stretch of Eastview Avenue that seemingly encroach into the side setback. In fact, the properties at both 2135 and 2137 appears to encroach into the required five feet side yard setback.

- (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 access stairs and landings 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. The proposed deck will not encroach anymore into the side setback than the current principal structure does.

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 generally 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 deck could be modified to be more in compliance with existing regulations.

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 begun construction 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
03/23/2023	Hearing before BOZA	1 st tier adjoining property owners
03/23/2023		Registered Neighborhood Groups in Council District 8
3/27/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

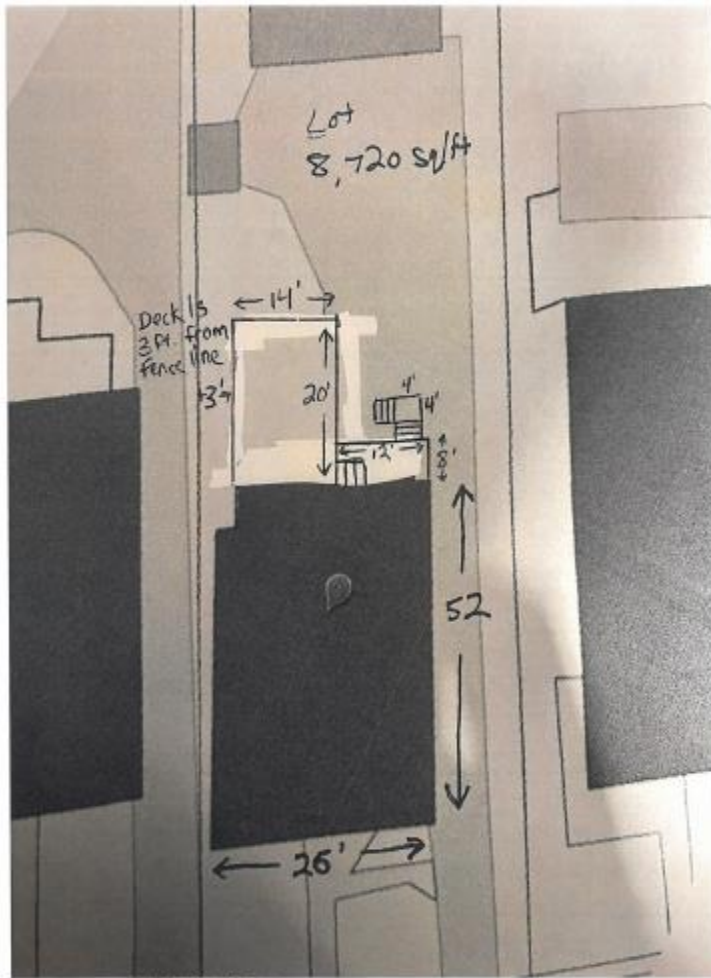
1. Zoning Map



2. Aerial Photograph

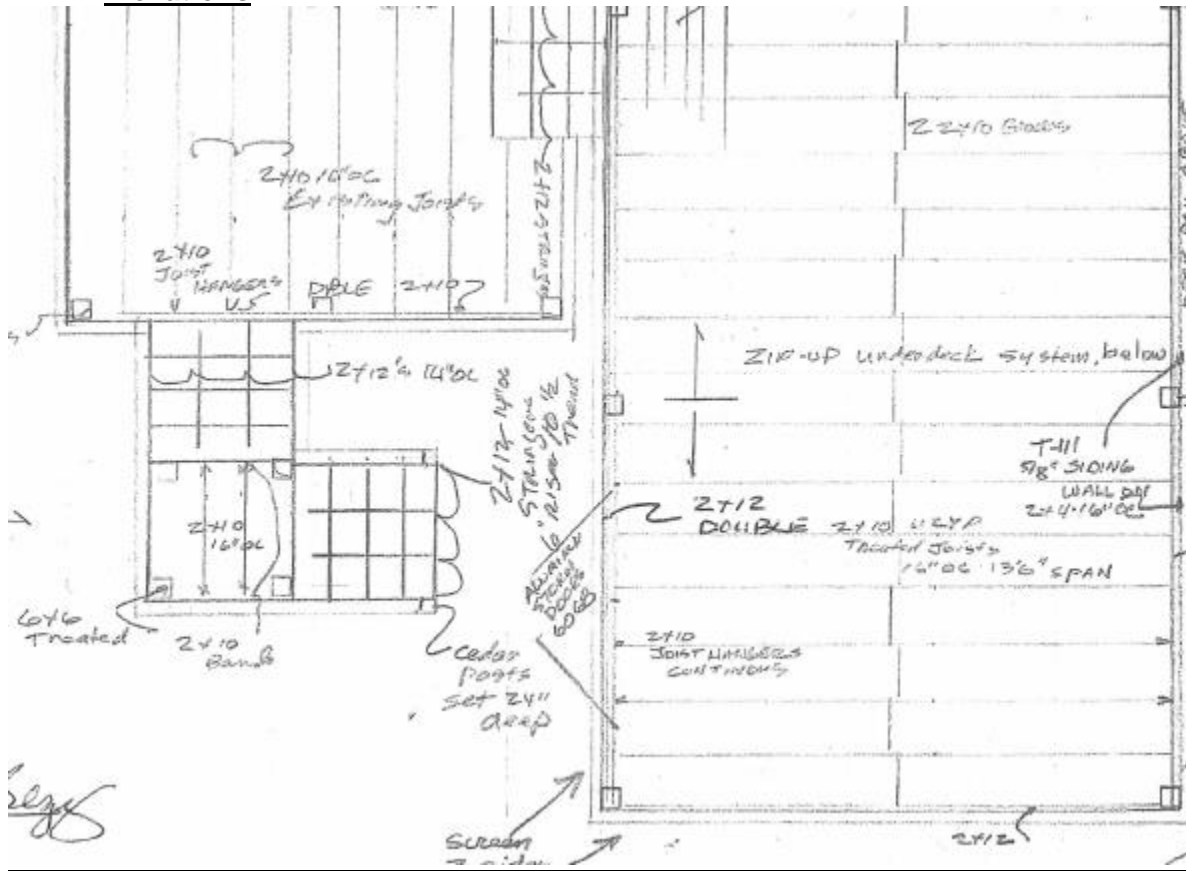


3. Site Plan



RECEIVED

4. Elevations



5. Site Photos



Front of subject property.



Right of subject site. Google Street view, 2019.



Left of subject site.



Across the street from subject property.



View of variance area.



Overview of variance area.