

Board of Zoning Adjustment

Staff Report

August 21, 2023



Case No:	23-VARIANCE-0060
Project Name:	Tyler Lane Variance
Location:	2038 Tyler Lane
Owner:	Tyler 2038 LLC
Applicant:	Kevin Sullivan
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Amy Brooks, Planner I

REQUESTS:

- **Variance** from the Land Development Code section 5.1.12.B.2.e.i.1 to allow an accessory structure to encroach into the street side yard setback as established by infill regulations.

Location	Requirement	Request	Variance
Infill- Street Side Yard Setback	25 ft.	6. 6 ft.	18.6 ft.

CASE SUMMARY

Located near Bardstown Road at the corner of Tyler Lane and Hook Avenue, the site is currently developed with a 1.5-story single-family structure. The applicant has built a garage to the rear of the lot that is encroaching into the required street side yard setback.

Under residential site design standards, the LDC mandates that accessory structures and uses shall observe the same setback from street side property lines as required for principal structures. As this site is subject to infill standards, the front yard and street side yard setback lines shall fall within the range of the front or street side yard setbacks of the two nearest lots containing principal structures within the same block face. On this site, the street side yard setback shall be 25 feet; the closest principal structures range from between 25 to 31 feet from the street side yard property lines.

STAFF FINDINGS

The requested variance is adequately justified for approval based on staff’s analysis contained in the standard of review.

TECHNICAL REVIEW

- Transportation issued an encroachment permit and allowed for the parking pad to remain in the right-of-way if it was reduced to the original size.

INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Board in advance of the public hearing.

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, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. The garage will not impede vision clearance for vehicular traffic on the adjacent public roadway.

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

STAFF: The proposed building addition will not alter the essential, visual character of the general vicinity as the garage is in character with the surrounding residential neighborhood. There are other accessory structures near the subject site that also seemingly encroach into the street 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 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 there are other homes within the surrounding blocks that do not meet the current required infill standards for streetside setbacks. The narrow width of this corner lot makes building an accessory structure that is 25 feet from the property line rather more difficult.

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 land in the general vicinity or the same zone as the shape of the corner lot is a significant factor that has led to the special circumstances requiring a variance request.

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 because the narrow width of the property makes conforming to infill standards somewhat more difficult.

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 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 completed construction of the garage.

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.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variance** from the Land Development Code section 5.1.12.B.2.e.i.1 to allow an accessory structure to encroach into the street side yard setback as established by infill regulations.

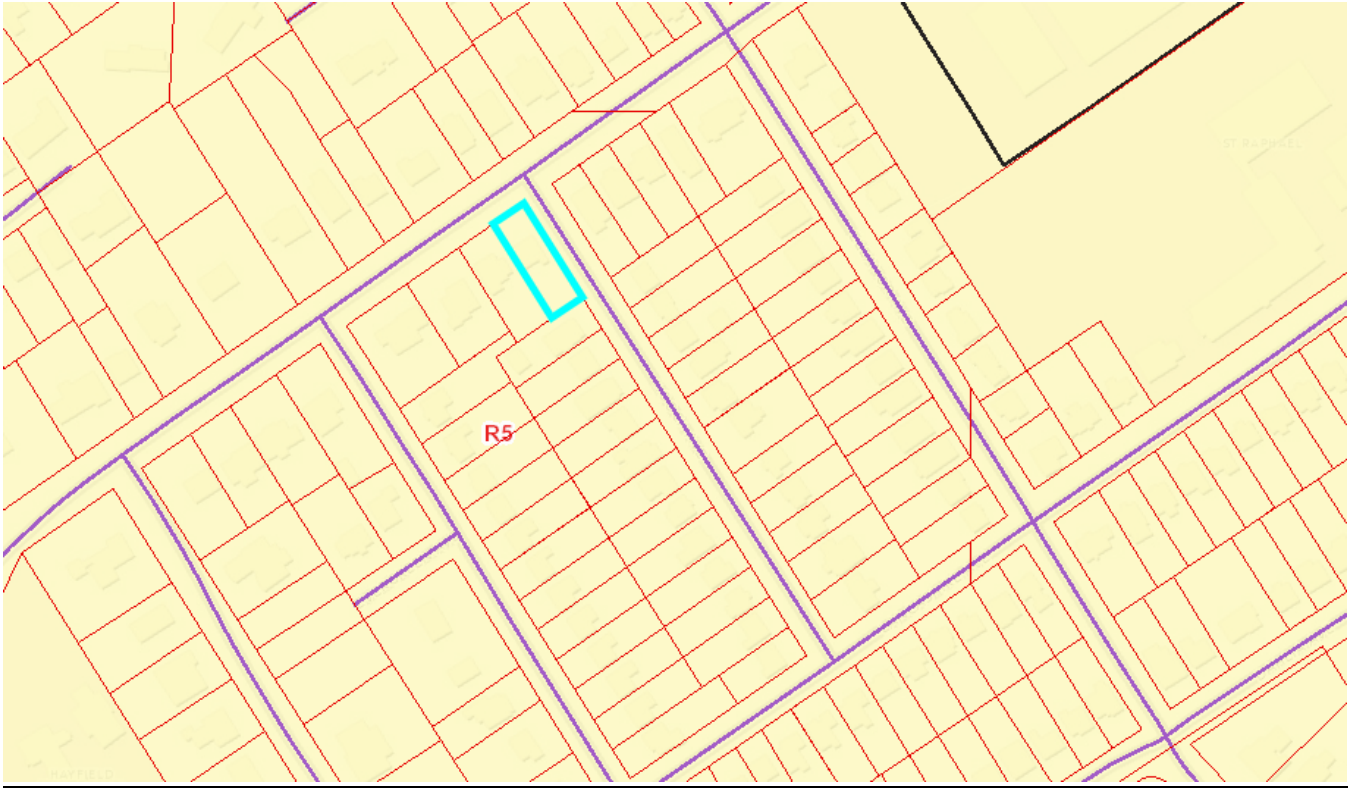
NOTIFICATION

Date	Purpose of Notice	Recipients
6/12/2023	Hearing before BOZA	1 st tier adjoining properties. Registered Neighborhood Groups in Council District 8
06/12/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

