

# Board of Zoning Adjustment Staff Report

March 2, 2015



<b>Case No:</b>	15Variance1001
<b>Project Name:</b>	None (single-family residential)
<b>Location:</b>	2415 Griffiths Ave.
<b>Owner(s):</b>	Douglass & Mary Leonard
<b>Applicant:</b>	Chenoweth Construction
<b>Representative(s):</b>	Same
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Cheri Hamilton
<b>Case Manager:</b>	Latondra Yates, Planner II

## REQUEST

- Variance of Sec. 5.4.1.D.2 of the Land Development Code (LDC) to allow a reduction in the required 30% private yard. The required yard is 1,800 sf. The requested private yard is 1,200 sf. (20%), a reduction of 600 sf. (10%).
- Waiver of Sec. 5.4.1.E.1. of the LDC to allow the length of the accessory structure to exceed 50 feet in depth. The requested length is 67 ft., a variance of 17 ft.

## Variance

Location	Requirement	Request	Variance
Private yard	30%(1,800 sf.)	(1,200 sf.) 20%	(600 sf.) 10%
Accessory structure	50 ft.	67 ft.	17 ft.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

This case was continued from the February 16<sup>th</sup> meeting. The variance and waiver are for construction of a garage.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-6 in the Traditional Neighborhood Form District (TNFD). It is surrounded by residential property zoned R-6 in the TNFD.

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Residential	R-6	TNFD
<b>Proposed</b>	Residential	R-6	TNFD
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-family residential	R-6	TNFD
<b>South</b>	Single-family residential	R-6	TNFD
<b>East</b>	Single-family residential	R-6	TNFD
<b>West</b>	Single-family residential	R-6	TNFD

### PREVIOUS CASES ON SITE

None found

### INTERESTED PARTY COMMENTS

None received

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020 Comprehensive Plan- See checklist attached.  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- **Variance of Sec. 5.4.1.D.2 of the Land Development Code (LDC) to allow a reduction in the required 30% private yard. The required yard is 1,800 sf. The requested private yard is 1,200 sf., a reduction of 600 sf.**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the majority of the private yard will be provided.

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

STAFF: The variance will not alter the essential character of the general vicinity because the private yards of the other lots in the area appear to be similar in size.

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

STAFF: The variance will not cause a hazard or nuisance to the public because the majority of the private yard will be provided.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The variance will not allow an unreasonable circumvention of the zoning regulations because the private yards of the other lots in the area appear to be similar.

### 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 variance arises from the construction of the garage.

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 provision of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because of the relatively small size of the garage in relation to the size of the lot.

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 the request for construction of the garage.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR  
WAIVERS**

- **Waiver of Sec. 5.4.1.E.1. of the LDC to allow the length of the accessory structure to exceed 50 feet in depth. The requested length is 67 ft., a variance of 17 ft.**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners because the structure appears to be situated in a manner that will not impede sight distance or negatively affect the view of neighboring properties.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The waiver meets the applicable guidelines of Cornerstone 2020.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because of the relatively small size of the garage in relation to the lot.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); **OR**

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: 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 because of the relatively small size of the garage in relation to the lot.

## TECHNICAL REVIEW

No outstanding technical review items.

## STAFF CONCLUSIONS

Staff's analysis of the standards of review supports the granting of the variance.

Staff's analysis of the standards of review supports the granting of the waiver.

The waiver meets 5 of the applicable guidelines of the Comprehensive Plan. The building materials and height of the garage appear to be compatible with other structures in the area.

Three guidelines can be addressed during construction review.

Based upon the information in the staff report, 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 and waiver as established in the Land Development Code.

## NOTIFICATION

Date	Purpose of Notice	Recipients
2/3/2015	BOZA Hearing	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Cornerstone 2020 Staff Checklist
5. Applicant's Justification Statement

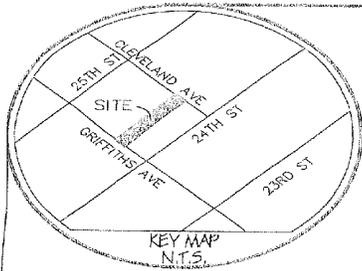
1. **Zoning Map**



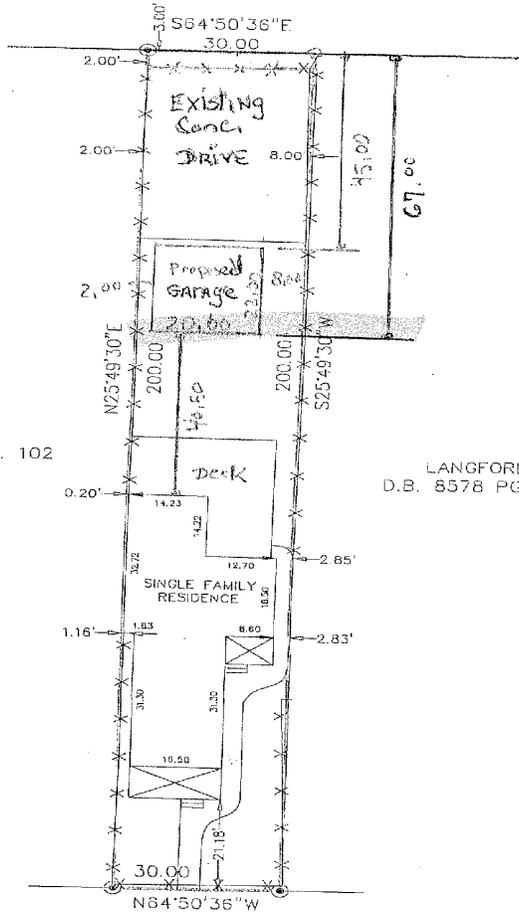
2. Aerial Photo



3. **Site Plan**



CLEVELAND AVE 20' R/W



MILLS  
D.B. 6982 PG. 102

LANGFORD  
D.B. 8578 PG. 102

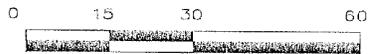
**RECEIVED**

JAN 14 2015  
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GRIFFITHS AVE. 60' R/W

- ⊗ = SET X-CUT IN DRIVE
- ⊙ = SET IPC #3125/SEELY

30



GRAPHIC SCALE 1=30

**LAND SURVEYOR'S CERTIFICATE**

I hereby certify that this plat and survey were made under my direct supervision on 12-10-14 and that the angular and linear measurements, as witnessed by monuments, shown hereon, are true and correct to the best of my knowledge and belief.

- SURVEY CLASS " URBAN " -

This survey meets or exceeds the minimum standards of governing authorities.

MIKE SEELY & ASSOCIATES  
P.O. BOX 18768  
LOUISVILLE, KY. 40261  
(502) 452-8684

- BOUNDARY SURVEY -

FOR: CHENOWETH CONSTRUCTION

LOCATION: 2415 GRIFFITH AVE  
LOUISVILLE KY 40212

RECORD SOURCES: 15VARIANCE1001  
BLOCK 4H LOT 65  
D.B. 6610 PG. 873

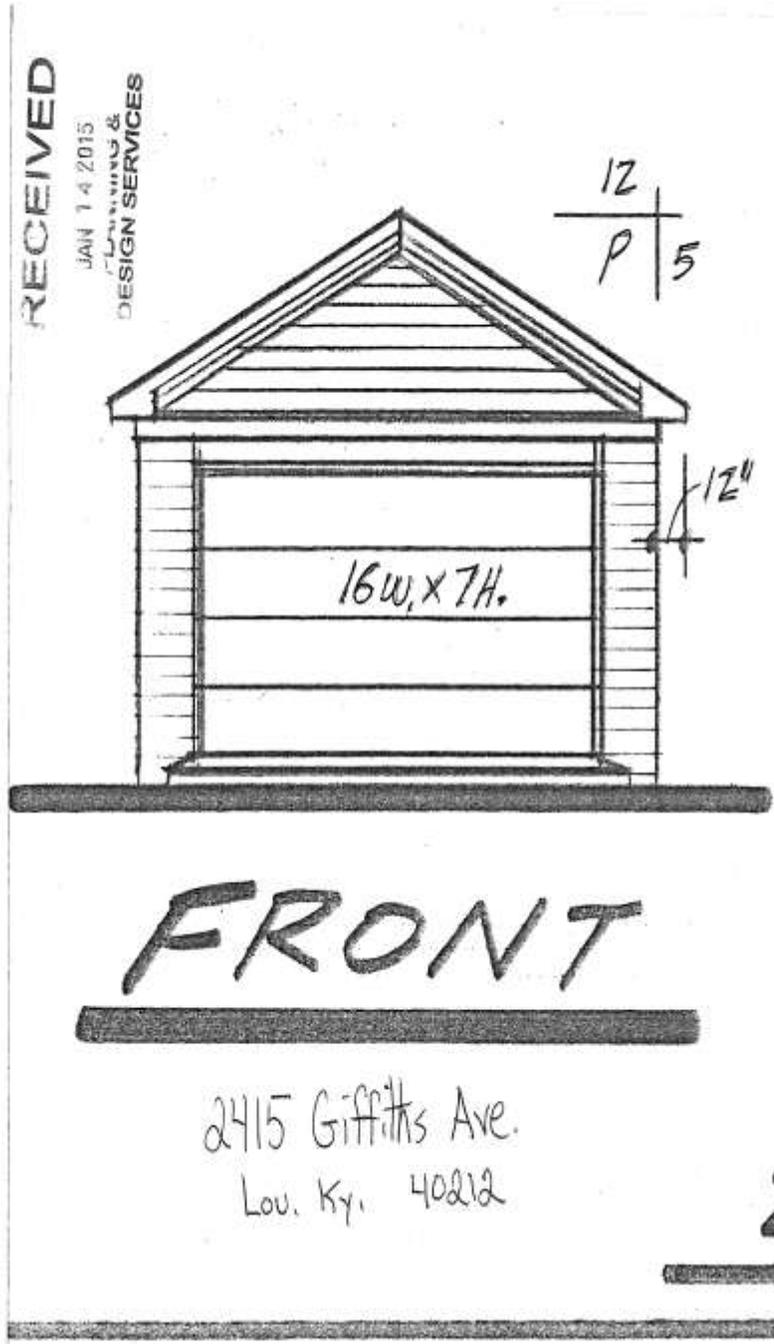
COUNTY: JEFFERSON CHECKED BY:

SCALE: 1=30 DATE: 12-11-14 BY:

*Michael D. Seely*  
Licensed Land Surveyor #3125



4. Elevations

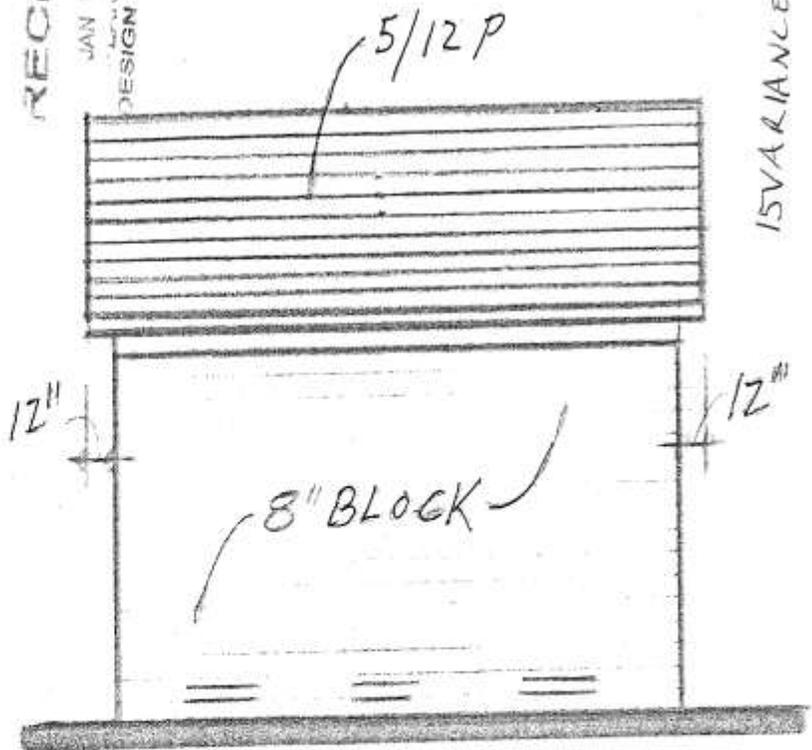




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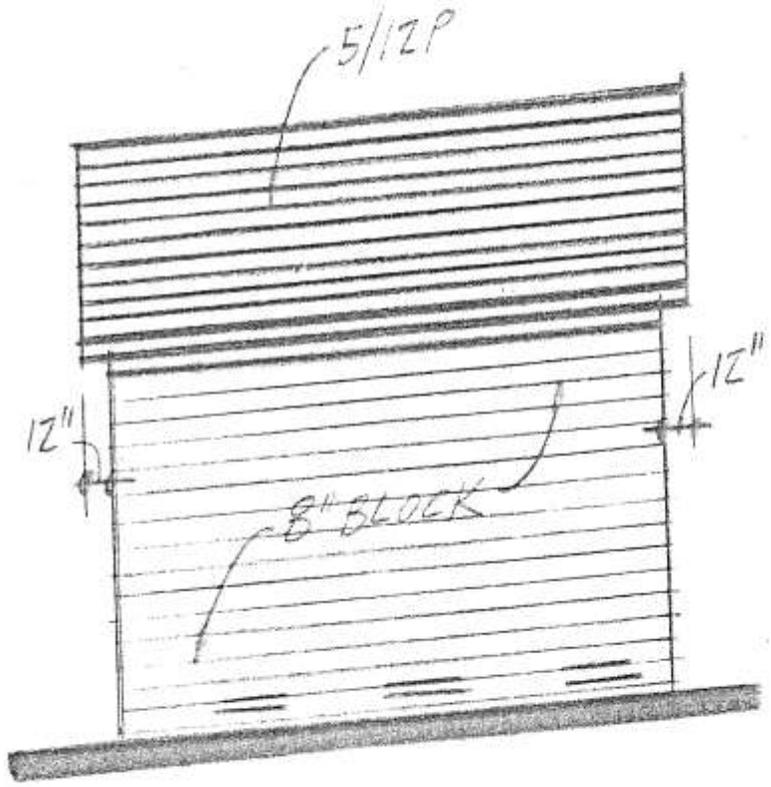
LEFT VIEW

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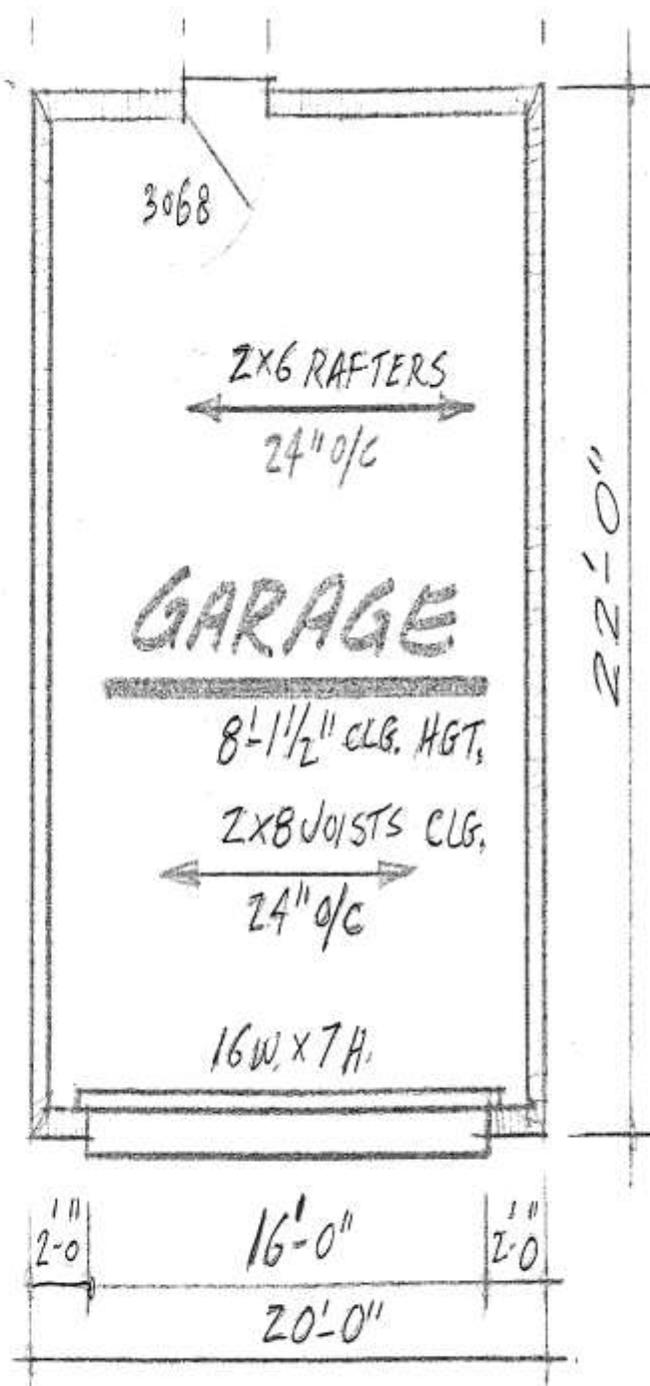
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CHECKED  
2/15/2015

RIGHT VIEW



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# FLOOR PLAN

5. **Cornerstone 2020 Comprehensive Plan Checklist**

18	Form Districts Goals C1-C4, Objectives C1.1- 1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	√	The private yards appears to be compatible with other lots in the area.
19	Form Districts Goals C1-C4, Objectives C1.1- 1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	√	The building materials appear to be compatible with that of other residential structures in the area.
20	Form Districts Goals C1-C4, Objectives C1.1- 1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	√	The private yards appears to be compatible with other lots in the area.
29	Form Districts Goals C1-C4, Objectives C1.1- 1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Building height appears to be compatible with that of the surrounding neighborhood.
45	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Site served by existing utilities.

6. **Applicant's Justification Statement**

**Variance Justification:**

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The structure will be on our property and will not affect the health, safety or welfare of others.

2. Explain how the variance will not alter the essential character of the general vicinity.

Placement of this detach structure is consistent with surrounding properties

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The structure will be used to store our lawn equipment, car, seasonal items and tools. This will not cause a nuisance or hazard to the public

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The structure will be consistent to property in area. This will allow us to have it closer to our home and off the alley where there is danger on vandalism.

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Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

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We want to keep it off the alley to affect problems with vandalism

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

If structure is on the alley we would constantly have to paint over graffiti - which is a problem in our neighborhood. With structure on alley we would not be able to store as much due to fear of break-in.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

Yes - we would now like to build a garage closer to than regulation states.

15VARIANCE1001