

Board of Zoning Adjustment
Staff Report
October 19, 2015



Case No:	15VARIANCE1066
Project Name:	None (Residence)
Location:	2530 Woodbourne Avenue
Owner(s):	James and Lorena Stierle
Applicant(s):	Anne Del Prince
Representative(s):	Anne Del Prince
Project Area/Size:	25,400 square feet
Existing Zoning District:	R-4, Residential Single Family
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variance from the Land Development Code to allow a proposed addition to encroach into the required Valletta Road street side yard.

Location	Requirement	Request	Variance
Street Side Yard	30'	14' – 11"	15' – 1"

CASE SUMMARY

The applicant is proposing to add a room addition onto the existing residence. The bedroom and sunroom addition will be approximately 474 square feet. The addition will be compatible with the existing residence and surrounding residential neighborhood.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-4	N
Proposed	Residential Single Family	R-4	N
Surrounding Properties			
North	Residential Single Family	R-4	N
South	Residential Single Family	R-4	N
East	Residential Single Family	R-4	N
West	Residential Single Family	R-4	N

SITE CONTEXT

The site is rectangular in shape and located on the southeast corner of Woodbourne Avenue and Valletta Road. The site is flat and surrounded by residential single family uses to the north, south, east, and west.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

Staff received several phone calls and an email from the neighborhood. They just wanted to know what was being proposed.

APPLICABLE PLANS AND POLICIES

Land Development Code

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 proposed addition will not cause a sight distance problem for motorists or pedestrians along Valletta Road.

(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 because the proposed addition will be compatible with the existing structure.

(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 proposed addition will be approximately 30 feet from the Valletta Road edge of pavement.

(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 because there are similar encroachments of this type throughout the surrounding area.

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 site is located on a corner which may be considered a special circumstance.

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 addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

TECHNICAL REVIEW

- There are no outstanding technical review items.
- Any required permits will need to be obtained.

STAFF CONCLUSIONS

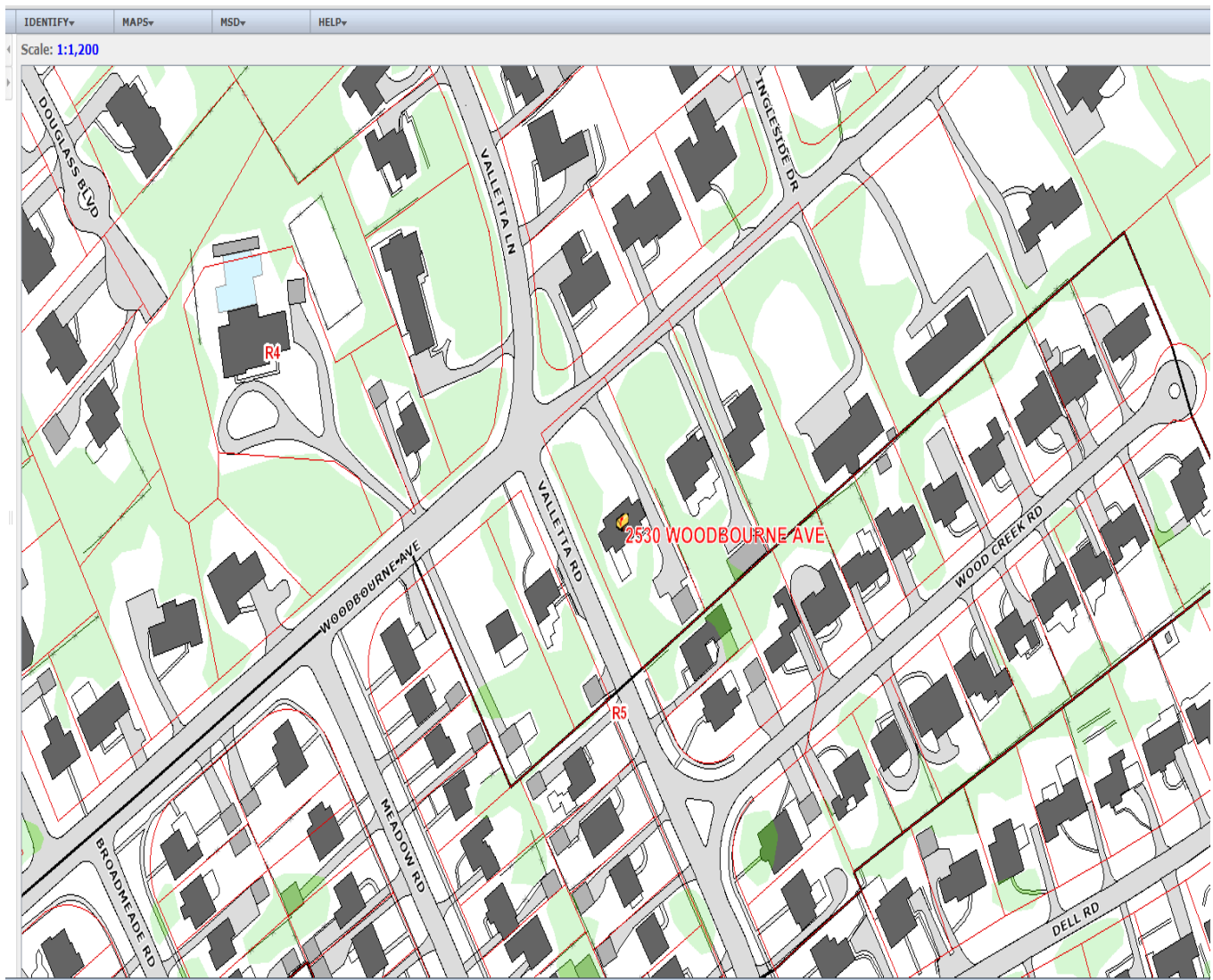
The new addition will be compatible with the surrounding residential neighborhood. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

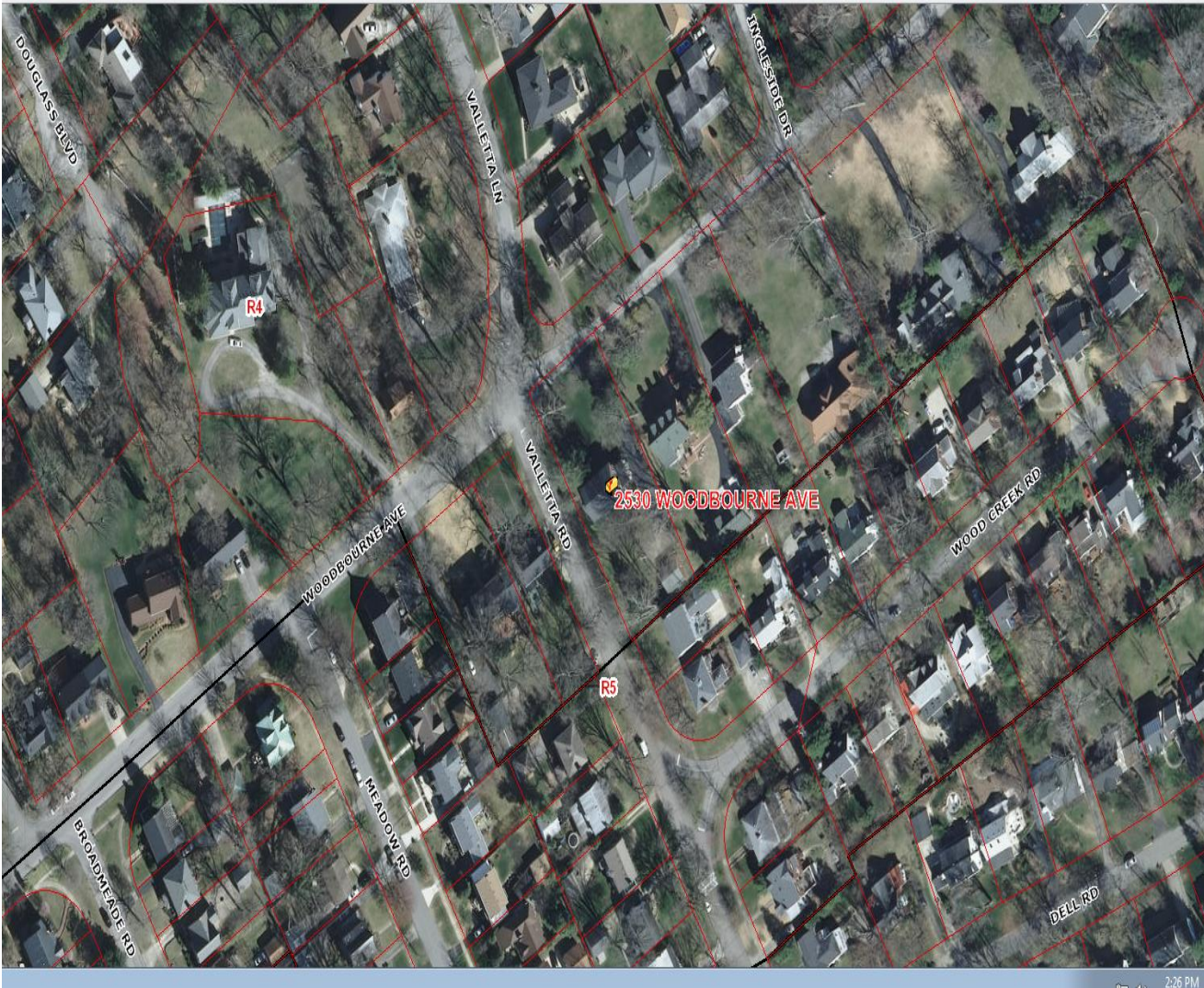
Date	Purpose of Notice	Recipients
10/02/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
10/08/2015	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

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.

THIS IS PRIVATE PROPERTY. PUBLIC HEALTH SAFETY & WELFARE IS NOT AFFECTED

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

ADDITION TO HOUSE IS APPROPRIATE IN SIZE, SHAPE & MATERIALS TO THE EXISTING HOUSE & WILL BLEND W/ NEIGHBORHOOD. PROPORTION OF ADDITION IS APPROPRIATE TO HOUSE.

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

NO NUISANCE TO PUBLIC BECAUSE THIS IS PRIVATE PROPERTY.
PUBLIC NOT INVITED ON PROPERTY.

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

NO UNREASONABLE CIRCUMVENTION BECAUSE ADDITION HAS SAME USE/PURPOSE AS EXISTING STRUCTURE (PART OF EXISTING STRUCTURE IS ALREADY IN SETBACK ALREADY.) JUST MORE OF THE SAME.

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).

SPACE IS AT PREMIUM. ARCHITECTURALLY, LOCATION OF ADDITION ON HOUSE MAKES MOST SENSE.

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.

HARDSHIP OCCURS BECAUSE IT DEPRIVES OWNER OF FIRST FLOOR BEDROOM TO MAKE LONG TERM LIVING AT HOME POSSIBLE.

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

OWNER DID NOT DETERMINE STREET SIDE YARD SETBACK REQUIREMENTS. (PART OF HOUSE AS IT EXISTS IS IN SETBACK ALREADY.)

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Anne Del Prince, Architect
640 Country Club Road
(502) 893-6026

Sterle Addition
2530 Woodbourne Ave
Louisville, KY 40205



Plan
Elevations
Site Plan
Scale: as noted
Date: 09/15/15

Sheet No.
A-1

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