Board of Zoning Adjustment
Staff Report
August 29, 2016

Case No:	**16VARIANCE1051**
Project Name:	**1327 and 1325 Christy Ave**
Location:	**1327 and 1325 Christy Ave**
Owner(s):	**Scott McEwen, JamCor Investments, Inc**
Applicant:	**Gerald A Stafford**
Representative:	**Kathryn Matheny, Cardinal Surveying**
Project Area/Size:	**5,489 Square Feet**
Jurisdiction:	**Louisville Metro**
Council District:	**4 – David Tandy**
Case Manager:	**Laura Mattingly, Planner I**

REQUEST

Variance requests from the Land Development Code Section 5.2.2, Table 5.2.2 to allow two existing homes to be less than 3 feet from the side property line in association with a minor subdivision plat to shift the side property line.

Variances

Location	Requirement	Request	Variance
Side Yard (1325 Christy Ave)	3ft	1.81ft	1.19ft
Side Yard (1327 Christy Ave)	3ft	.38ft	2.62ft

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The two properties are located in the Original Highlands neighborhood, approximately 350 feet southeast of the intersection of Barrett Avenue and E. Breckinridge Street. The applicant is remodeling the single family property at 1327 Christy Ave. An earlier rear addition on the home was built by a former owner and was built approximately 2 feet over the property line. New siding at a later time on the home caused yet another .2 inches of overlap of the side property line. The new renovation of the home requires a minor plat to shift the property line to correct the overlap and a variance is needed due to the fact that both 1327 and 1325 Christy Avenue are non-compliant with the side yard setback requirements and the lot line shift is modifying this non-compliance. Upon initial submittal of the minor subdivision plat, a second story addition was proposed at 1327 Christy Ave for the rear of the home. The applicant is no longer proposing this.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Single-Family Residential	UN	TN
Surrounding Properties			
North	Single Family Residential	UN	TN
South	Single- and Two-Family Residential	UN	TN
East	Single-Family Residential	UN	TN
West	Single-Family Residential	UN	TN

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

Staff received one anonymous message from a neighbor stating that the rear of 1327 Christy Ave is not on a foundation and no second-story addition should be allowed.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The variance will not adversely affect public health, safety or welfare as both homes are existing and no changes are proposed in association with the variances.

(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 no proposed changes to the homes that would alter their existing character.

(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 as there are no proposed changes to the footprints or total building area of the homes.

(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 non-conforming conditions have been in place for a number of years. The purpose of the minor plat is to bring 1327 Christy Avenue more into compliance by correcting the property line.

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 as the sites were developed before the current regulations and are too narrow to allow the required setback.

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 as the renovations to the home would not be able to take place.

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 take subsequent to the adoption of the zoning regulation for which relief is sought because the addition that encroaches over the property line was built by a previous owner at an unknown time.

TECHNICAL REVIEW

The minor subdivision plat, 16MINORPLAT1088, to shift the property line between the properties, is currently under review and approval is contingent upon the approval of the variances.

STAFF CONCLUSIONS

The variances appear to be adequately justified; and the Standard of Review has been met. Based upon the information in the staff report, the Board of Zoning Adjustments must determine if the proposal meets the standards for approving the variances.

ACTION

APPROVE or DENY
- Variance of Table 5.2.2 to allow a .38 foot side yard setback at 1327 Christy Ave.
- Variance of Table 5.2.2 to allow a 1.81 foot side yard setback at 1325 Christy Ave.

NOTIFICATION

Date	Purpose of Notice	Recipients
August 15, 2016	Hearing before BOZA	1st tier adjoining property owner
August 9, 2016	Hearing before BOZA	Subscribers of Council District 4 Notification of Development Proposals
August 12, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

Attachment 1: Zoning Map

E BRECKINRIDGE ST

EDWARD ST

UN

TN

1327 CHRISTY AVE

CHRISTY AVE

CR

BARRET AVE

MORTON AVE

R5B

C2

R7

Attachment 2: Aerial Photo

1327 CHRISTY AVE