

Board of Zoning Adjustment Staff Report

April 3, 2017



Case No:	17VARIANCE1013
Request:	Variance from the required 25' rear yard setback
Project Name:	1218 Park Hills Drive Garage
Location:	1218 Park Hills Drive
Area:	.354 Acres
Owner:	Sandra & James Hardison
Applicant:	James Hardison
Representative:	James Hardison
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variance from Land Development Code table 5.3.1 for a structure to encroach into the required rear yard.

Location	Requirement	Request	Variance
Rear Yard Setback	25 ft.	5 ft.	20 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property contains an existing 1 story residential home with an attached garage, and the applicant proposes a new 1,152 square foot garage addition to be added onto the rear of the structure. The new garage addition is proposed to be 5 feet from the rear property line, encroaching into the rear yard by 20 feet. The applicant requests a variance from Land Development Code table 5.3.1 to allow the encroachment. The garage addition otherwise complies with residential site design standards. The applicant proposes to route the water off the new addition through guttering and piping along and beneath the driveway to a rain garden in the front yard.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-5	Neighborhood
Proposed	Single Family Residential	R-5	Neighborhood
Surrounding Properties			
North	Single Family Residential	R-5	Neighborhood
South	Single Family Residential	R-5	Neighborhood
East	Single Family Residential	R-5	Neighborhood
West	Single Family Residential	R-5	Neighborhood

PREVIOUS CASES ON SITE

No previous cases on site.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 as the garage addition will be 5' from the rear property line, preserving safe separation from the property to the rear of the lot. The rear adjoining property owner has signed approval of the proposed garage addition.

- (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 the garage addition will be behind the existing structure and will not be easily visible from the public right-of-way.

- (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 the garage will be constructed according to building code, protecting the interests of the neighbors. Additionally, the water runoff will be routed to a rain garden.

- (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 proposed garage addition will otherwise comply with all residential site design standards.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone as the parcel is regularly shaped and does not have any known topographic constraints.

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 by preventing the applicant from building the requested garage addition.

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 is requesting the variance and has not yet constructed the proposed new garage.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 established in the Land Development Code from table 5.3.1 allowing the rear yard to be less than 25 feet.

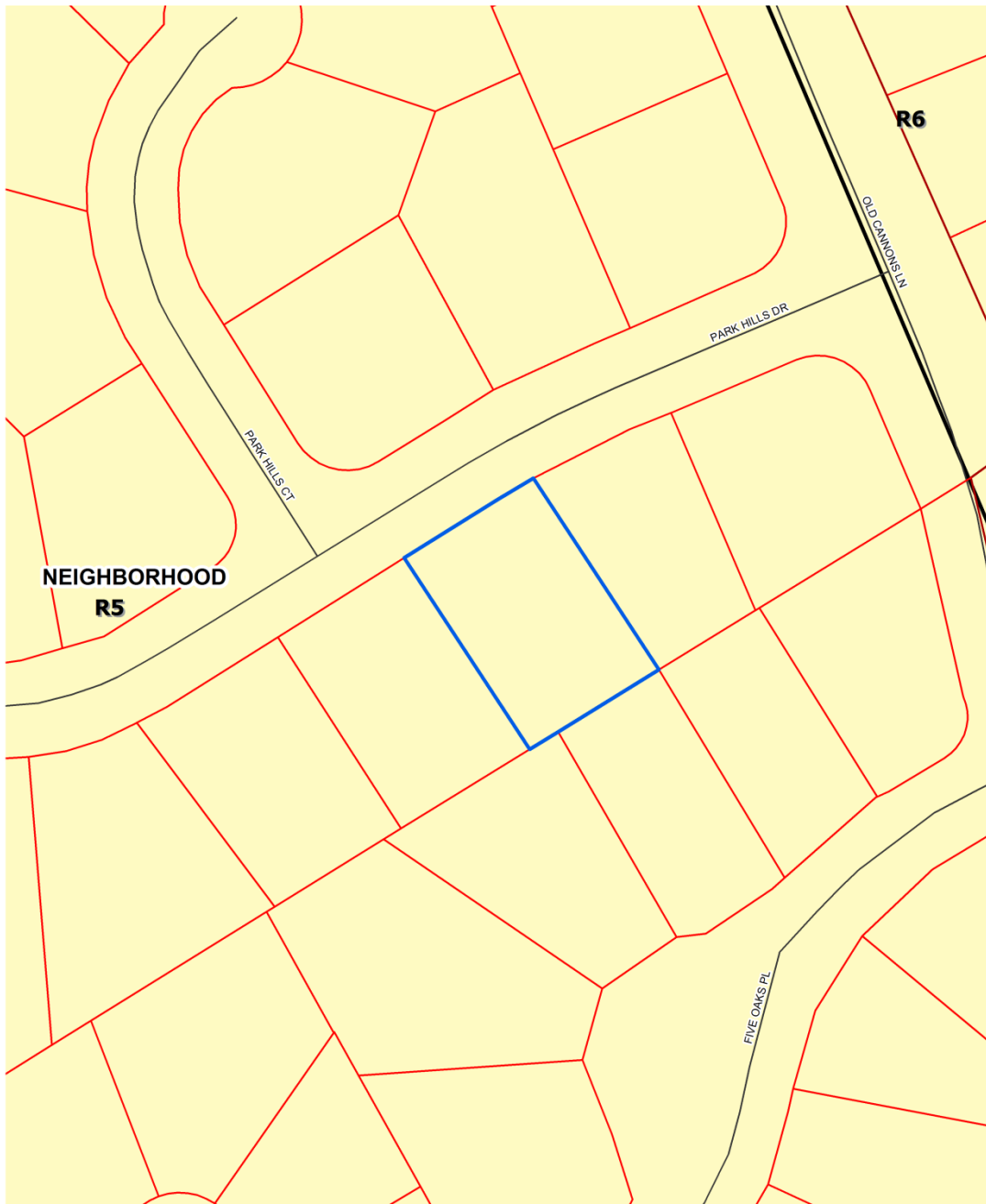
NOTIFICATION

Date	Purpose of Notice	Recipients
03-13-2017	Non-Public Hearing before BOZA	Not required - 1 st tier adjoining property owners Not required - Subscribers of Council District 9 Notification of Development Proposals

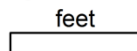
ATTACHMENTS

1. Zoning Map
2. Aerial
3. Site Plan
4. Site Photos Provided by Applicant

1. **Zoning Map**



1218 Park Hills Drive



Map Created: 3/27/2017

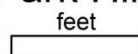


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2. Aerial



1218 Park Hills Drive



Map Created: 3/27/2017



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3. Site Plan

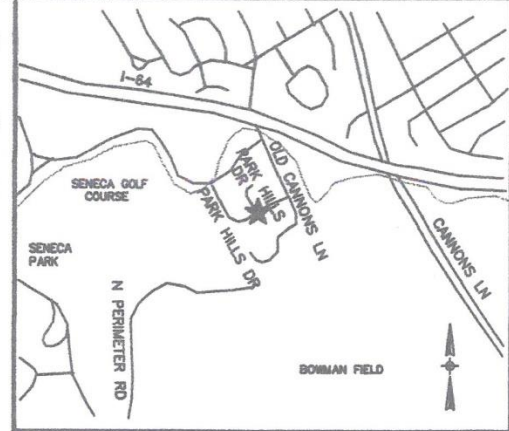
SURVEYOR'S NOTES

1. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS, RIGHT OF WAYS, DEFECTS, LIENS, ADVERSE CLAIMS, ENCUMBRANCES, COVENANTS AND RESTRICTIONS WHICH A TITLE SEARCH MAY REVEAL WHETHER SHOWN ON THIS PLAT OR NOT.

2. THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" PER REVIEW OF FIRM MAP COMMUNITY #210120, PANEL #0044, SUFFIX "E", EFFECTIVE DECEMBER 05, 2006.

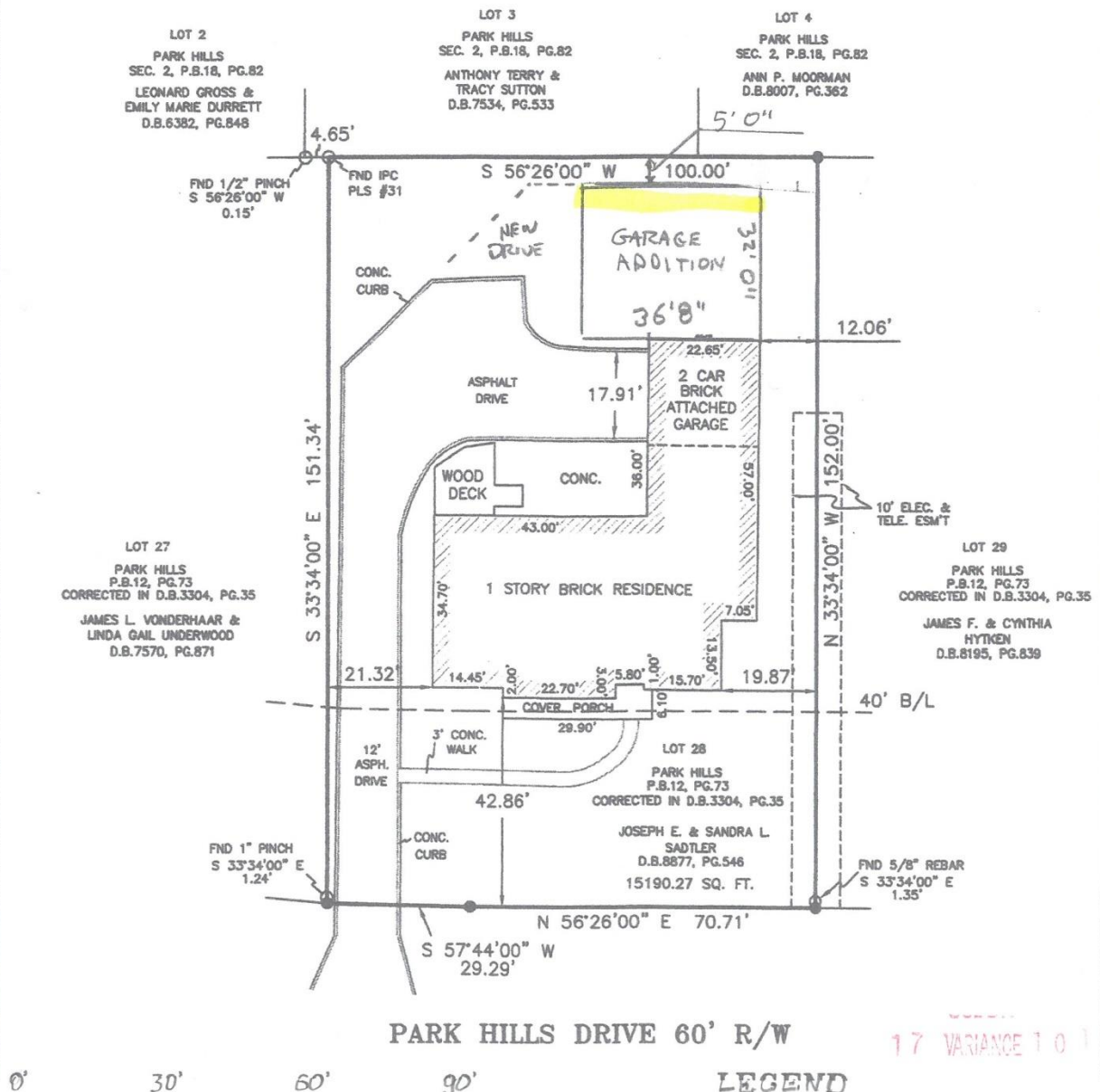
REFERENCE MERIDIAN

THE REFERENCE MERIDIAN USED ON THIS SURVEY TO DETERMINE THE DIRECTION OF SURVEY LINES IS BASED ON THE SOUTH PROPERTY LINE, AND HAVING A BEARING OF S 56°26'00" W AS RECORDED IN P.B.12, PG.73 OF "PARK HILLS" SUBDIVISION IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY KENTUCKY COURT.



LOCATION MAP NOT TO SCALE

RK HILLS DR.dwg, 08/02/2007 12:21:59 AM, 1:30



4. **Site Photos Provided by Applicant**



The neighboring house to the left with the subject property to the right.



A nearby garage.



A garage on the same street.



A garage on the same street.



A property across the street from the subject property.



Another property across the street from the subject property.



The drainage swale across the street.



To the rear of the subject property.



To the rear of the subject property where the garage addition is proposed.



To the rear of the subject property.



The properties to the rear of the subject property.



The rear of the subject property.



The neighbor's driveway to the right of the subject property.



The existing garage.