

**Board of Zoning Adjustment
Staff Report**
May 1, 2017



Case No:	17VARIANCE1018
Request:	Variance from the required 25' street side yard setback
Project Name:	2001 Winston Ave Sun Porch
Location:	2001 Winston Ave
Area:	.3107 Acres
Owner:	J Kent Gregory and Stephanie Gregory
Applicant:	Anne Del Prince – Del Prince Designs LLC
Representative:	Anne Del Prince
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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 street side yard.

Location	Requirement	Request	Variance
Street Side Yard Setback	25 ft.	11 ft.	14 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property contains a 1 ½ story single-family residence with a sun porch on the south-west side, which encroaches into the street side yard setback by 12 feet. The house was built in 1934. It is unknown when the existing sun porch was built, but it is visible on aerial photographs taken in 2000. The house is being remodeled, and the sun porch is proposed to be replaced with a new sun porch. The proposed new sun porch will also encroach into the required 25 foot street side yard setback, and so the applicant requests a variance from Table 5.3.1 for the encroachment. The proposed setback is 11 feet, for a requested encroachment of 14 feet. The new sun porch will have gutters directing run-off to the rear. The proposed sun porch will be 16 feet long, whereas the existing sun porch is 23.5 feet long.

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 VARIANCES 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 there is an existing sun porch in place which has caused no known adverse effects.

- (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 proposed sun porch is part of a renovation of the property and the existing sun porch has encroached into the street side yard for at least 17 years.

- (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 sun porch will be constructed according to building code so as not to cause a hazard.

- (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 sun porch will take the place of an existing sun porch, which is currently an existing condition on the property.

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 proposed sun porch will take the place of an existing sun porch, which has existed for at least 17 years.

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 remodeling the existing sun porch.

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 sun porch.

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 street side yard to be less than 25 feet.

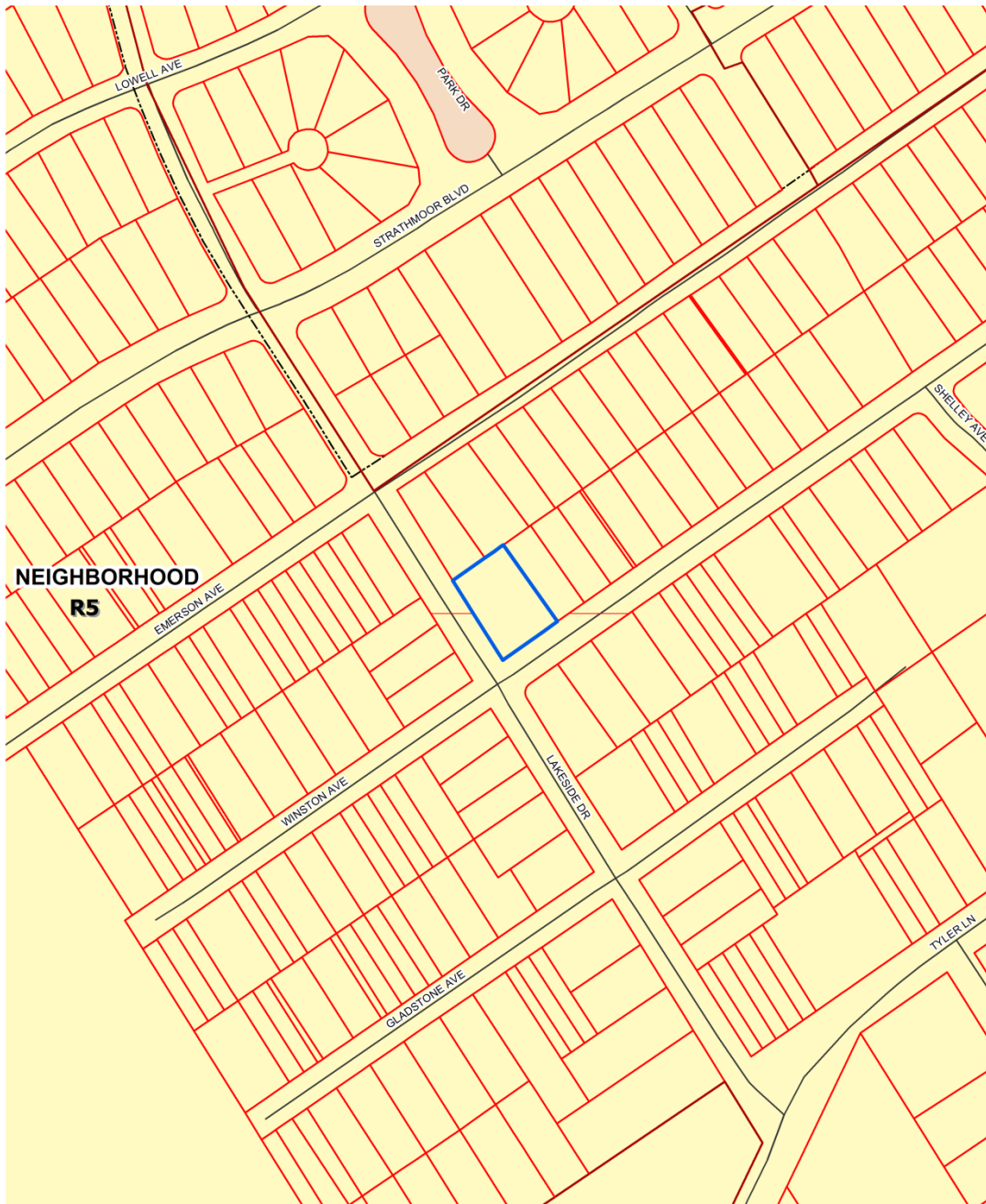
NOTIFICATION

Date	Purpose of Notice	Recipients
04-13-2017	Public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
04-14-2017		Sign posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Site Plan
4. Elevations
5. Site Photos

1. **Zoning Map**



2001 Winston Ave

feet



190

Map Created: 4/17/2017

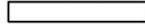


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2. Aerial



2001 Winston Ave
feet



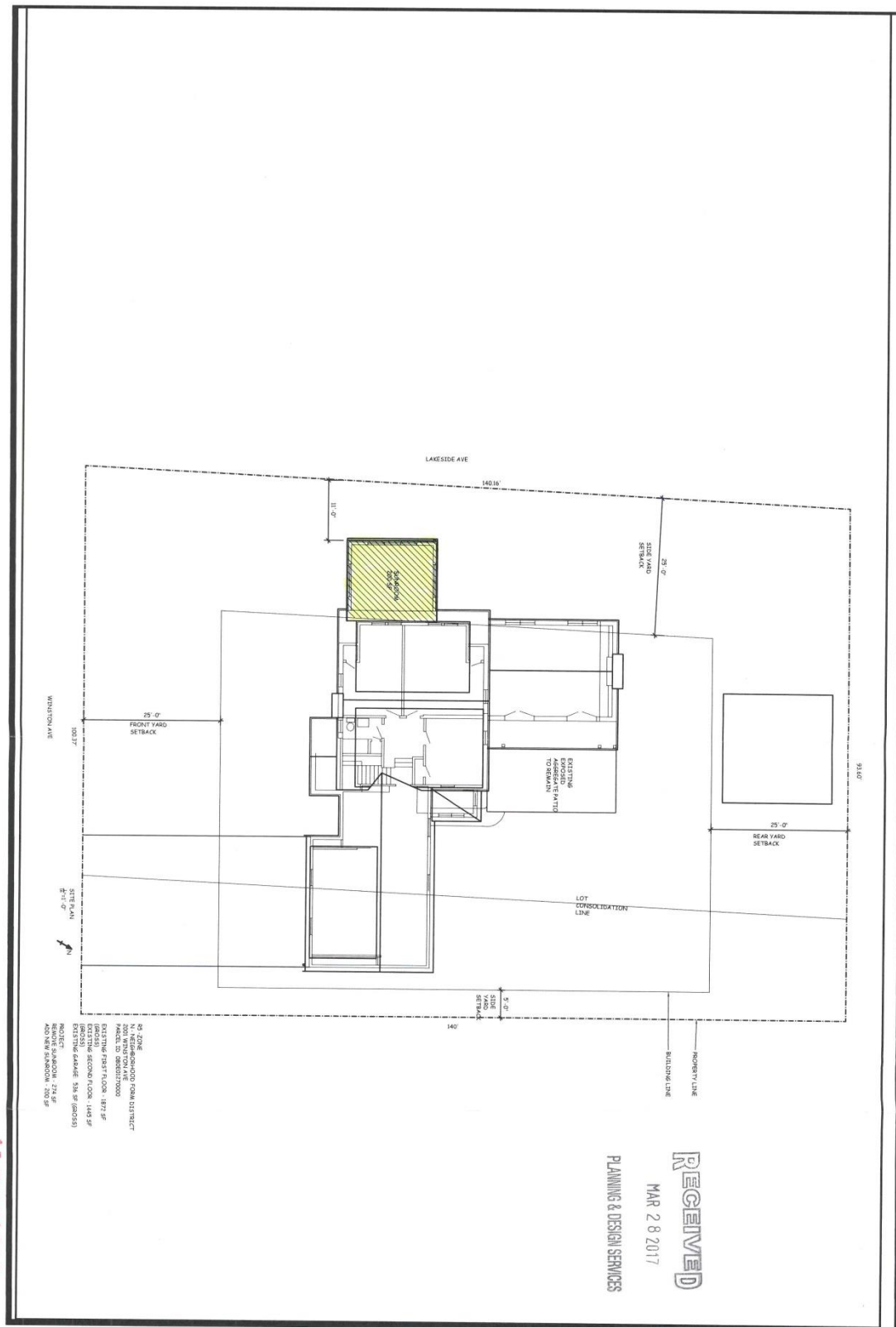
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Map Created: 4/17/2017



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3. Site Plan



A-1

Site Plan
1/16"=1'-0"
3/27/17

Gregory Remodel
2001 Winston Ave
Louisville, KY 40205

Anne Del Prince, Architect
640 Country Club Road
Louisville, KY 40206

4. Elevations



A-2

Elevations
1/8"=1'-0"
3/27/17

Gregory Remodel
2001 Winston Ave
Louisville, KY 40205

Anne Del Prince, Architect
640 Country Club Road
Louisville, KY 40206

5. Site Photos



The subject property from the front.



The property located across Winston Ave.



The property located across Lakeside Drive.



The existing sun porch is screened from the front by the large tree.



The existing sun porch.



The existing sun porch.