

Board of Zoning Adjustment Staff Report

May 15, 2017



Case No:	17VARIANCE1010
Request:	Variances from the required 5' side yard setback
Project Name:	11018 Booker Road
Location:	11018 Booker Road
Area:	.1096 acres
Owner:	Commercial Management Group LLC
Applicant:	Commercial Management Group LLC
Representative:	Scott Howe
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variances from Land Development Code Table 5.3.1 for a structure to encroach into the required side yards.

Location	Requirement	Request	Variance
Side Yard Setback	5 ft.	4.5 ft.	0.5 ft.
Side Yard Setback	5 ft.	4.5 ft.	0.5 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is currently vacant. The applicant proposes to construct a two-story single-family residence on the property. The lot is part of the Cherokee Court subdivision, recorded in 1942. The lot is 30 feet wide and 160 feet deep, for a total area of 4,800 square feet. This lot is non-conforming, as a new lot in the R-5 zoning district under the current regulations is required to be at least 50 feet wide. The house is proposed to be 21 feet wide, encroaching into the required side yards on both sides by 0.5 feet. The applicant requests variances from Land Development Code table 5.3.1 to allow the encroachments.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-5	Neighborhood
Proposed	Single Family Residential	R-5	Neighborhood
Surrounding Properties			
North	Single-Family Residential	R-4	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

Plat Book 8 Page 26A

Cherokee Court Subdivision.

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 variances will not adversely affect the public health, safety or welfare as the encroachments are less than 1 foot and the house will be required to comply with building codes to protect the safety of the neighbors.

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

STAFF: The requested variances will not alter the essential character of the general vicinity as most of the Cherokee Court subdivision was platted with 30' lot widths.

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

STAFF: The requested variances will not cause a hazard or nuisance to the public as the proposed house will have to comply with building code.

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

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as the subdivision was recorded in 1942 and the property owner must work within the confines of the existing lot.

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 variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because an R-5 zoned lot in the current Land Development Code must be a minimum of 50' wide, whereas this lot is only 30' wide.

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 requiring the applicant to build an extremely narrow house to fit on the lot.

3. The circumstances are not 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 taken subsequent to the adoption of the zoning regulation from which relief is sought as the lot was recorded in 1942 at 30' in width, considerably narrower than the current regulations would permit.

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 variances established in the Land Development Code from Table 5.3.1 allowing the side yard setbacks to be less than 5 feet.

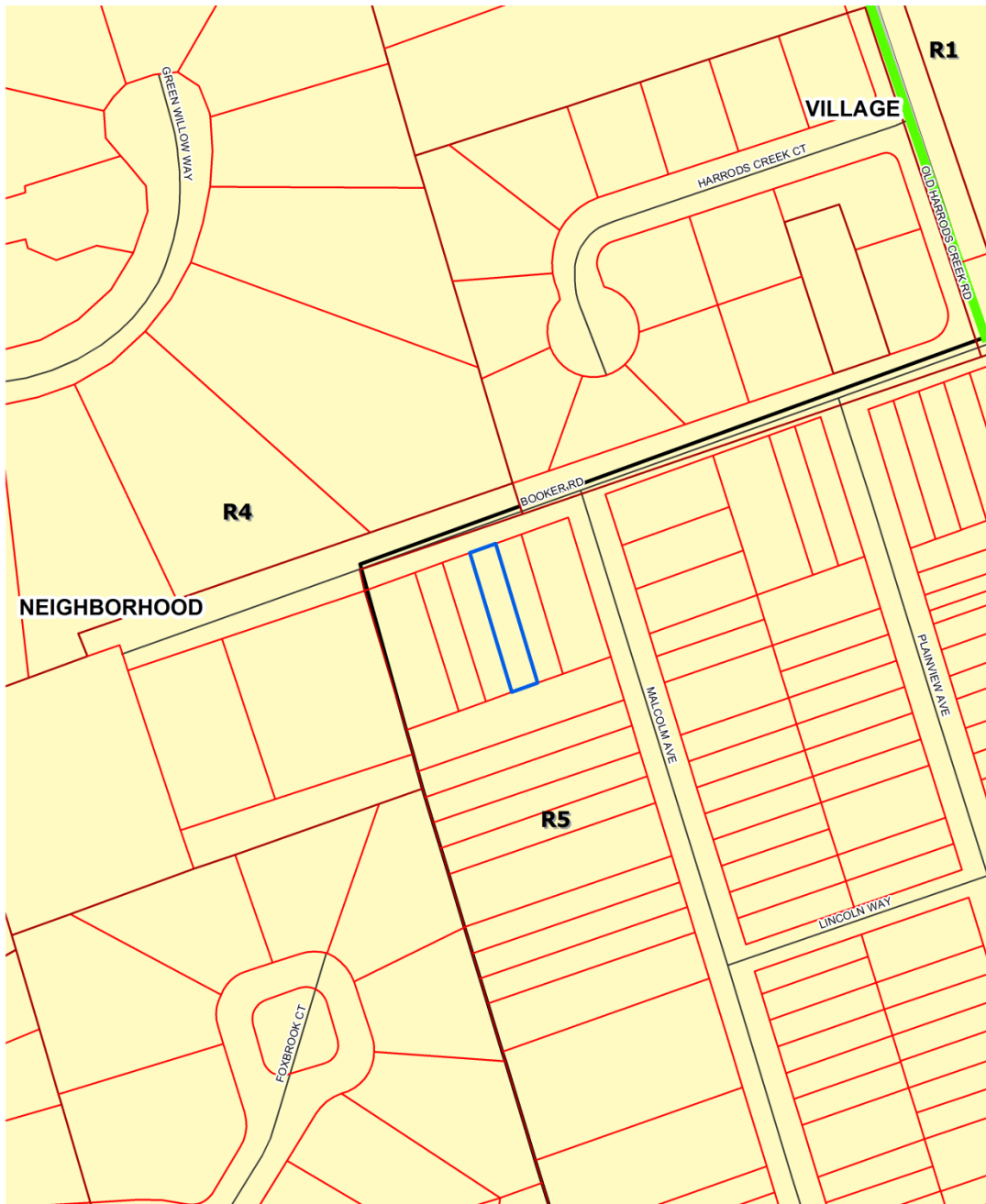
NOTIFICATION

Date	Purpose of Notice	Recipients
04-26-2017	Public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 7 Notification of Development Proposals
04-28-2017		Sign posted on property

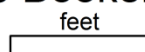
ATTACHMENTS

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

1. **Zoning Map**



11018 Booker Road



Map Created: 5/4/2017



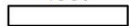
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2. Aerial



11018 Booker Road

feet



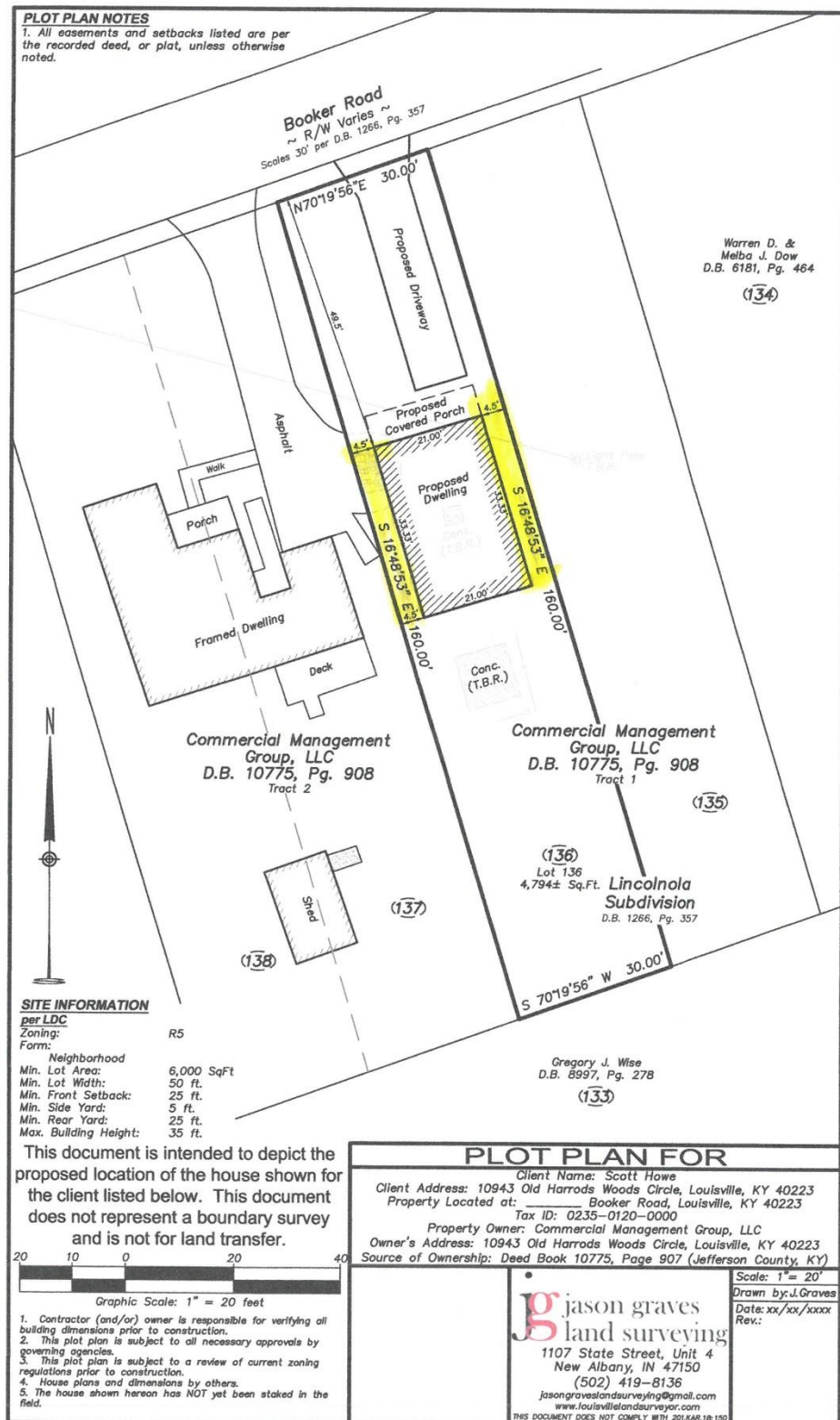
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3. Site Plan



4. Elevation

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DESIGN SERVICES



17 VARIANCE 1010

5. Site Photos



The subject property from the front.



The vacant lot to the east.



The single-family house to the west.



Across Booker Road.



Looking east across the lot, toward the house on the east side of the two vacant lots.