

Board of Zoning Adjustment Staff Report

June 5, 2017



Case No:	17VARIANCE1027
Request:	Variance to allow a private yard area to be less than the required 30% of the lot area
Project Name:	1306 Willow Ave Porch
Location:	1306 Willow Ave
Area:	7,200 Square Feet
Owner:	Morris & Terry Weiss
Applicant:	Charlie Williams
Representative:	Charlie Williams
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variance from Land Development Code section 5.4.1.D.2 to allow a private yard to be less than 30% of the lot area for a lot 6,000 square feet or greater in area

Location	Requirement	Request	Variance
Private Yard Area	2,160 sq. ft.	1,692 sq. ft.	468 sq. ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes a screened porch on the rear of the existing 2 ½ story residence on the subject property. A deck current exists at the location. The proposal is to replace the deck with a screened porch. This will result in a private yard area of 1,692 square feet. The subject lot is 40 feet wide and 180 feet deep, for a total area of 7,200 square feet. The required private yard area for a lot of this size is 30% of the area of the lot, or 2,160 square feet. The applicant requests a variance to allow the private yard area to be 23.5% of the area of the lot.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

B-216-06

Board of Zoning Adjustment approved variances to allow the private yard area to be 2,037 square feet due to construction of a garage and to allow a detached garage to encroach into the required side yard.

17COA1083

Historic Landmarks and Preservation Districts Commission staff issued Certificate of Appropriateness for screened porch, with condition of approval that a variance be approved to reduce the private yard area.

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 SECTION 5.4.1.D.2

- (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 proposed reduced private yard area will not be visible to the right-of-way.

- (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 similarly-sized private yard areas are present in the same neighborhood.

- (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 considerable private yard area will remain and no reduction in green space will occur, due to the proposed porch replacing an existing deck.

- (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 a significant amount of private yard will remain.

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 lot is regular in shape and all of the lots in the general vicinity are of similar dimensions.

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 property owners from screening in the porch so that the yard can be better enjoyed.

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 begun construction.

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 section 5.4.1.D.2 allowing the private yard area to be less than the required 30% of the total lot area.

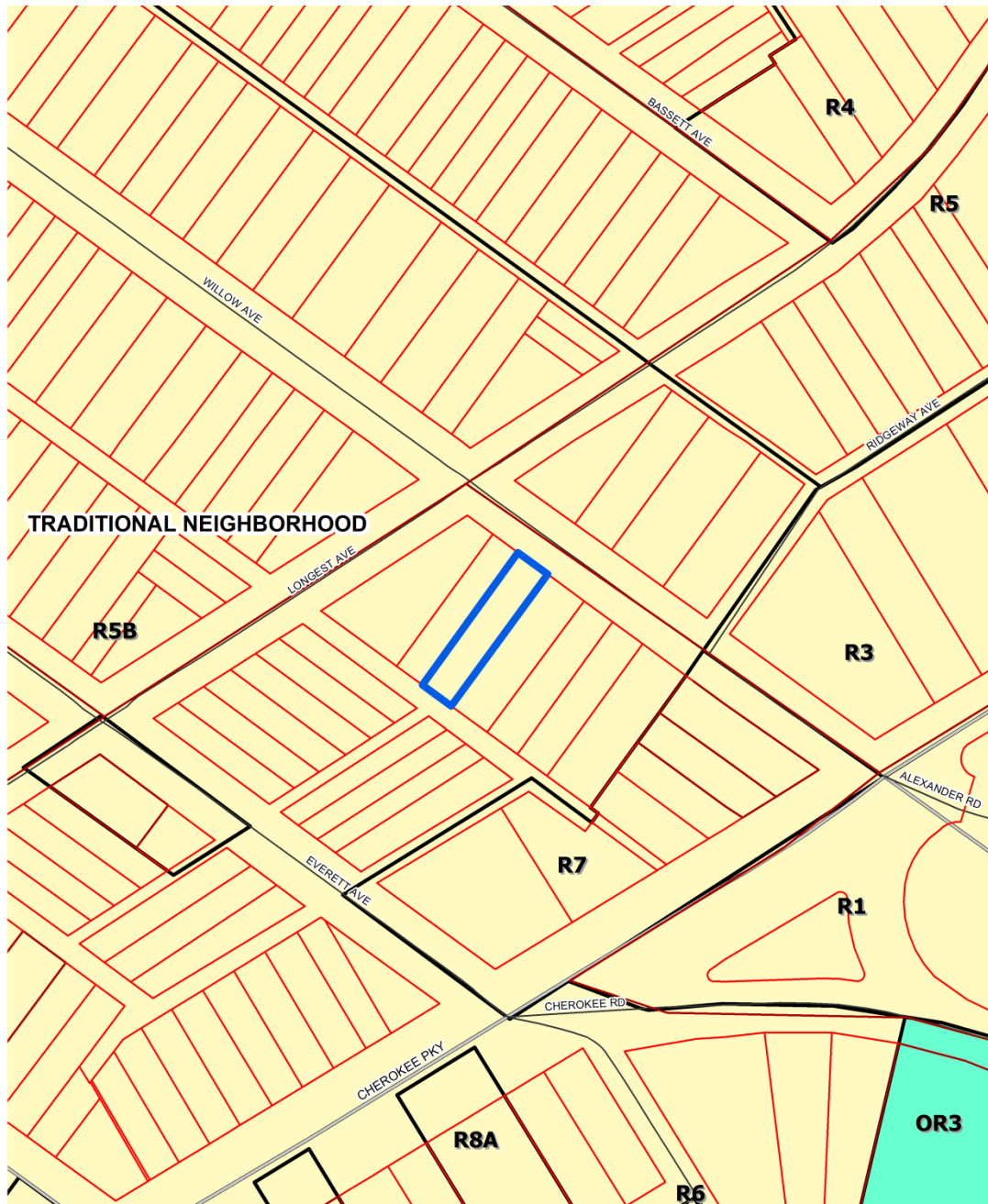
NOTIFICATION

Date	Purpose of Notice	Recipients
05-17-2017	Public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
05-22-2017		Sign posted on property

ATTACHMENTS

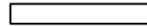
1. Zoning Map
2. Aerial
3. Site Plan
4. Elevations
5. Site Photos

1. **Zoning Map**



1306 Willow Ave

feet



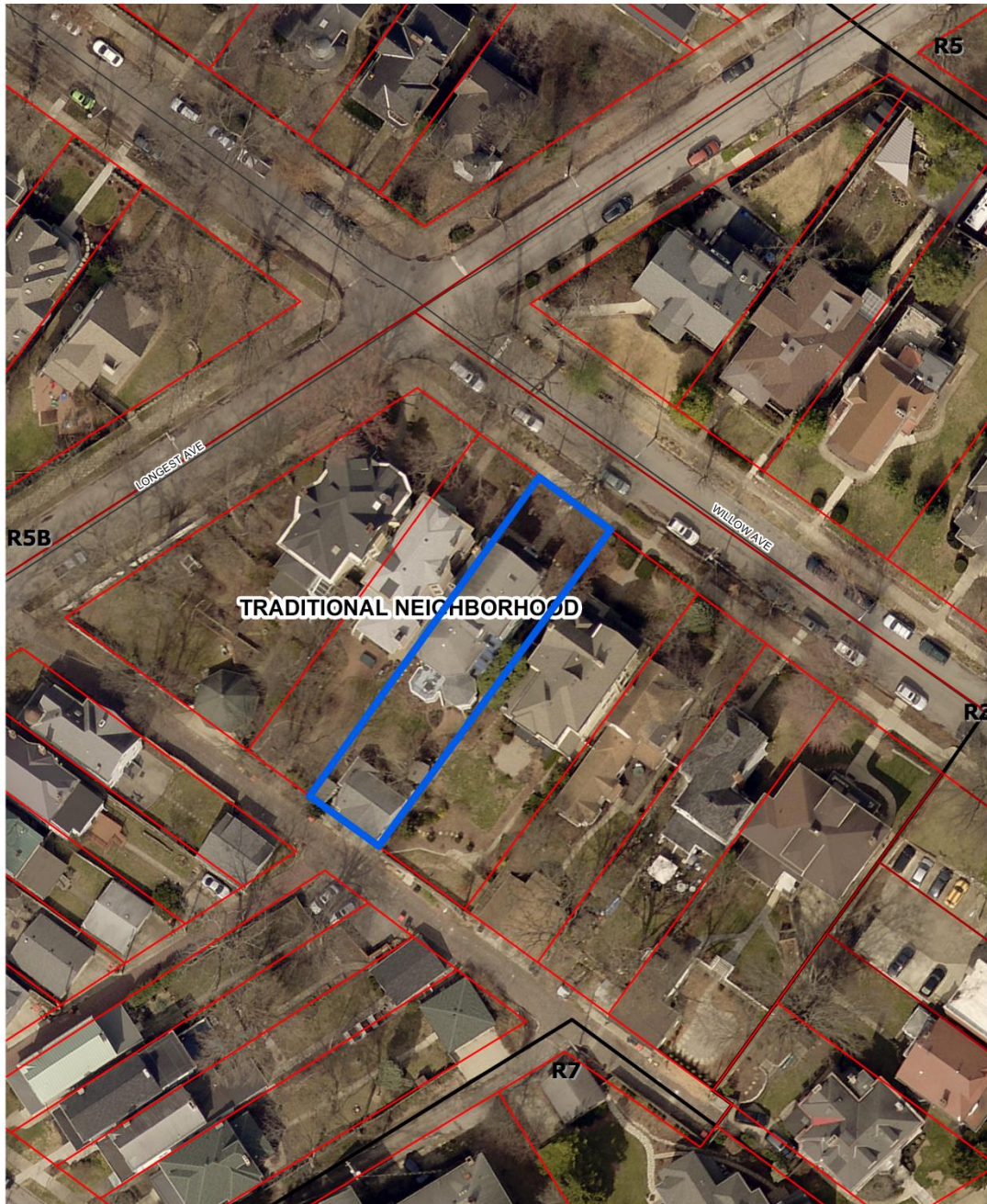
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Map Created: 5/25/2017

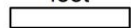


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2. Aerial



1306 Willow Ave
feet

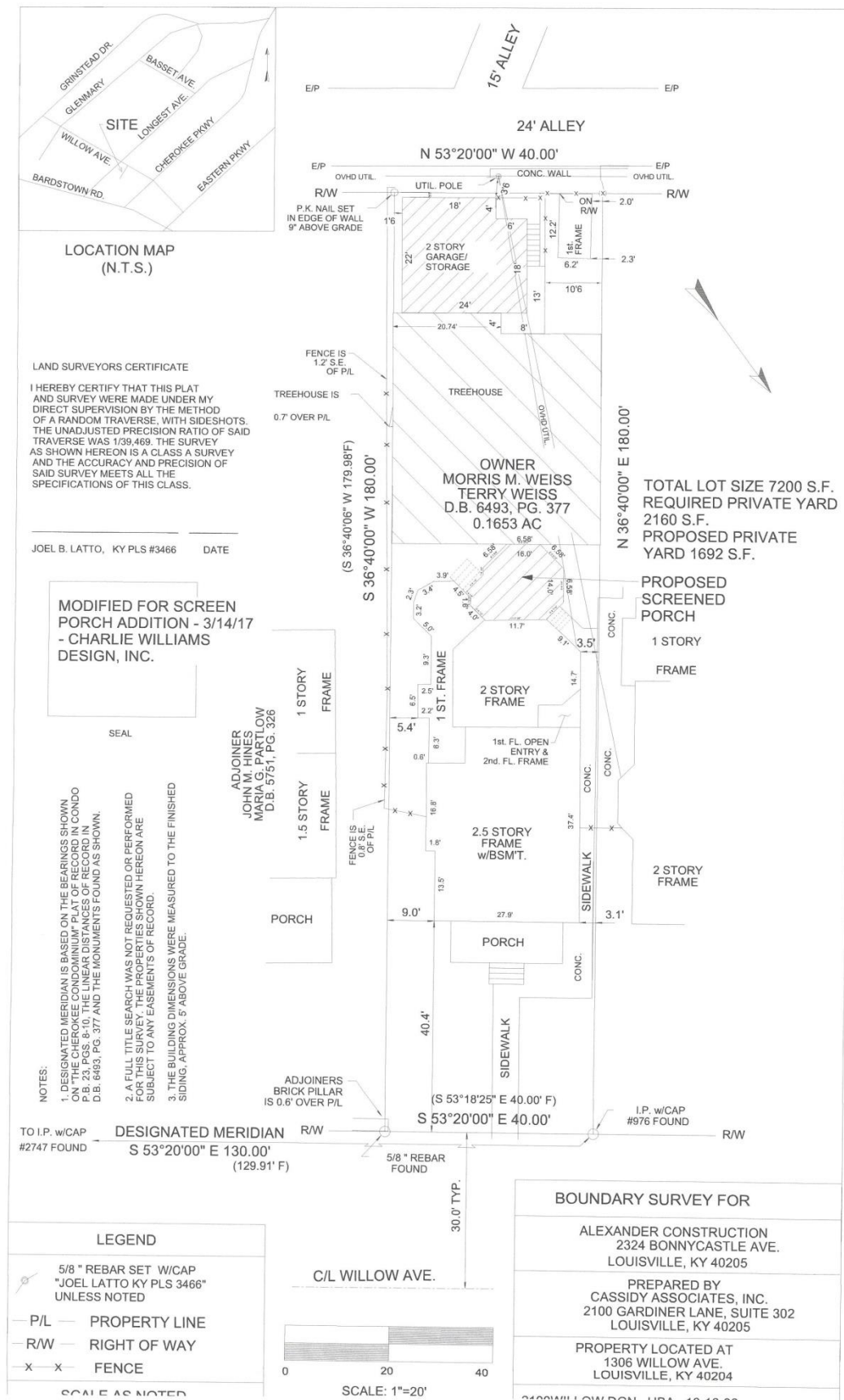


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Map Created: 5/25/2017



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3. Site Plan



17 VARIANCE 1 0 2 7

4. Elevations

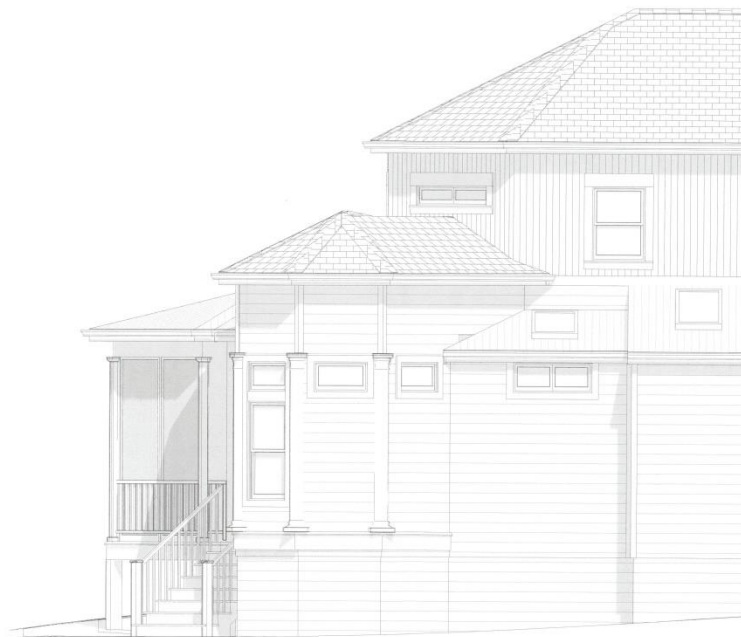


WEISS RESIDENCE
1306 WILLOW AVE
LOUISVILLE, KY 40204

RECEIVED
MAY 12 2017
PLANNING &
DESIGN SERVICES

CHARLIE WILLIAMS DESIGN, INC.
1626 WINDSOR PLACE
LOUISVILLE, KY 40204
502.459.1810

17 VARIANCE 1027



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EAST ELEVATION

SCALE 1/4" = 1'-0"



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SOUTH ELEVATION

SCALE 1/4" = 1'-0"

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WEST ELEVATION

SCALE 1/4" = 1'-0"

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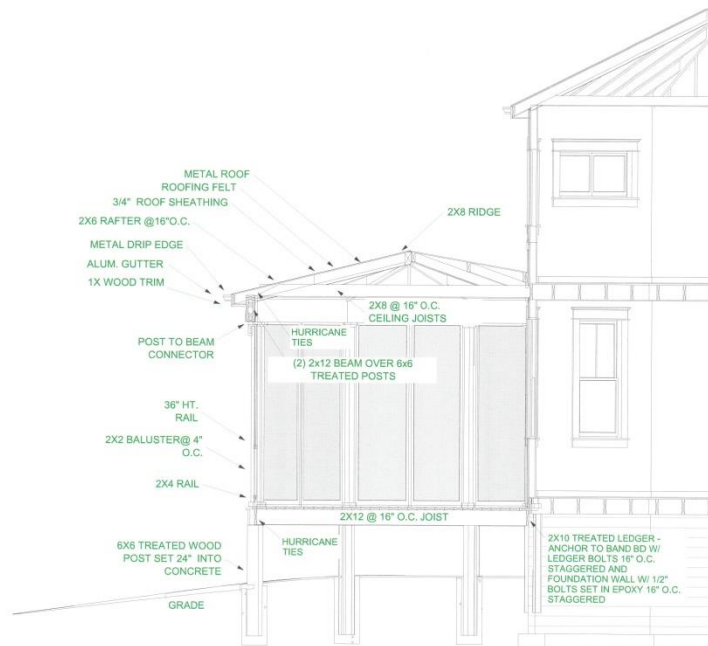
SECTION A-A

SCALE 1/4" = 1'-0"

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SECTION B-B

SCALE 1/4" = 1'-0"

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5. Site Photos



The front of the subject property.



The residence to the north-west of the subject property.



The residence to the south-east of the subject property.



The private yard area and the existing accessory structure.



The existing private yard area, looking south-east.



The existing private yard area, looking north-west.



The existing deck to be replaced with a screened porch.