

# Board of Zoning Adjustment Staff Report

July 10, 2017



<b>Case No:</b>	17VARIANCE1034
<b>Request:</b>	Variance to allow an accessory use area to exceed 60' in depth in a Traditional form district
<b>Project Name:</b>	1216 Hull Street Garage
<b>Location:</b>	1216 Hull Street
<b>Area:</b>	5,365 Square Feet
<b>Owner:</b>	Matthew Zajack
<b>Applicant:</b>	Matthew Zajack
<b>Representative:</b>	Matthew Zajack
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Dante St. Germain, Planner I

## REQUEST

- Variance from Land Development Code section 5.4.1.E.1 to allow an accessory structure/use area to be more than 60 feet deep on a lot which exceeds 180 feet in depth

Location	Requirement	Request	Variance
Accessory Use Area	60 ft.	68.75 ft.	8.75 ft.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property contains a 1 ½ story single-family residence with a small accessory shed toward the rear of the lot. The applicant proposes to replace the shed with a one-story, 550 square foot garage. The property abuts an alley, and the rear of the lot has an elevation change, rising approximately six feet from the alley to the shed. Additionally, the applicant has constructed raised planting beds beside the existing driveway. The applicant proposes to build the garage forward of the planting beds and at the top of the slope, both to preserve the planting beds and to avoid costly excavation and grading, replacing the existing accessory structure in its current location.

Land Development Code section 5.4.1.E.1 allows an accessory structure/use area in a Traditional form district to be up to 60 feet deep on lots that exceed 180 feet in depth. This lot is 185 feet deep. The front of the proposed garage will be 68' 9" from the rear property line, exceeding the maximum depth for the accessory structure/use area. The applicant requests a variance from section 5.4.1.E.1 to allow the accessory structure/use area to exceed 60 feet in depth.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single Family Residential	R-6	Traditional Neighborhood
<b>Proposed</b>	Single Family Residential	R-6	Traditional Neighborhood
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single Family Residential	R-6	Traditional Neighborhood
<b>South</b>	Single Family Residential	R-6	Traditional Neighborhood
<b>East</b>	Single Family Residential	R-6	Traditional Neighborhood
<b>West</b>	Multi Family Residential	R-6	Traditional 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 SECTION 5.4.1.E.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 will be in the same general location as an existing shed, 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 a shed currently exists in the location of the proposed garage, which has not altered the essential character of the 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 the garage will be in the same general position as an existing shed, which has caused no known hazard or nuisance.

- (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 elevation change from the alley to the yard requires the garage to either be at the top of the slope or to be excavated into the slope.

## 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 because the elevation change from the alley to the yard creates a topographical constraint on the location and construction of any garage.

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 remove established planting beds and excavate the slope to build the garage partially into it, a costly change to the applicant's development plan.

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 slope at the rear of the property was not created by the applicant.

## **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.E.1 to allow an accessory structure/use area to be more than 60 feet deep on a lot which exceeds 180 feet in depth.

## **NOTIFICATION**

Date	Purpose of Notice	Recipients
06-20-2017	Public Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
06-23-2017		Sign posted on property

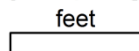
## **ATTACHMENTS**

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

1. Zoning Map



1216 Hull Street



110  
Map Created: 6/28/2017



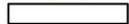
Copyright (c) 2017, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial



1216 Hull Street

feet



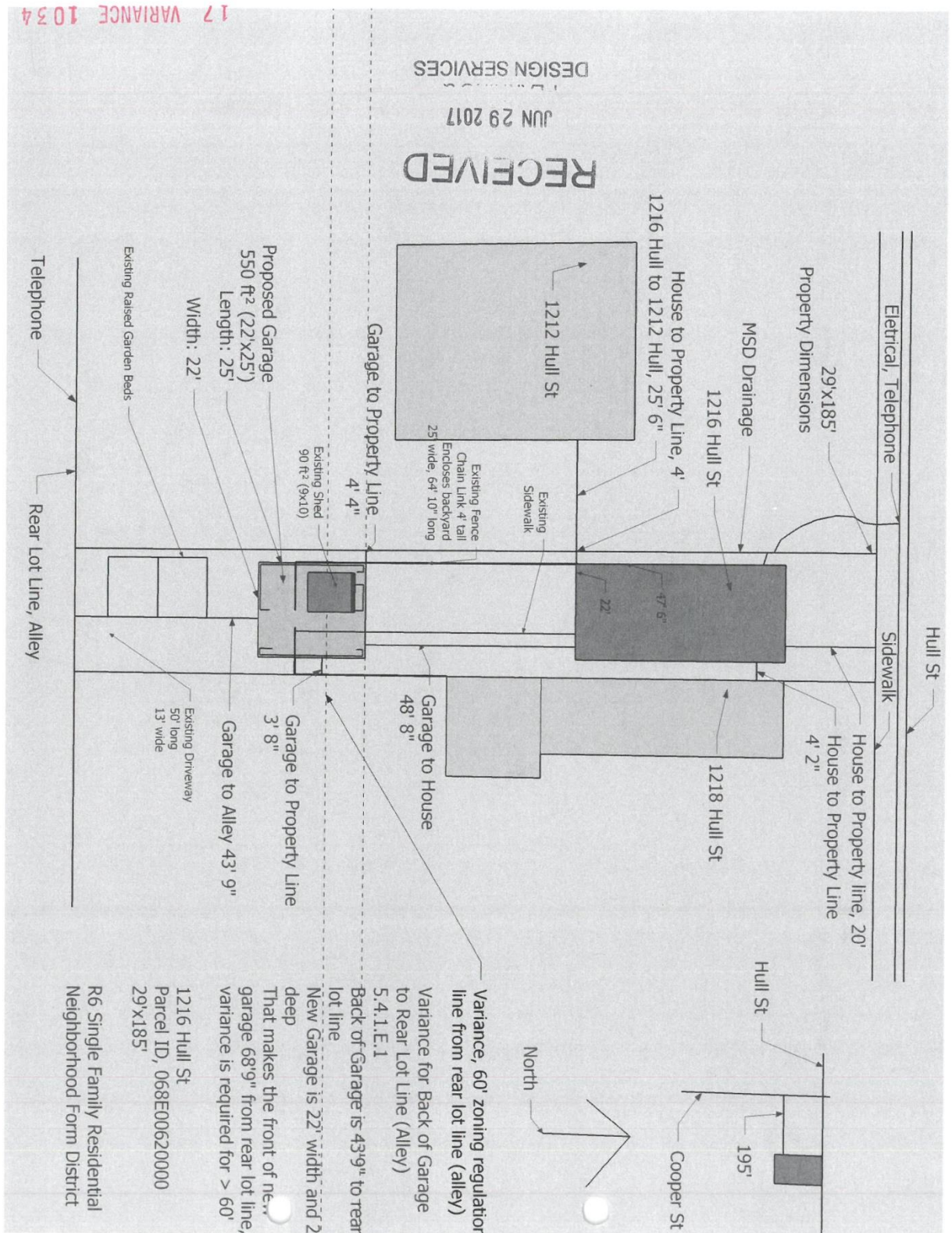
40

Map Created: 6/28/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

3. Site Plan



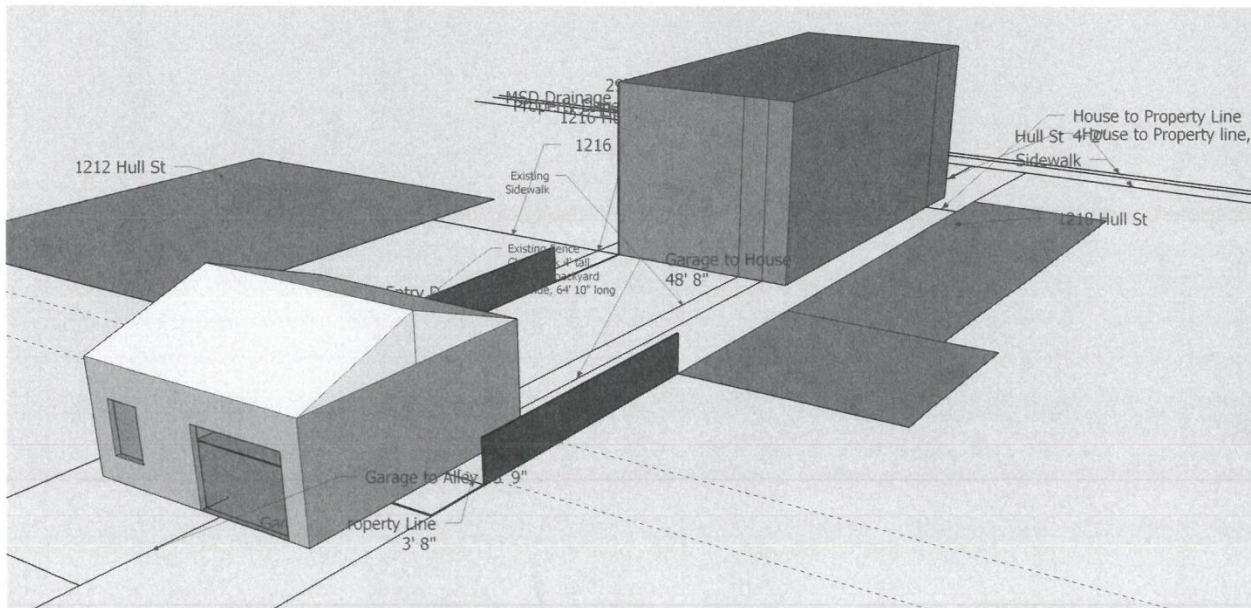
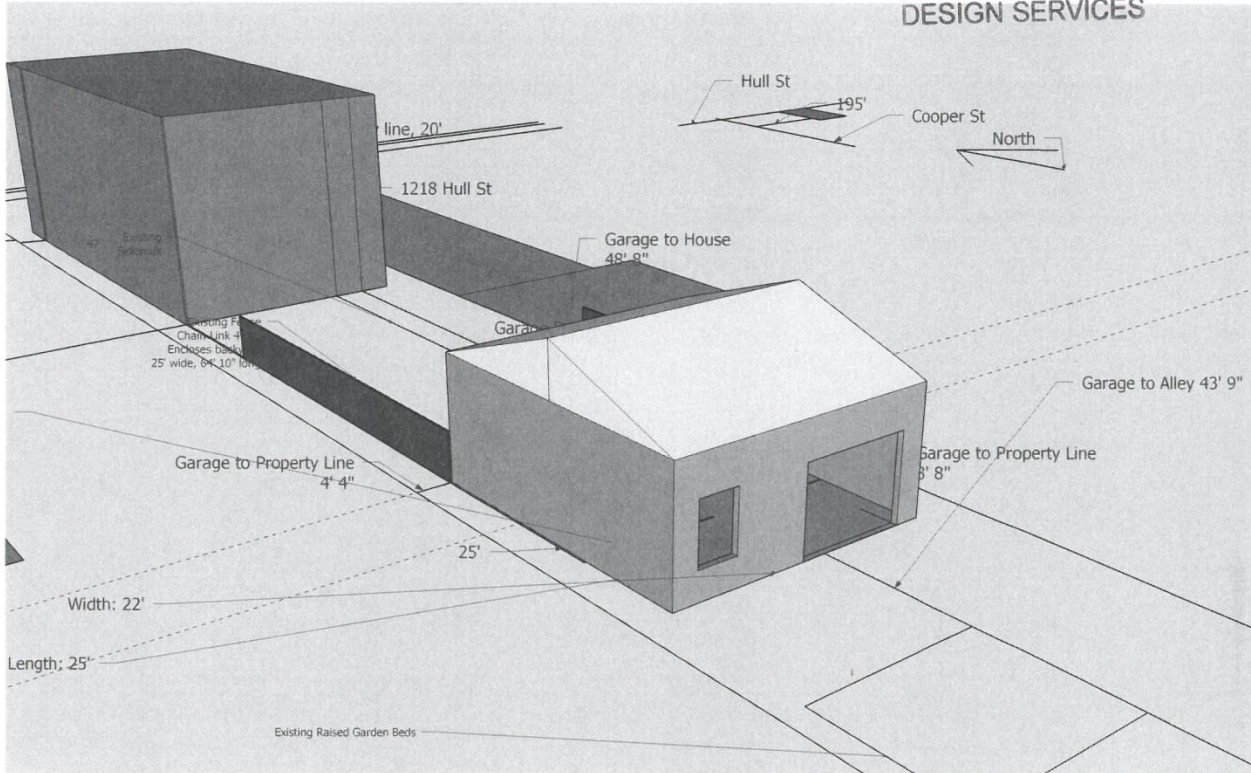
4. Elevation

1216 Hull St; Parcel ID, 068LJ0620000; 29'x185'

RECEIVED

JUN 29 2017

PERKINS &  
DESIGN SERVICES



17 VARIANCE 1034

5. Site Photos



The front of the subject property.



The multi-family residence to the west of the subject property.



The single-family residences to the east of the subject property.



The properties across Hull Street.



The subject property's private yard area and the shed which is to be replaced.



The existing driveway leading from the alley to the top of the slope.



The driveway and raised planting beds, showing the elevation change between the alley and the yard.



The existing alley behind the property, looking to the south-west.



The existing alley behind the property, looking to the north-east.



The shed which is to be removed and replaced with the proposed garage.