

# Board of Zoning Adjustment

## Staff Report

August 21, 2017



<b>Case No:</b>	17VARIANCE1041
<b>Project Name:</b>	9509 Chadbourn Court Garage
<b>Location:</b>	9509 Chadbourn Court
<b>Owner(s):</b>	Noreem Properties LLC
<b>Applicant:</b>	Bluegrass Garage Builders – Joe Willis
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	7 – Angela Leet
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

- **Variance** from Land Development Code section 5.4.2.C.3.a to allow a structure to encroach into the required 5 foot rear setback

Location	Requirement	Request	Variance
Rear Setback	5 feet	3 feet	2 feet

### CASE SUMMARY/BACKGROUND

The subject property is Lot 42 of the Meadowgate Section 2 subdivision, recorded in 1968 in plat book 25 page 97. The neighborhood is comprised of medium-density single-family residences. The subject property currently contains a one-story single-family residence with a one-car attached garage. The applicant proposes a new detached 24' by 24' block garage to the rear of the existing structure. The garage is proposed to be located 3 feet from the rear property line at the point of greatest encroachment. The west side of the garage is proposed to be 3 feet from the house, and the south side of the garage is proposed to be 6 feet from the house. Of the other eleven properties on Chadbourn Court, three have similarly positioned accessory structures.

### STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and 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 to allow a structure to encroach into the required rear setback.

## **TECHNICAL REVIEW**

- No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.2.C.3.a:**

- (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 must be constructed according to building code.

- (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 there are other accessory structures in the immediate vicinity that have a similar location on their respective properties.

- (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 have to be constructed to building code.

- (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 there is no other reasonable location on the property where a detached garage could be constructed.

## **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 lot is a corner lot with the house oriented toward the street side yard, providing little space in the side and rear yards for construction.

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 constructing a garage sufficient to the applicant's needs.

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 applicant acquired the property in 2006, well after the building was constructed in 1969 to be oriented to the street side yard.

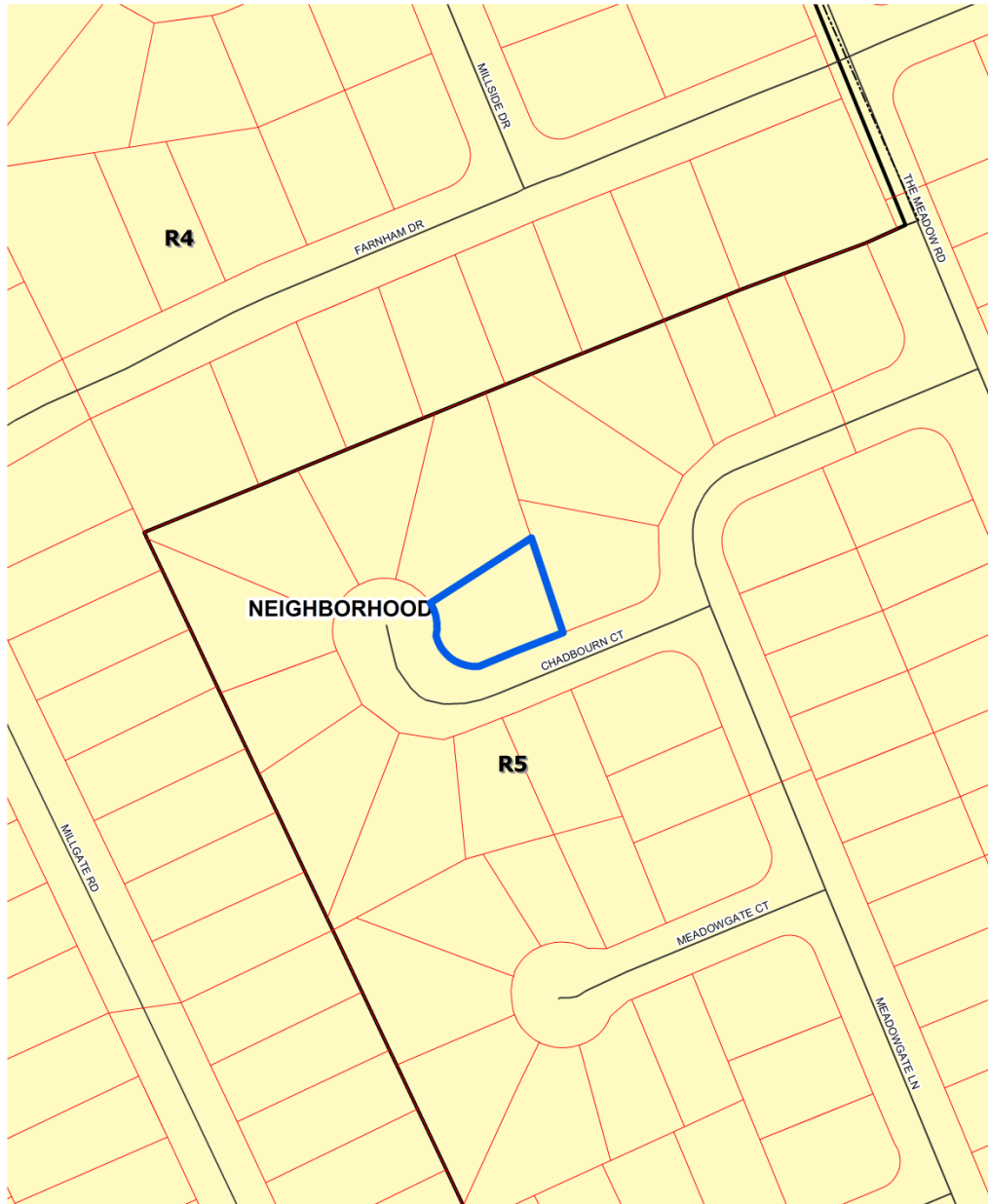
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
08/04/2017	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 7
08/04/2017	Hearing before BOZA	Notice posted on property

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. **Zoning Map**



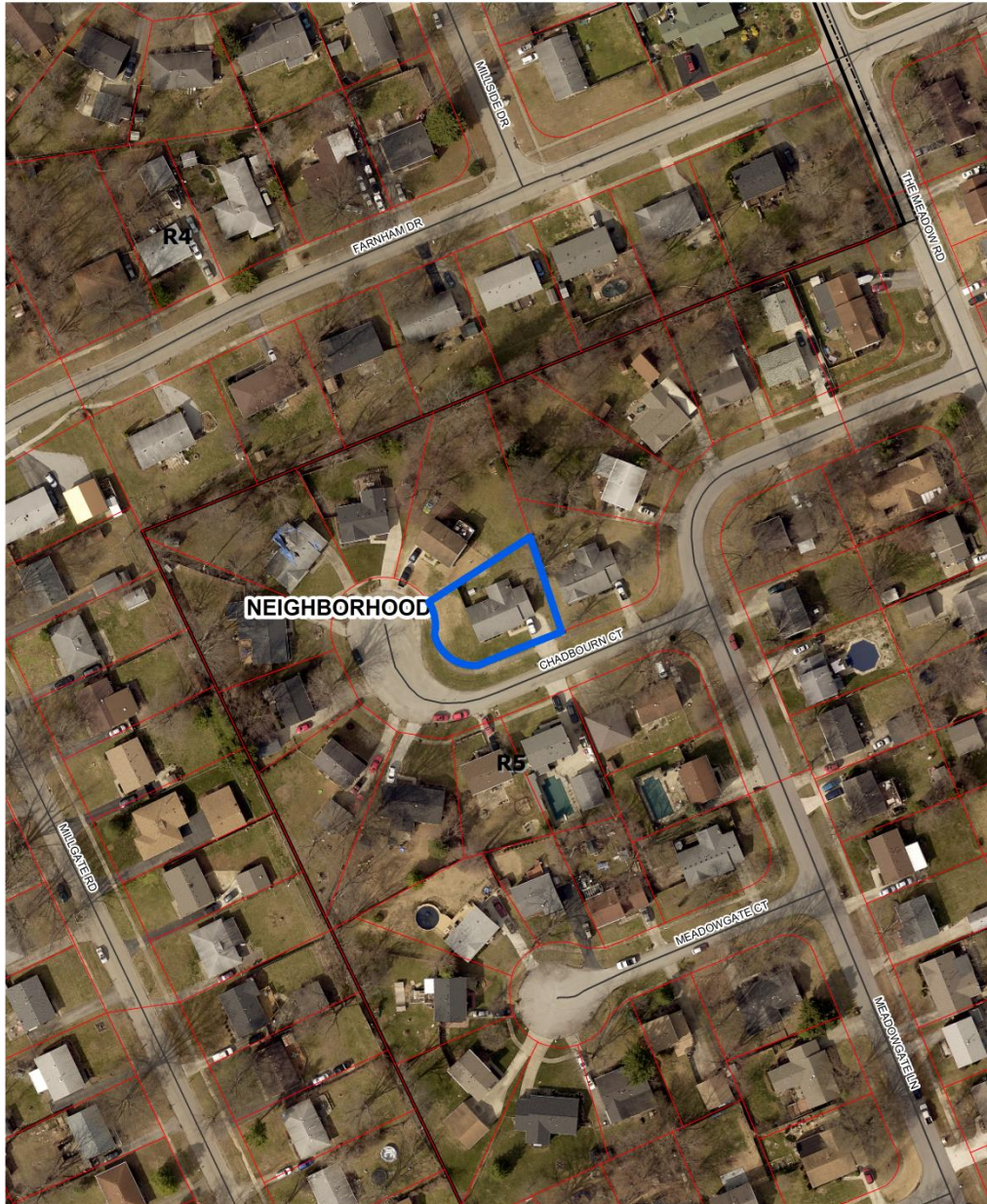
9509 Chadbourn Court  
feet

110  
Map Created: 8/7/2017

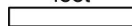


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2. Aerial Photograph



9509 Chadbourn Court  
feet



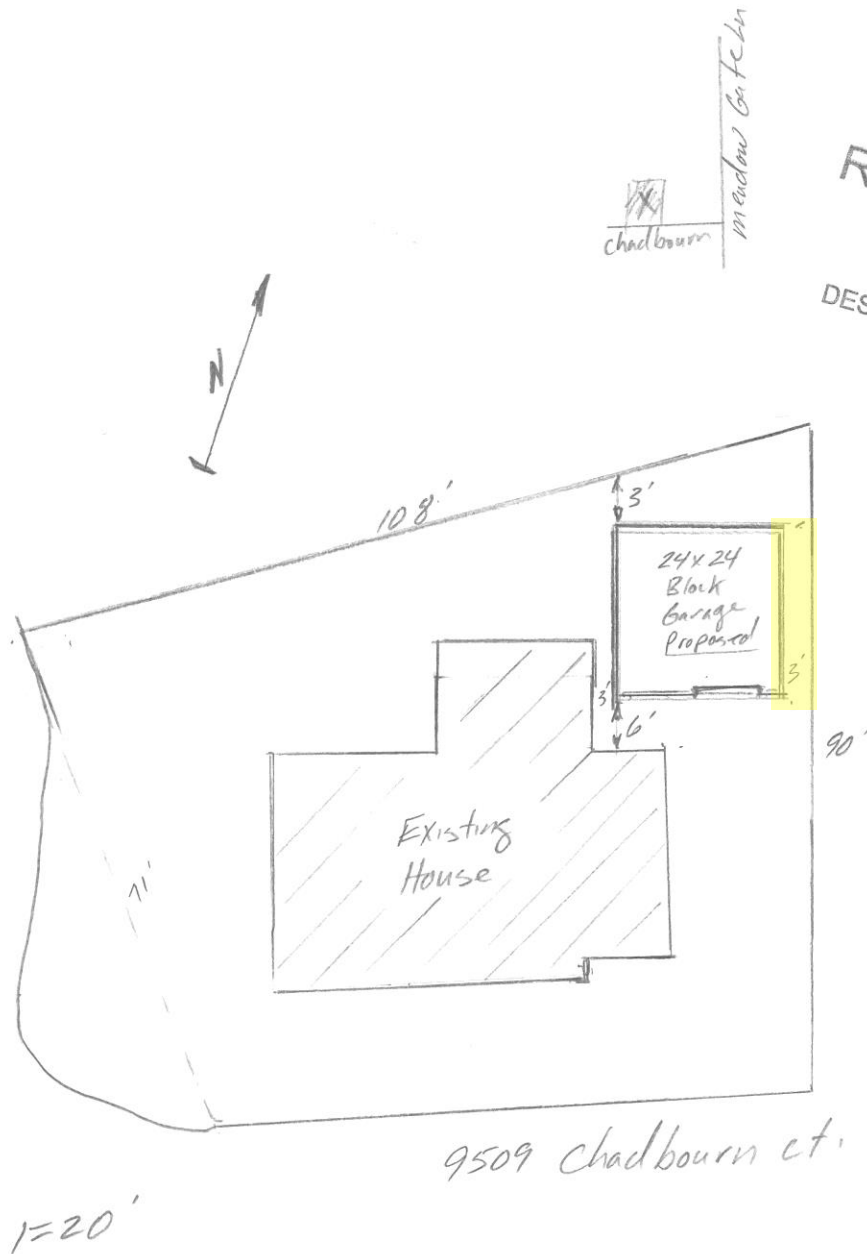
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Map Created: 8/7/2017



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3. Site Plan



RECEIVED  
JUL 06 2017  
PLANNING &  
DESIGN SERVICES

17 VARIANCE 1041



#### 4. Site Photos



The front of the subject property.



The property to the right of the subject property.





The property across Chadbourn Court.



The properties across Chadbourn Court after the curve of the road.





The side yard and rear of the property where the garage is proposed.



The rear of the property where the garage is proposed.