Board of Zoning Adjustment
Staff Report
August 21, 2017

Case No:	17VARIANCE1047
Project Name:	321 S Peterson Avenue Garage
Location:	321 S Peterson Avenue
Owner(s):	Benjamin & Amanda Brainard
Applicant:	Benjamin Brainard
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.D.2 to allow a private yard area in the Traditional Neighborhood form district to be less than the required 30% of the area of the lot.

Location	Requirement	Request	Variance
Private Yard Area	3,470.94 sf (30%)	3,000 sf (25.9%)	470.94 sf (4.1%)

CASE SUMMARY/BACKGROUND

The subject property is located in the Crescent Hill neighborhood. The property contains a 2 ½ story residence listed in PVA records as a duplex, and is located adjacent to Barret Traditional Middle School and Peterson-Dumesnil House, part of a block of four residences to the west of the school property. The lot is 60' x 192' 10", and 11,569.8 square feet in area.

The applicant proposes to construct a 1 ½ story garage to the rear of the property on the alley. The garage footprint is proposed to be 1,200 square feet. The construction of the garage will reduce the private yard area of the lot below the 30% required by LDC section 5.4.1.D.2, and so the applicant requests a variance for the private yard area to be 25.9% of the total lot area.

This property is zoned R-5A (a multi-family zoning district) and would be allowed 3 dwelling units by the zoning district density limits, subject to Floor Area Ratio limits and additional standards in the Land Development Code and building code.

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 private yard area in a Traditional Neighborhood form district to be less than the required 30% of the area of the lot.

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 5.4.1.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 significant open space will be retained.

(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 reduction in private yard area requested is relatively small.

(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 significant open space will remain.

(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 size of the subject property requires a larger private yard area compared with comparable nearby lots, and the proposed garage will be generally in line with other garages on the same block face.

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 size and has no known topographical constraints.

2.   The strict application of the provisions of the regulation would not 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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the applicant could build a shallower garage closer to the alley that would still be deep enough to park cars.

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 garage has not yet been constructed and the applicant is requesting a variance.
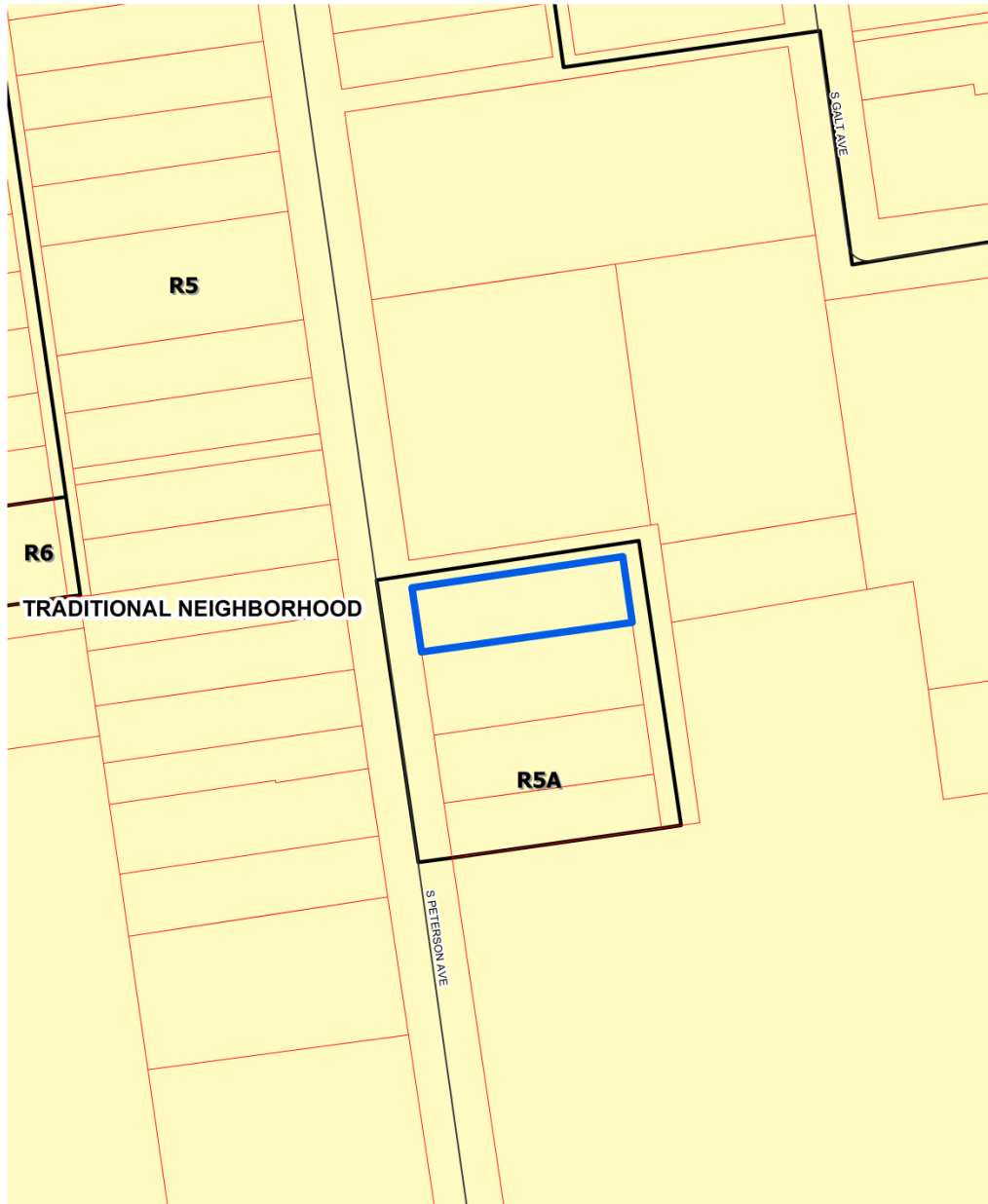
NOTIFICATION

Date	Purpose of Notice	Recipients
08/04/2017	Hearing before BOZA	1st tier adjoining property owners Registered Neighborhood Groups in Council District 9
08/04/2017	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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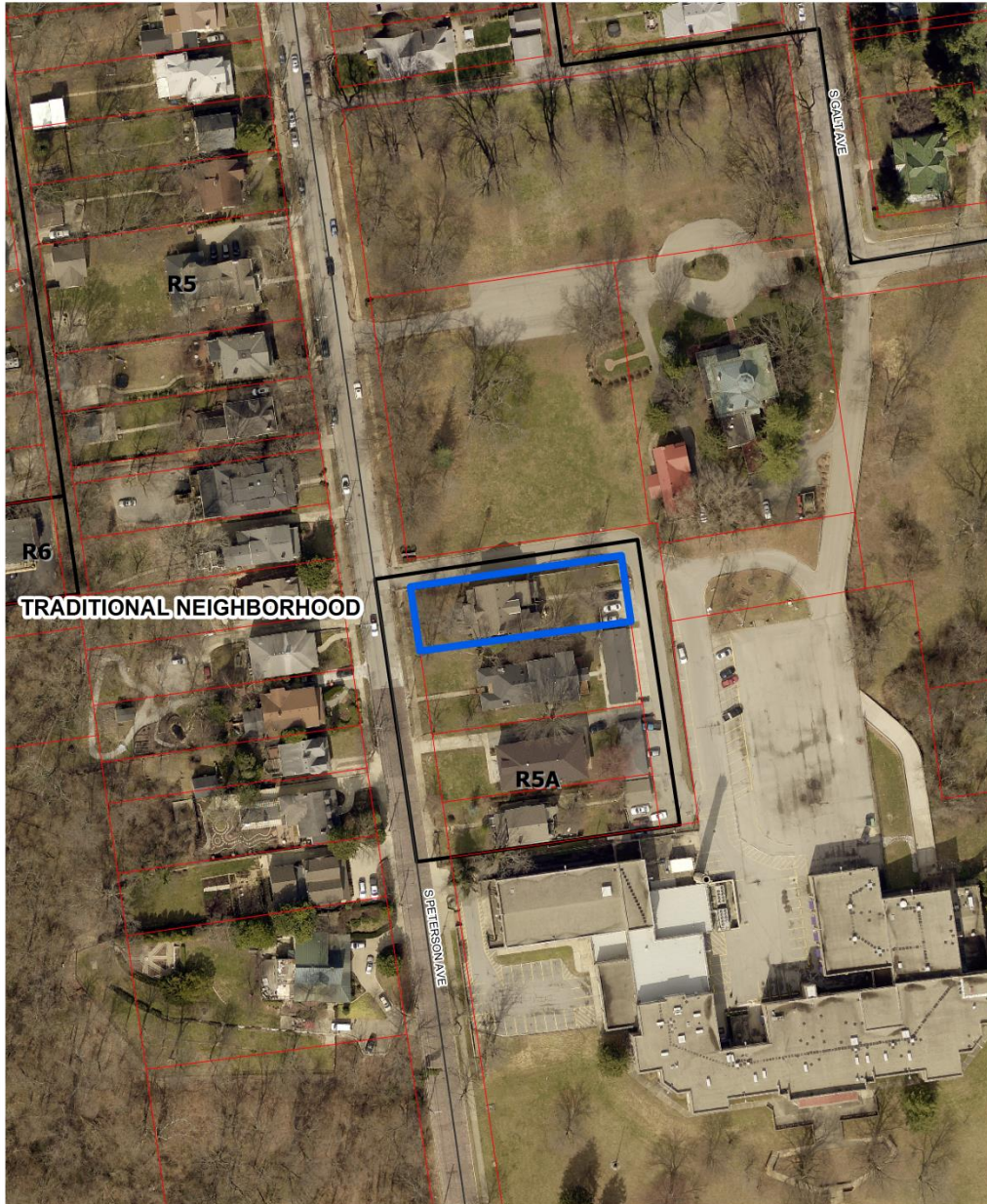5.   Site Photos

1. **Zoning Map**

321 S Peterson Avenue
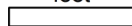
feet

110

Map Created: 8/8/2017

N

2.   Aerial Photograph

321 S Peterson Avenue

feet

110

Map Created: 8/8/2017

3. <u>**Site Plan**</u>

60

7

17

40'

30'   Garage   3'

50'

Alley

26' 11 1/4"

192'10"

63'

42' 10"

Peterson
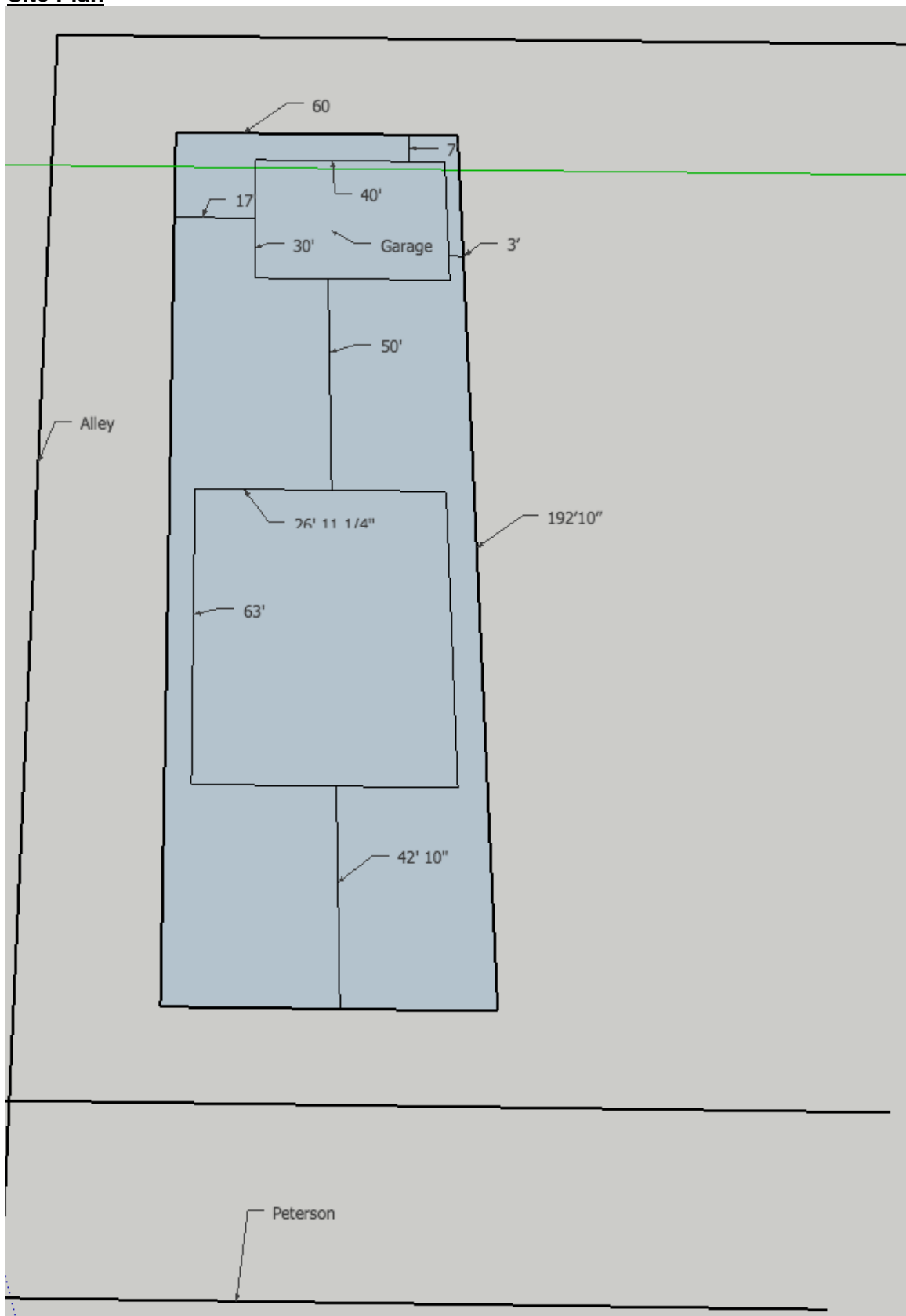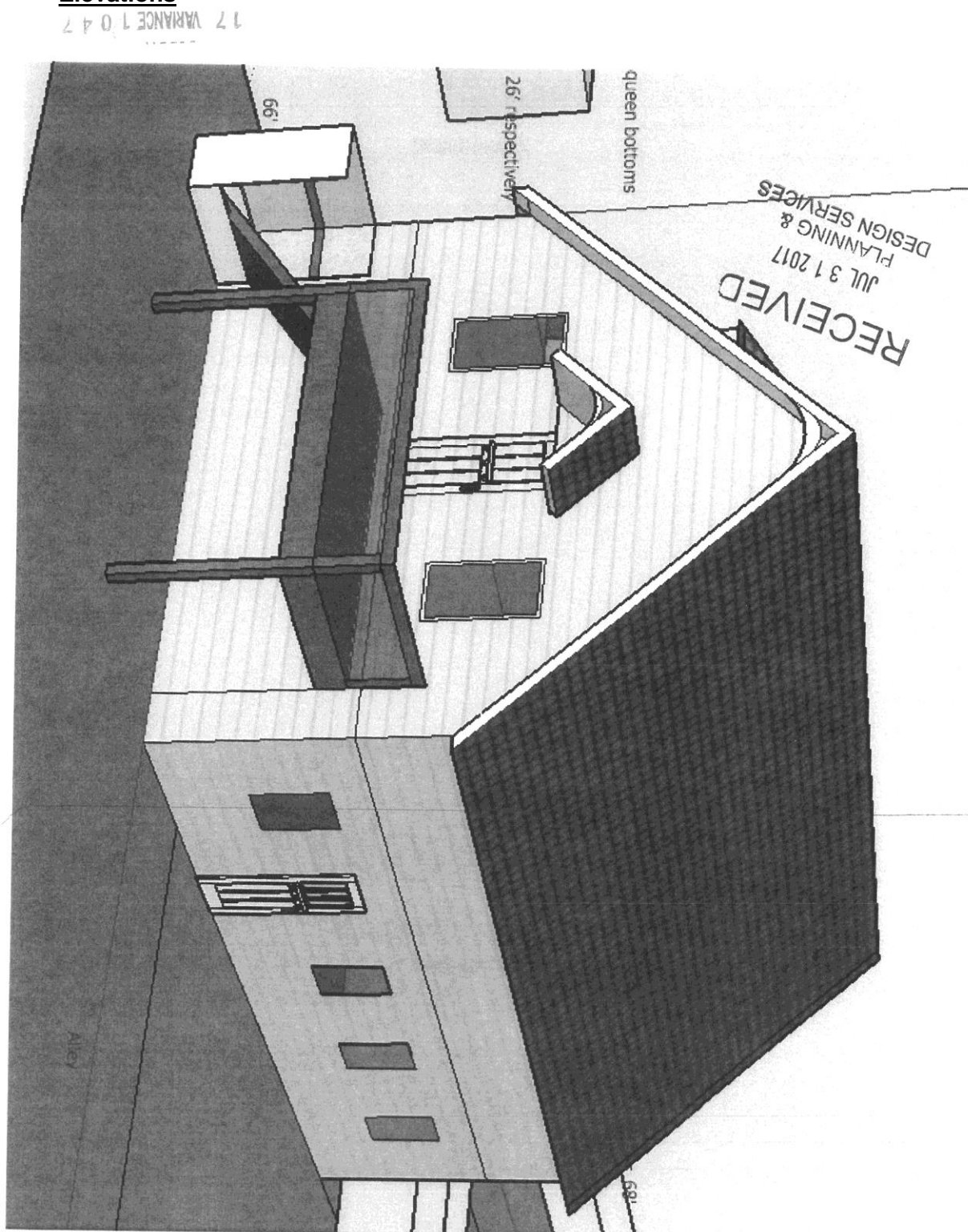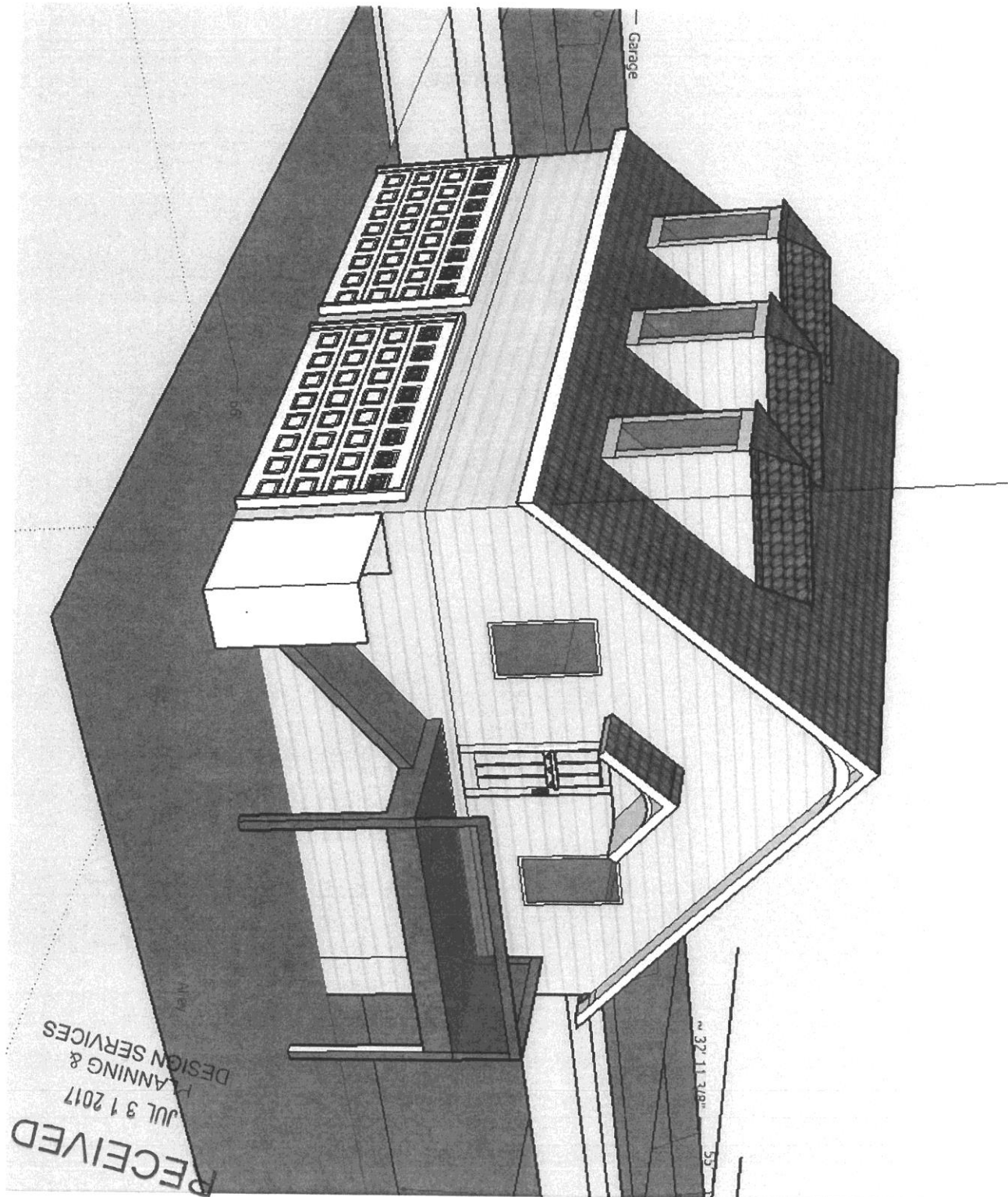
4. Elevations

5.   Site Photos

The front of the subject property.

The property to the right of the subject property.

The alley entrance to Barret Traditional Middle School to the left of the subject property.

The property across S Peterson Avenue.

The rear of the subject property with a parking pad where the garage is proposed to be built.

Along the rear alley toward Barret Traditional Middle School.

The alley to the left of the subject property, which leads to Barret Traditional Middle School.