

Board of Zoning Adjustment

Staff Report

December 4, 2017



Case No:	17VARIANCE1082
Project Name:	2502 Hawthorne Avenue Garage
Location:	2502 Hawthorne Avenue
Owner(s):	Daniel & Denise Davis
Applicant:	Daniel Davis
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.1.12.B.2.e.i.1 to allow a structure to exceed the allowed infill street side yard setback.

Location	Requirement	Request	Variance
Infill Street Side Yard Setback	15 feet	23 feet	8 feet

CASE SUMMARY/BACKGROUND

The subject property is a corner lot located at the intersection of Hawthorne Avenue and Stratford Avenue, in the Hawthorne neighborhood. Although the property is located in a suburban form district, the lot pattern is traditional, and the property has alley access at the rear of the lot. The property currently contains a two-story single-family residence with detached garage. The applicant proposes to demolish the existing garage and construct a new 1,012 sf detached garage closer to the alley, so as to access the garage from the alley. The proposed structure will exceed the allowable infill street side yard setback, and so the applicant requests a variance to exceed the infill setback. The maximum infill setback is determined by the neighboring house to the south-east, which observes a 15' setback.

Transportation Planning has requested that the applicant remove the gravel lay-by parking in the right-of-way at the side of the property along Stratford Avenue. Staff proposes, and the applicant has agreed to, the following condition of approval:

The gravel lay-by parking in the right-of-way of Stratford Avenue shall be removed prior to the issuance of a building permit, other than a foundation-only permit, for the new garage.

Transportation Planning also requested the removal of a fence shown in the right-of-way on the site plan, but the fence has already been removed.

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 from section 5.1.12.B.2.e.i.1 to allow a structure to exceed the allowed infill street side yard setback.

TECHNICAL REVIEW

- Transportation Planning requests that the gravel lay-by parking in the right-of-way of Stratford Avenue be removed prior to construction of the garage. Transportation Planning also requested the removal of a fence shown in the right-of-way on the site plan, but this fence has already been removed.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.e.i.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 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 the proposed garage is similar to other existing garages along the same alley.

- (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 constructed according 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 the garage is being moved to gain access from the alley, and will bring the property more into compliance with the character of the neighborhood by accessing the alley rather than Stratford Avenue.

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 because the lot is regular in shape and similar in size to other lots in the area.

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 much closer to Stratford Avenue and require vehicles turning into the garage to maneuver more sharply.

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 is requesting the variance and has not begun construction.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/15/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
11/17/2017	Hearing before BOZA	Notice posted on property

ATTACHMENTS

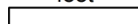
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Photos

1. **Zoning Map**



2502 Hawthorne Avenue

feet

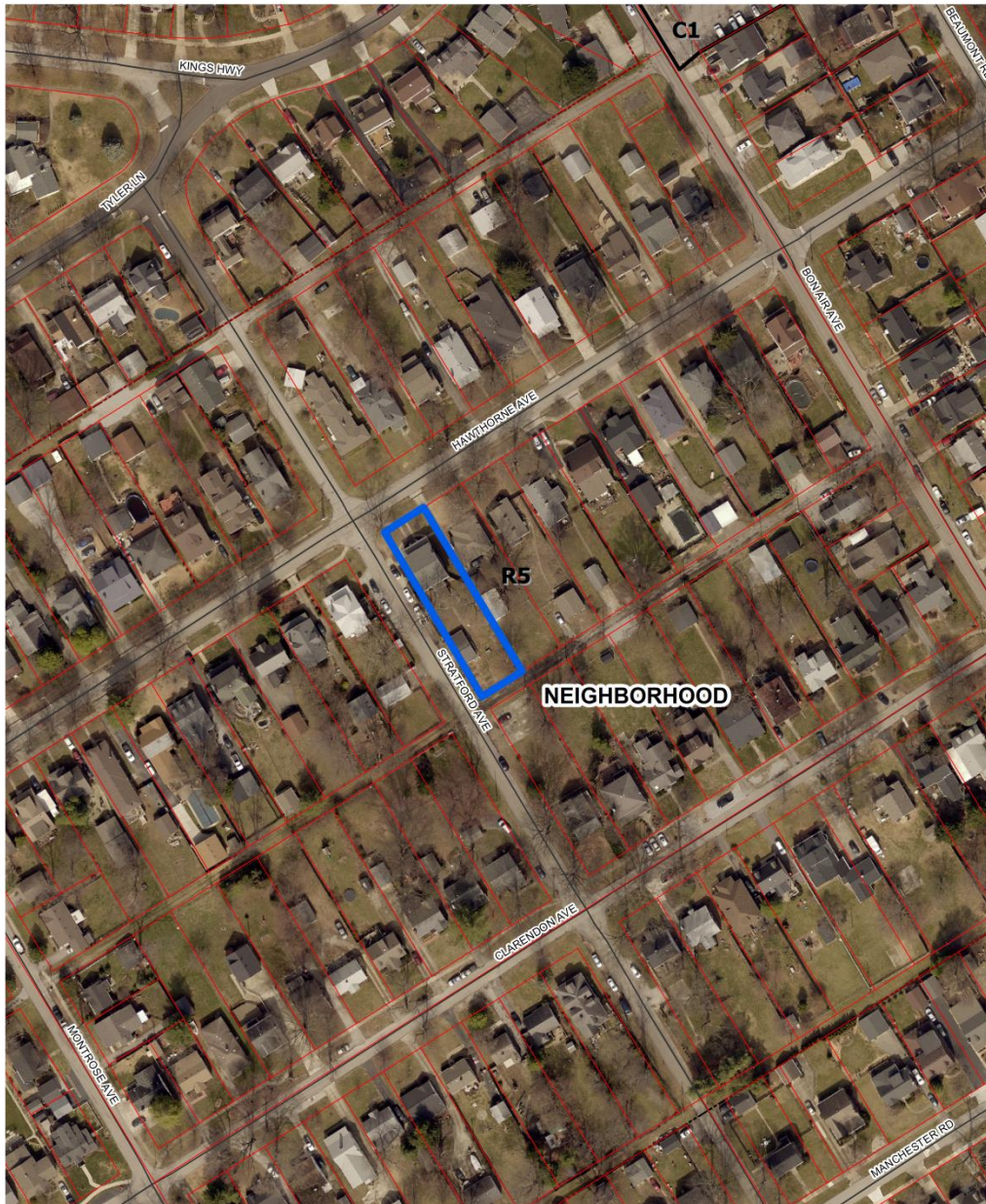


Map Created: 11/20/2017



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2. Aerial Photograph



2502 Hawthorne Avenue
feet

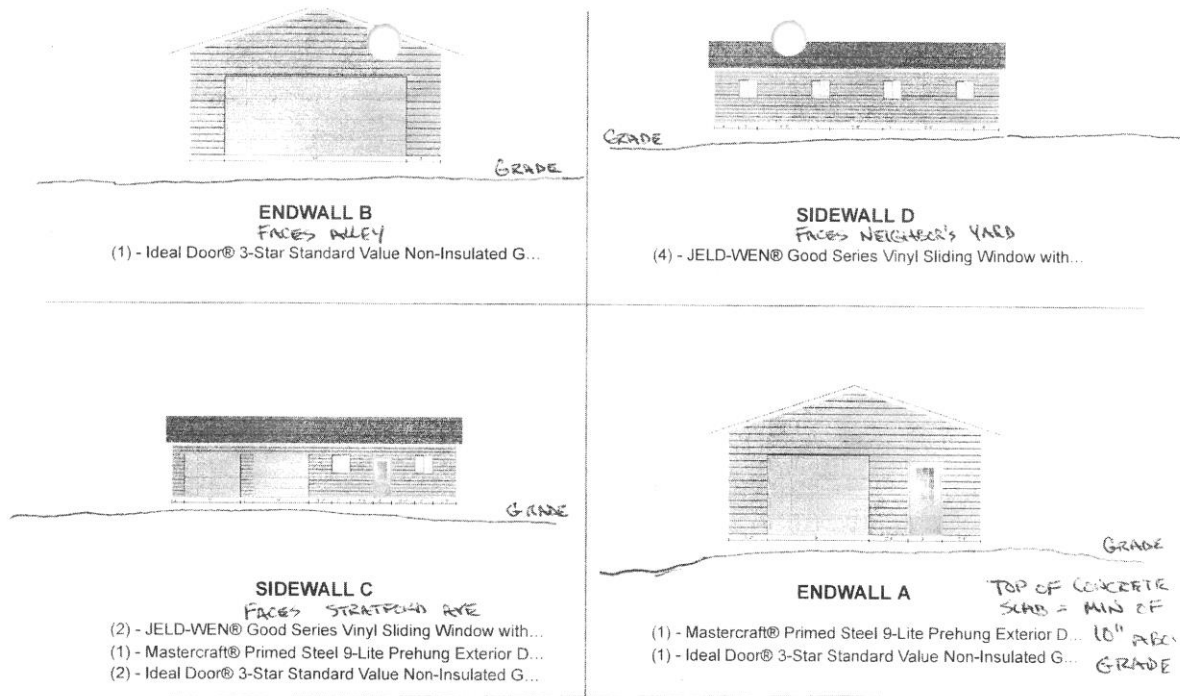
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Map Created: 11/20/2017



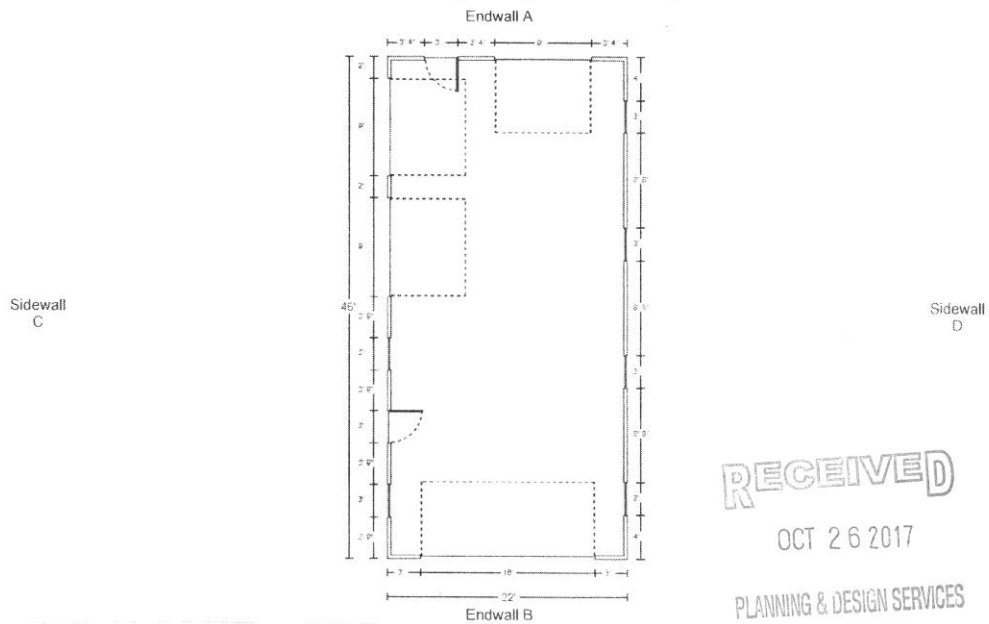
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4. Elevation



Garage Floor Plan

**Illustration may not depict all selections.



17VARIANCE1082

5. **Site Photos**



The front of the subject property.



The property to the left of the subject property.



The property to the right of the subject property across Stratford Avenue.



The property across Hawthorne Avenue.



The existing garage to be removed.



The location of the proposed garage.



The proposed south-western corner of the proposed garage.