

Board of Zoning Adjustment

Staff Report

January 9, 2018



Case No:	17VARIANCE1088
Project Name:	2214 Boulevard Napoleon Garage
Location:	2214 Boulevard Napoleon
Owner(s):	Anne & Dan MacLean
Applicant:	Anne Del Prince
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.2.C.3.a to allow an accessory structure to encroach into the required minimum rear yard setback.

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

CASE SUMMARY/BACKGROUND

The subject property is located in the Belknap neighborhood, and is located in the Neighborhood form district although the lot pattern in the immediate vicinity has a traditional form. The property has rear alley access, and the applicant proposes to demolish the existing detached garage and construct a new detached, two-car garage with access from the alley. The garage is proposed to be 3 feet from the rear property line, encroaching into the required minimum rear yard setback for accessory structures. The applicant therefore requests a variance from Land Development Code section 5.4.2.C.3.a to allow the encroachment. The existing garage currently encroaches into the rear yard setback and is on the property line.

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 5.4.2.C.3.a to allow an accessory structure to encroach into the required minimum rear yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

Neighbor Lisa Kelly contacted staff to request general information about the variance.

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 will have a greater setback than the existing garage, 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 the immediate neighborhood is traditional in form despite being in a suburban form district, with detached garages common.

- (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 a greater setback than the existing garage which is to be removed.

- (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 existing garage encroaches into the minimum rear yard setback to a greater degree than the proposed garage.

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 of a similar size to other lots in the general vicinity.

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 garage could be moved 2 feet closer to the residence to eliminate the requirement for a variance.

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.

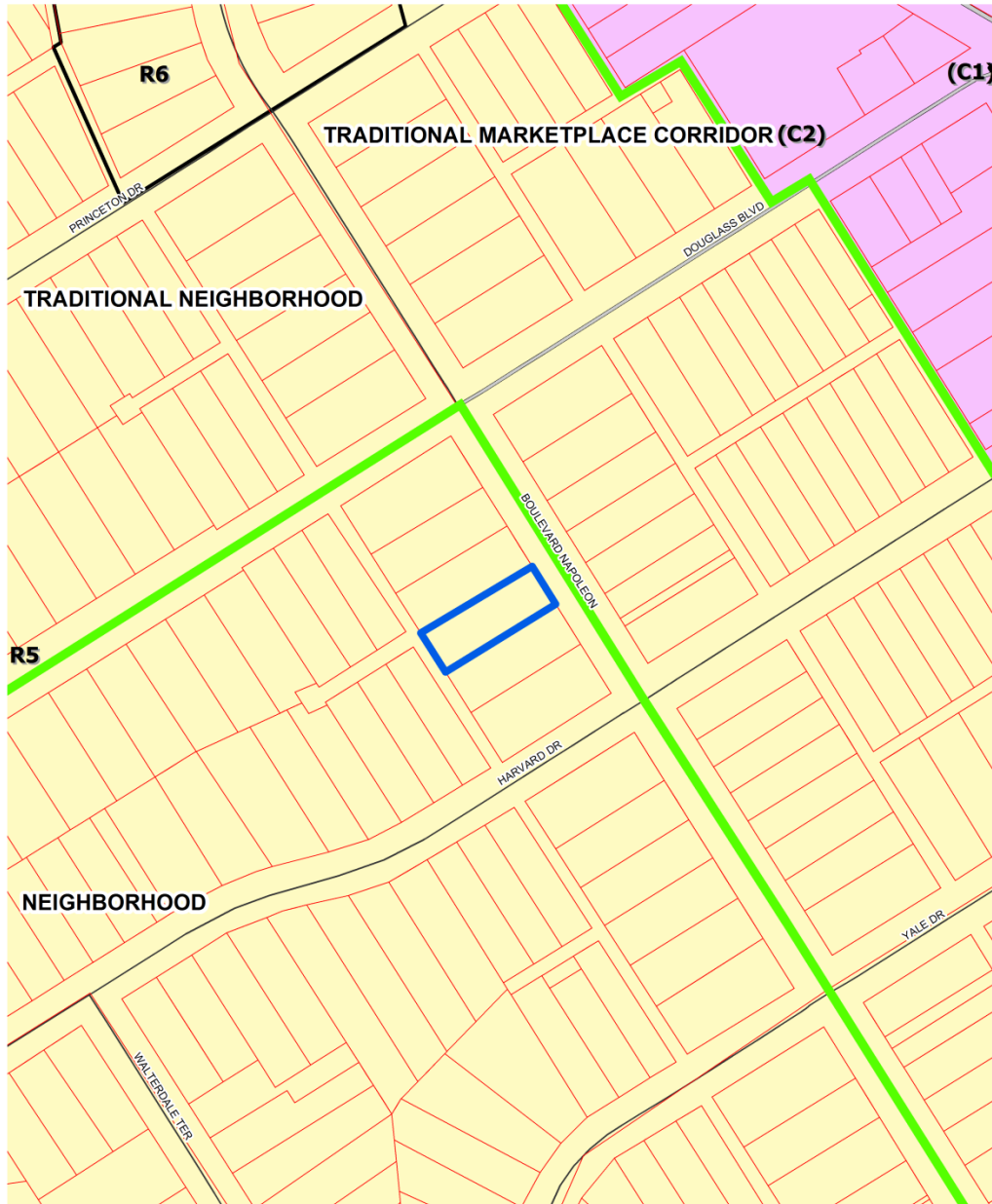
NOTIFICATION

Date	Purpose of Notice	Recipients
12/13/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
12/22/2017	Hearing before BOZA	Notice posted on property

ATTACHMENTS

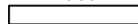
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Site Photos

1. Zoning Map



2214 Boulevard Napoleon

feet



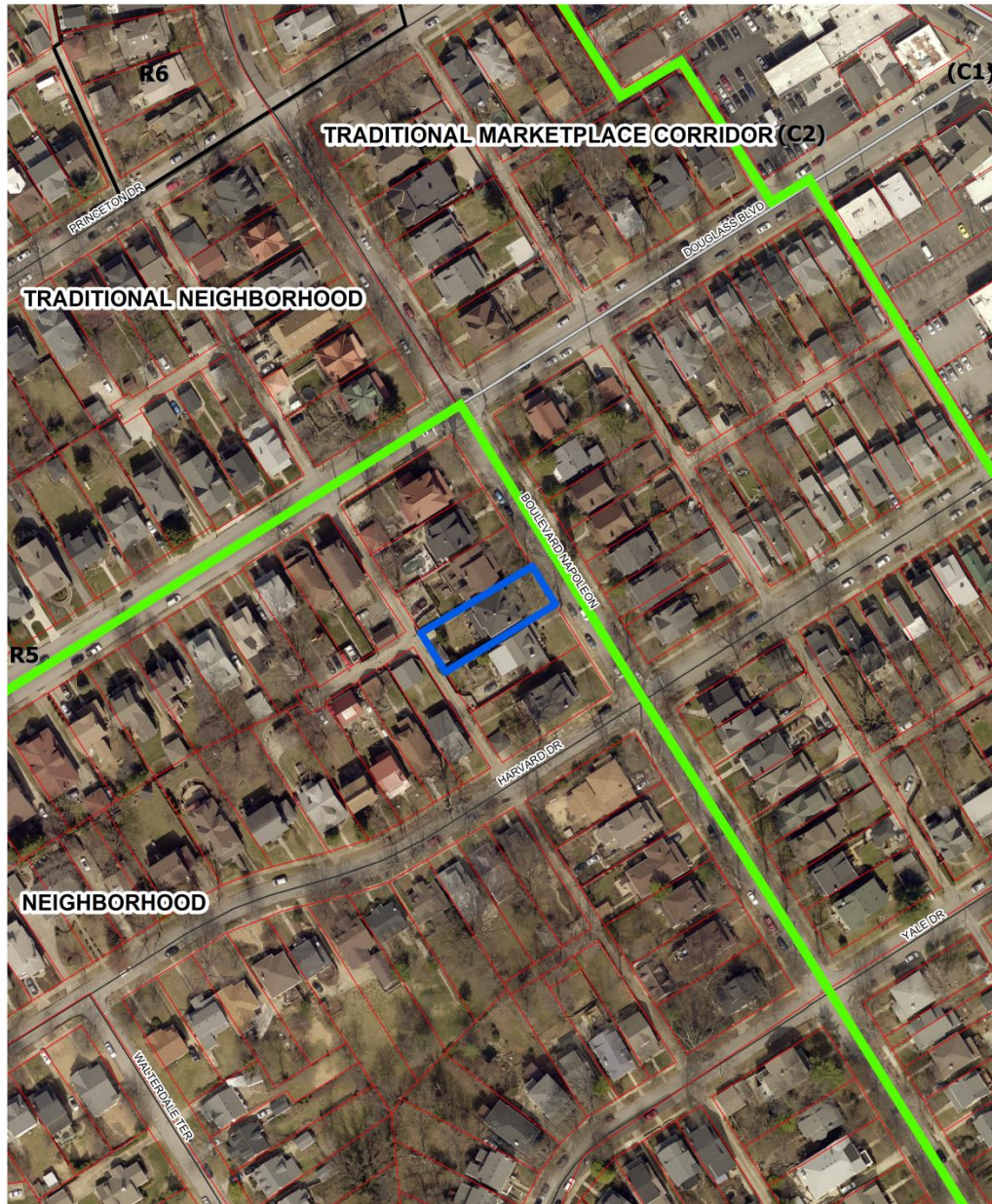
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Map Created: 12/26/2017



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2. Aerial Photograph



2214 Boulevard Napoleon
feet

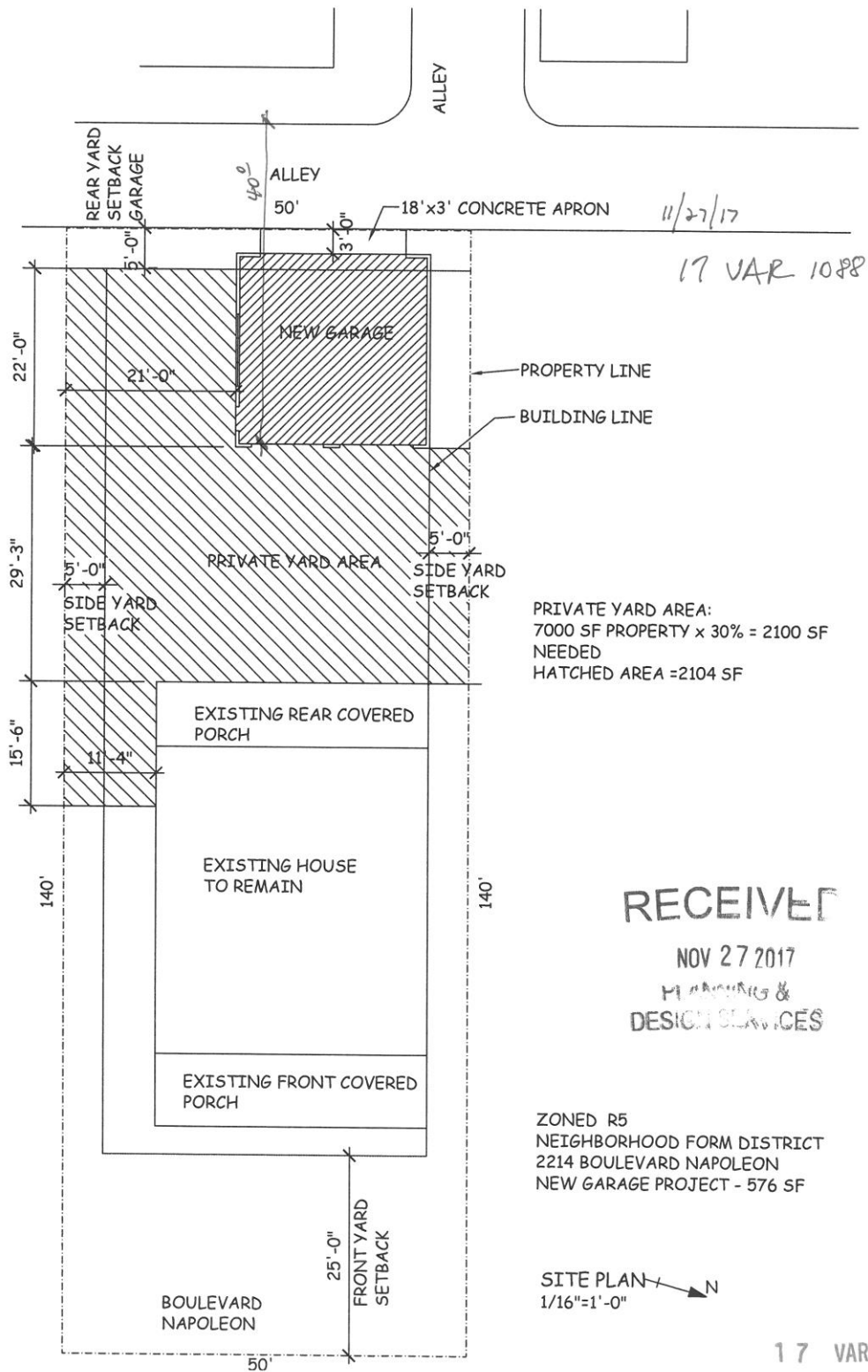
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3. Site Plan



RECEIVED
NOV 08 2017
PLANNING &
DESIGN SERVICES

5. **Site Photos**



The front of the subject property.



The property to the right of the subject property.



The property to the left of the subject property.



The properties across Boulevard Napoleon.



The location of the proposed garage, and the existing garage to be removed.



The existing garage to be removed.



The existing garage has no setback from the alley.