

Board of Zoning Adjustment

Staff Report

January 9, 2018



Case No:	17VARIANCE1095
Project Name:	401 Jarvis Lane Garage and Terrace
Location:	401 Jarvis Lane
Owner(s):	Nancy Murray
Applicant:	Patrick Wissing
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard Setback	25 feet	10 feet	15 feet

CASE SUMMARY/BACKGROUND

The subject property is located at the corner of Jarvis Lane and Mockingbird Lane, lot 9 of the Mocking Bird Hill subdivision, recorded in 1926 in plat book 6, page 52 - 53. It currently contains a 1 ½ story single-family residence with a basement garage. The applicant proposes to extend the garage to accommodate two vehicles, with the roof of the garage becoming an open terrace on the side of the residence. The new construction is proposed to encroach into the required street side yard setback, and so the applicant requests a variance from Land Development Code table 5.3.1 to allow the encroachment.

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 table 5.3.1 to allow a structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 not obstruct sight lines at the corner.

- (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 garage will be partially below grade and the proposed terrace is in character with the surrounding 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 not create a hazard for vehicles turning at the corner.

- (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 significant distance between the property line and the edge of pavement exists in this location, so that the proposed garage and terrace will be separated from the edge of pavement by more than the requested 10 foot setback.

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 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 expanding the existing garage.

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.

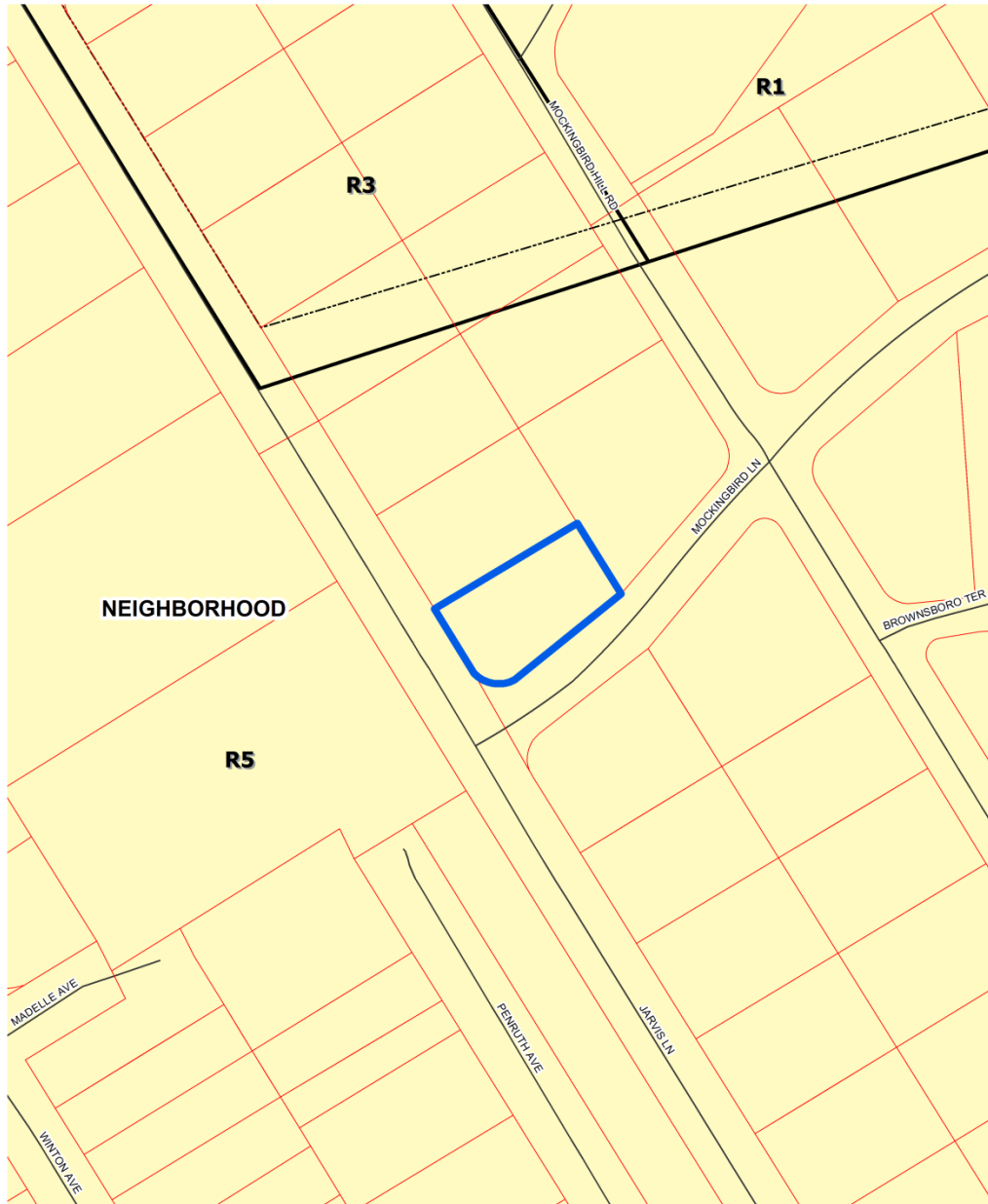
NOTIFICATION

Date	Purpose of Notice	Recipients
12/22/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
12/22/2017	Hearing before BOZA	Notice posted on property

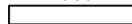
ATTACHMENTS

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

1. Zoning Map



401 Jarvis Lane
feet



110
Map Created: 12/26/2017

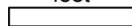


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2. Aerial Photograph



401 Jarvis Lane
feet

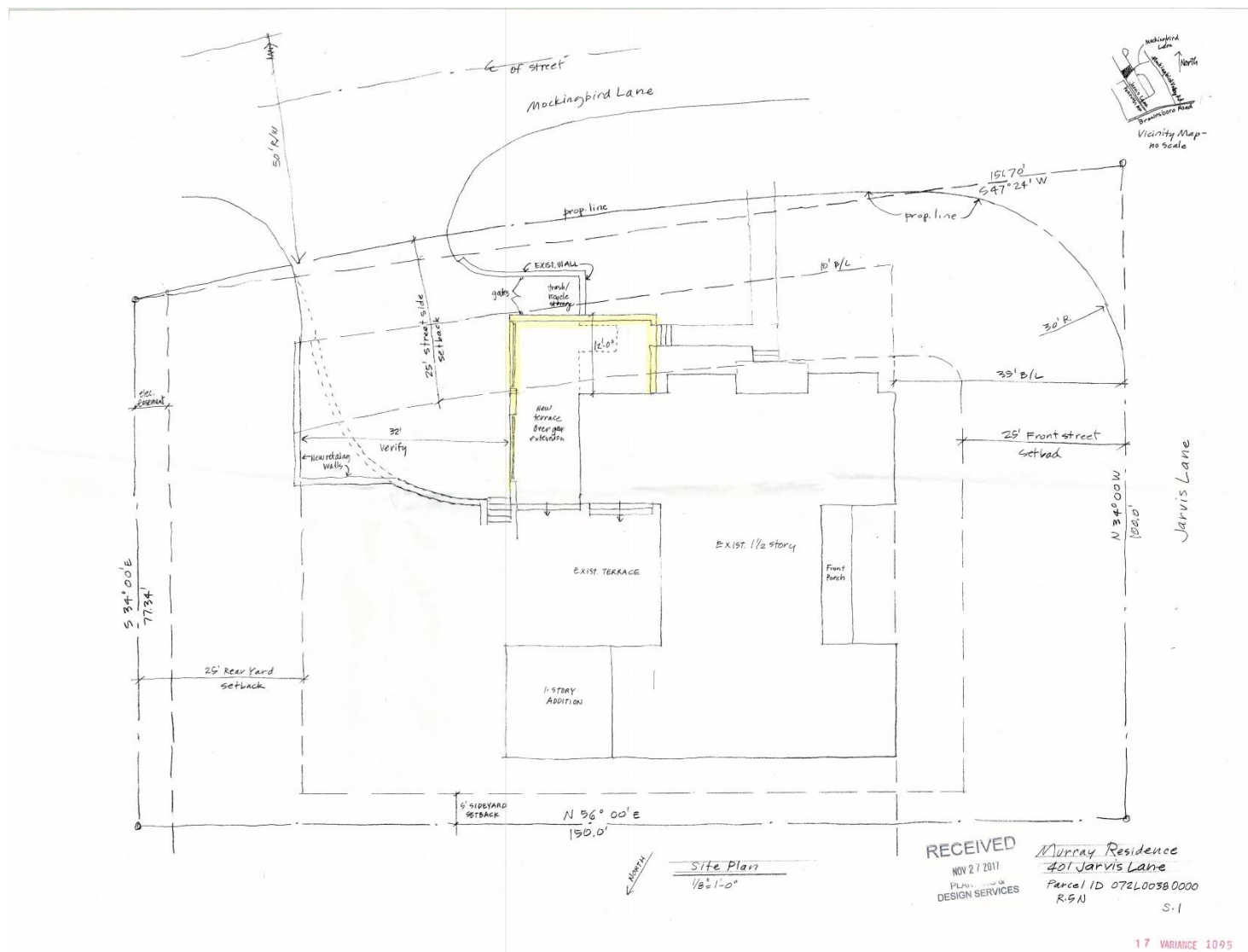


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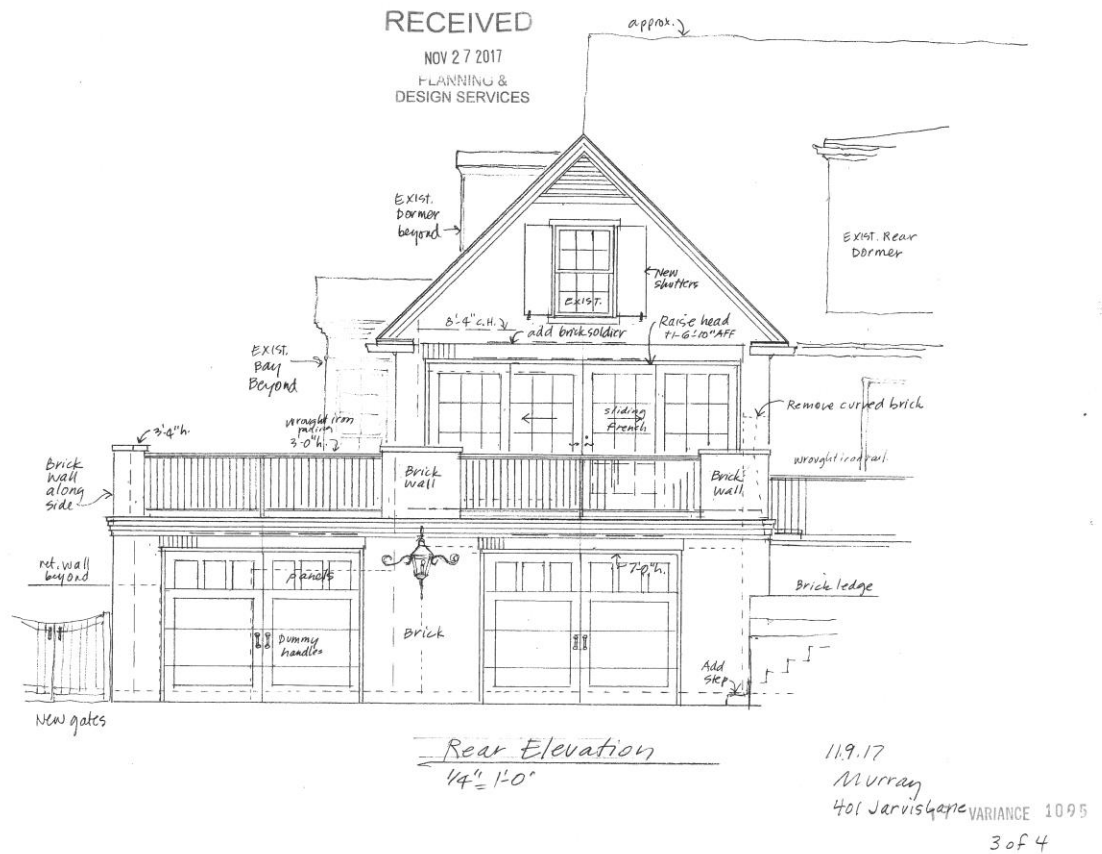


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Published Date: January 3, 2018



4. Elevation



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 Mockingbird Lane.



The property across Jarvis Lane.



The location of the proposed garage and terrace.



The location of the proposed garage and terrace, and the location of the requested variance.