

Board of Zoning Adjustment

Staff Report

January 9, 2018



Case No:	17VARIANCE1102
Project Name:	1341 S Shelby Street Residence
Location:	1341 S Shelby Street
Owner(s):	Equity Trust Company Custodian FBO
Applicant:	Clarisa de Luna-Villaflor
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required front yard setback.

Location	Requirement	Request	Variance
Front Yard Setback	15 feet	5 feet	10 feet

CASE SUMMARY/BACKGROUND

The subject property is located in the Schnitzelburg neighborhood. The lot is 2,234.6 square feet in area and is currently undeveloped. The applicant proposes to construct a new two-story single-family residence on the subject property. The principal structure is proposed to encroach into the required 15 foot front yard setback, and be 5 feet from the front property line at its point of greatest encroachment. The applicant therefore requests a variance for the front yard encroachment. This encroachment is necessitated by the unusual angular configuration of the front property line of the lot.

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 5.2.2 to allow a structure to encroach into the required front 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 5.2.2

- (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 there will be no obstruction of sight lines for drivers or pedestrians.

- (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 front yard setbacks of less than 15 feet are common in the general vicinity.

- (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 other buildings in the vicinity have reduced front yard setbacks, which has caused no known hazard or nuisance.

- (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 small size of the property and its unusual shape requires a building of an adequate size to either have a reduced front yard setback or to have a reduced private yard area.

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 because the lot is unusually small and has an unusual shape.

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 pursue a variance for the private yard area instead of the front yard setback.

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.

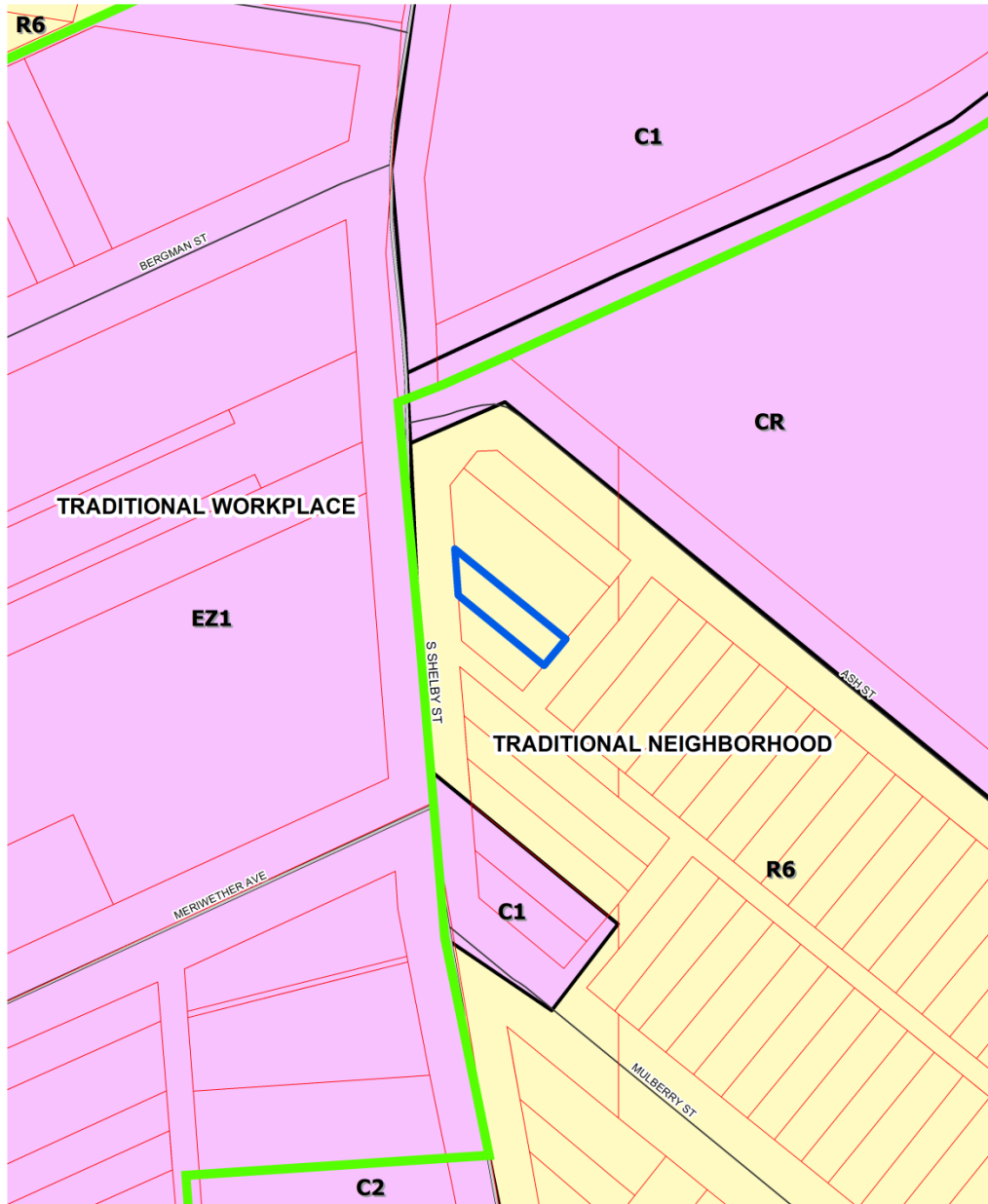
NOTIFICATION

Date	Purpose of Notice	Recipients
12/14/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
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



1341 S Shelby Street
feet

90

Map Created: 12/28/2017



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2. Aerial Photograph



1341 S Shelby Street
feet

90

Map Created: 12/28/2017

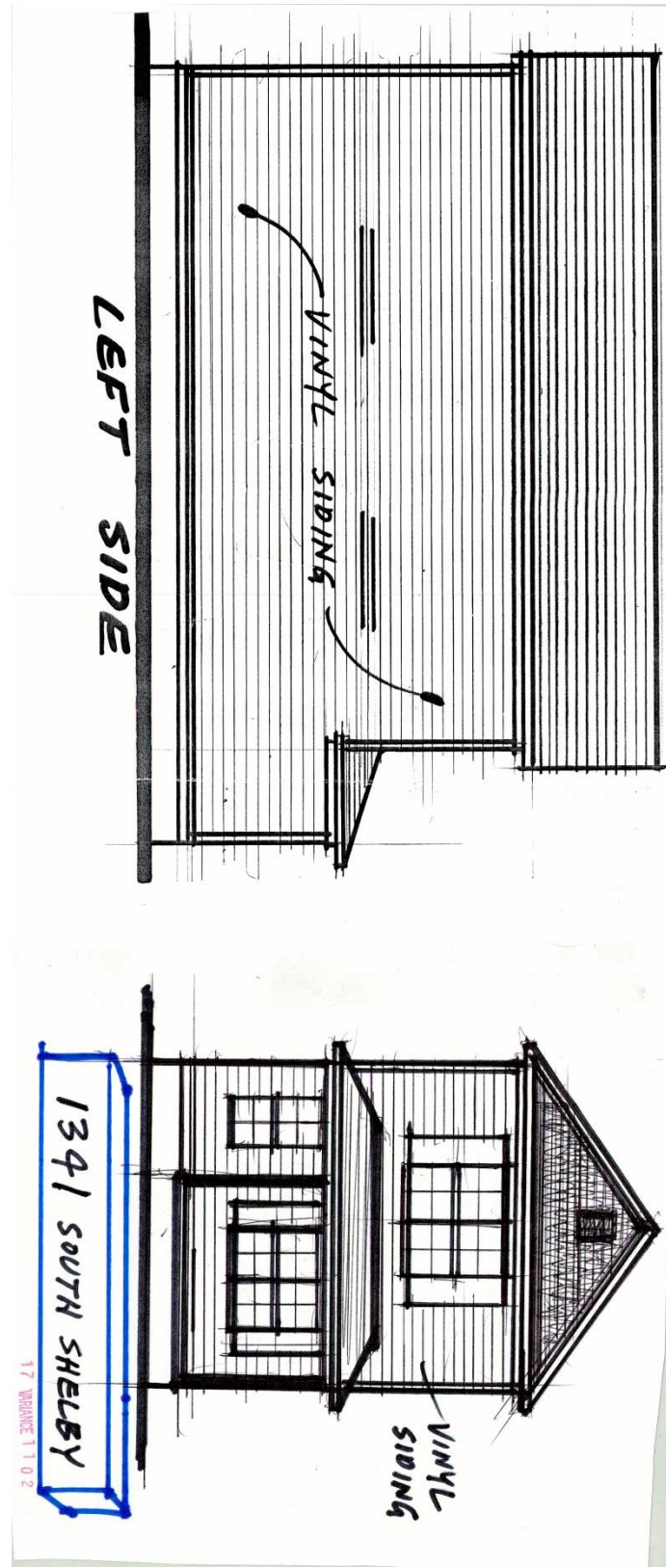


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Site Plan



4. Elevations



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 property across S Shelby Street.



The location of the proposed front yard encroachment.



The location of the proposed front yard encroachment.