

Board of Zoning Adjustment

Staff Report

June 4, 2018



Case No: 18VARIANCE1041
Project Name: 142 Pennsylvania Avenue Garage
Location: 142 Pennsylvania Avenue
Owner(s): Kristen Michelle Edwards
Applicant: Anne Del Prince
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 to be less than the required 30% of the area of a lot.

Location	Requirement	Request	Variance
Private Yard Area	30% (2427 sf)	23% (1875 sf)	7% (552 sf)

CASE SUMMARY/BACKGROUND

The subject property is located in the Crescent Hill neighborhood, and currently contains a single-family residence with no garage. The applicant proposes to construct a new detached garage to the rear of the property abutting the rear alley. The proposed garage will decrease the private yard area on the lot below the required 30%, and so the applicant requests a variance for the decreased private yard area.

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 section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot.

TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning.

INTERESTED PARTY COMMENTS

No interested party comments were received.

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 the garage is proposed to be similar in size and orientation to other garages currently present on the same block.

- (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 there are other, similar garages in the general vicinity, and the reduction in private yard area 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 the proposed garage has received preliminary Transportation Planning approval.

- (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 reduction in private yard area is relatively small, and without the variance the applicant would not be able to construct a usable garage on the property.

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 immediate neighborhood.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by preventing the applicant from constructing a usable garage on the property.

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.

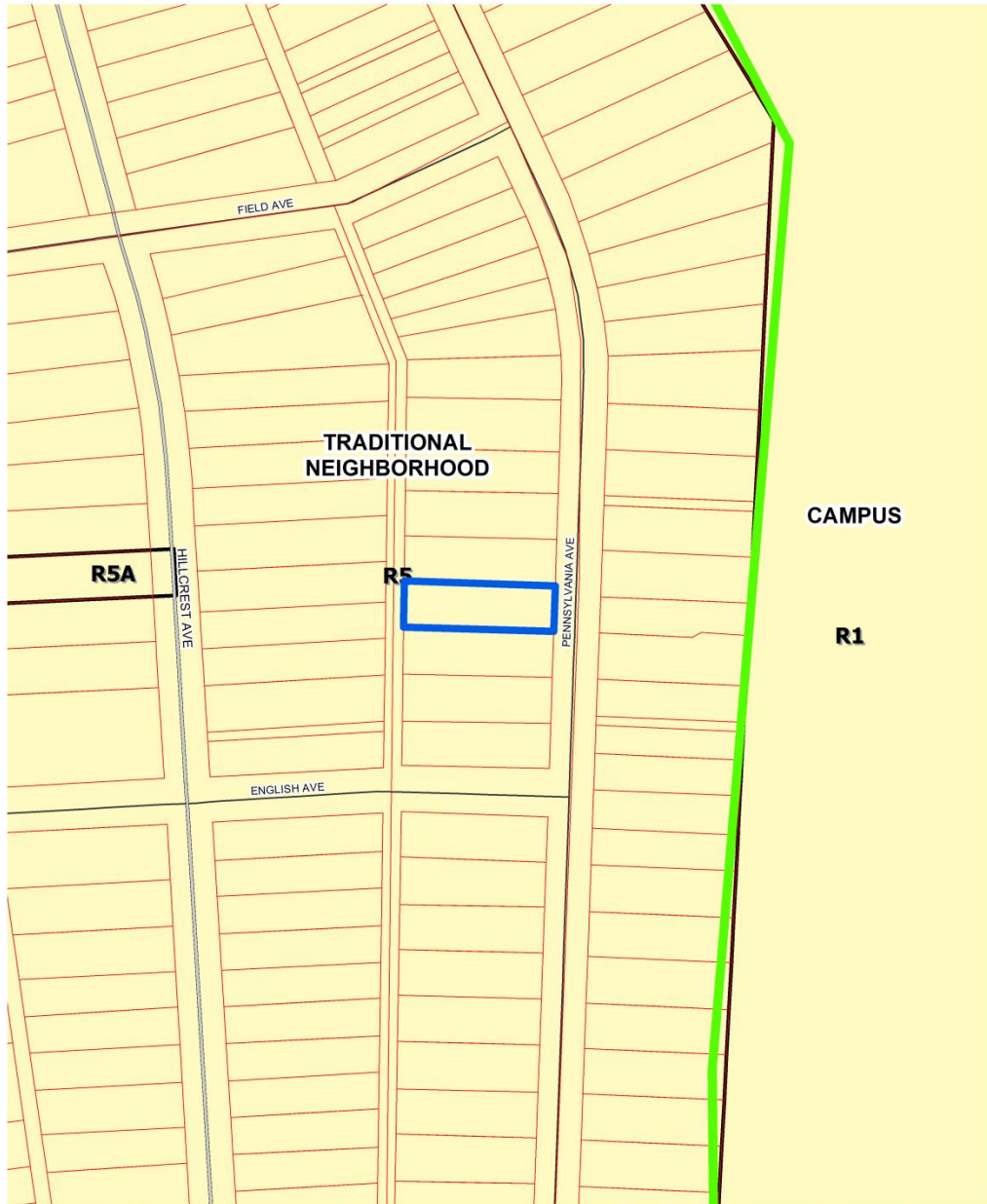
NOTIFICATION

Date	Purpose of Notice	Recipients
05/18/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
05/18/2018	Hearing before BOZA	Notice posted on property

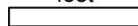
ATTACHMENTS

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

1. **Zoning Map**



142 Pennsylvania Avenue
feet

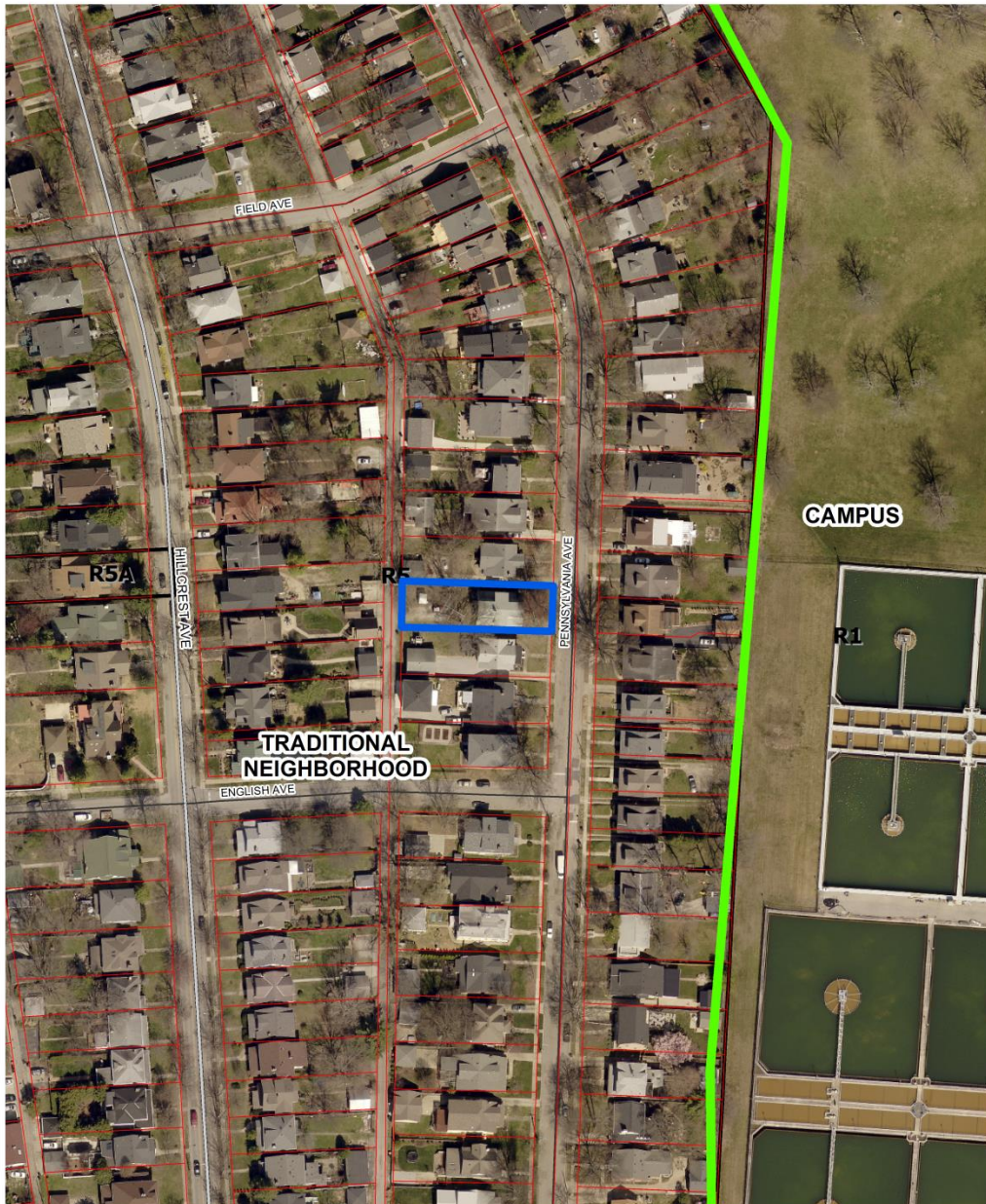


140
Map Created: 5/23/2018

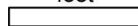


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2. Aerial Photograph



142 Pennsylvania Avenue
feet

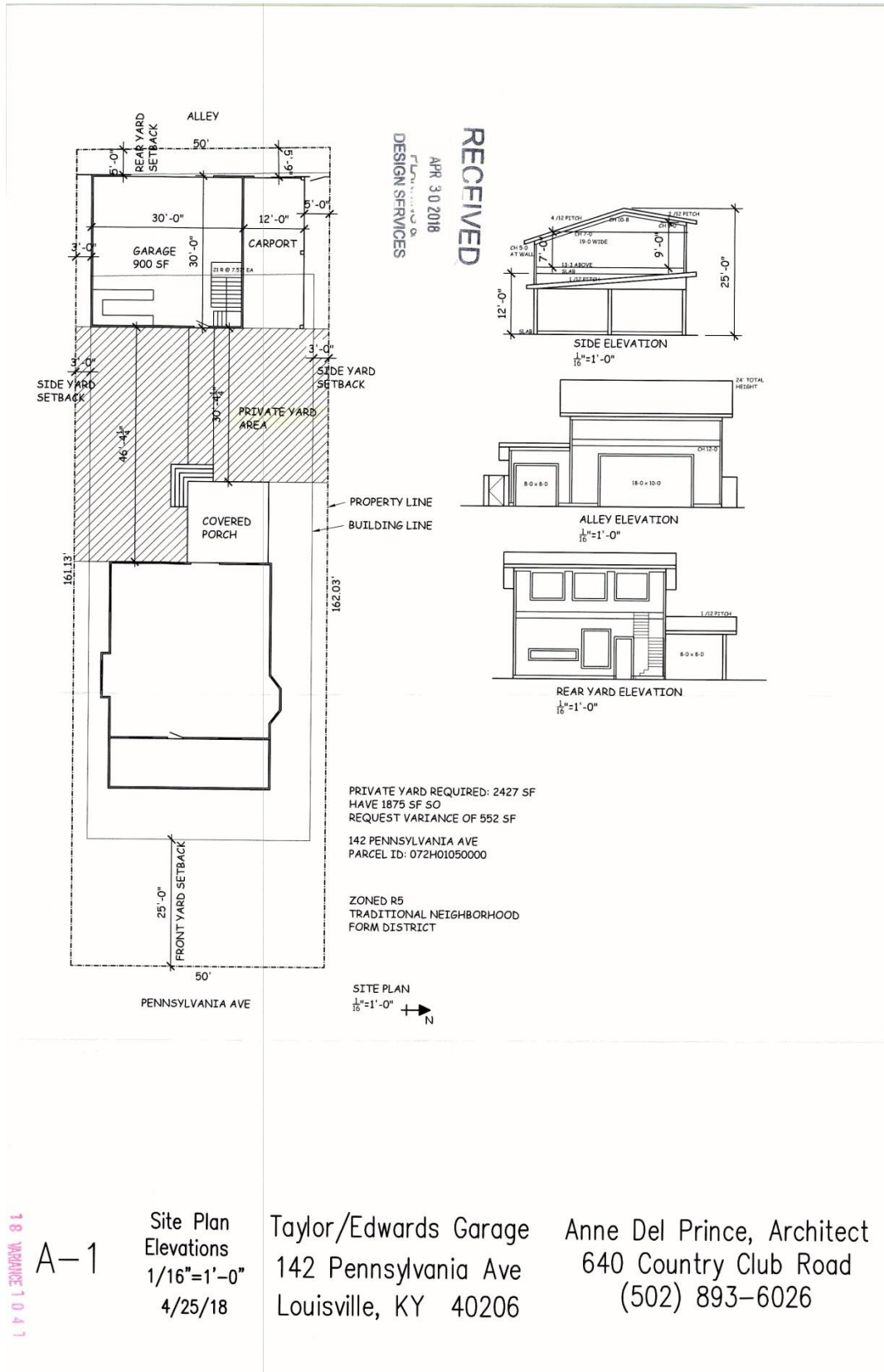


Map Created: 5/23/2018



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3. Site Plan & Elevation



4. 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 Pennsylvania Avenue.



The existing accessory structure/use area and private yard area.