

Board of Zoning Adjustment

Staff Report

June 18, 2018



Case No: 18VARIANCE1048
Project Name: Moser Road Addition
Location: 905 Moser Road
Owner(s): Richard & Hightnight Allgeier
Applicant: Richard Allgeier
Jurisdiction: City of Douglass Hills
Council District: 19 – Julie Denton
Case Manager: Dante St. Germain, Planner I

REQUEST

- **Variance** from City of Douglass Hills Land Development Code table 5.4.1 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	7 ft.	2.83 ft.	4.17 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of Douglass Hills, and currently contains a one-story single-family residence with an attached garage. The applicant proposes to construct a new one-story addition onto the rear of the principal structure, with the side of the addition in line with the existing side of the house. The irregular shape of the lot causes the proposed addition to encroach into the required side yard setback, and so the applicant requests a variance for the encroachment.

Table 5.4.1 requires this lot to have a minimum side yard setback of 6 ft. with both side yards totaling not less than 18 ft. The other side of the structure observes a setback of 11 ft. The side yard for which the variance is requested is therefore required to be 7 ft.

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 City of Douglass Hills Land Development Code table 5.4.1 to allow a structure to encroach into the required 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 5.4.1

- (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 addition will be constructed according to all building codes, including fire codes.

- (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 encroachment is created by the irregular shape of the lot.

- (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 encroaching portion of the structure will have to follow all building codes, including fire codes.

- (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 encroachment occurs because the applicant proposes to keep the addition wall in line with the existing wall, and the lot is irregular in shape.

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 irregular in shape and becomes narrower to the rear.

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 requiring the applicant to offset the wall and construct an addition which is not in line with the existing wall.

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.

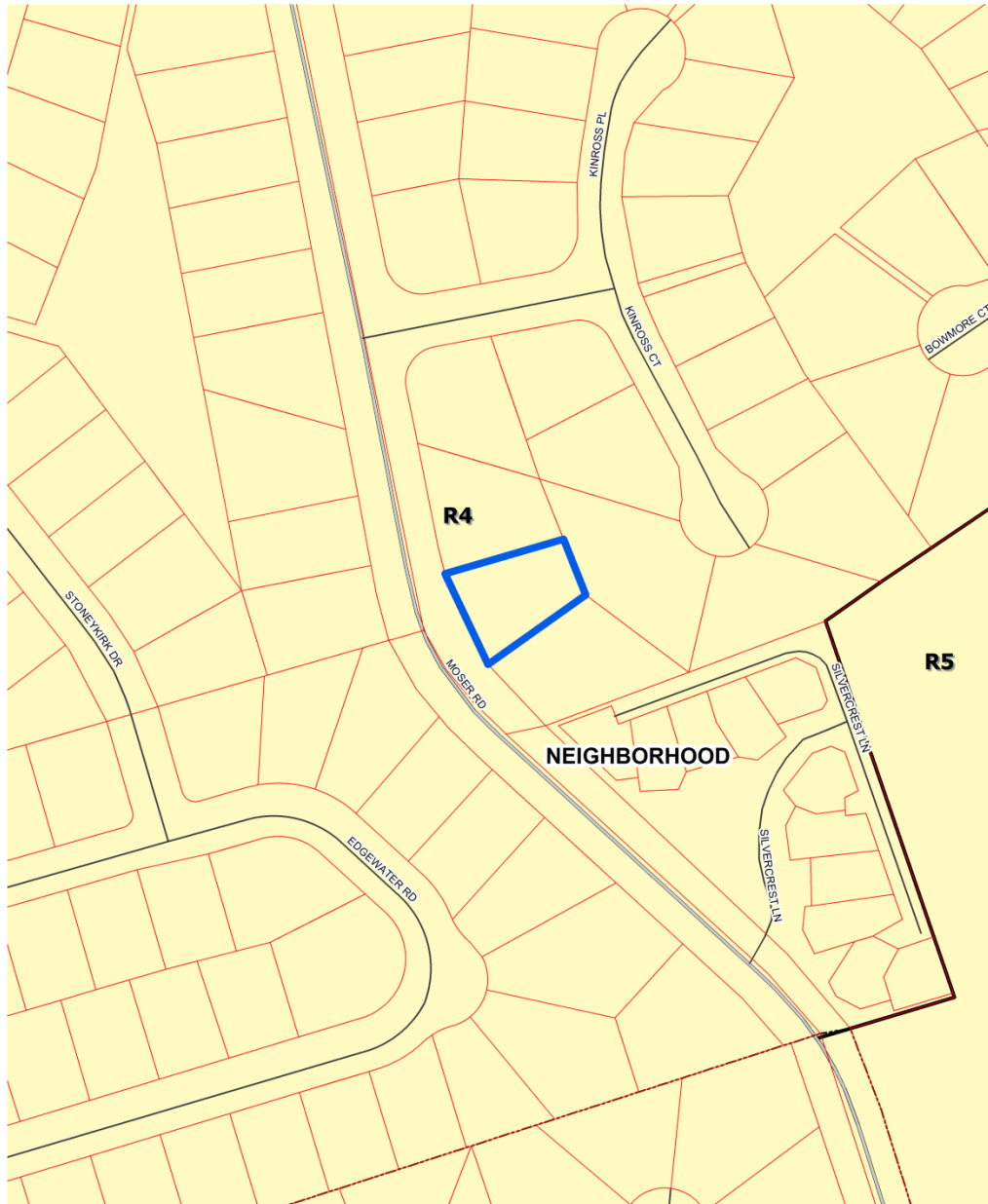
NOTIFICATION

Date	Purpose of Notice	Recipients
05/29/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19
06/01/2018	Hearing before BOZA	Notice posted on property

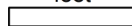
ATTACHMENTS

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

1. **Zoning Map**



905 Moser Road
feet



140

Map Created: 6/7/2018

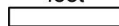


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2. Aerial Photograph



905 Moser Road
feet

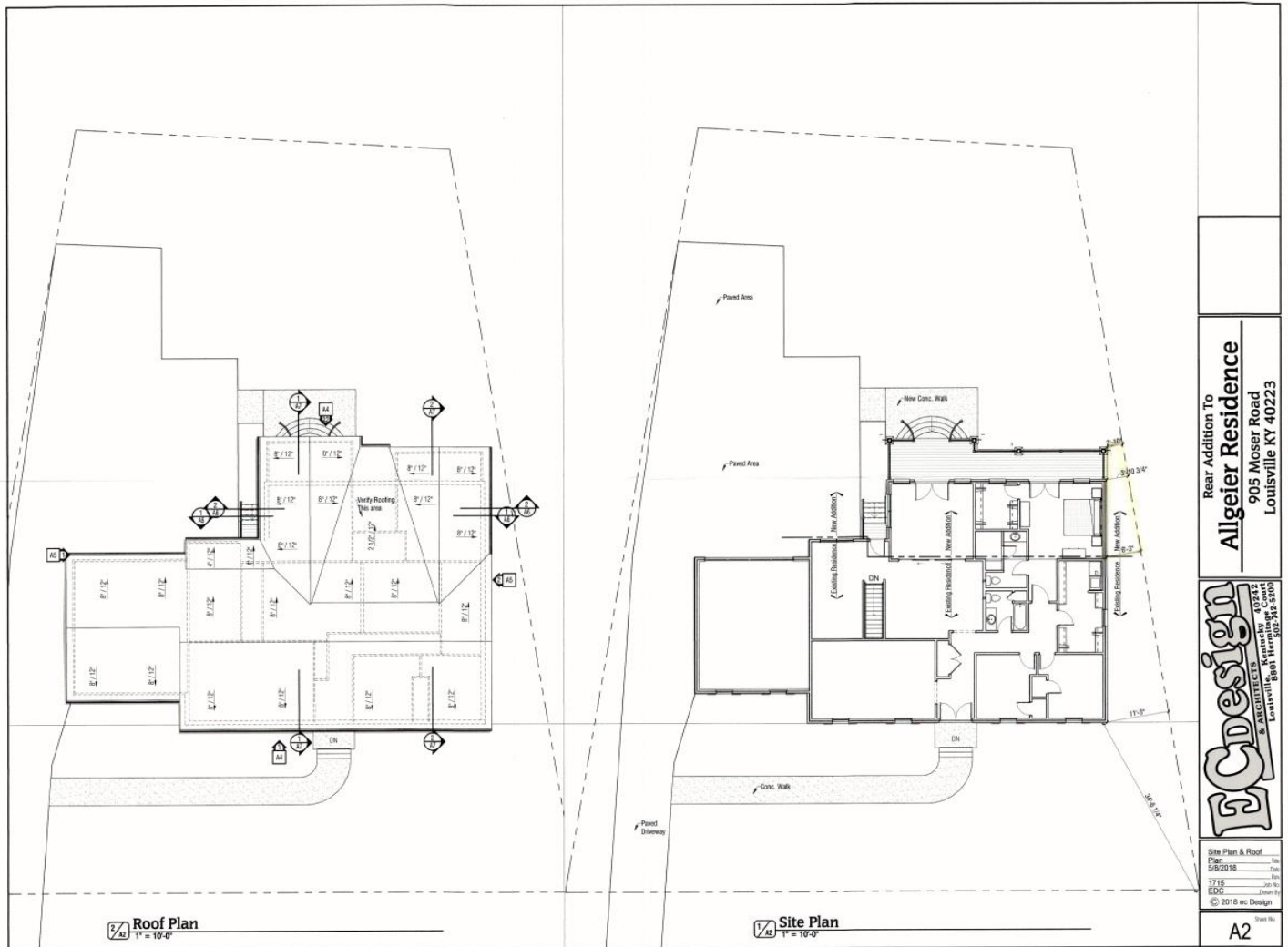


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Map Created: 6/7/2018

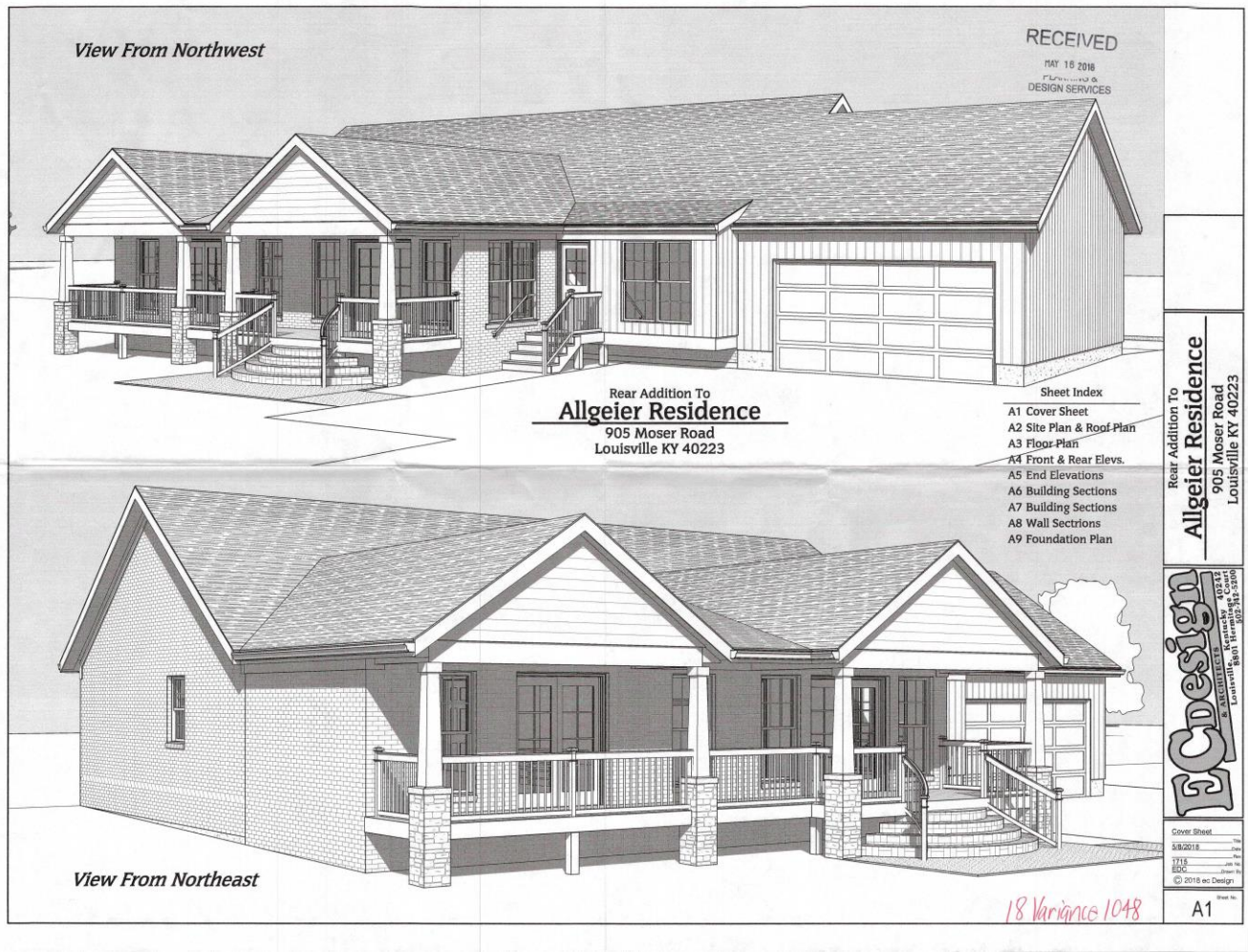


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3. Site Plan



4. Elevations



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.



The location of the requested variance.



The location of the requested variance.