

Board of Zoning Adjustment

Staff Report

January 7, 2019



Case No:	18VARIANCE1112
Project Name:	S. Shelby Street Variance
Location:	1105 S. Shelby Street
Owner:	Eric Seward
Applicant:	Justin Bauer
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.1.10.F to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	2.175 ft.	0.12 ft.	2.055 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Shelby Park neighborhood and contains a 1 ½ story single-family residence. The applicant is proposing to place an addition on the rear of the residence that will encroach into the southern side yard setback.

The subject property is 21.75 feet in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setback is therefore 2.175 feet.

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 5.1.10.F to allow a structure to encroach into the required side yard setback.

Condition of Approval:

#1) A survey of the southern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

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 5.1.10.F

- (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 structure will be constructed to comply with 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 structures in the area are all close to the side property lines.

- (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 addition will be the same distance from the side property line as the existing structure.

- (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 location of the addition is the same as the existing structure.

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 generally apply to land in the general vicinity or the same zone as the property has an existing structure that is the same distance from the side property line as the proposed addition.

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 constructing an addition that is the same distance from the side property line as the existing structure.

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.

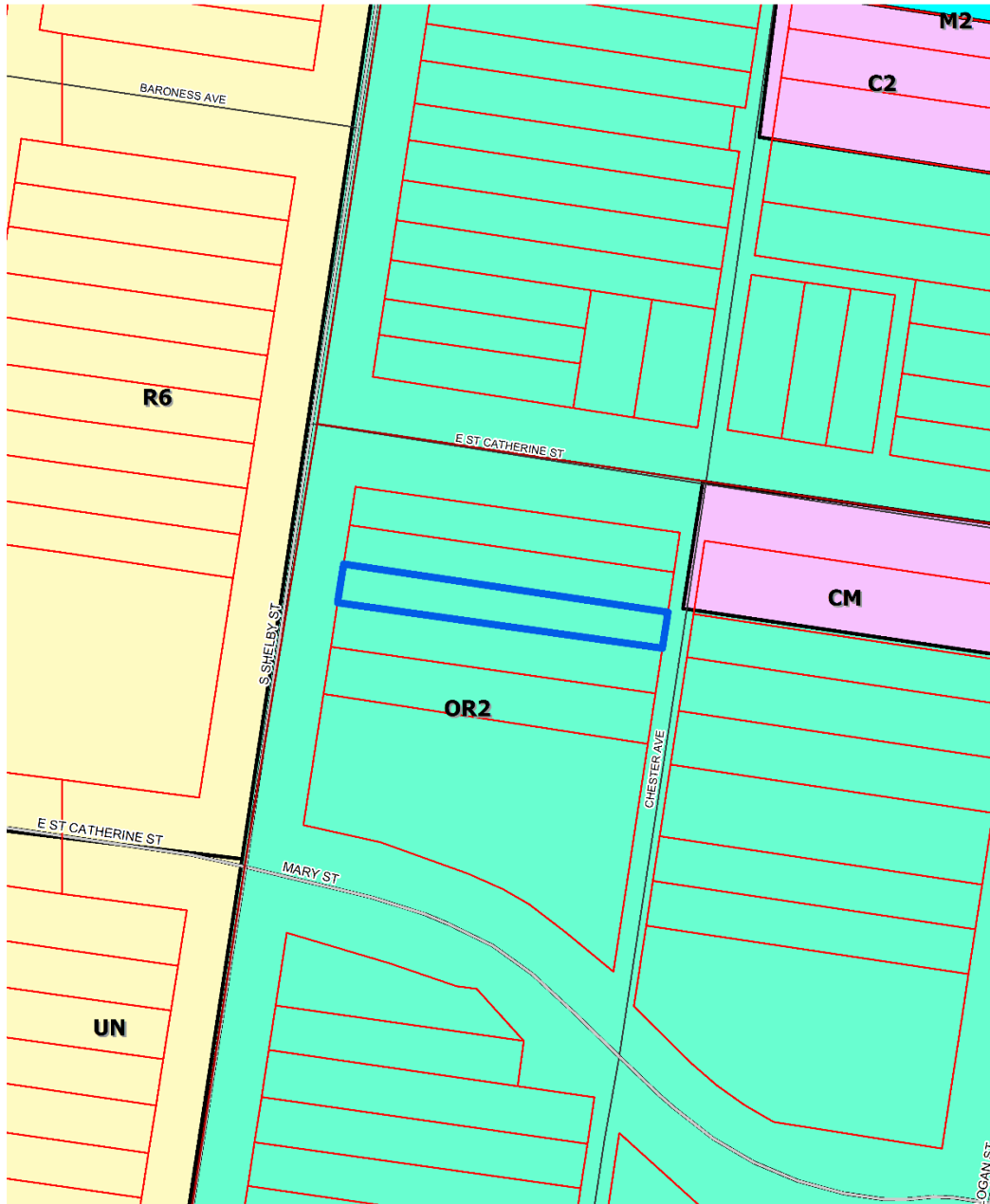
NOTIFICATION

Date	Purpose of Notice	Recipients
12/20/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
12/21/2018	Hearing before BOZA	Notice posted on property

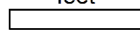
ATTACHMENTS

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

1. Zoning Map



1105 S. Shelby Street
feet



Map Created: 12/11/2018

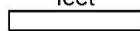


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2. Aerial Photograph



1105 S. Shelby Street
feet



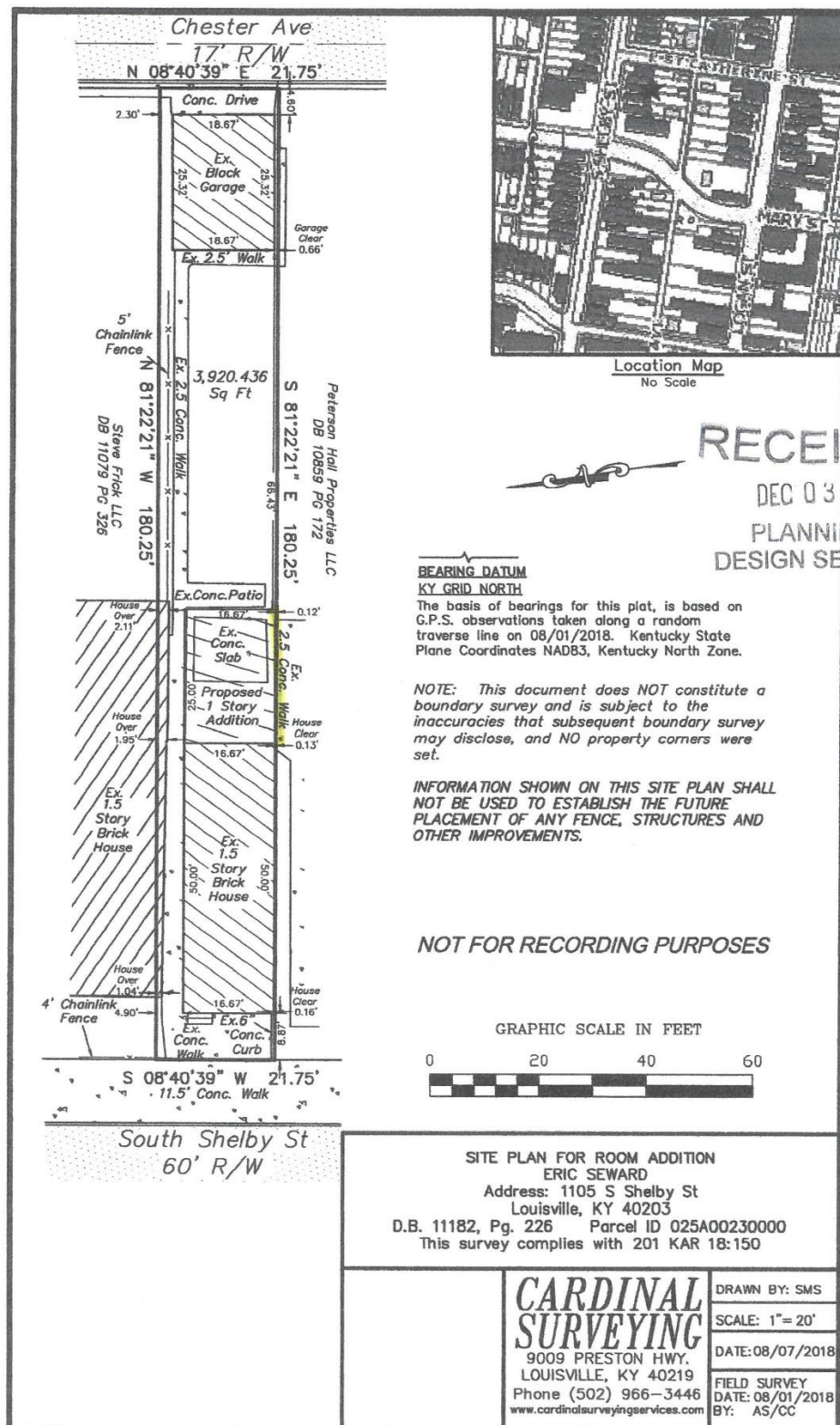
70

Map Created: 12/11/2018



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3. Site Plan



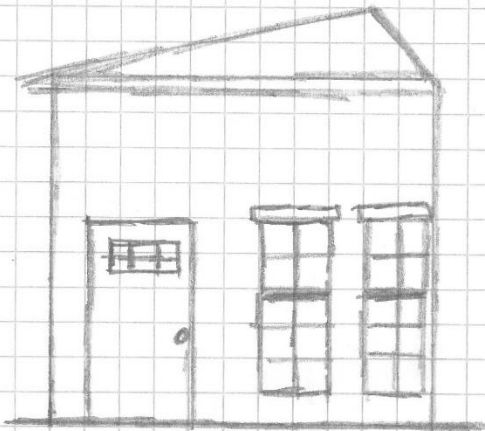
4. Elevations

1105 S. Shelby St. 40203

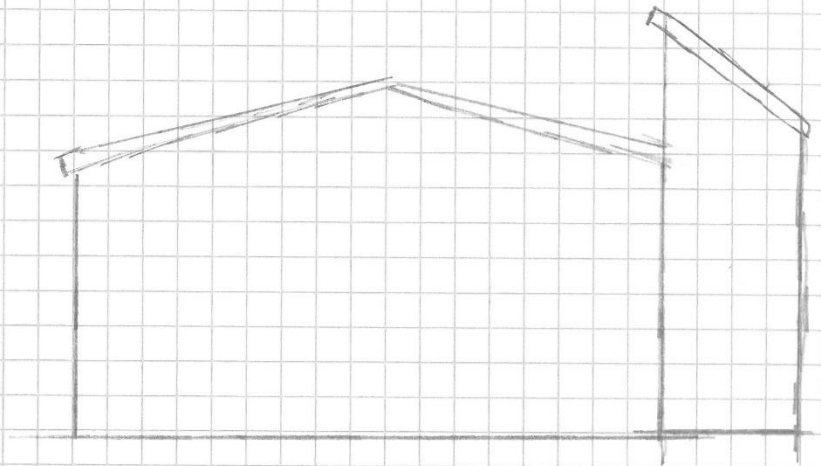
RECEIVED

DEC 03 2018

PLANNING &
DESIGN SERVICES



Front Elevation



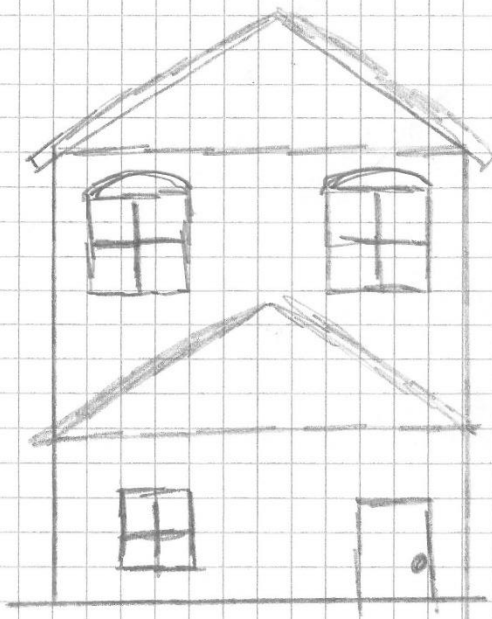
Side elevation

18 VARIANCE 1112

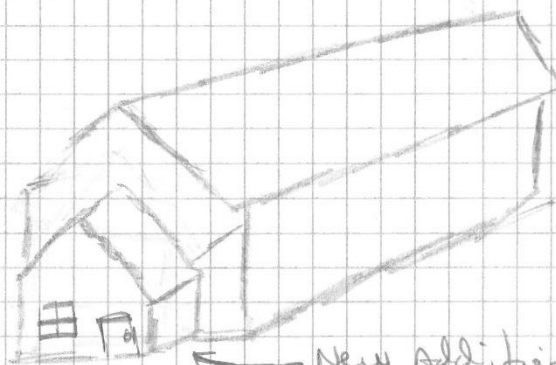
1105 S. Shelby St. 40203
Proposed addition

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Proposed rear
elevation



New Addition
16' W X 20' L
Proposed side
elevation

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5. **Site Photos**



Front of the subject property.



Property to the left of the subject property.



Property to the right of the subject property.



Properties across S. Shelby Street.



Area of the proposed addition and variance.



Notice of public hearing sign.