

# Board of Zoning Adjustment

## Staff Report

March 4, 2019



<b>Case No.</b>	18VARIANCE1117
<b>Project Name</b>	Private Yard Variance
<b>Location</b>	2027 Boulevard Napoleon
<b>Owner</b>	David Wilson
<b>Applicant</b>	Distinctive Design
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	8 – Brandon Coan
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### **REQUESTS**

**Variance** to permit an accessory structure to encroach on the required private yard in a Traditional Neighborhood Form District (LDC 5.4.1.D.2.)

Location	Requirement	Request	Variance
Private yard	2,104 sq ft	690 sq ft	1,413 sq ft

### **CASE SUMMARY / BACKGROUND**

The site is located on the west side of Boulevard Napoleon between Rutherford Avenue and Princeton Drive. It is developed with a residential structure. The site and all adjoining properties are zoned R-6 Multi-Family Residential in a Traditional Neighborhood Form District.

The applicant proposes to construct a one-vehicle garage at the rear of the property, to be accessed via a rear alley. Each of four neighboring properties to the north and south, as well as most of properties across the street, have similar accessory structures also accessed via rear alleys.

### **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, 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 to permit an encroachment on the required private yard in a Traditional Neighborhood form district (LDC Table 5.3.1).

### **TECHNICAL REVIEW**

No technical issues remain to be resolved.

## **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not interfere with public health, safety or welfare.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will result in site development common in the immediate vicinity.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

- (d) The requested variance will not allow an unreasonable circumvention of zoning regulations.

STAFF: Permitting the proposed variance is a reasonable circumvention of zoning regulations since similar site development is common in the immediate vicinity.

## **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 site, as well as multiple parcels in the immediate vicinity, already have relatively small private yard areas.

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 application of the regulation would create an unnecessary hardship in that it is not out of character for the site or the area.

3. The circumstances are 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 taken by the applicant in that the private yard area currently existing does not meet requirements.

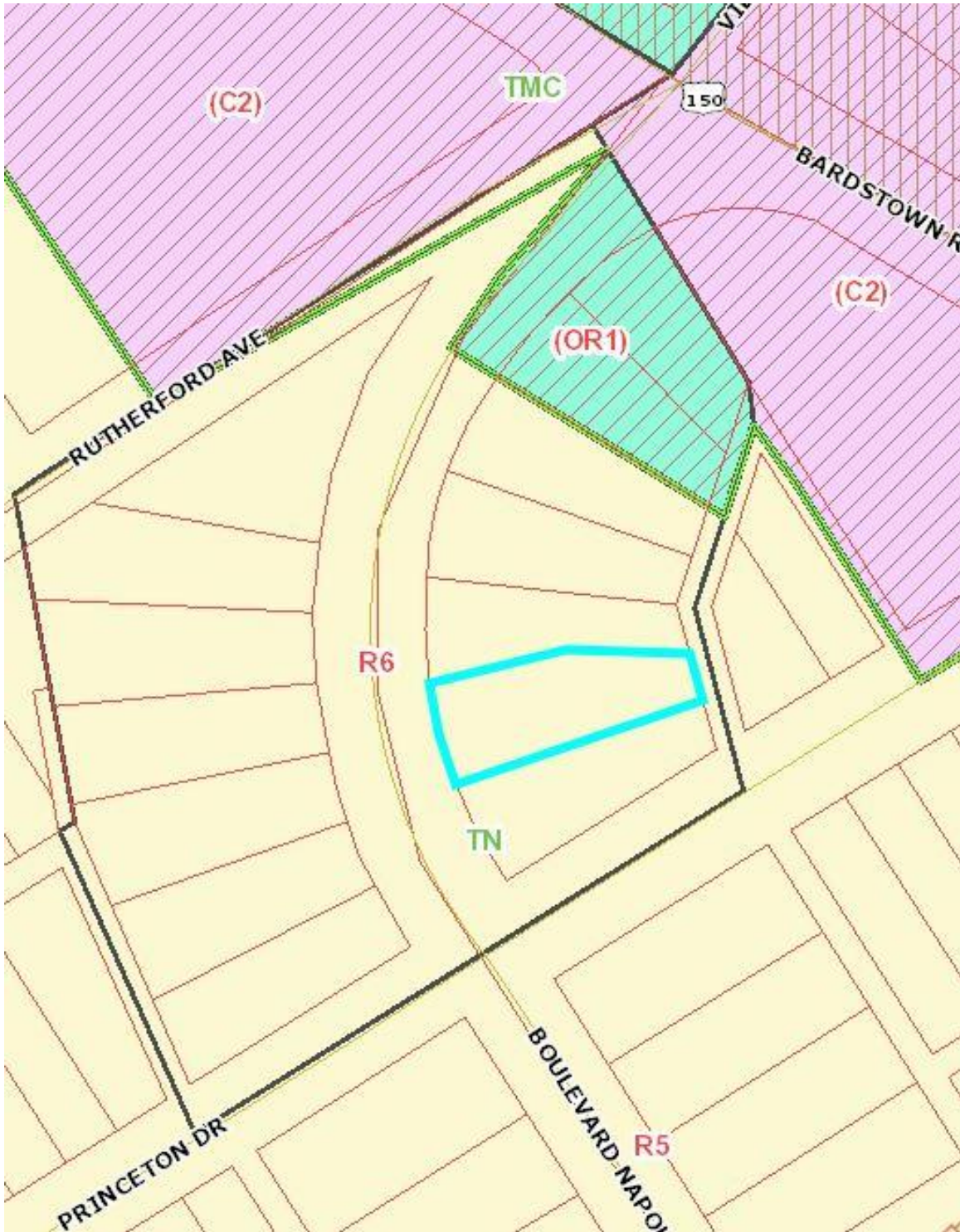
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
2/14/2019	Hearing before BOZA	1st tier adjoining property owners
		Registered Neighborhood Groups in Council District 18
		Sign Posting

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map





2. Aerial Photograph



3. Site Plan

