

# Board of Zoning Adjustment

## Staff Report

March 4, 2019



<b>Case No:</b>	19VARIANCE1007
<b>Project Name:</b>	Nelson Addition
<b>Location:</b>	2912 Garfield Avenue
<b>Owner(s):</b>	Keith Nelson
<b>Applicant:</b>	Keith Nelson
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Donna Purvis
<b>Case Manager:</b>	Jon E. Crumbie, Planning & Design Coordinator

### REQUEST

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

Location	Requirement	Request	Variance
Side Yard	3 ft.	0.39 ft. at its closest point	2.61 ft. at its closest point

### CASE SUMMARY/BACKGROUND

The applicant is requesting to add a bedroom to the second story. To add this bedroom the roof will need to be raised and additional volume added to the structure. The addition will be in line with the existing structure and will be no closer to the west property line.

### 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 table 5.2.2 to allow a structure to encroach into the required side yard setback.

## **TECHNICAL REVIEW**

No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

The neighbor to the west of the property called and wanted to know what was going on. He had no problem with the proposal just wanted some improvements made to the structure.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE**

- (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 location of the existing structure on site.

- (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.

## **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 original structure was built close to the west side property line.

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.

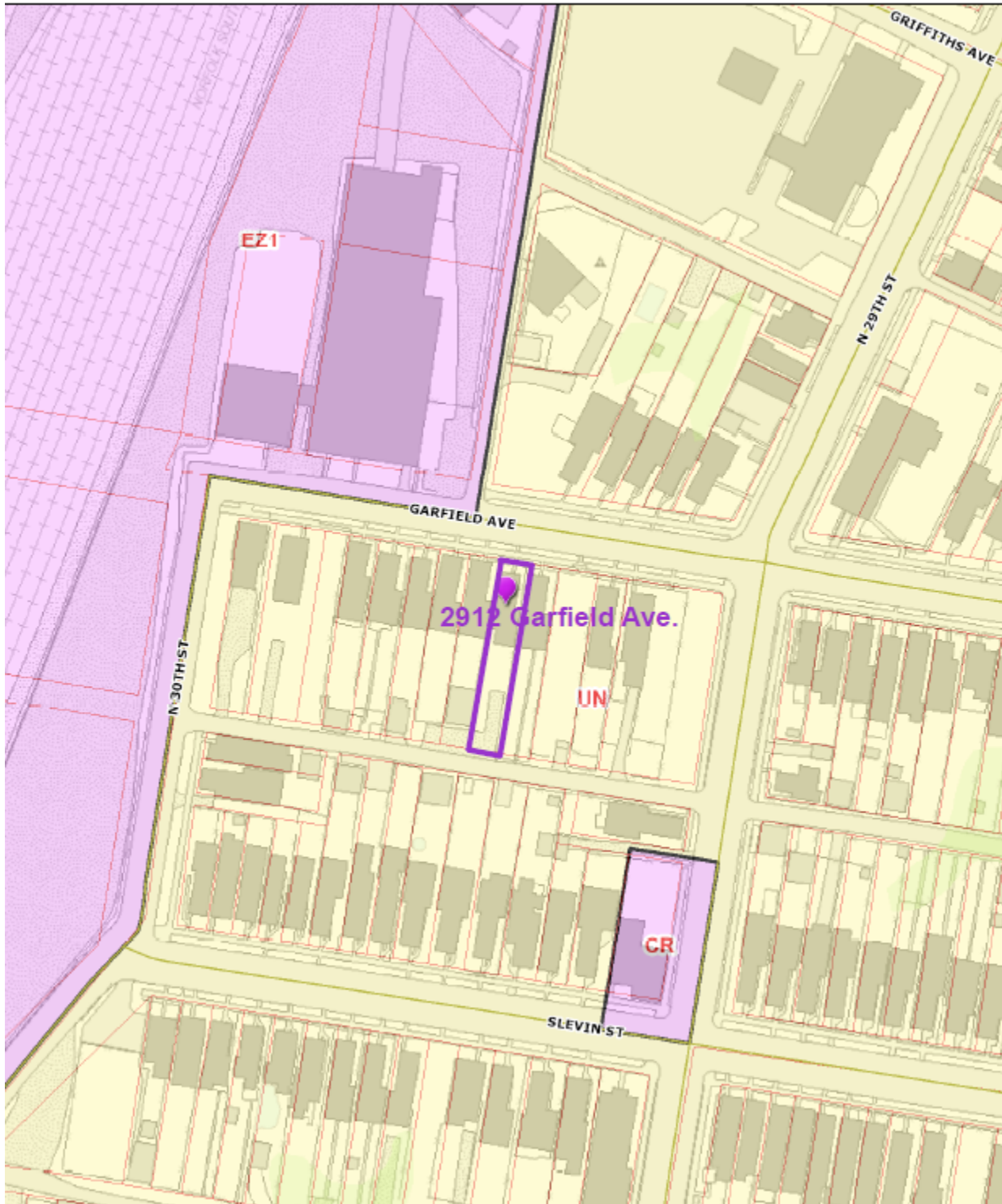
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
2/14/2019	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
2/14/2019	Hearing before BOZA	Notice posted on property

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

