

Board of Zoning Adjustment

Staff Report

June 17, 2019



Case No: 19VARIANCE1047
Project Name: Oak Valley Drive Variance
Location: 6303 Oak Valley Drive
Owner(s): Victor & Ashley Torres
Applicant: Victor Torres
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell
Case Manager: Zach Schwager, Planner I

REQUEST

- **Variances**

1. from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.
2. from Land Development Code table 5.3.1 to allow a structure to encroach into the required front yard setback.

Location	Requirement	Request	Variance
Side Yard	6 ft. (18 ft. total)	1 ft. (14 ft. total)	5 ft. (2 ft. total)
Front Yard	30 ft.	28 ft.	2 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Oak Valley Section 2C subdivision. It is zoned R-4 in the Neighborhood Form District and contains a one-story single-family residence with an attached car port. The applicant proposes to construct a new attached garage. The applicant therefore requests a variance for the encroachment into the side and front yard setbacks.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

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 table 5.3.1 to allow a structure to encroach into the required side and front yard setbacks.

TECHNICAL REVIEW

- No technical review undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1 (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 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 there are a variety of housing types including those with attached garages.

- (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 there is an existing car port in the same general area.

- (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 topography of the lot requires a garage to be attached.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do 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 is similar in size, shape, and topography to the land in the general vicinity.

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 because there is nowhere else to construct a 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1 (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 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 there is not a distinct character in the general vicinity due to the variety of housing types.

- (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 there is an existing car port in the same general area.

- (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 topography of the lot requires a garage to be attached.

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 does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the property is similar in size, shape, and topography to the land in the general vicinity.

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 because there is nowhere else to construct a 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.

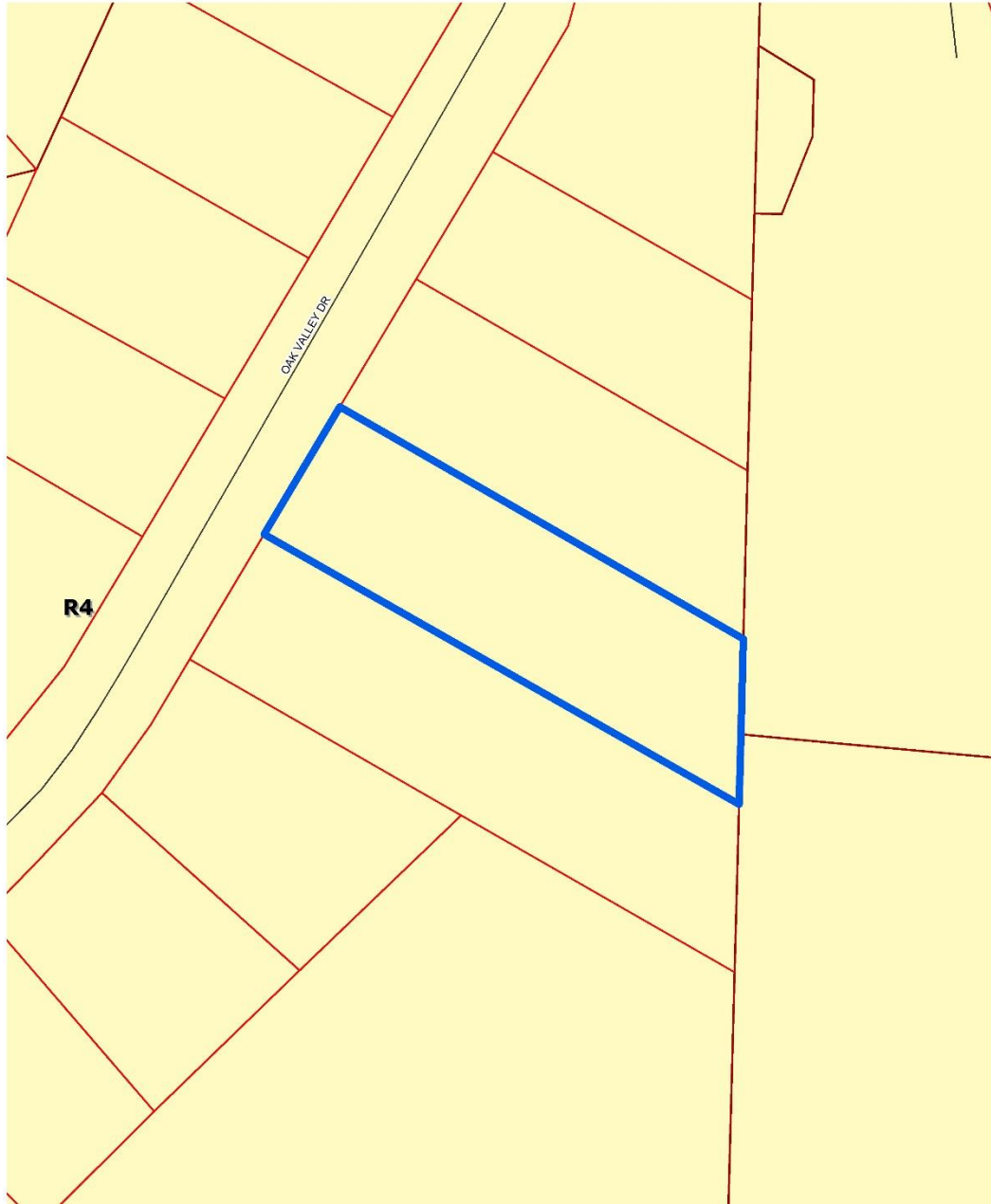
NOTIFICATION

Date	Purpose of Notice	Recipients
06/10/2019	Hearing before BOZA	Not Required for Business Session Item

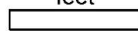
ATTACHMENTS

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

1. **Zoning Map**



6303 Oak Valley Drive
feet



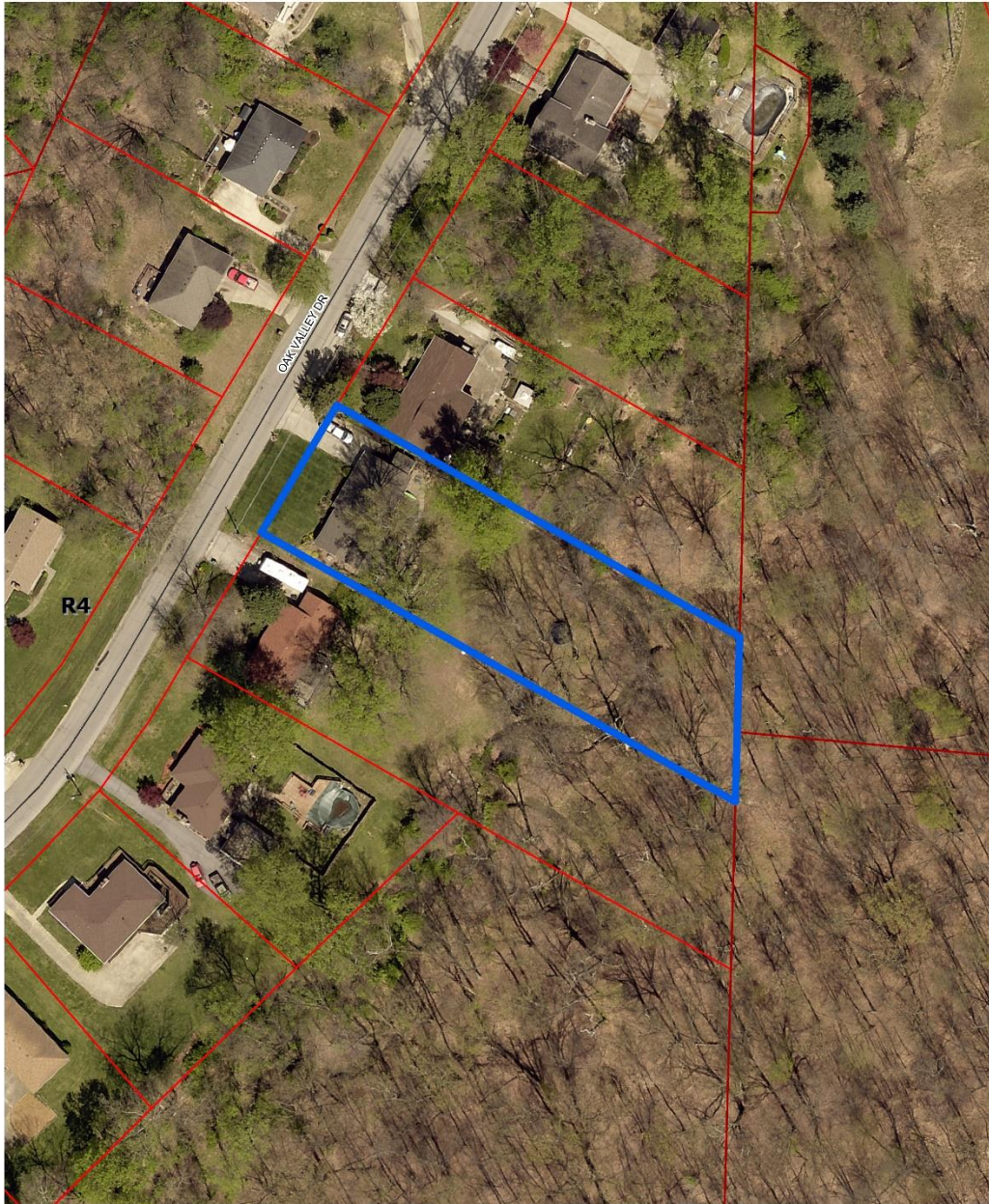
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Map Created: 6/12/2019

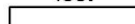


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2. Aerial Photograph



6303 Oak Valley Drive
feet

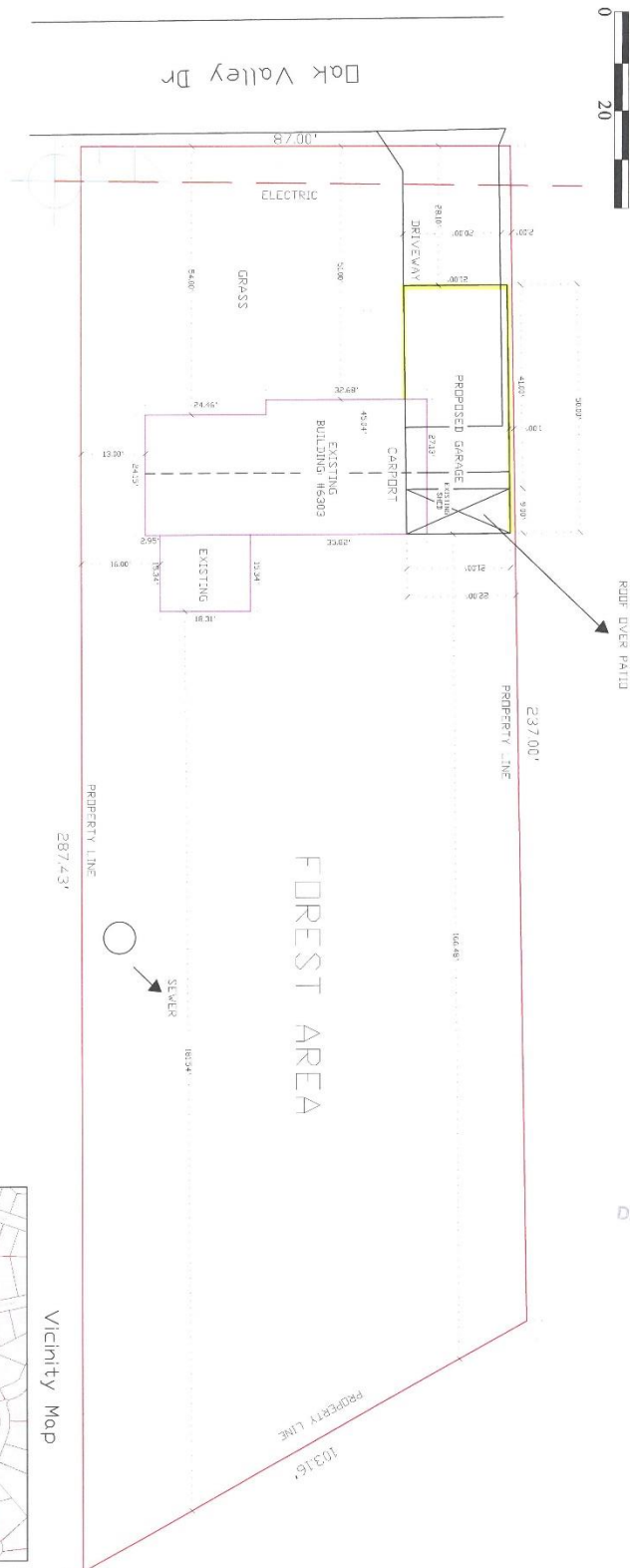
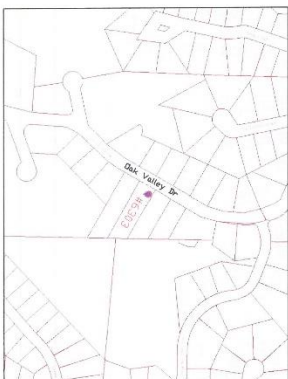


Map Created: 6/12/2019



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Site Plan



SITE PLAN

ROOF OVER PATIO

237.00'
PROPERTY LINE

NE

FOREST AREA

287.43'

PROPERTY LINE
287.43'

C

Oak Valley Dr

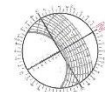
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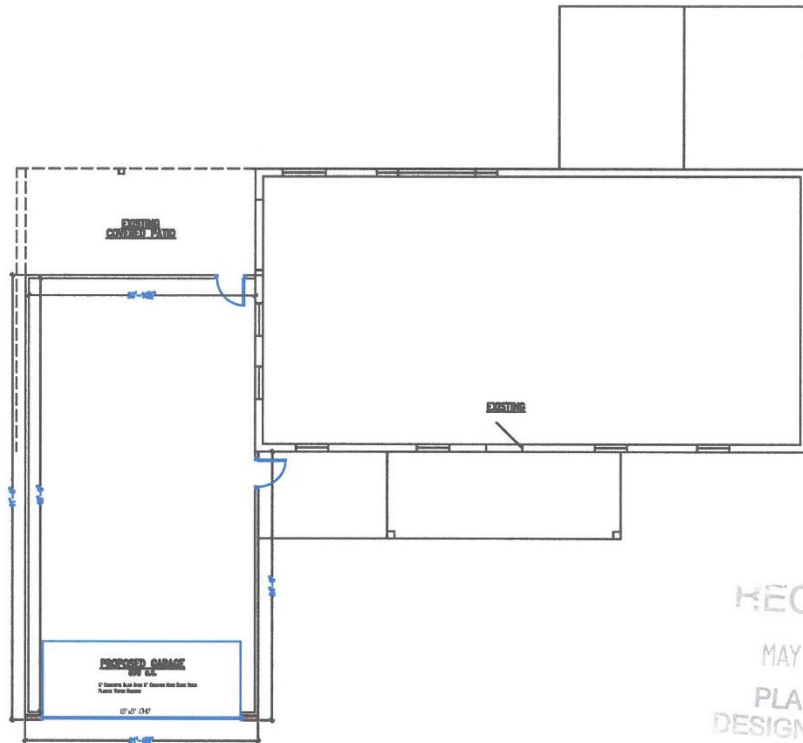
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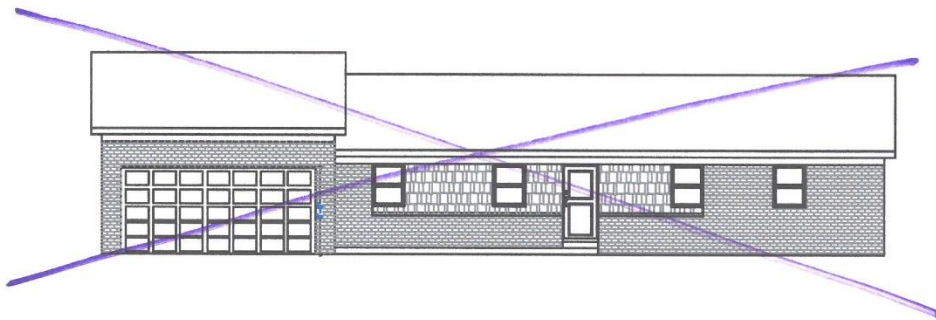
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4. Elevation



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5. **Site Photos**



Front yard variance area.



Side yard variance area.