

# Board of Zoning Adjustment

## Staff Report

June 17, 2019



<b>Case No:</b>	19VARIANCE1041
<b>Project Name:</b>	Gilliland Road Variance
<b>Location:</b>	301 Gilliland Road
<b>Owner:</b>	Howard Davenport
<b>Applicant:</b>	Charlie Williams – Charlie Williams Design, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Zach Schwager, Planner I

### **REQUEST**

- **Variance** from Land Development Code section 5.1.12.B.2.e.i.1 to allow an addition to encroach into the minimum allowed infill street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	50 ft.	8 ft.	42 ft.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-4 in the Village Form District and contains one-story single-family residence. The applicant is proposing to add an attached garage that will encroach into the required street side yard setback dictated by infill requirements. The proposed garage would be located on the existing driveway and a new driveway is proposed for the garage.

### **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 standard of granting a variance established in the Land Development Code from section 5.1.12.B.2.e.i.1 to allow an addition to encroach into the minimum allowed infill street side yard setback.

### **INTERESTED PARTY COMMENTS**

No interested party comments were received.

### **TECHNICAL REVIEW**

The plan has received preliminary approval from Transportation Planning.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.e.i.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 need to 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 designs and layouts of surrounding principal and accessory structures. The car port across Pamela Jo Avenue also provides some precedent for an encroachment into this street side yard.

- (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 addition does not interfere with the sight triangle.

- (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 existing driveway slopes down toward the existing garage and principal structure. The proposed garage could help future drainage issues on site.

### **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does 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 subject property is similar in size and shape to surrounding properties.

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 not create an unnecessary hardship on the applicant as the proposed garage could be moved toward the interior of the lot in order to meet the setback requirement.

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.

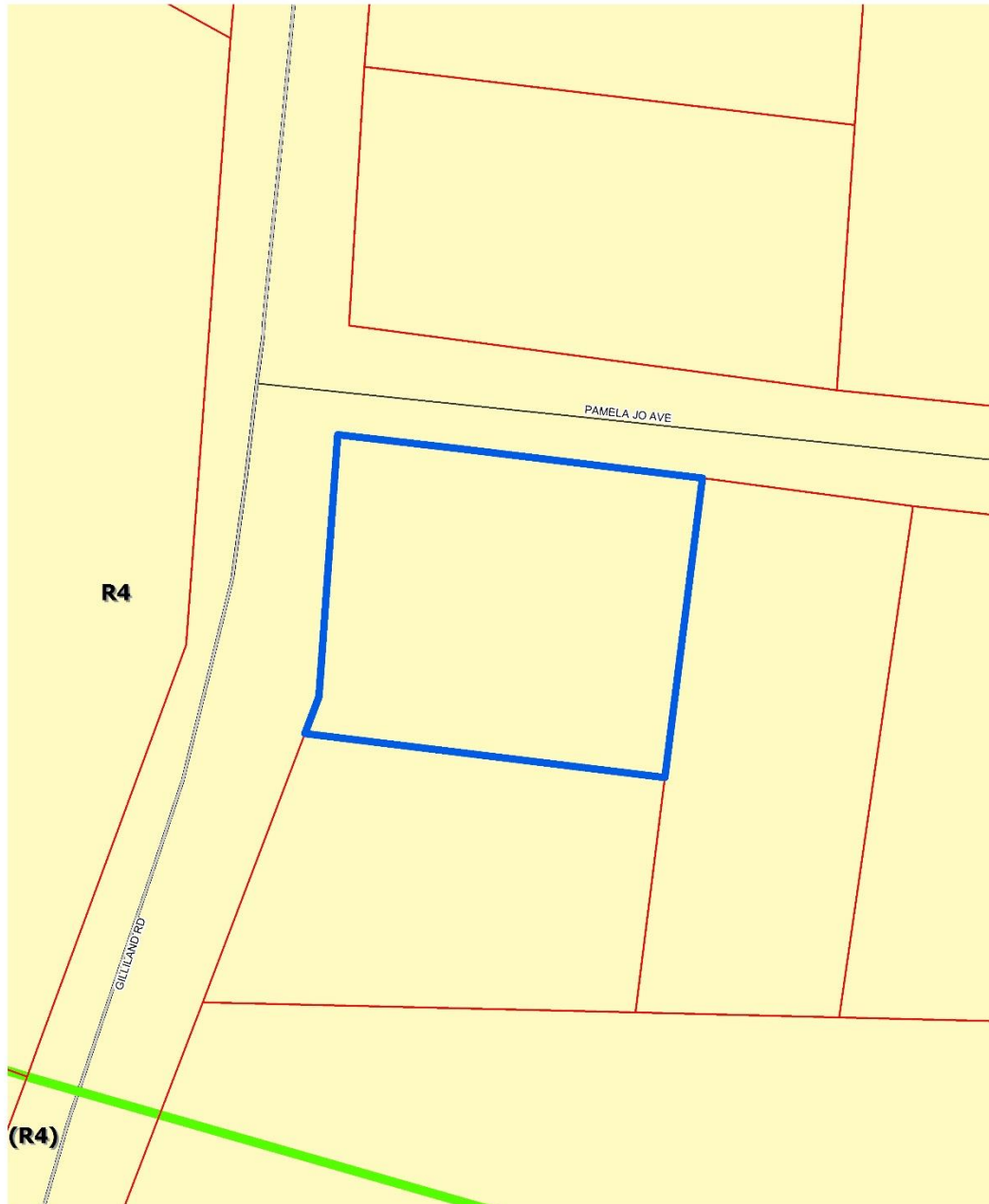
**NOTIFICATION**

Date	Purpose of Notice	Recipients
05/16/2019	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19
06/10/2019	Hearing before BOZA	Notice posted on property

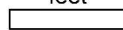
**ATTACHMENTS**

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

1. **Zoning Map**



301 Gilliland Road  
feet

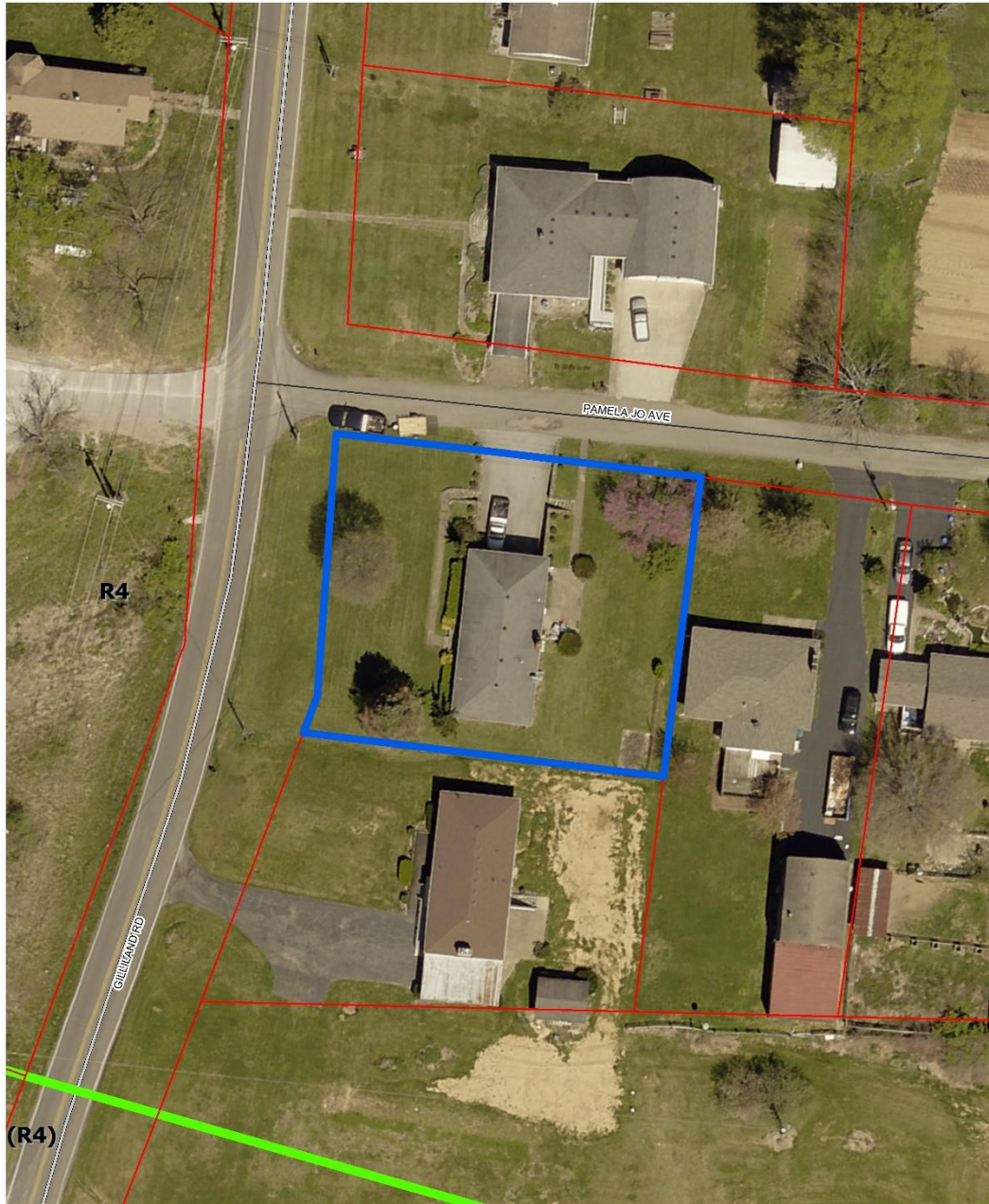


40  
Map Created: 6/11/2019

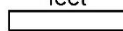


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JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



301 Gilliland Road  
feet



40

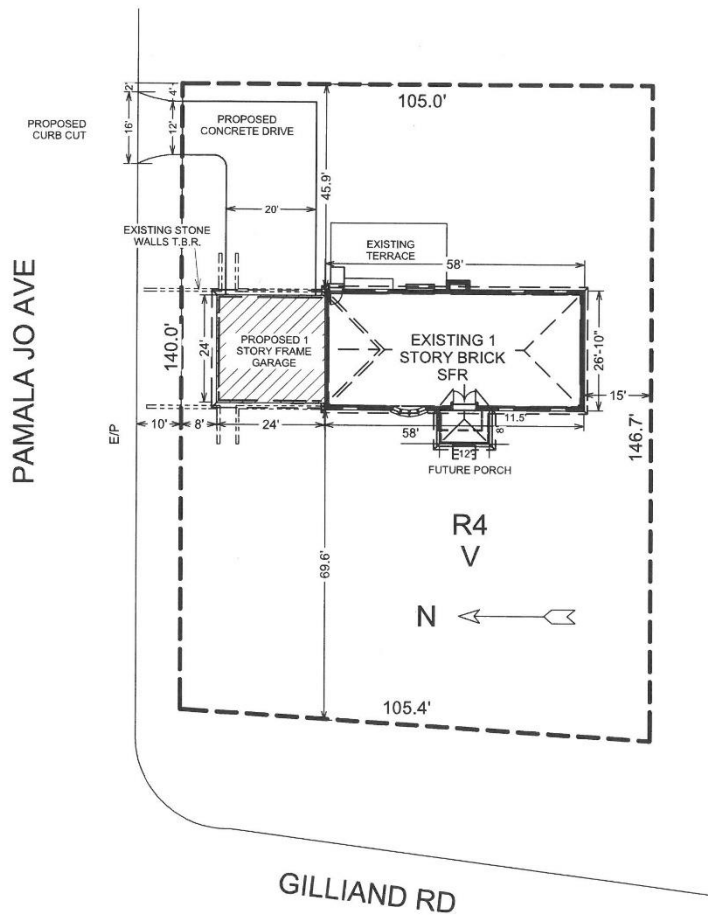
Map Created: 6/11/2019



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3. Site Plan

301 GILLILAND RD  
LOUISVILLE, KY 40245



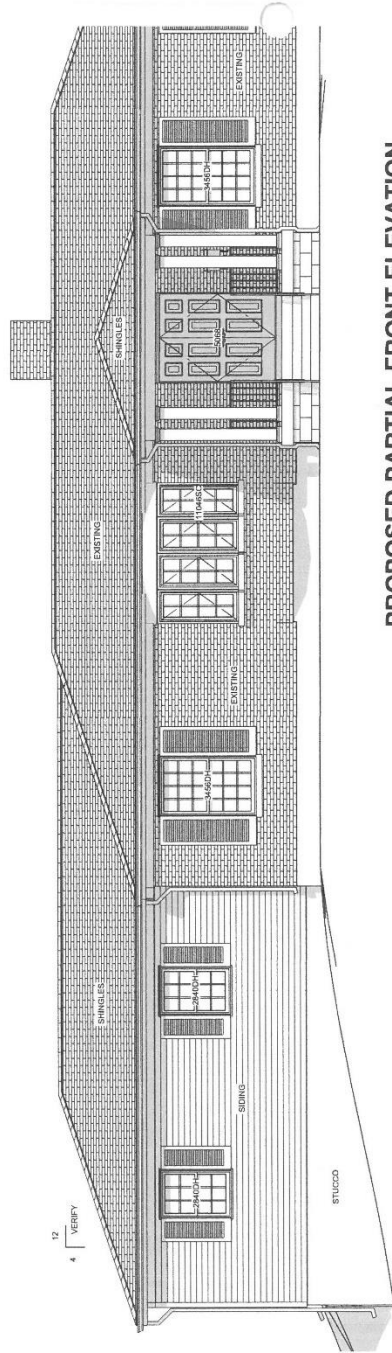
SITE PLAN

SCALE 1"=30'



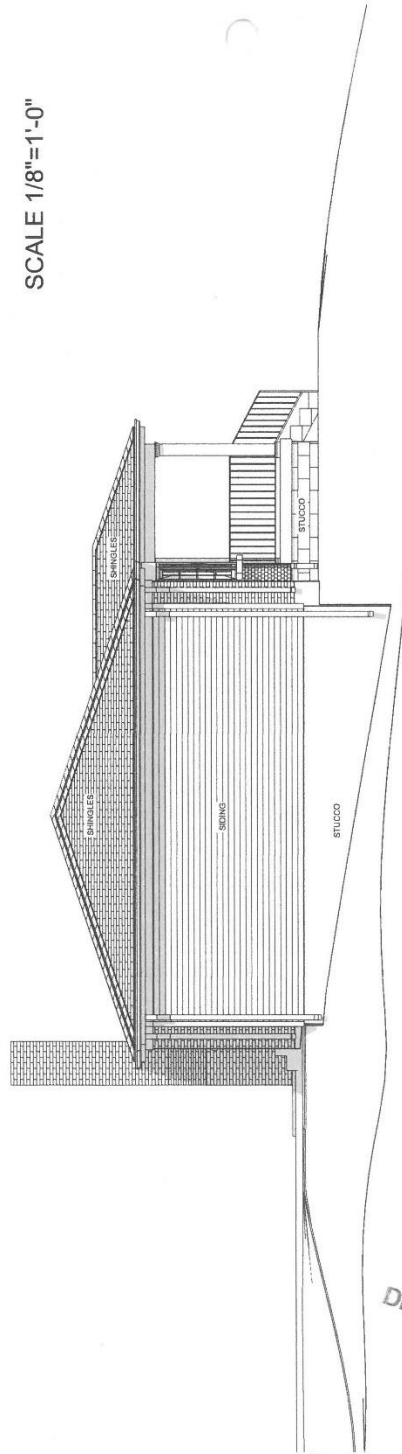
4. Elevations

301 GILLILAND RD  
LOUISVILLE, KY 40245



**PROPOSED PARTIAL FRONT ELEVATION**

SCALE 1/8"=1'-0"



**PROPOSED LEFT SIDE (NORTH) ELEVATION**

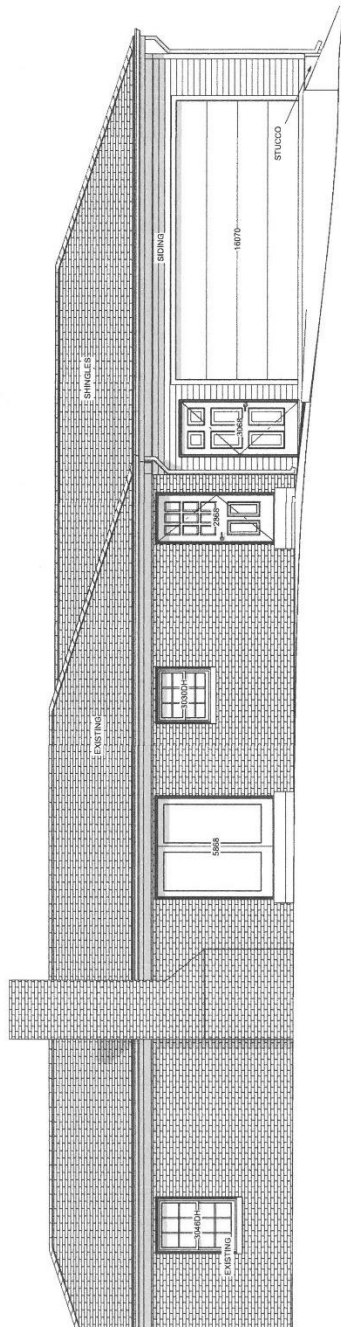
SCALE 1/8"=1'-0"



CHARLIE WILLIAMS DESIGN, INC.  
1625 WINDSOR PLACE  
LOUISVILLE, KY 40264  
502-459-1910

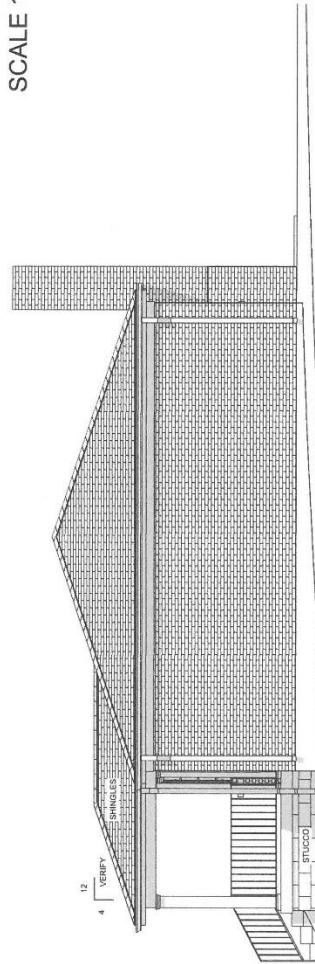
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APR 26 2019  
PLANNING &  
DESIGN SERVICES

19 VARIANCE 1041



**PROPOSED PARTIAL REAR ELEVATION**

SCALE 1/8"=1'-0"



**PROPOSED RIGHT SIDE (SOUTH) ELEVATION**

SCALE 1/8"=1'-0"



CHARLIE WILLIAMS DESIGN, INC.  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40204  
502-459-1810

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19 VARIANCE 1041



5. Site Photos



Front of the subject property.





Location of the proposed attached garage and variance area.





Looking west down Pamela Jo Avenue and property across Gilliland Road.





Looking east down Pamela Jo Avenue.



Existing car port across Pamela Jo Avenue.





Area for the proposed driveway.