

**Board of Zoning Adjustment**  
**Staff Report**  
October 7, 2019



<b>Case No:</b>	19-VARIANCE-0032
<b>Project Name:</b>	Furman Boulevard Variance
<b>Location:</b>	3015 Furman Boulevard
<b>Owner/Applicant:</b>	Beverly A. Watson
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code section 5.1.12.B.2.a to allow an existing attached garage to encroach into the front yard setback.

Location	Requirement	Request	Variance
Front Yard	25 ft.	22 ft.	3 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is zoned R-5 in the Neighborhood Form District. It is located on the east side of Furman Boulevard in the Highgate Springs subdivision and contains a one-story single-family residence. The applicant is proposing to replace an existing attached garage that would encroach into the required front yard setback.

**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.a to allow an addition to encroach into the required front yard setback.

**CONDITION OF APPROVAL**

#1) The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 25 ft. building limit line. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.a**

- (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 the garage is already there and is only being replaced.

- (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 garage will be built to comply with building and 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 is an existing condition and the new garage will be built in the same location.

### **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 create an unnecessary hardship on the applicant as the garage is existing and is only being replaced due to the poor condition of the existing garage.

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.

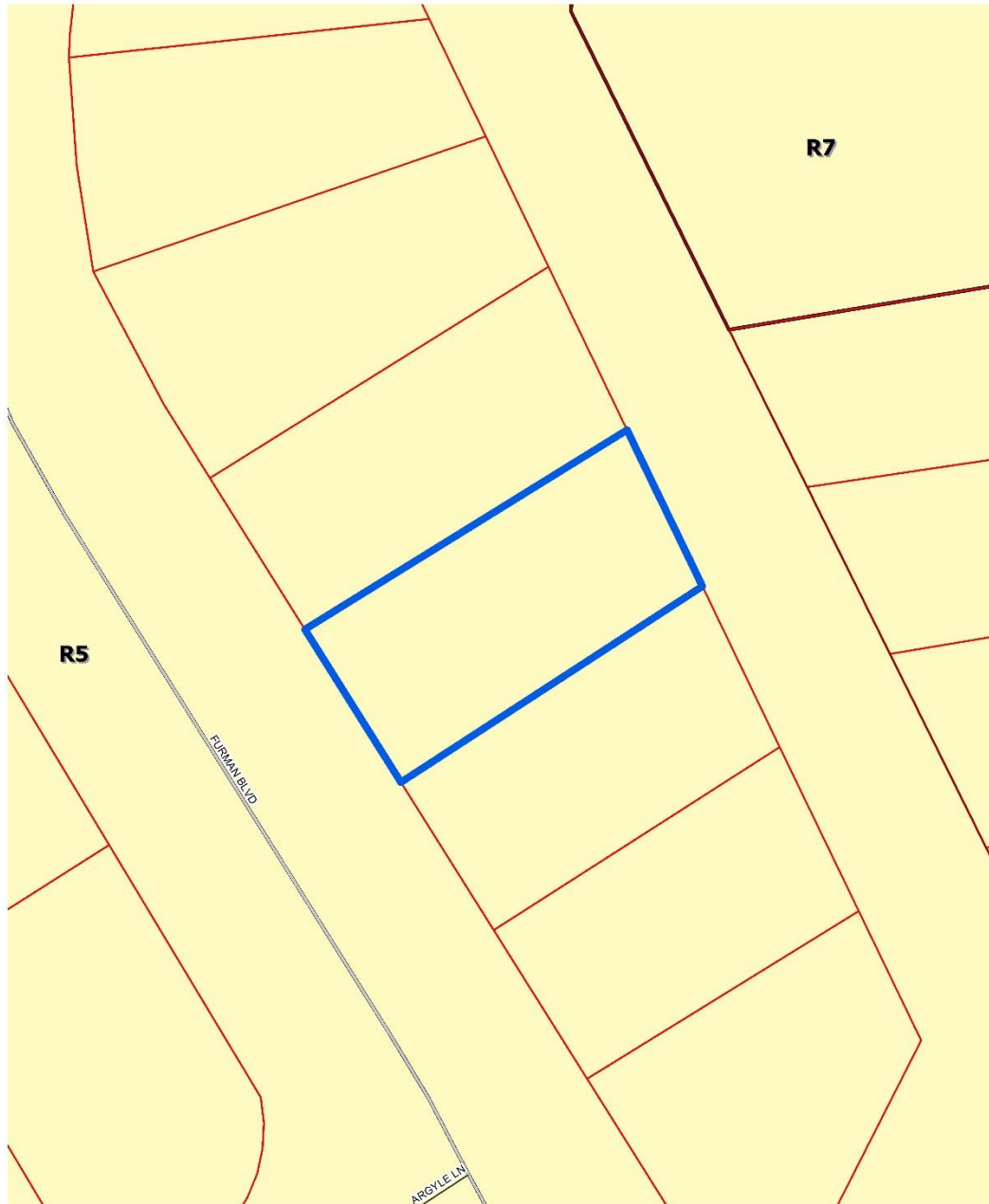
**NOTIFICATION**

Date	Purpose of Notice	Recipients
08/23/2019	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 26
09/20/2019	Hearing before BOZA	Notice posted on property

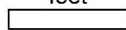
**ATTACHMENTS**

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

1. **Zoning Map**



3015 Furman Boulevard  
feet



Map Created: 10/2/2019

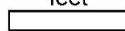


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## 2. Aerial Photograph



3015 Furman Boulevard  
feet



Map Created: 10/2/2019



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**3.**



4. **Site Photos**



The front of the subject property.



Property to the right.



Property to the left.



Location of existing garage and variance area.