

Board of Zoning Adjustment

Staff Report

February 03, 2020



Case No: 20-VARIANCE-0001
Project Name: Ash Variance
Location: 910 Ash Street
Owner(s): Humphrey Properties, LLC
Applicant: Ryan Brown
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Nia Holt, Planner I

REQUESTS:

Variance from Land Development Code table 5.2.2 to allow a principle structure to encroach into the required side yard setbacks.

Location	Requirement	Request	Variance
Northeast Side Yard	3 ft.	0 ft.	3 ft.
Southeast Side Yard	3 ft.	2 ft.	1 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-6 Multi-Family Residential in the Traditional Neighborhood Form District. It is a single-family structure located in the Schnitzelburg neighborhood. The applicant is proposing to construct a one-story addition on the rear of the existing structure.

The principal structure encroaches into the right-of-away. This is an existing condition and Public Works allows the existing encroachment as long as it is less than 18 inches and the structure does not further encroach into the right-of-way. The structure has existed in the current footprint for over hundred years. Therefore, the impact is low as far as staff is concerned.

STAFF FINDINGS

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 5.2.2 to allow a principal structure to encroach into the required side yard setbacks.

TECHNICAL REVIEW

Staff has received comments from Public Works.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

RELATED CASES

There are no open zoning enforcement cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 the proposed structure will align with the existing street wall and keep in character with other structures in the general vicinity.

- (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 it is an existing structure and the addition will be constructed to comply with 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 structure will help to keep the existing street wall and built on a similar footprint.

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: There are not special circumstances associated with this variance. However, there are similar structures within the general vicinity of the subject property.

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 permit the property owner to construct the addition in a way that aligns with the existing structure.

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 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.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

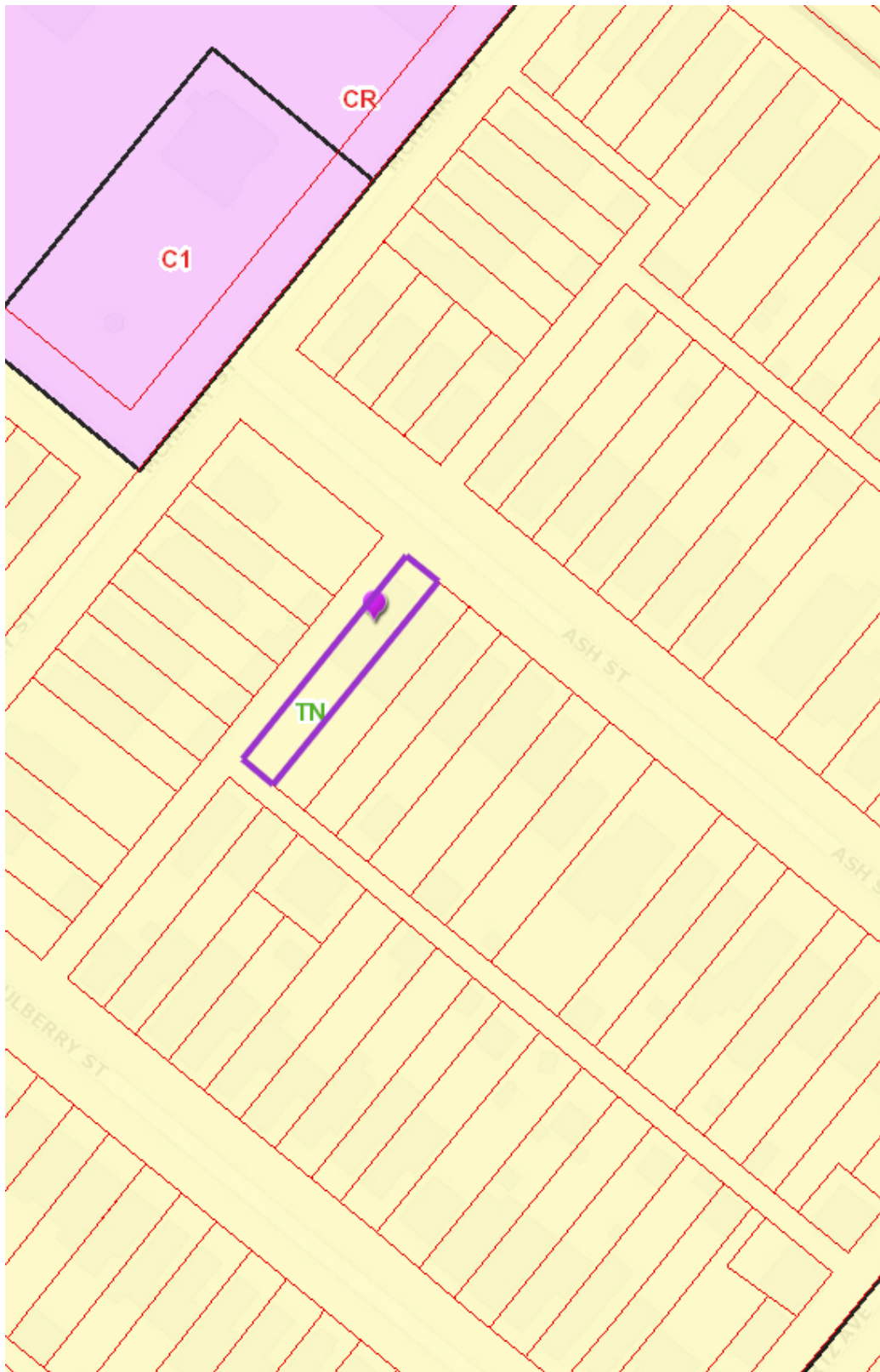
NOTIFICATION

Date	Purpose of Notice	Recipients
1/17/20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
1/24/20	Hearing before BOZA	Notice posted on property

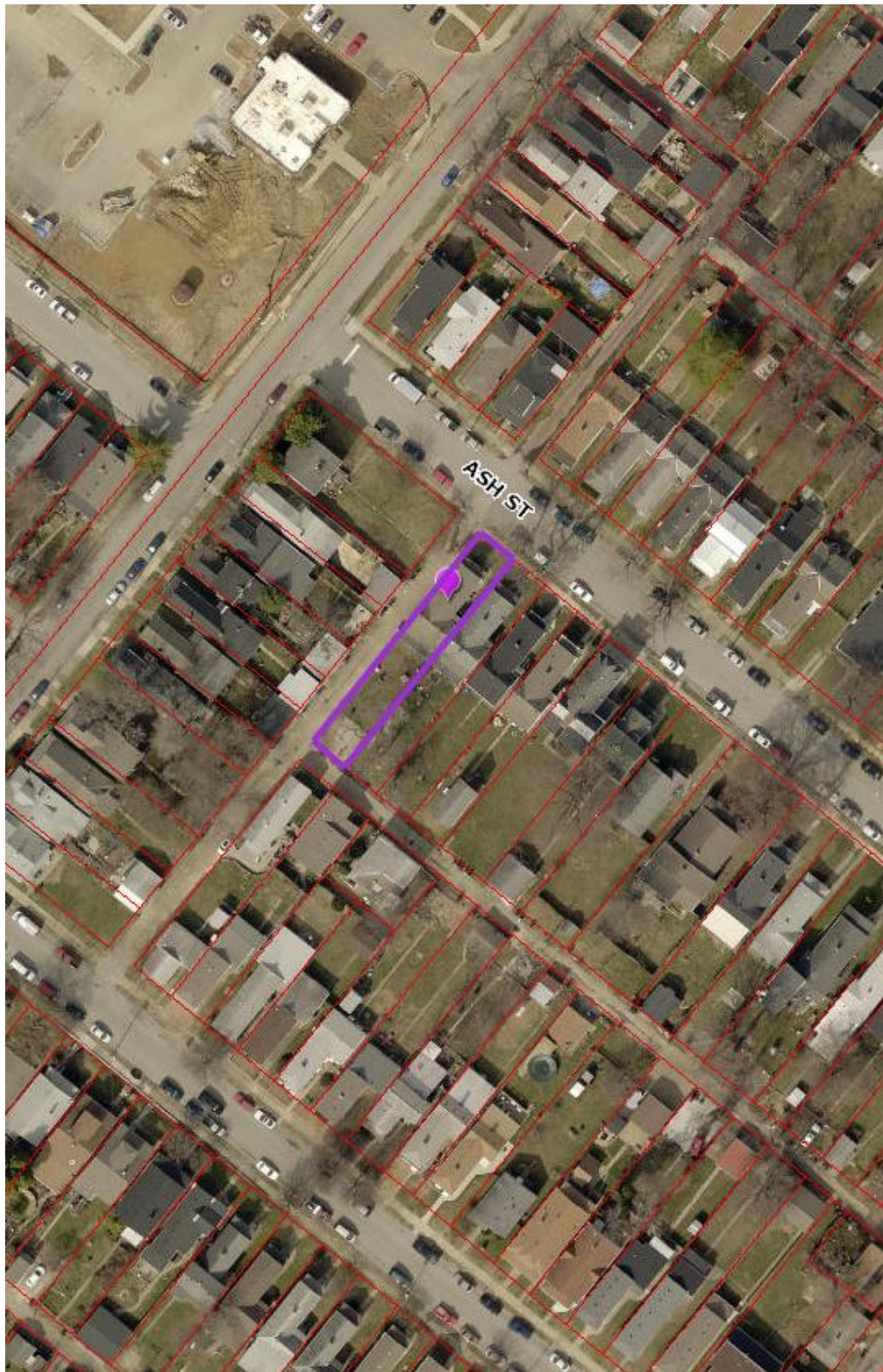
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Agency Comments

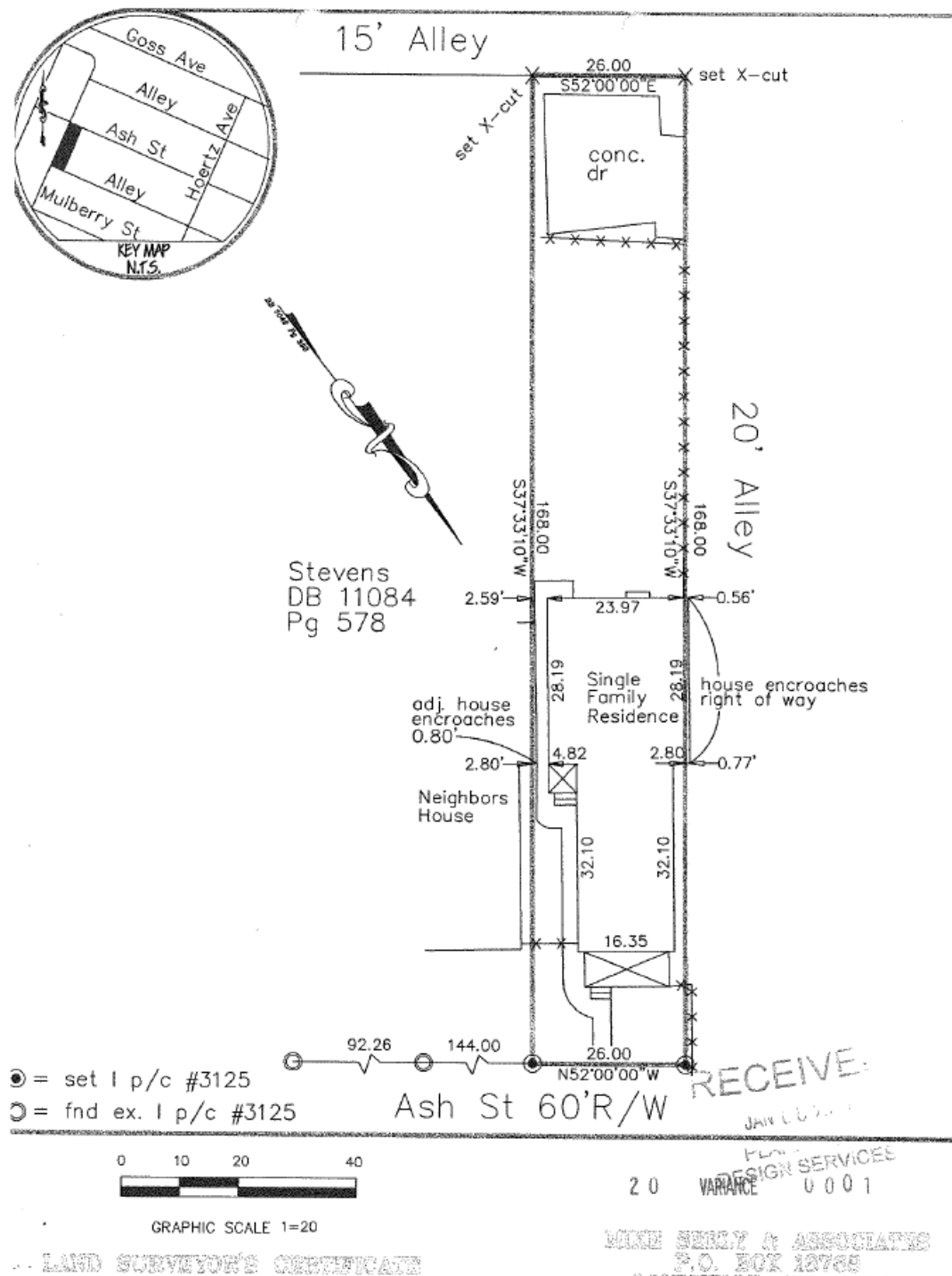
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



4. **Agency Comments**

- Public Works: Since the encroachment is less than 18" and an existing condition, we would not require anything more if they just want to expand up. – Jeff Brown