

Board of Zoning Adjustment
Staff Report
March 16, 2020



Case No:	20-VARIANCE-0007
Project Name:	Warren Road Variance
Location:	48 Warren Road
Owner:	Katrina A. Graves
Applicant:	Richard Matheny – Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback

Location	Requirement	Request	Variance
Side Yard	5 ft.	3.1 ft.	1.9 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 Residential Single-Family and is in the Neighborhood Form District. It is located on the north side of Warren Road and contains a two-story single-family residence. The applicant submitted a minor plat to shift a property line in between the subject property and the adjacent property to the east. The existing structure will therefore require a variance to encroach into the side 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 table 5.3.1 to allow an existing structure to encroach into a proposed side yard.

TECHNICAL REVIEW

No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

RELATED CASES

19-MPLAT-0075 – Minor plat to shift a property line

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 is existing and there is no proposed construction.

- (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 no proposed construction.

- (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 no proposed construction.

- (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 it is a minor encroachment and there is no proposed construction.

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 there is no proposed construction.

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 submitted the minor plat to shift the property line.

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.

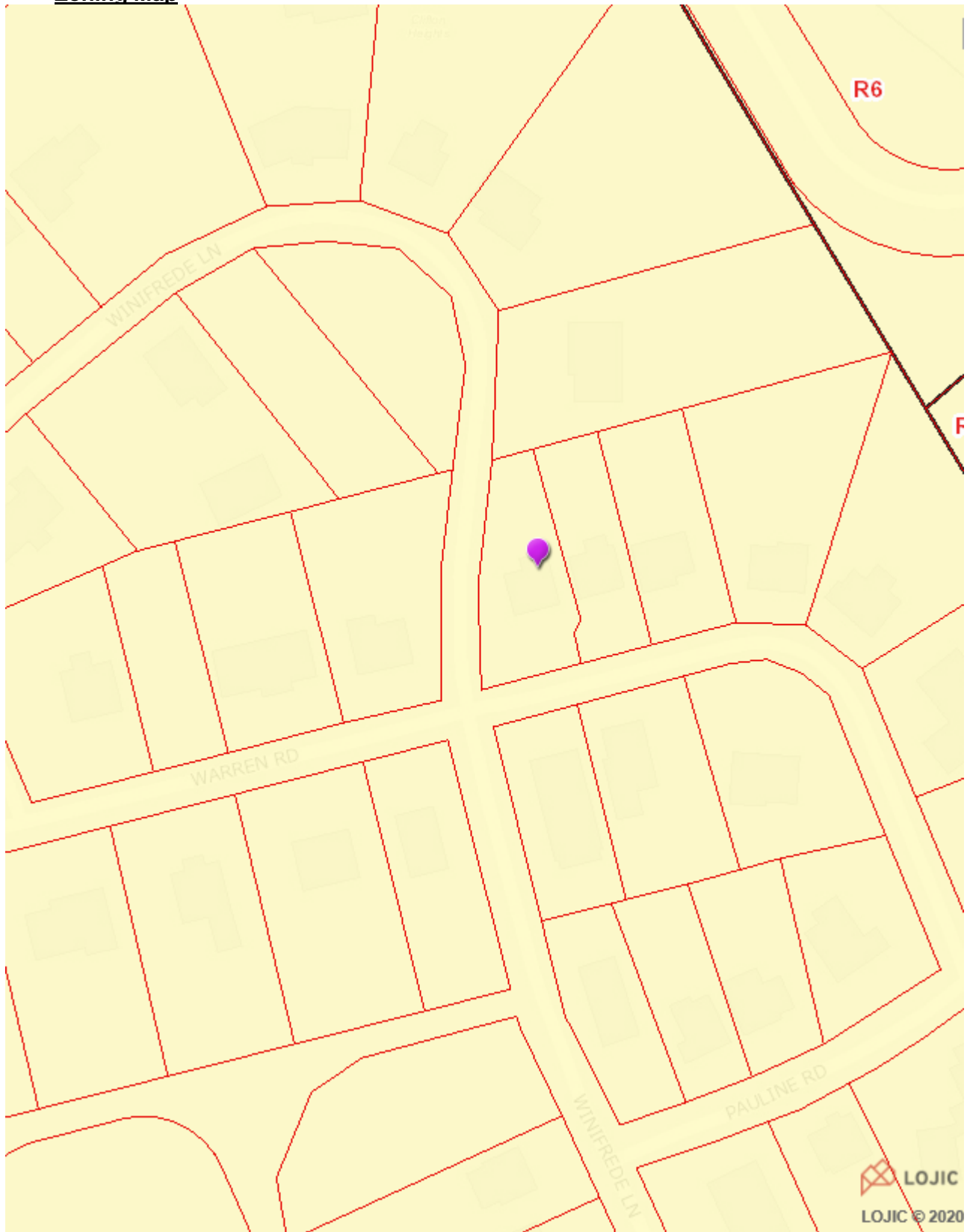
NOTIFICATION

Date	Purpose of Notice	Recipients
2/17/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
3/6/2020	Hearing before BOZA	Notice posted on property

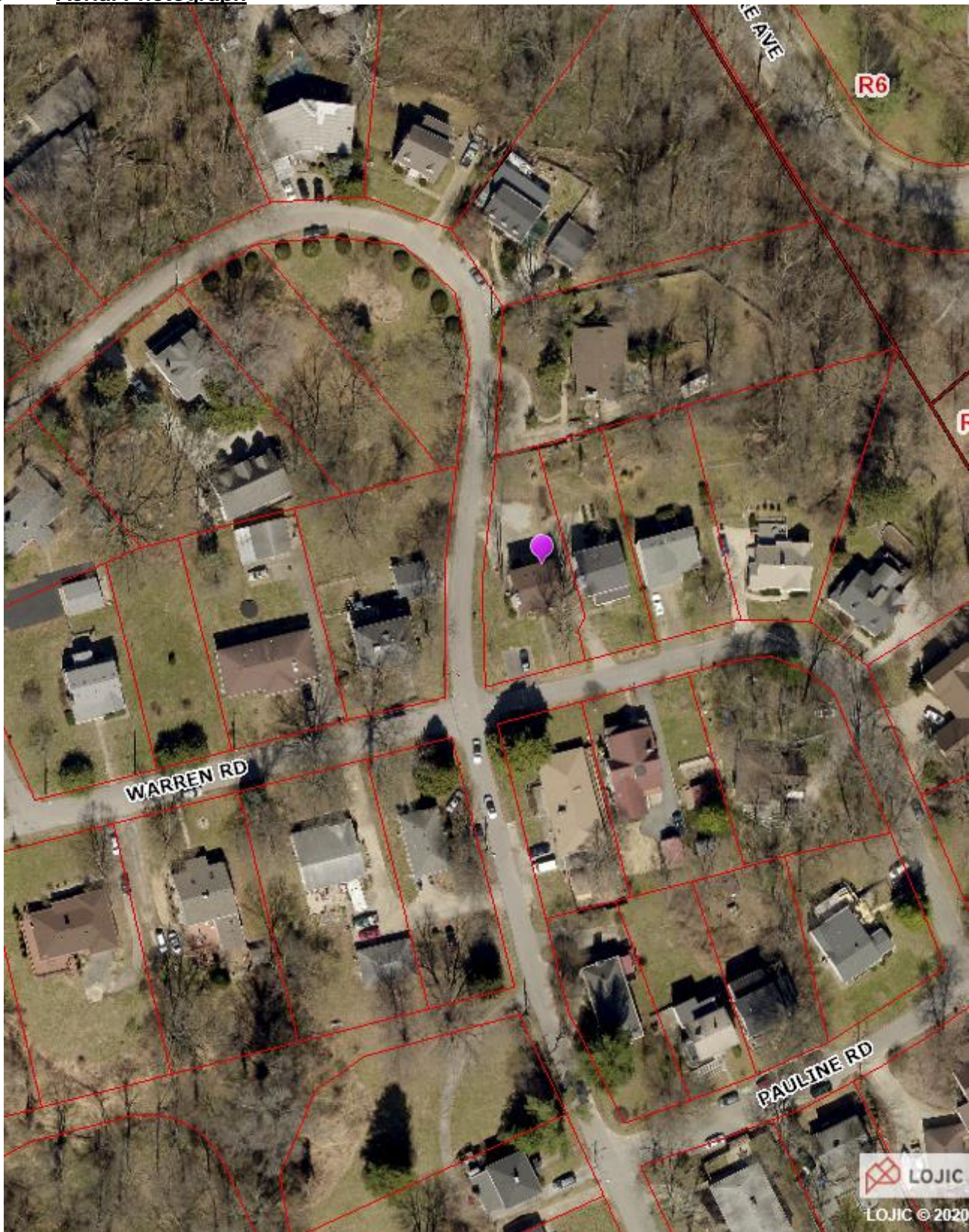
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Condition of Approval

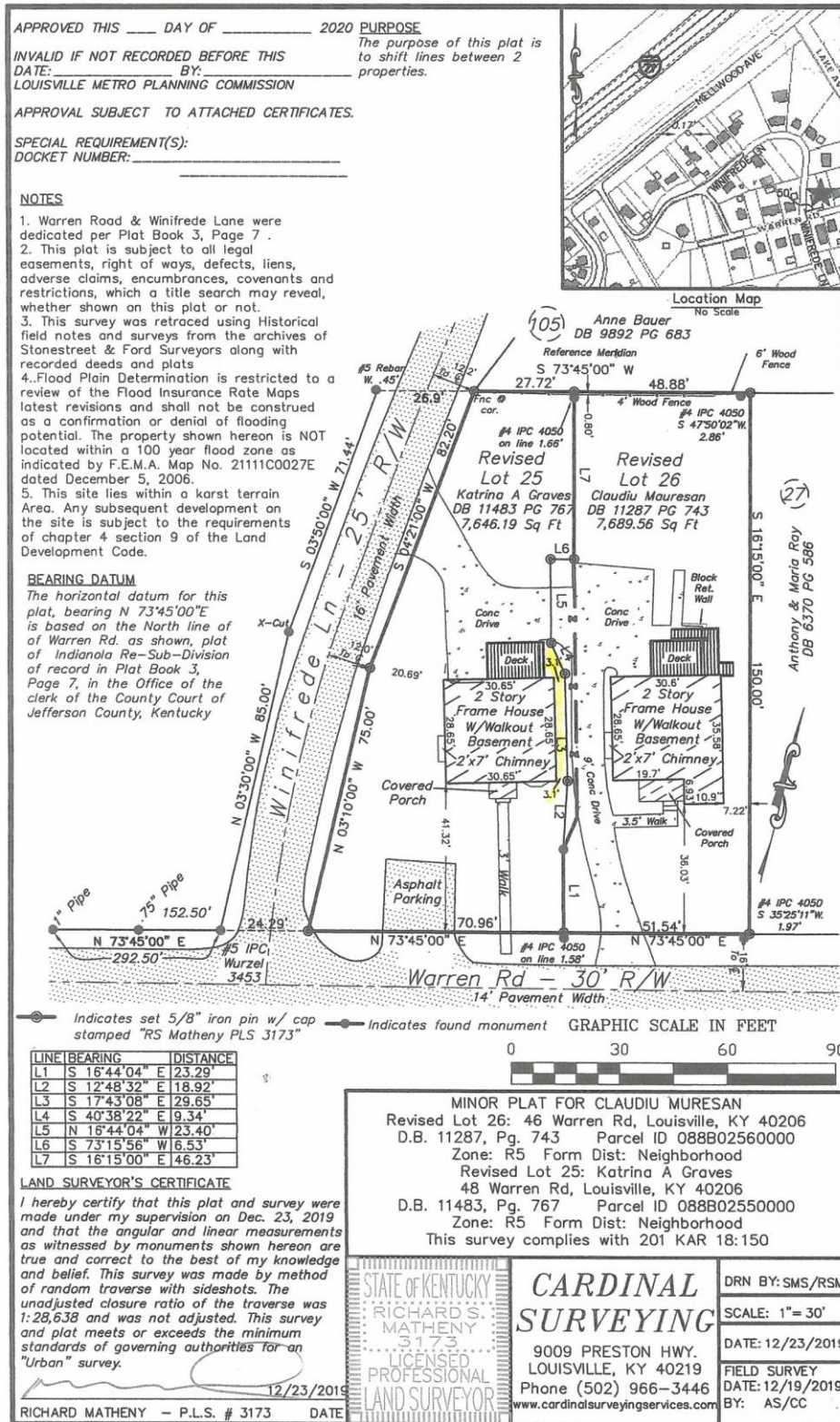
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



4. **Site Photos**



Existing structures.

5. Condition of Approval

1). The minor plat (19-MPLAT-0075) shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's office.