

Board of Zoning Adjustment

Staff Report

March 16, 2020



Case No:	20-VARIANCE-0020
Project Name:	Rosewood Variance
Location:	1623 Rosewood Avenue
Owner(s):	Douglas Meisel & Jessica Kingsley
Applicant:	Charlie Williams
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
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 setback.

Location	Requirement	Request	Variance
South Side Yard	3 ft.	1.09 ft	1.91 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single-Family Residential in the Traditional Neighborhood Form District. It is a single-family structure located in the Tyler Park Neighborhood. The applicant is proposing to construct a one-story addition on the rear of the existing structure. The proposed addition will include a 9" overhang. The applicant's request qualifies for a non-public hearing and they obtained all the signatures from the adjoining property owners.

STAFF FINDINGS

Staff finds that the requested variance meets standard B and D, but staff does not believe the variance meets standards A and C.

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 setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

All adjoining property owners signed the non-public hearing affidavit stating they have seen a drawing of the proposed addition, give their consent, and do not object to the planned addition.

RELATED CASES

None.

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 adversely affect the public health, safety or welfare, because there may be issues in the future in regard to maintaining the structure without encroaching onto the neighboring property. However, the proposed addition will be constructed to comply with all building codes, including fire codes and the adjoining property owners have given their consent.

- (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 to be constructed in the rear and will be in character with the design of other additions in the neighborhood.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will cause a hazard or nuisance to the public because the addition may impact the ability of the adjacent property to the Southwest to build in the future along the shared property line. Nor can the applicant ensure that water from the downspout will stay within their property. However, the proposed addition will be constructed to comply with all building codes and the adjoining property owners have given their consent.

- (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 proposed addition is slightly further away from the property line than the existing structure and private yard area is maintained.

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 not generally apply to the land in the generally vicinity or the same zone.

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 they could construct an addition would not require such significant departure from the dimensional requirement.

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.

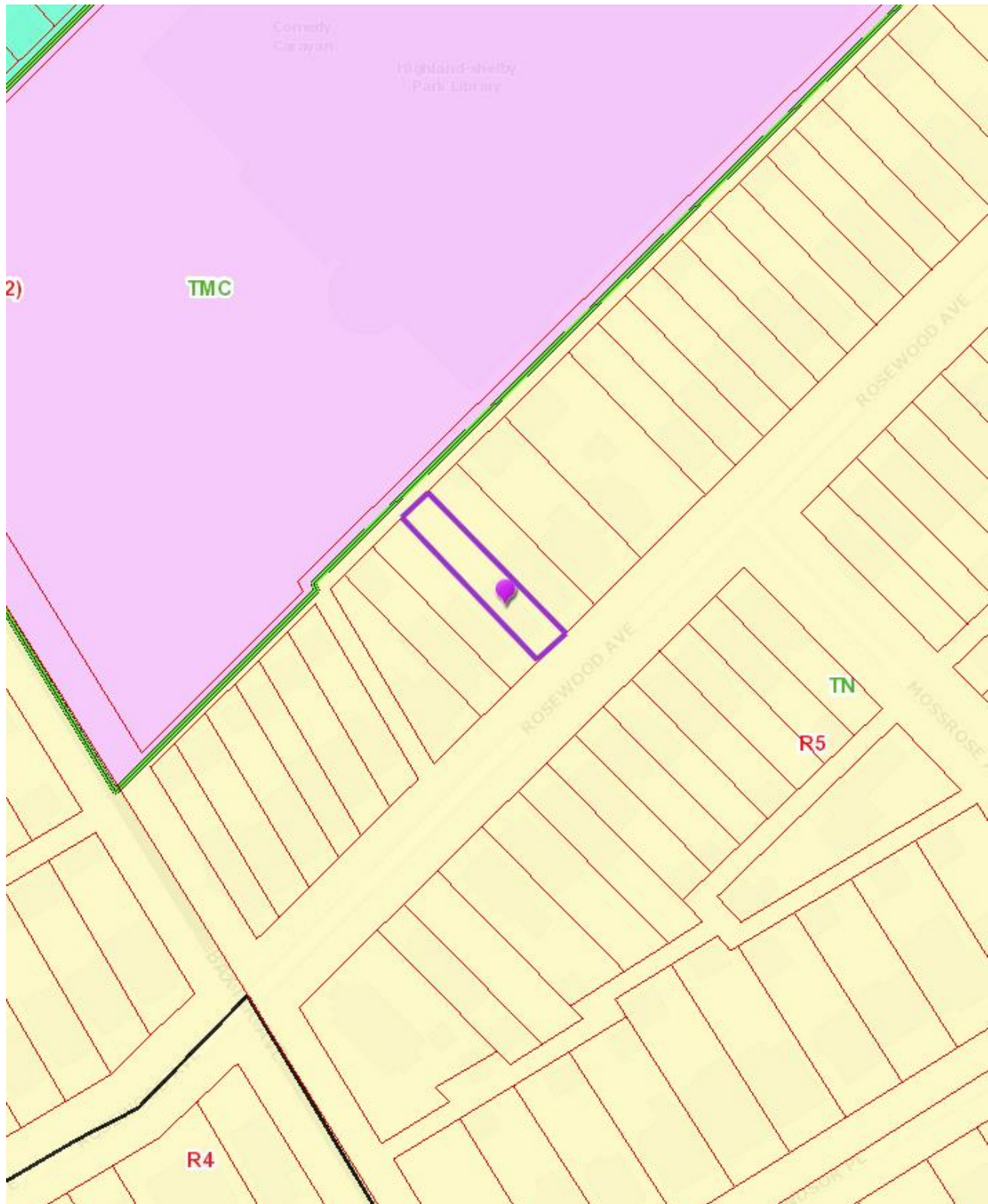
VARIANCE PLAN REQUIREMENT

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.

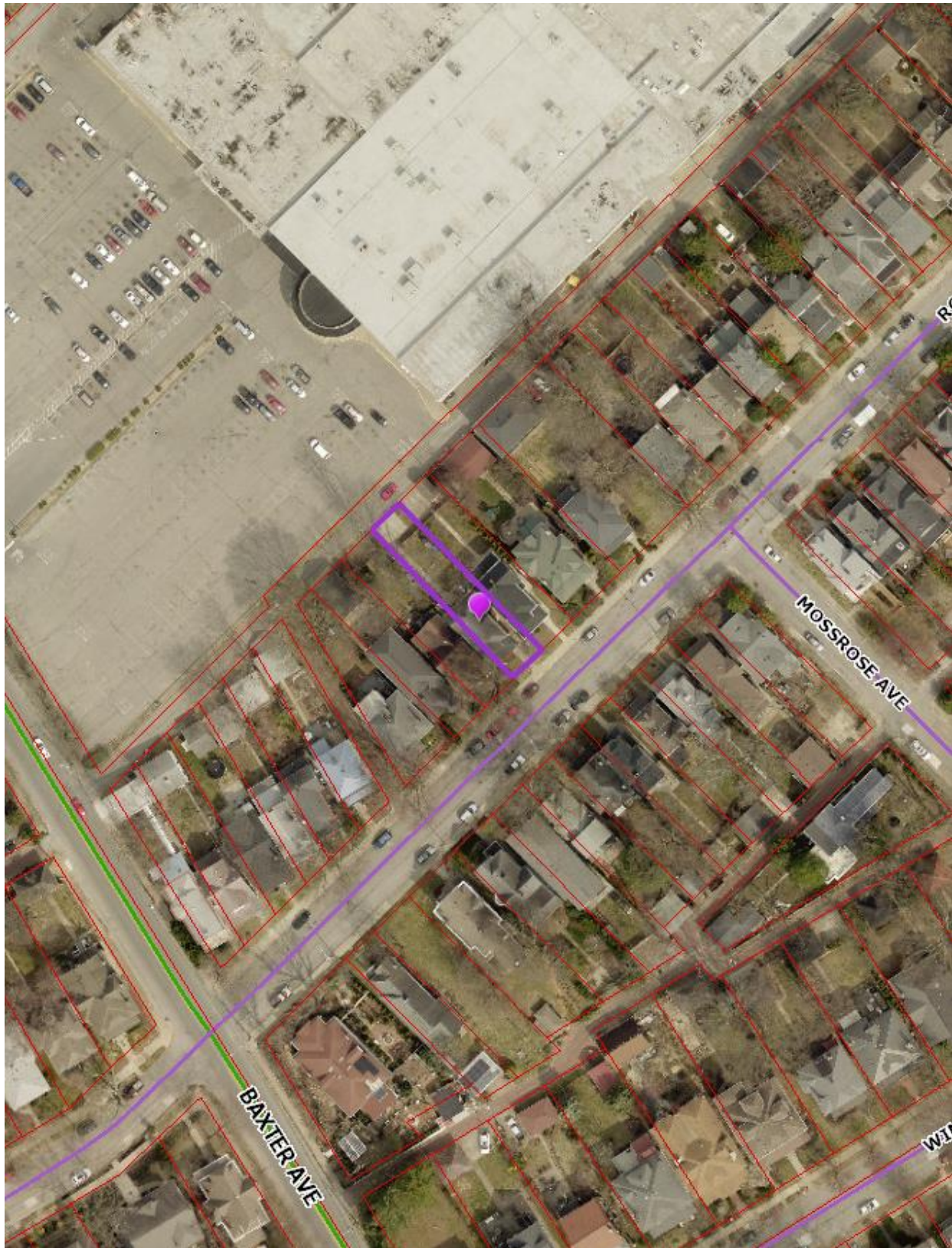
ATTACHMENTS

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

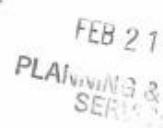
1. Zoning Map



2. Aerial Photograph



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TOTAL LOT 4,500 SF
REQUIRED PRIVATE YARD 900 SF
PROPOSED PRIVATE YARD 1,750 SF

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Jamaica

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