

# Board of Zoning Adjustment

## Staff Report

April 20, 2020



**Case No:** 20-VARIANCE-0024  
**Project Name:** Champion Woods Variance  
**Location:** 14403 Champion Woods Pl  
**Owner(s):** Gayle Boyd  
**Applicant:** Monty Boyd  
**Jurisdiction:** Louisville Metro  
**Council District:** 19 – Antony Piagentini  
**Case Manager:** Nia Holt, Planner I

### **REQUESTS:**

**Variance** from Land Development Code table 5.3.1 to allow a principle structure to encroach into the required side yard setbacks and a reduction of the total setback requirement.

Location	Requirement	Request	Variance
North Side Yard	6' min, 18' total	5.7'	0.3'
South Side Yard	6' min, 18' total	4.09'	1.91'
North & South Side Yards	18' total	9.79'	8.12'

### **CASE SUMMARY/BACKGROUND**

The subject site is zoned R-4 Single-Family Residential in the Neighborhood Form District. It contains an existing single-family structure located in the Lake Forest Subdivision. The applicant is proposing to construct a second attached garage on the Southeast corner of the property. The proposed garage will be attached by a covered walkway. The lot was created in 1990. All R-4 lots created prior to August 22, 2000 have a 6 ft minimum side yard for one side, with a minimum total 18 ft side yards requirement. This proposal triggers variances in both side yards and a reduction in the overall side yard requirement.

### **STAFF FINDINGS**

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

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 5.3.1 to allow a principal structure to encroach into the required side yard setbacks and reduce the total setback requirement.

### **TECHNICAL REVIEW**

None.

### **INTERESTED PARTY COMMENTS**

Staff has not received any interested party comments.

## **RELATED CASES**

There are no related 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 alter the essential character of the general vicinity, as the proposed garage and covered walkway will not be of a similar design as other garages or additions in the surrounding area. However, the adjoining property owners haven given their consent.

- (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 proposed 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 request is less than a 2 ft difference on each side from the dimensional requirement.

## **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 permit the property owner to construct the proposed garage in the most reasonable location on the property.

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 variances 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.

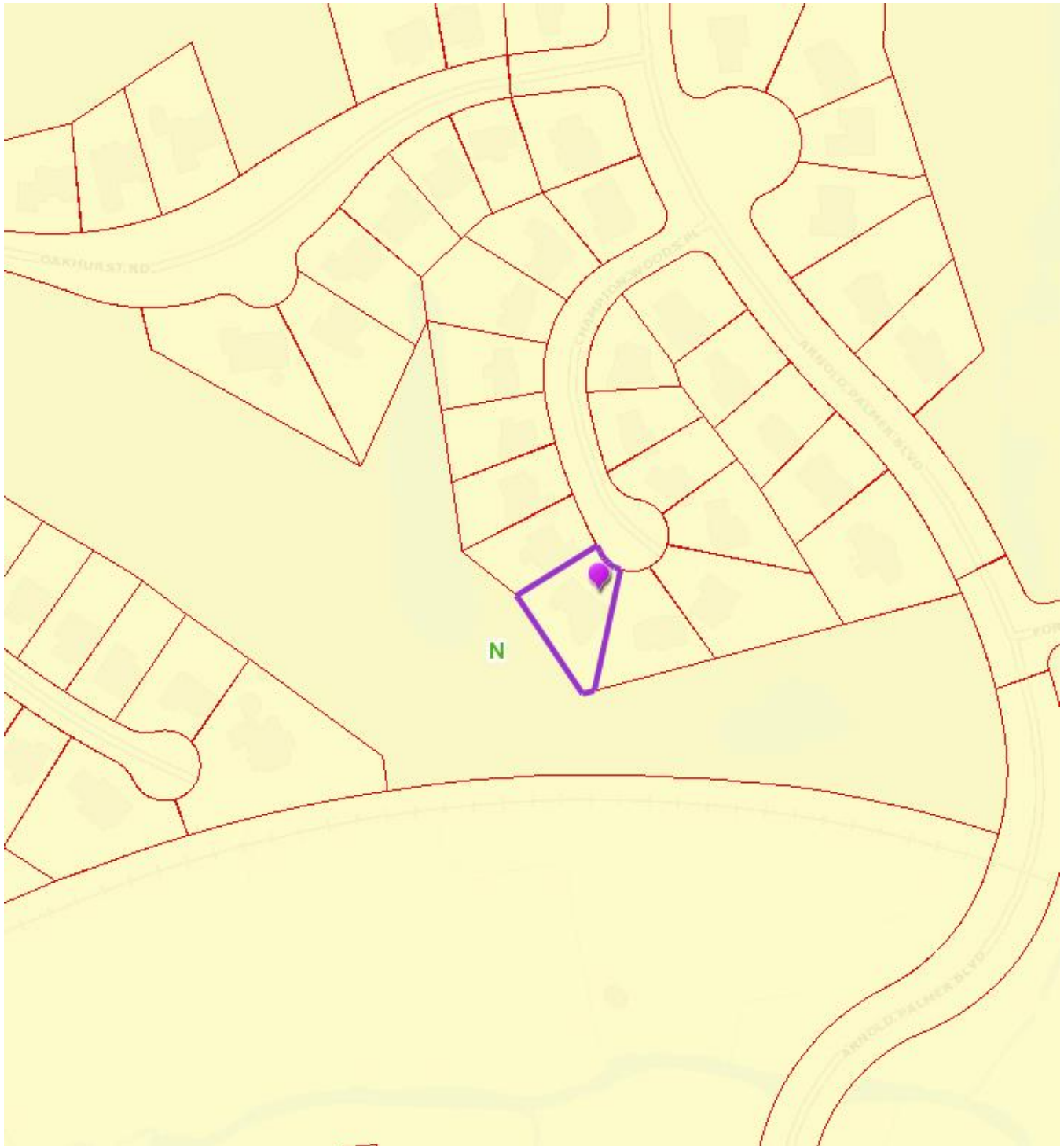
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 19
<b>4/3/2020</b>	Hearing before BOZA	Notice posted on property

### **ATTACHMENTS**

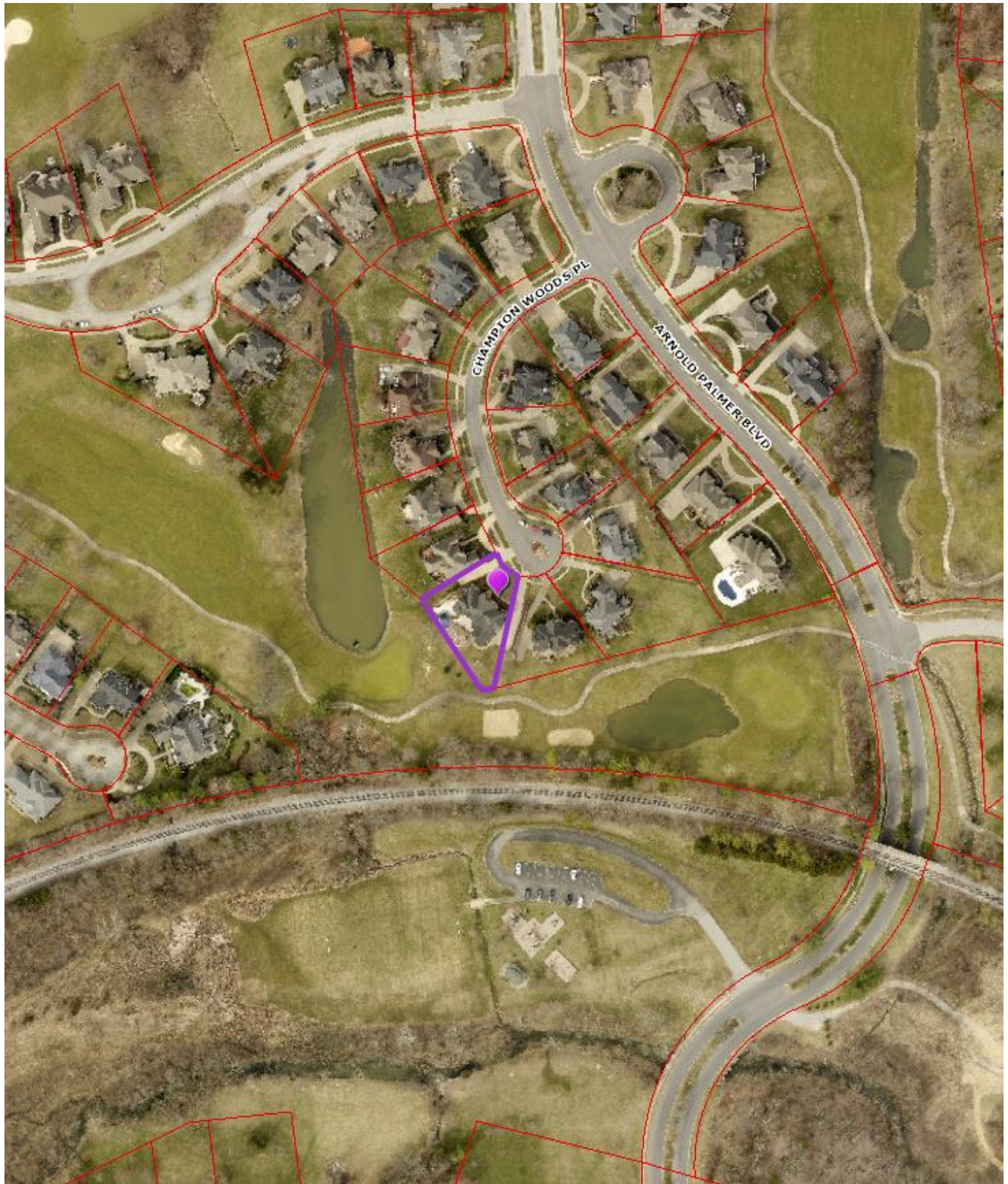
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. **Zoning Map**



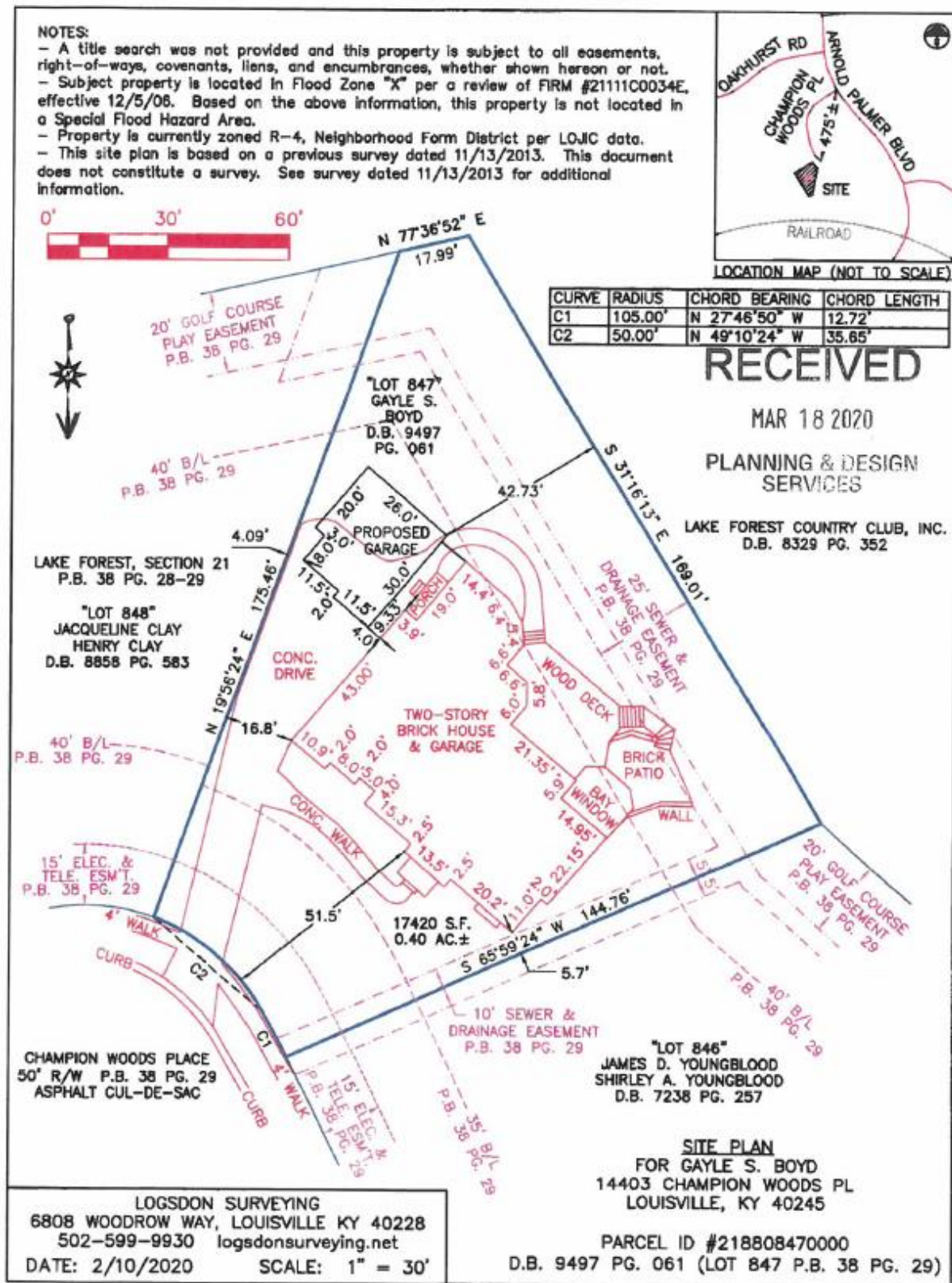


## 2. Aerial Photograph





### 3. Site Plan



4. Site Photos



Front



Front 2





Site of Proposed Garage



Rear





Rear 2