

Board of Zoning Adjustment

Staff Report

June 1, 2020



Case No: 20-VARIANCE-0016
Project Name: S. 8th St Variance
Location: 1468 S. 8th Street
Owner(s): SFW Properties, LLC
Applicant: Wesley Vaughn
Jurisdiction: Louisville Metro
Council District: 6 – David James
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
North Side Yard	10 ft.	0 ft.	10 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned EZ-1 Enterprise Zone in the Traditional Neighborhood Form District. It is a single-family structure located in the Park Hill neighborhood. The site is located on the Southwest corner of S. 8th Street and W. Burnett Avenue. The applicant is proposing to construct a one-story addition on the rear of the existing structure.

STAFF FINDINGS

Staff finds that the requested variance meets standards B, C, and D, but staff is concerned that the variance request does not meet standard A because construction and maintenance of the addition may have an adverse impact on the adjoining property owner.

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

No Technical Review needed.

INTERESTED PARTY COMMENTS

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

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, because the proposed addition must be constructed to comply with all building codes, including fire codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and maintenance of the structure may require encroachment onto the neighboring property.

- (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 because the addition must be constructed to comply with all building 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.

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.

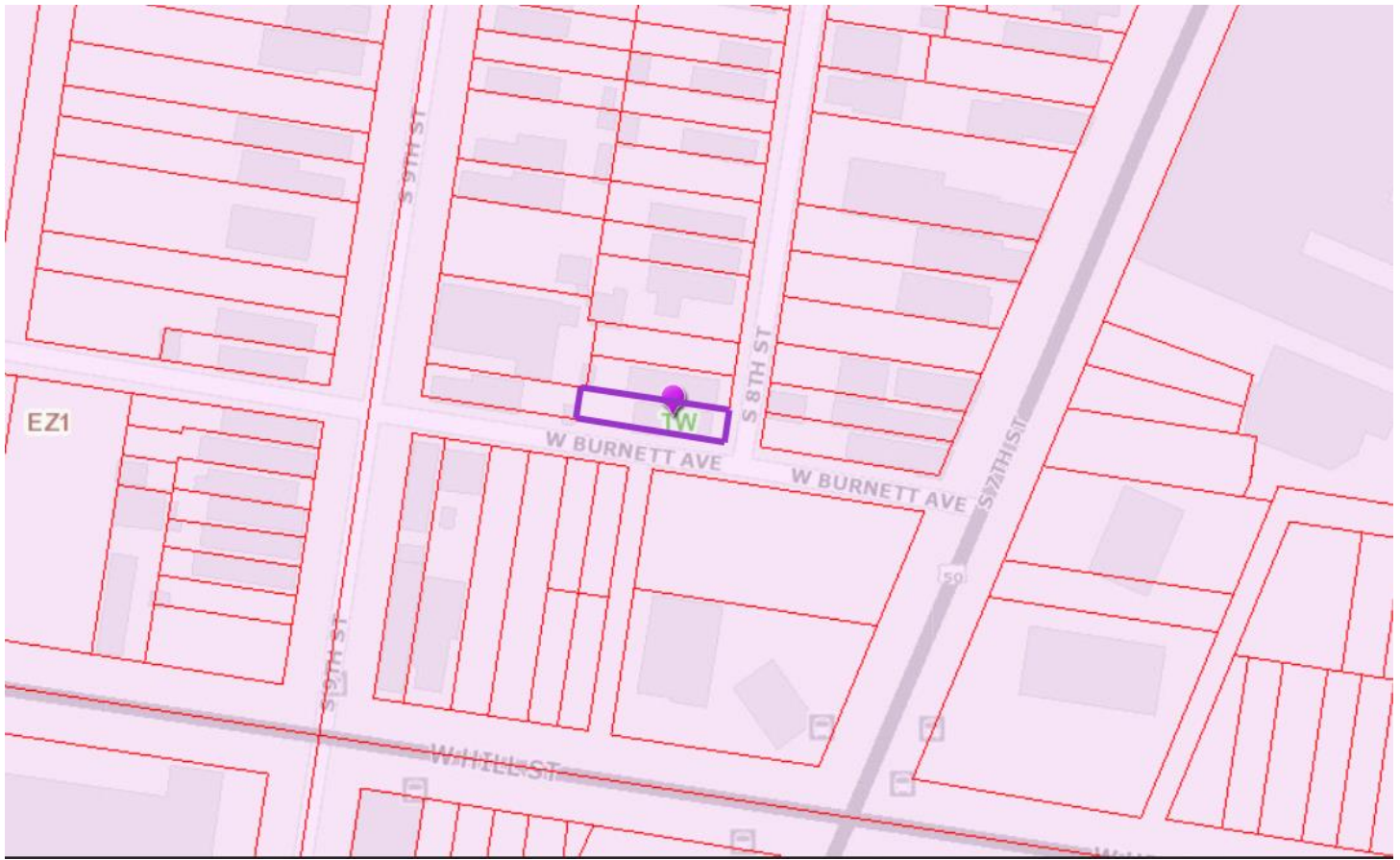
NOTIFICATION

Date	Purpose of Notice	Recipients
5/15/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
5/19/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. **Zoning Map**

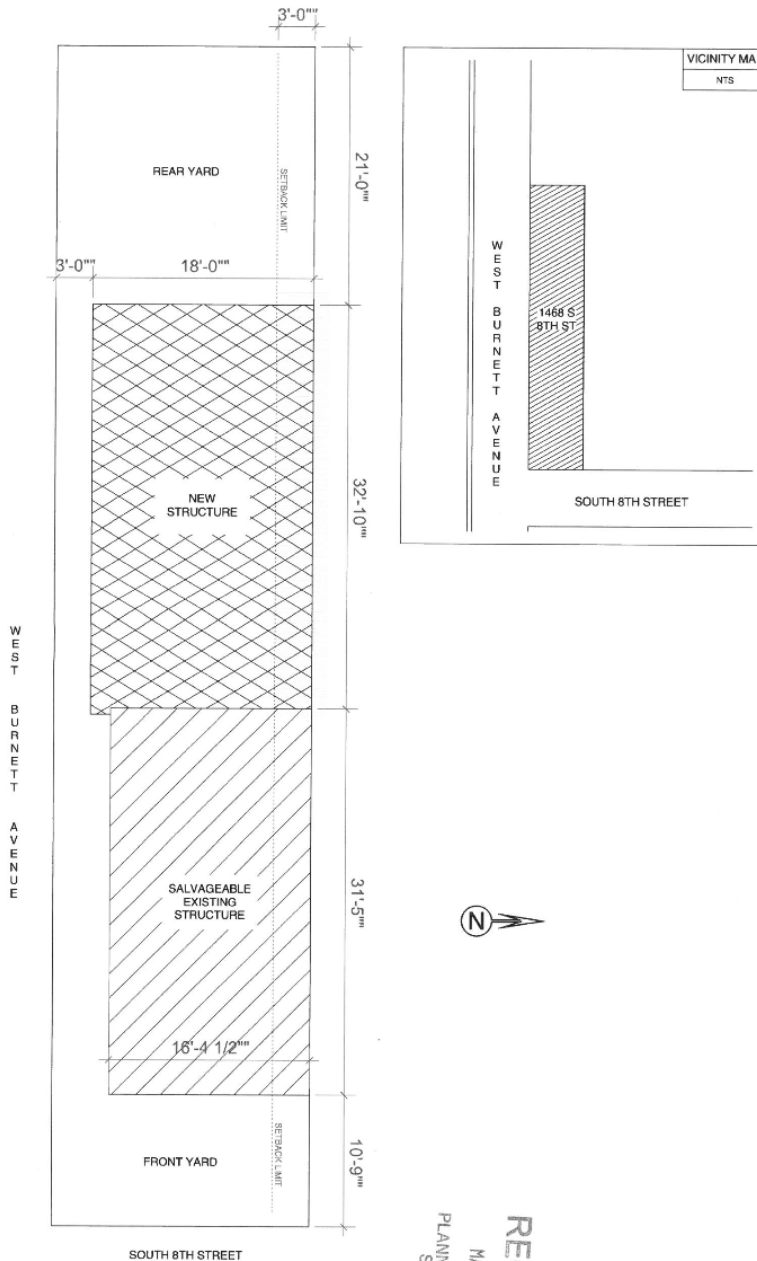


2. Aerial Photograph



3. Site Plan

ASPECT
 DESIGN SOLUTIONS
 1468 S 8TH ST, LOUISVILLE, 40208
 GENERAL PLAN - LOT
 031.00210000
 8
 WESTLEY M. VAUGHN
 PROJECT
 ASPECT DESIGN SOLUTIONS HAS NO ARCHITECTURAL CERTIFICATIONS AND IS NOT RESPONSIBLE FOR PROJECT COMPLIANCE WITH BUILDING CODE SUB-CONTRACTORS SHOULD COMPLY WITH CODE OVER PLAN SET IF CONFLICT ARISES. ASPECT DESIGN SOLUTIONS IS NOT RESPONSIBLE FOR THE DESIGNS SHOWN IN THIS DOCUMENT ARE THE PROPERTY OF ASPECT DESIGN SOLUTIONS AND CANNOT BE USED WITHOUT



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