

Board of Zoning Adjustment

Staff Report

June 1, 2020



Case No: 20-VARIANCE-0034
Project Name: Naomi Drive Variance
Location: 4103 Naomi Drive
Owner: Ryan E. Heite
Applicant: Mick Logsdon – Logsdon Surveying
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.1.12.B.2.a to allow a principal structure addition to encroach into the required infill front yard setback

Location	Requirement	Request	Variance
Infill Front yard	30 ft. to 31 ft.	23 ft.	7 ft.

CASE SUMMARY

The subject property is located in the Beverly Manor subdivision and currently contains a one-story single-family residence. The applicant is proposing to enclose the existing front porch, which would encroach into the required infill front 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 standards for granting a variance established in the Land Development Code from section 5.1.12.B.2.a to allow a principal structure addition to encroach into the required infill front yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received.

RELATED CASES

20-MPLAT-0021 – Minor plat to shift property lines and building limit line.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.a

- (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 must 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 front porch exists and there is no proposed change to the building footprint.

- (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 addition and detached garage must 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 building footprint will not be changed.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not 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 because 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 because the proposed addition will not change the existing footprint.

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 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.

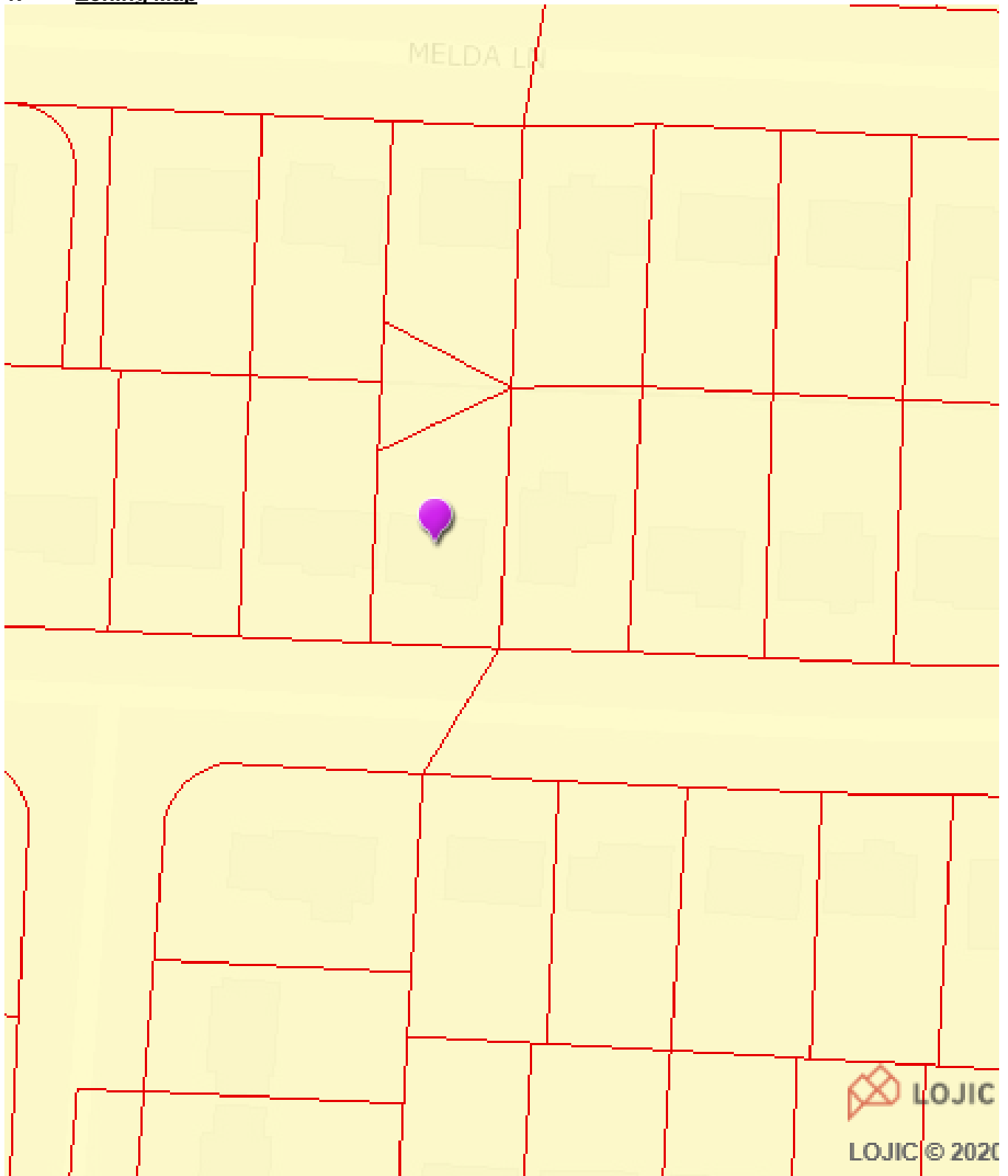
NOTIFICATION

Date	Purpose of Notice	Recipients
05/13/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2
05/19/2020	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



4. **Site Photos**



Front of subject property.



Properties across Naomi Drive.



Location of proposed addition.



Location of proposed addition.

5. Condition of Approval

1) The minor plat (20-MPLAT-0021) shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's office.