

Board of Zoning Adjustment

Staff Report

June 1, 2020



Case No:	20-VARIANCE-0018
Project Name:	Hofelich Variance
Location:	9806 Hofelich Lane
Owner:	Mary Knight
Applicant:	Alan Passmore
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

REQUEST

- **Variance** of Land Development Code Section 5.1.12.B.2.e to allow a structure to encroach into the front yard setback on an infill lot.

Location	Requirement	Request	Variance
Front Yard	25 ft	22 ft	3 ft

CASE SUMMARY/BACKGROUND

This case was continued from the May 18th, 2020 hearing. The subject property is zoned R-4 and is in the Neighborhood Form District. It is located on the east corner of Hofelich Lane and Kasey Way and contains an existing one-story residential structure. The applicant is in the process of constructing a 252 square foot enclosed patio on the West side of the property along Kasey Way. The applicant has submitted a revised site plan which shows a decrease in the encroachment than previously requested. The construction of the patio triggers a variance from the infill development requirements in which the front yard setback line shall fall within the range of the front yard setbacks of the two nearest lots containing principal structures within the same block face.

Additionally, there is an existing building limit line on the site. The applicant has submitted a minor subdivision plat to shift this line. Should the Board approve this variance they will need to add a condition which requires the minor plat to be recorded before construction begins.

STAFF FINDING

Staff finds that the requested variance meets standard all standards 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 Prospect Land Development Code from section 5.1.12.B.2.e to allow a structure to encroach into the front yard setback on an infill lot.

Technical Review

None.

INTERESTED PARTY COMMENTS

Staff received one phone call in support of this request.

RELATED CASES

There is a pending minor plat application to shift the building limit line under case #20-MPLAT-0052.

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

- (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 addition 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 not alter the essential character of the general vicinity, as the proposed addition will follow a similar footprint to current deck on the West side of the property.

- (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 addition will be constructed to comply with building codes and out of the public right-of-way.

- (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 setback for the proposed structure will not be significantly different than the other structures on the block.

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 general 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 deprive the applicant of the reasonable use of the land as the proposed enclosed patio has been designed to fit the needs of the property owner, the shape of the lot, and location of the existing home.

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.

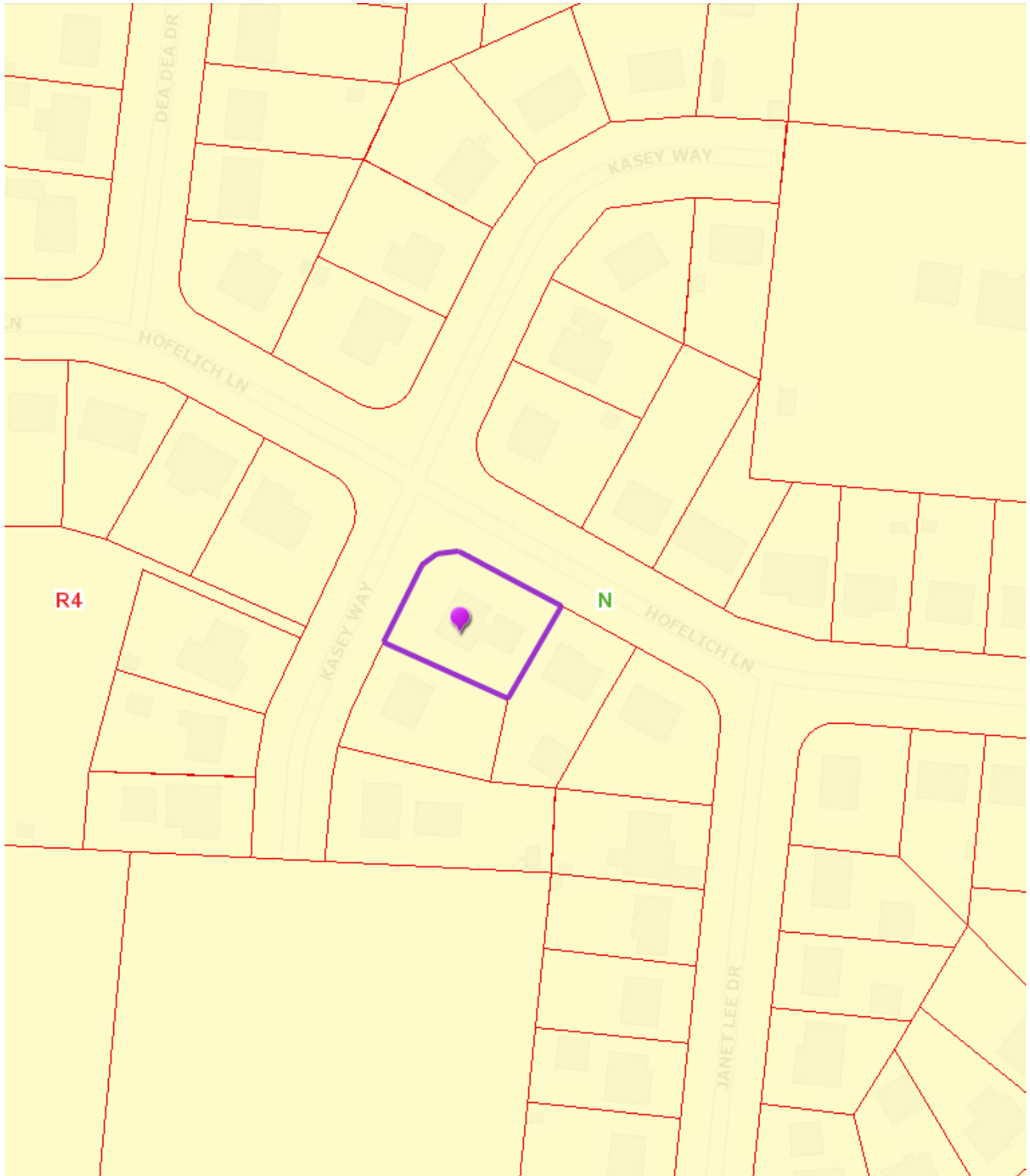
NOTIFICATION

Date	Purpose of Notice	Recipients
4/30/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 20
5/4/2020	Hearing before BOZA	Notice posted on property

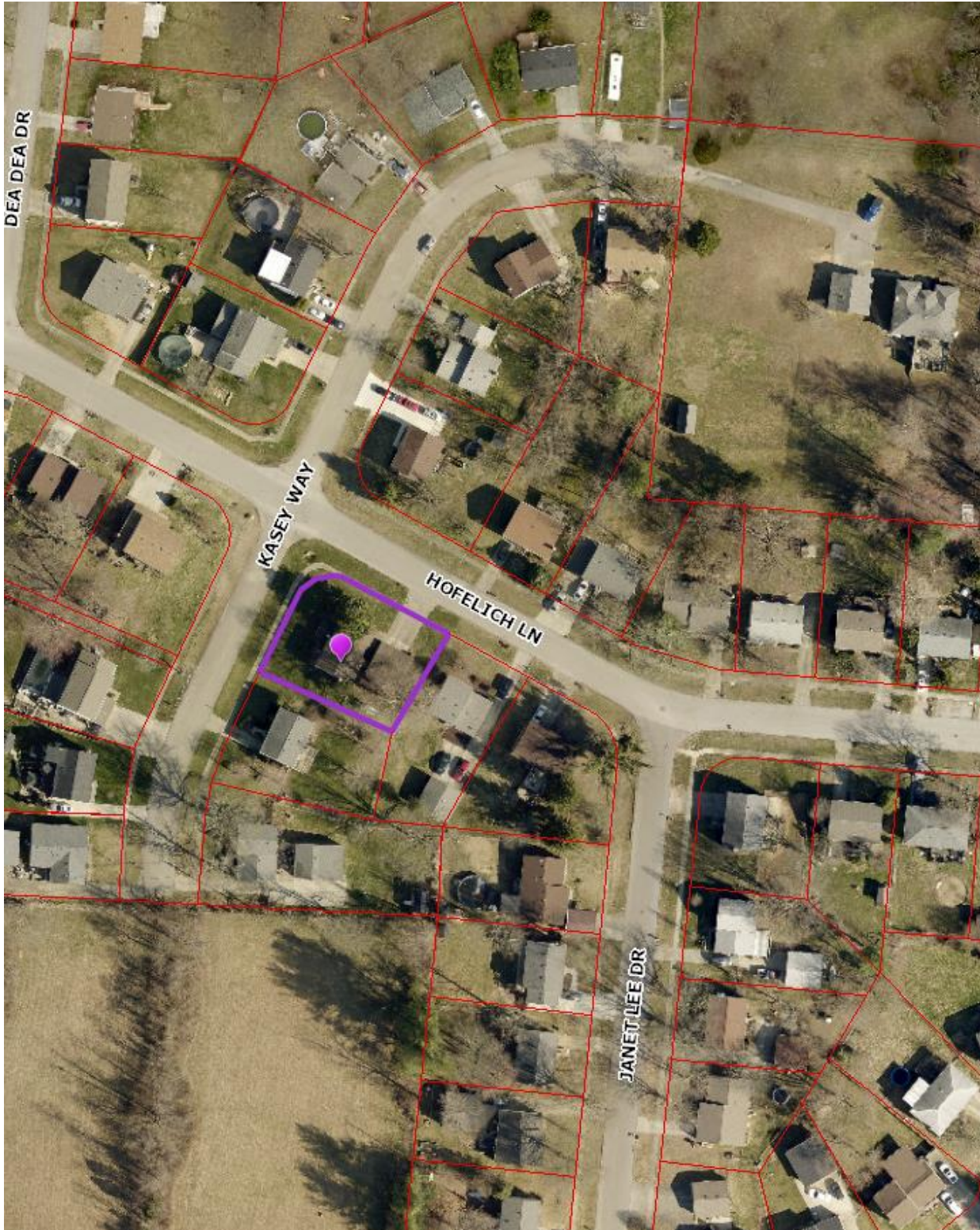
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Site Plan

