

Board of Zoning Adjustment Staff Report

June 1, 2020



Case No:	20-VARIANCE-0028
Project Name:	Mary Street Townhomes
Location:	1073 Mary Street
Owner(s):	SIMIC
Applicant:	Alma Simic
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joel P. Dock, Planner II

REQUEST:

- **Variance** from Land Development Code, section 5.3.1.C.4 to omit the 5' rear yard setback on Lot 1 and 5' side yard setbacks on Lot 2-5.

CASE SUMMARY/BACKGROUND

The subject property was rezoned from R-6 to R-7, multi-family in 2017 to allow for the construction of a 2-story, 5-unit complex with individual garages oriented toward the side alley. The applicant/developer now proposes to subdivide the land to allow for the sale of the individual units. The construction review division has confirmed that construction is acceptable for attached construction, including fire resistance. The existing conditions and proposed lot lines result in the need to vary the setback requirements as they cannot be applied to the existing construction with the proposed lot lines.

The Planning Commission will review the proposed revised development plan on June 4, 2020, along with requests to allow substandard lots to be created, alternative site design not conforming to the four areas of residential site design, and primary access to an alley instead of a primary street. Upon approval, a minor subdivision plat will be required to create the lots as proposed.

STAFF FINDINGS

The variance appears to be adequately justified based on staff's analysis contained in the standard of review. This plan requires the final approval of the Planning Commission prior to the subdivision being executed.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 construction been performed in accordance with requirements for attached walls for single-family residential construction.

- (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 structure is present and lot lines are not visible. The variance request has no impact on the character of the area.

- (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 construction has been performed in accordance with requirements for attached walls for single-family residential construction.

- (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 lots line resulting in the need for the variance request does alter the character of the area or result in adverse impacts on public health, safety or welfare.

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 arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the structure is present and only lot lines are being proposed to create attached side wall single-family units.

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 cause an unnecessary hardship on the applicant as the structure is built and constructed to allow for attached side wall single-family units.

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.

REQUIRED ACTION

- **APPROVE** or **DENY** the **Variance** from Land Development Code, section 5.3.1.C.4 to omit the 5' rear yard setback on Lot 1 and 5' side yard setbacks on Lot 2-5.

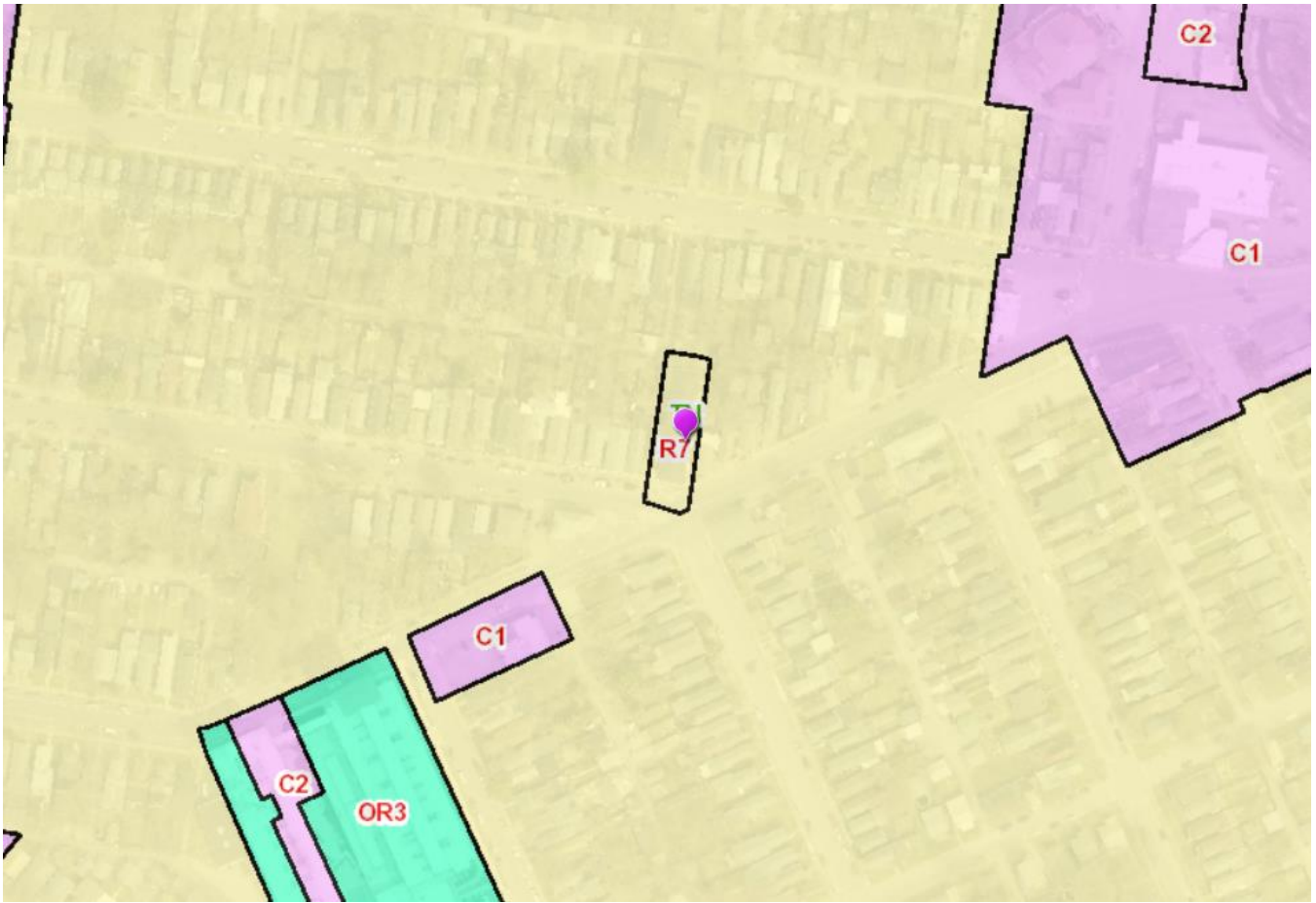
NOTIFICATION

Date	Purpose of Notice	Recipients
5/13/20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
5/18/20	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

