

Board of Zoning Adjustment

Staff Report

June 8, 2020



Case No:	20-VARIANCE-0042
Project Name:	Lynn Variance
Location:	670 Lynn Street
Owner(s):	John and Donna Francke
Applicant:	John and Donna Francke
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUESTS:

Variances from Land Development Code table 5.2.2 to allow a principle structure to encroach into the required side yard setback and 5.4.1.D.3 to reduce the required private yard area.

Location	Requirement	Request	Variance
East Side Yard	3 ft.	10 inches	2ft. – 2 inches
Private Yard Area	500 s.f.	200 s.f.	300 s.f.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-6 Multi-Family Residential in the Traditional Neighborhood Form District. It is a single-family structure. The applicants are proposing to demolish an existing one-story addition on the rear of the existing structure and replace it with a new addition that will include a bathroom and kitchen. The applicants state that there will be no overhang and proposed gutters will be located on the east side of the residence and discharged into an existing clay pipe at the rear of the property.

STAFF FINDINGS

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

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 to allow a principal structure to encroach into the required side yard setback and private yard area reduction.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

The applicant has received permission from the current property owner (668 Lynn Street) to come onto the property to complete the construction.

RELATED CASES

None

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, 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 to be constructed in the rear and will be in character with the design of other additions in the neighborhood.

- (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 proposed addition is slightly further away from the property line than the existing structure and private yard area is maintained.

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 not create an unnecessary hardship on the applicant as they could construct an addition would not require such significant departure from the dimensional requirement.

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.

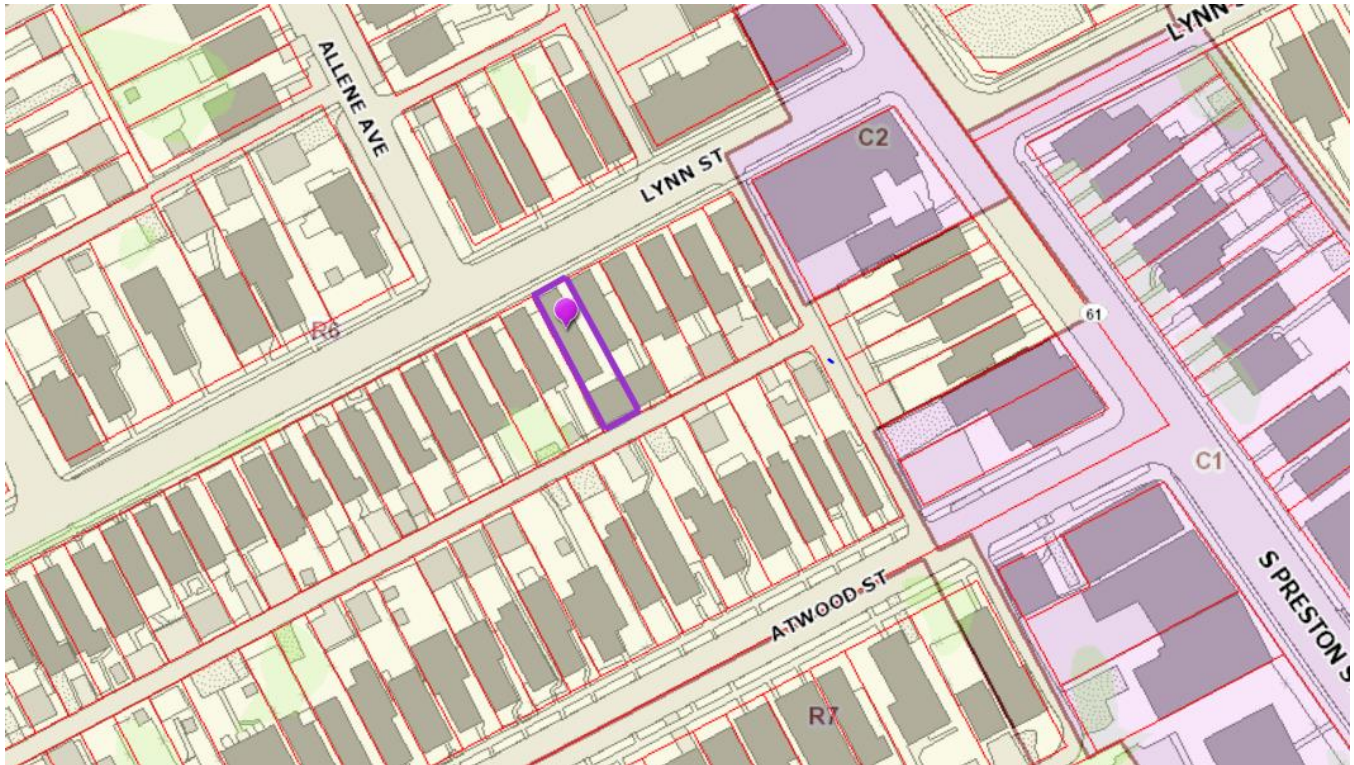
VARIANCE PLAN REQUIREMENT

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.

ATTACHMENTS

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

1. **Zoning Map**



2. **Aerial Photograph**

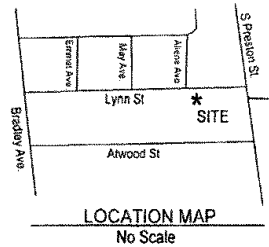


3. Site Plan

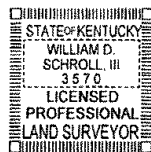
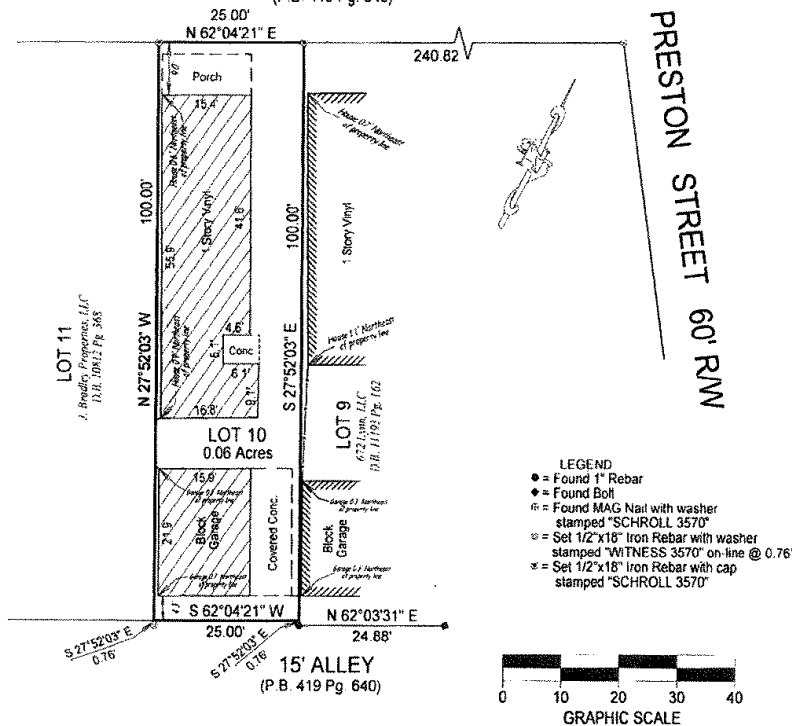
NOTES

1. Site is subject to all right-of-ways, easements and restrictions of record or implied.
2. The surveyor did not make a search for easements, encumbrances, restrictions, ownership title evidence or other records that a complete and accurate title search may disclose.
3. The certification of this survey is made of this date and is subject to any future facts that more accurately describe or establish the boundary shown herein.
4. Surrounding owner information is shown per PVA records.
5. The basis of bearing was based on G.P.S. observation taken along a random traverse line on 3-25-2020 Kentucky North Zone. Horizontal Datum: NAD83, Vertical Datum: NAVD83, Geoid Model: 128. G.P.S. unit: SP60 (dual frequency), Method: VRS Network RTK.
6. Unless otherwise shown, structures shown are the footprint only.
7. This site is located in Zone X per Firm Map 2111C0058 E dated December 5, 2006 and is not located within a 100 year flood plain (0.1% chance). Flood Plain Certification is restricted to a review of the FIRM and shall not be construed as a confirmation or denial of flooding potential.

Being Lot 10,
Bush's Subdivision of
Preston Street Road
Deed Book 419, Page 640



LYNN STREET 45' R/W (P B 419 Pg. 640)



LAND SURVEYORS CERTIFICATE

I hereby certify that the survey depicted by this plat was done by me or by persons under my direct supervision on March 25, 2020 by the method of random traverse. The unadjusted precision ratio of the survey is 1:19,400 and was not adjusted. The survey as shown hereon is an "Urban" Survey and the accuracy and precision of said survey meets all the specifications of this class.

William D. Schroll III Date 3-30-20
Professional Land Surveyor, Kentucky Registration No. 3570

BOUNDARY SURVEY This Survey complies with KAR 18:150

Survey of: 670 Lynn Street
Louisville, Ky. 40217
Owner: John & Donna Francke
3317 Arterburn, unit A, Louisville, Ky. 40206
Source of Title: D.B. 6723 Pg. 605
For: John Francke
3317 Arterburn, unit A, Louisville, Ky. 40206
Scale: 1" = 20' Job No: 2919/20
Drawn Date: 3/28/20 Drawn By: Bill Schroll

SCHROLL LAND SURVEYING, LLC

Office Location: 7329 St. Andrews Church Rd.
Louisville, KY 40214
Mailing Address: 5450 Southview Drive
Louisville, KY 40214
Office: 502-367-7660 Mobile: 502-594-6729

APR 01 2020

PLANNING & DESIGN
SERVICES

20-VARIANCE - 0042