

Board of Zoning Adjustment

Staff Report

June 8, 2020



Case No:	20-VARIANCE-0035
Project Name:	Marion Court Variance
Location:	3208 Marion Court
Owner(s):	Joseph Rasche & Mary Gulick
Applicant:	Anne DelPrince – DelPrince Design LLC
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, 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
West Side Yard	3 ft.	1 ft. 11 in.	1 ft. 1 in.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Residential Single-Family in the Traditional Neighborhood Form District. It is a single-family structure located in the Crescent Hill Neighborhood. The proposed addition will be constructed on the same foundation and will not encroach any further, which the applicant is required to do in order to be eligible for historic tax credits. Also, there is an existing portion of the structure that is closer to the property line than the new construction.

STAFF FINDINGS

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 table 5.2.2 to allow a principal structure to encroach into the required side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

None.

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.

- (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 will be similar in size and scale compared to surrounding structures and will be constructed to be eligible for historic tax credits.

- (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 will be constructed on the same foundation and will not encroach any further, which the applicant is required to do in order to be eligible for historic tax credits.

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 as the lot is similar in size and shape as the 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 as they would not be eligible for historic tax credits without building on the existing foundation.

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.

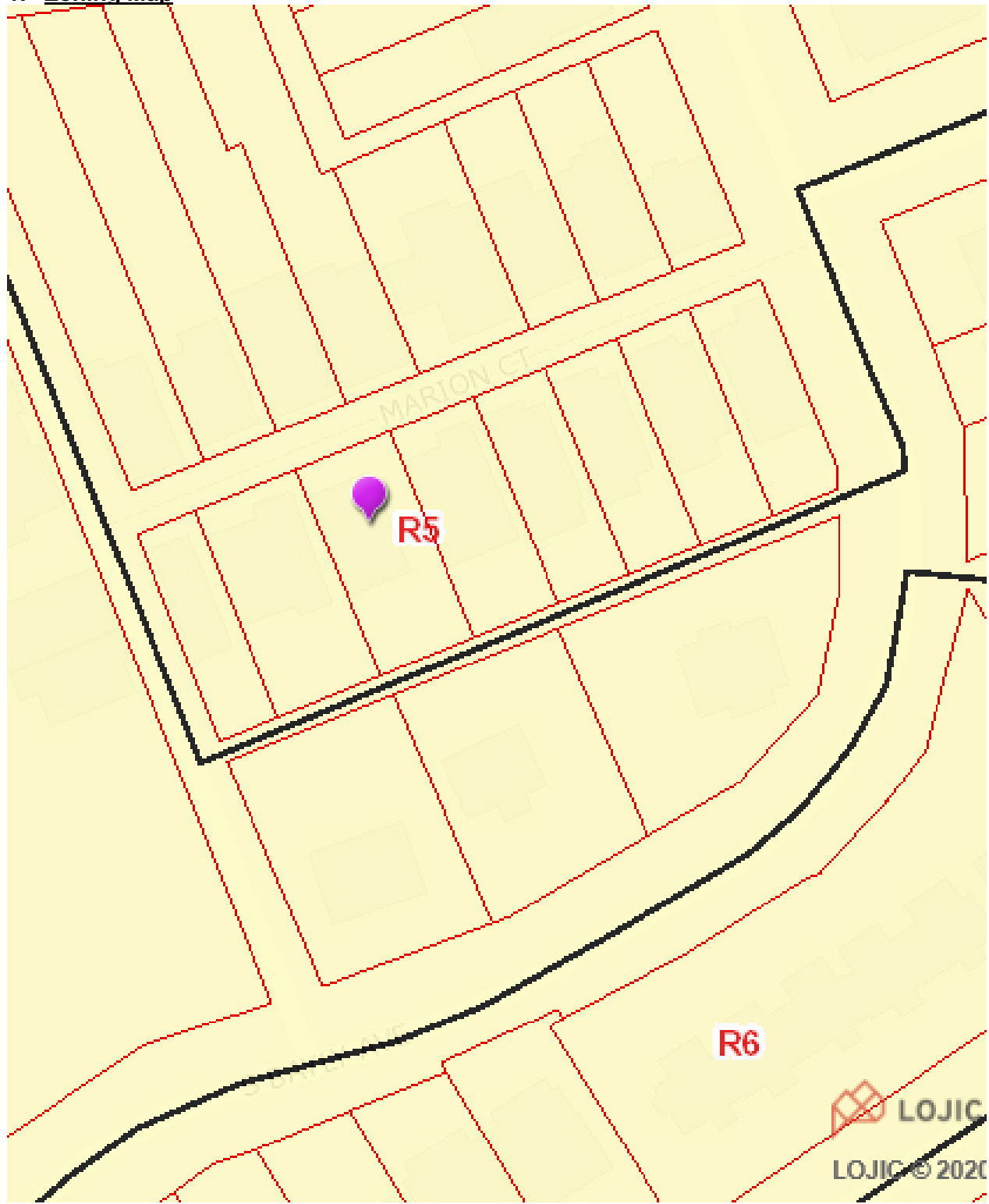
NOTIFICATION

Date	Purpose of Notice	Recipients
05/20/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
05/27/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

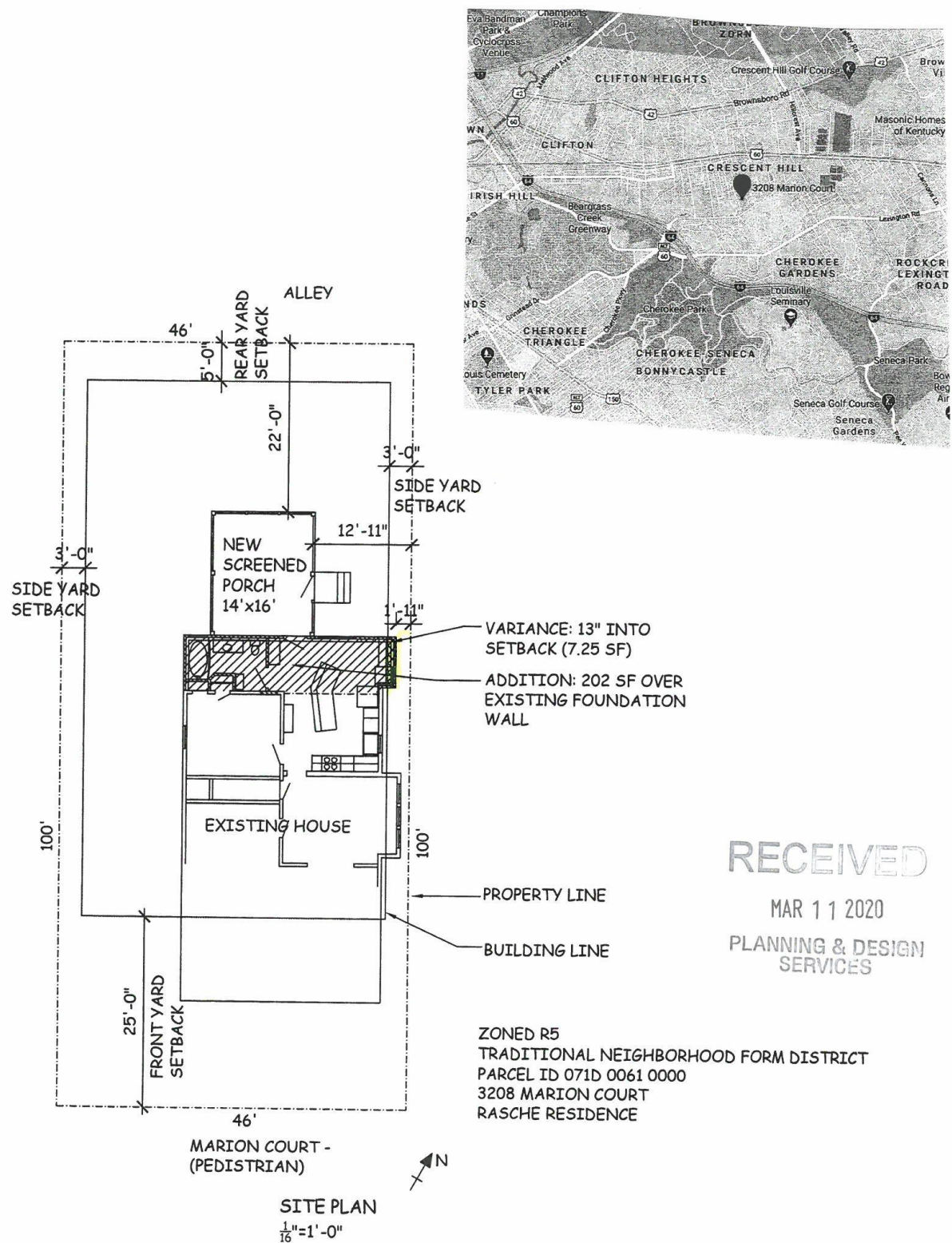
1. Zoning Map



2. Aerial Photograph



3. Site Plan



RECEIVED

MAR 11 2020

PLANNING & DESIGN
SERVICES

ZONED R5
TRADITIONAL NEIGHBORHOOD FORM DISTRICT
PARCEL ID 071D 0061 0000
3208 MARION COURT
RASCHE RESIDENCE

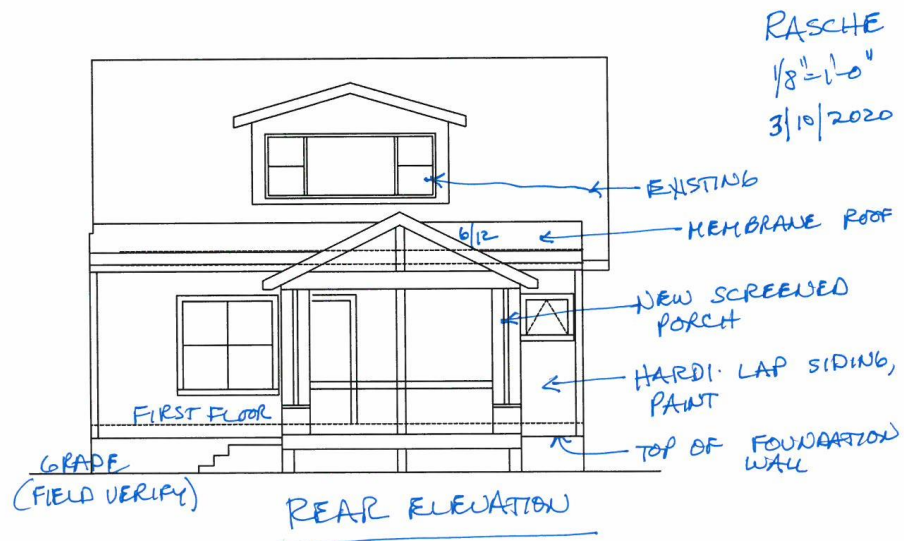
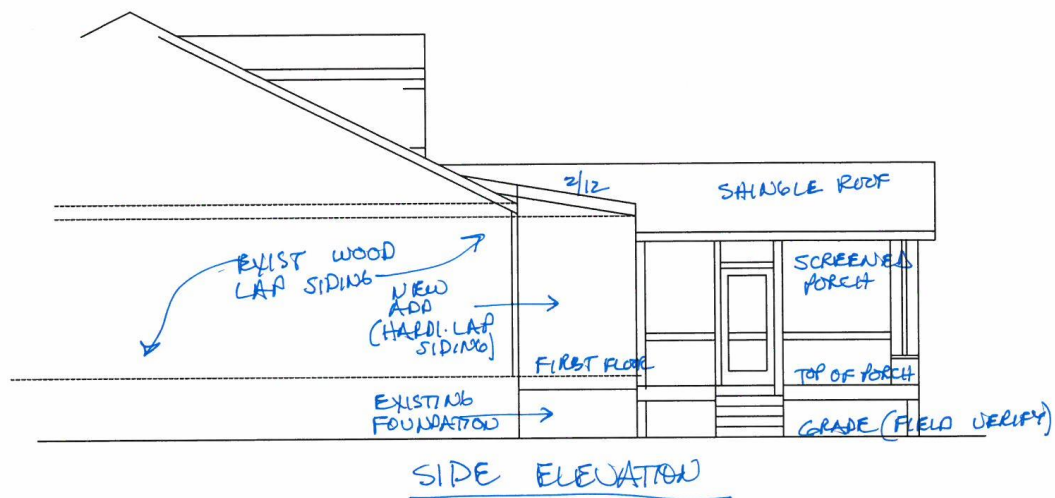
20-Variance-0035

4. Elevations

RECEIVED

MAR 11 2020

PLANNING & DESIGN
SERVICES



20-Variance-0035

5. Site Photos



Front of subject property.



Variance location from the front.



Variance location from the alley.



Variance location from the rear of the adjoining property.