

Board of Zoning Adjustment

Staff Report

June 15, 2020



Case No: 20-VARIANCE-0051
Project Name: Princeton Variance
Location: 1800 Princeton Drive
Owner/Applicant: Mary Sullivan
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Nia Holt, Planner I

REQUESTS:

Variance from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

| Location | Requirement | Request | Variance |
|-------------------|-------------|---------|----------|
| Private Yard Area | 915 sf | 483 sf | 432 sf |

Variance from Land Development Code section 4.4.3.A.1.a.i to allow a fence in the street side yard in a Traditional Neighborhood Form District to exceed 42 inches in height.

| Location | Requirement | Request | Variance |
|---------------------------|-------------|---------|----------|
| Fence in Street Side Yard | 42 in. | 72 in. | 30 in. |

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single-Family Residential in the Traditional Neighborhood Form District. The site contains an existing single-family structure located in the Deer Park Neighborhood. The applicant is proposing to construct a rear addition, screened porch, and a 6' fence. The new addition will include a 5' x 18' expansion of the kitchen. The proposed screen porch will be 10' x 18'. The finished addition and porch will connect to the existing garage creating a single principle structure. The proposed fence will be constructed along Norris Place.

STAFF FINDINGS

Staff finds that the requested variances are adequately justified and meet 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 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot. The Board of Zoning Adjustment

must also determine if the proposal meets the standards for granting a variance to allow a fence in the street side yard setback in a Traditional Neighborhood Form District to exceed 42 inches in height.

TECHNICAL REVIEW

None.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

RELATED CASES

There is an approved variance to allow an encroachment into the street side yard under case #B-14-98.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3

- (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 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 be of a similar design as the existing structure and of other homes in the surrounding 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 the proposed will 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 request is less than 40% reduction of the existing private yard area and the front yard takes up a large portion of the lot due to its topography.

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 permit the property owner to construct the proposed addition in the most reasonable location on the property.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.4.3.A.1.a.i

- (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 fence is not within the sight triangle and does not interfere with vision clearance at either intersections.

- (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 there are a few fences in either a front or street side yard setback with a similar height in 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 the fence will not obstruct sight lines or create a hazard for motorists or pedestrians at the intersection.

- (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 fence will be of similar design to other fences in the area and will only occupy a small portion of the street side yard.

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 land in the general vicinity or the same zone. The property has the same restrictions as other corner lots in the area.

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 permit the property owner to screen the proposed addition and porch from traffic on Norris Place.

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.

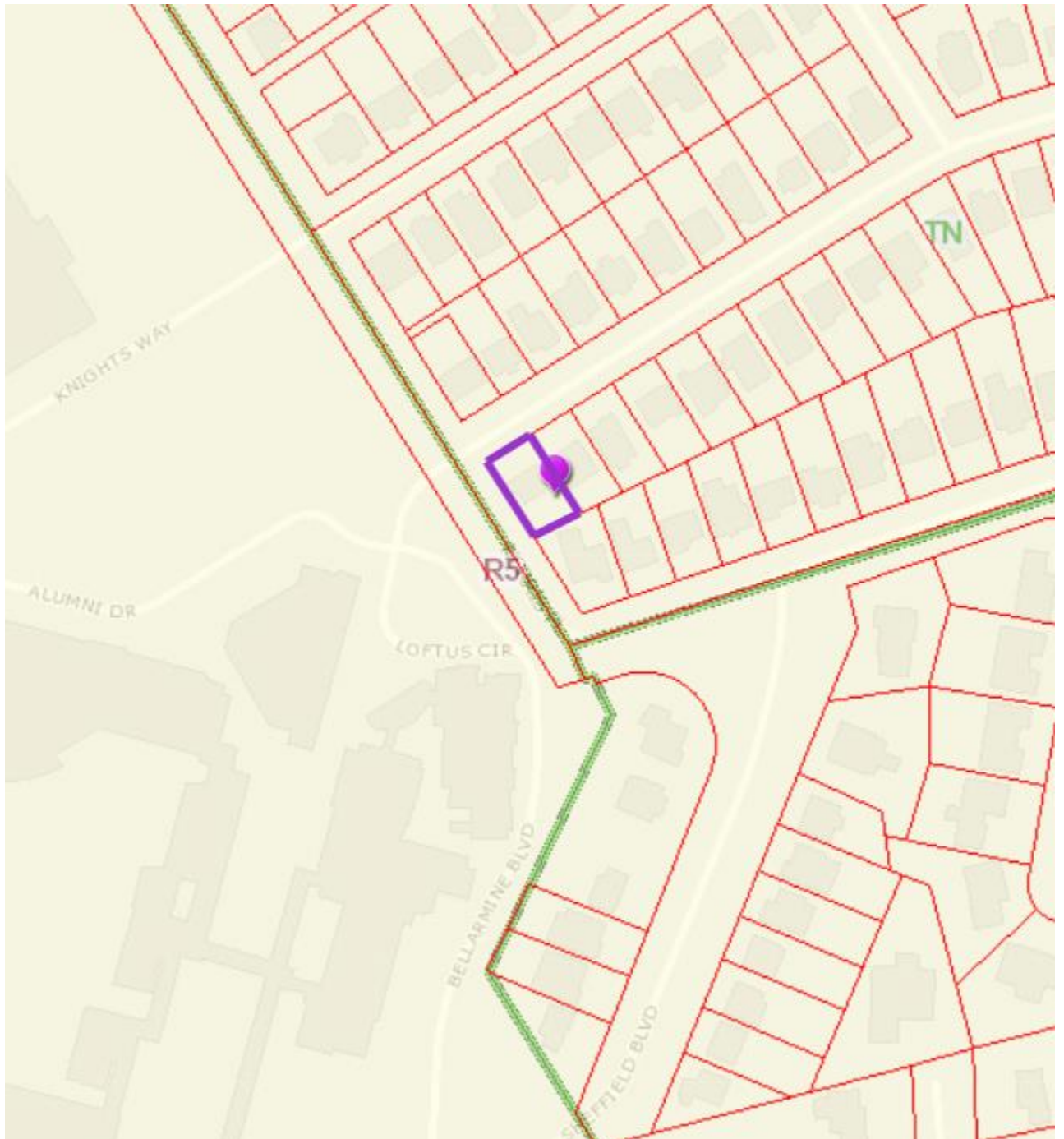
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------|---------------------|--|
| 5/29/2020 | Hearing before BOZA | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8 |
| | Hearing before BOZA | Notice posted on property |

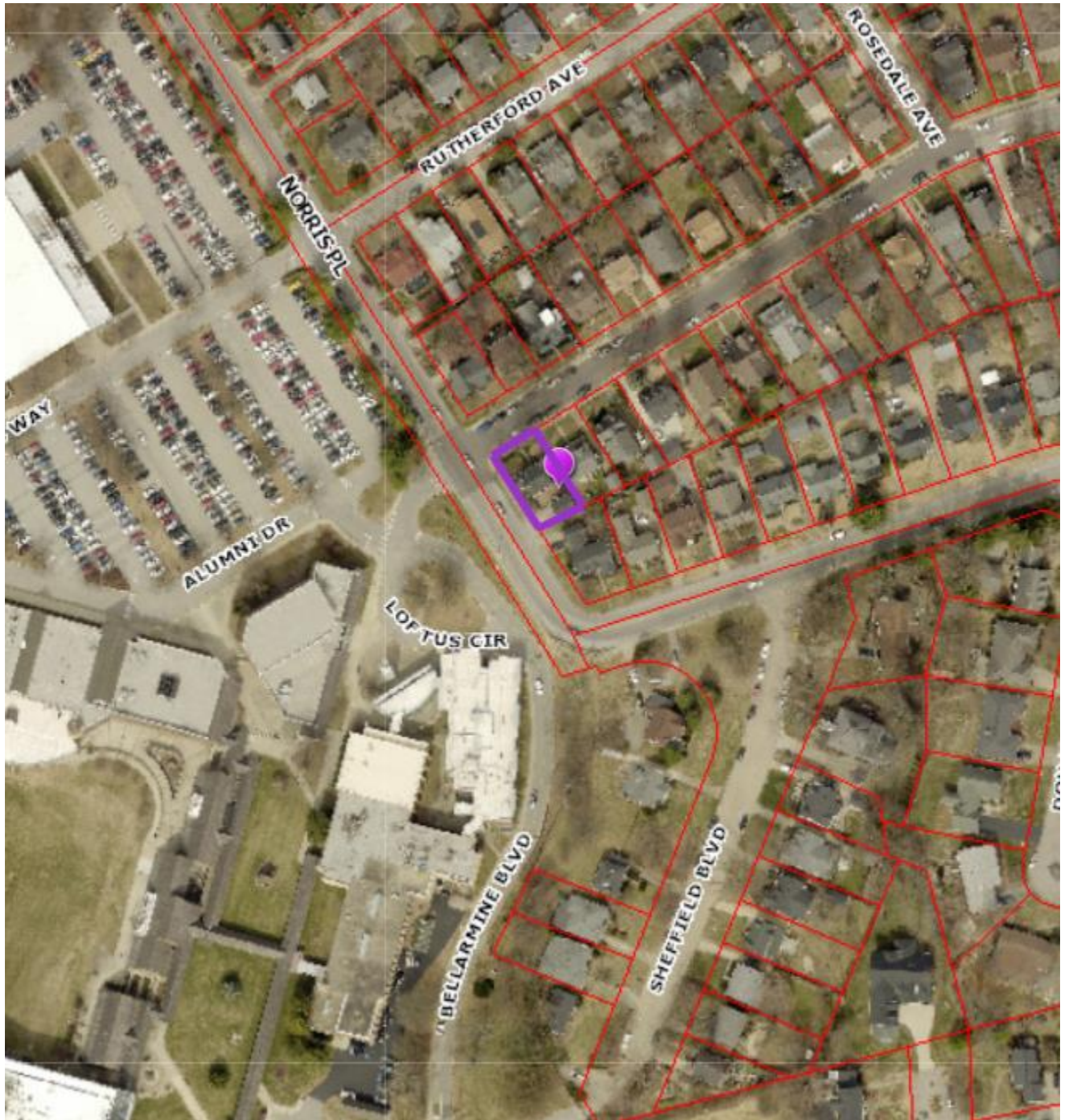
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Site Plan

RECEIVED

MAY 13 2020

PLANNING & DESIGN
SERVICES

CALCULATIONS

LOT SIZE: 4575 SF
REQUIRED PRIVATE YARD:
20% = 915 SF
EXIST. PRIVATE YARD
151 X 10 = 755 SF

5'-0" X 13'-0" FIRST
FLOOR ADDITION
10'-1" X 18'-0" NEW
SCREENED PORCH
SKYLIGHT
5'3" 40' E 94'-10"

VARIANCE REQUEST

EXIST. PRIVATE YARD 755
- NEW CONSTRUCTION
151 X 10 =
PROPOSED PRIVATE YARD 483
REQUIRED PRIVATE YARD 915
- PROPOSED PRIVATE YARD 483
VARIANCE REQUESTED: 432 SF

VARIANCE FROM SECTION
5.4.3 IN LAND DEVELOPMENT CODE
PARCEL I.D. NO. 079A00520000
TRADITIONAL FORM
NEIGHBORHOOD
ZONING SB

SITE PLAN
SCALE 1" = 10'-0"

SULLIVAN RESIDENCE
1900 PRINCETON DRIVE
LOUISVILLE, KY 40205



MARY HERD JACKSON, AIA
mherdjack@bellsouth.net
502-221-0169
4.24.20

4. **Site Photos**



Front of subject property.

Jun 3, 2020 at 12:01:02 PM
1801 Princeton Dr
Louisville KY 40205
United States



Property across Norris Place.

Jun 3, 2020 at 12:01:13 PM
1805 Princeton Dr
Louisville KY 40205
United States



Property to the left.

Jun 3, 2020 at 12:01:27 PM
1800 Princeton Dr
Louisville KY 40205
United States



Properties across Princeton Drive.



Private yard area and proposed fence location.