

# Board of Zoning Adjustment

## Staff Report

July 20, 2020



**Case No:** 20-VARIANCE-0056  
**Project Name:** Lees Lane Variance  
**Location:** 4217 Lees Lane  
**Owner/Applicant:** Tracie Tarrance  
**Jurisdiction:** Louisville Metro  
**Council District:** 1 – Jessica Green  
**Case Manager:** Zach Schwager, Planner I

### **REQUEST**

- **Variance** from Land Development Code table 5.3.1 to allow to allow an addition to an existing structure to encroach into the required street side and front yard setbacks

| Location         | Requirement | Request | Variance |
|------------------|-------------|---------|----------|
| Front Yard       | 25 ft.      | 21 ft.  | 4 ft.    |
| Street Side Yard | 25 ft.      | 0 ft.   | 25 ft.   |

### **CASE SUMMARY**

The subject property is located in the Melrose and Flagler subdivision. It contains a one-story single-family residence. The existing structure has a front addition that the applicant is proposing to remove and replace with a slightly larger footprint. The front yard encroachment will be the same as the existing conditions. The street side encroachment will increase by four feet from where the existing addition is but will be setback from the street side property line the same distance as the rest of the existing structure.

### **STAFF FINDING**

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 5.3.1 to allow a principal structure to encroach into the required front and street side yard setbacks.

### **TECHNICAL REVIEW**

No technical review required.

### **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **RELATED CASES**

None.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1**

- (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 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 there is variation in front and street side yard setbacks for principal structures in the area.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the structure must 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 front yard setback will be the same as the existing conditions and the street side yard setback will be the same as the rest of the principal structure.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise 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 land in the general vicinity or the same zone as the property is a corner lot with the same dimensions as the original plat and a significant portion of the original subdivision has been consolidated.

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 the front yard setback will be the same and the street side yard setback will be the same as the rest of the existing structure.

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.

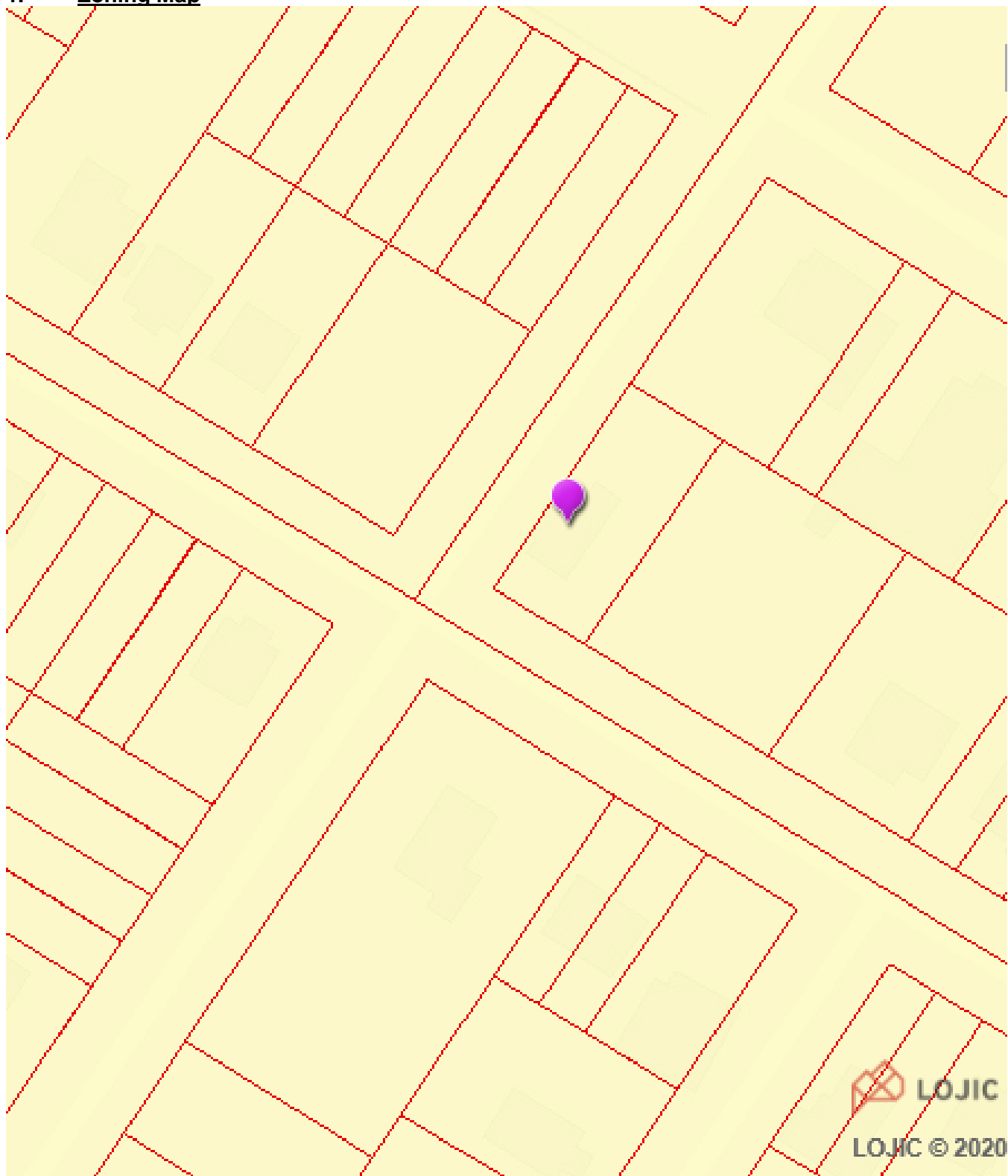
## **NOTIFICATION**

| <b>Date</b>       | <b>Purpose of Notice</b> | <b>Recipients</b>  |
|-------------------|--------------------------|--|
| <b>06/30/2020</b> | Hearing before BOZA      | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 1 |
| <b>07/08/2020</b> | Hearing before BOZA      | Notice posted on property  |

## **ATTACHMENTS**

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

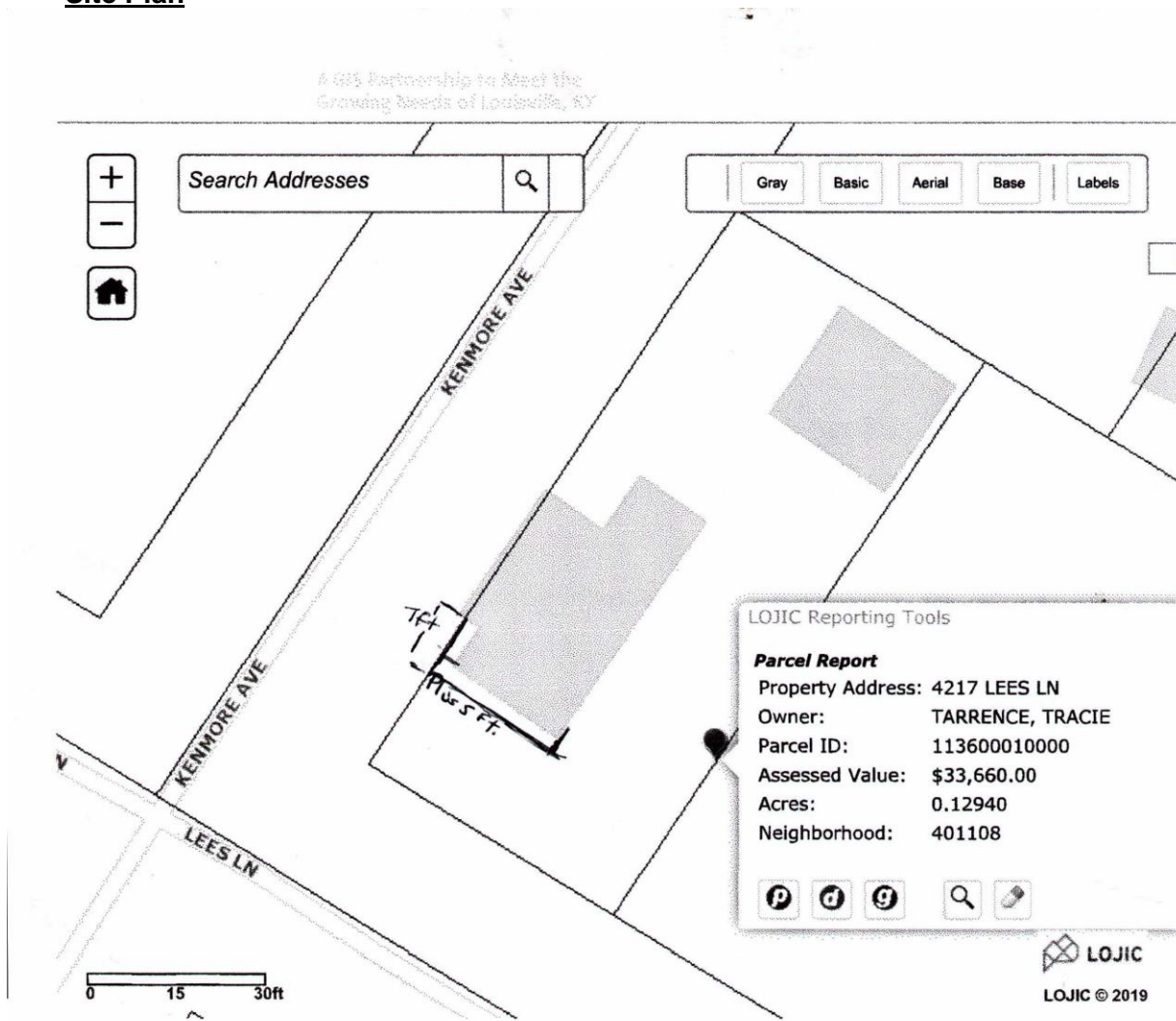
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



RECEIVED

MAY 29 2020

PLANNING & DESIGN  
SERVICES

20-VARIANCE-0054



4. Site Photos



Front of subject property.





Property to the right.





Property to the left.





Properties across Lees Lane.





Front yard variance area.





Street side yard variance area.





Street side yard variance area.

**5. Condition of Approval**

#1) The street side property line shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.