

Board of Zoning Adjustment

Staff Report

October 19, 2020



Case No: 20-VARIANCE-0089
Project Name: Southwestern Pky Variance
Location: 938 Southwestern Pkwy
Owner/Applicant: Angela Flanagan
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Nia Holt, Planner I

REQUESTS:

Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot.

Location	Requirement	Request	Variance
Private Yard Area	1930 sf	1500 sf	460 sf

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 Chickasaw Neighborhood. The applicant is proposing to construct a detached garage along the rear alley. The proposed garage will be 576 square feet.

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.2 to allow a private yard area to be less than the required 30% of the area of a lot.

TECHNICAL REVIEW

None.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

RELATED CASES

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.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 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 detached garage will be of a similar design as the existing garages 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 applicant is requesting the minimum reduction in private yard area needed to complete the proposed garage. Additionally, there is open space is available along the South 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 the land in the generally 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 build the proposed garage 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.

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.

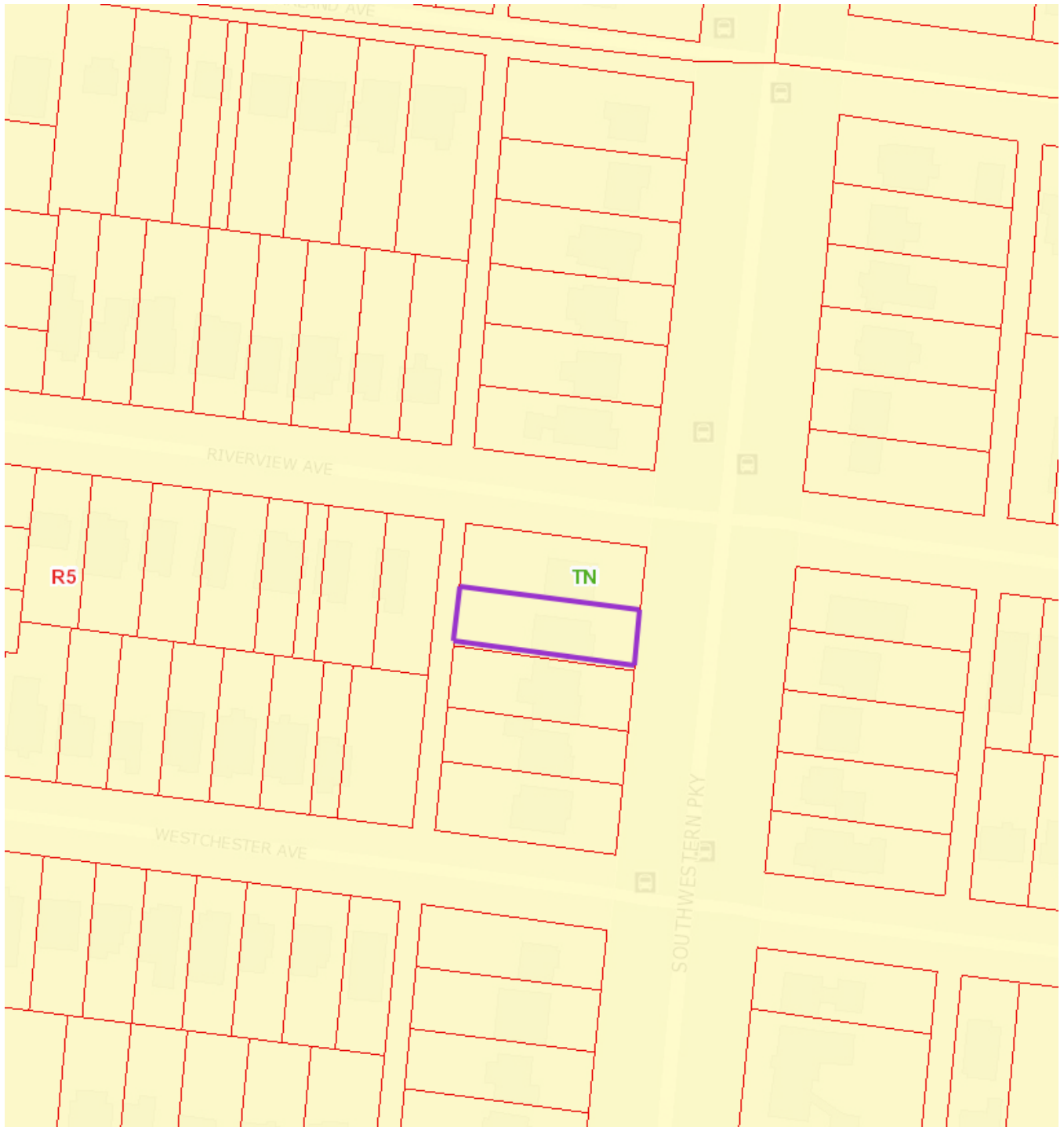
NOTIFICATION

Date	Purpose of Notice	Recipients
9/30/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 5
10/05/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

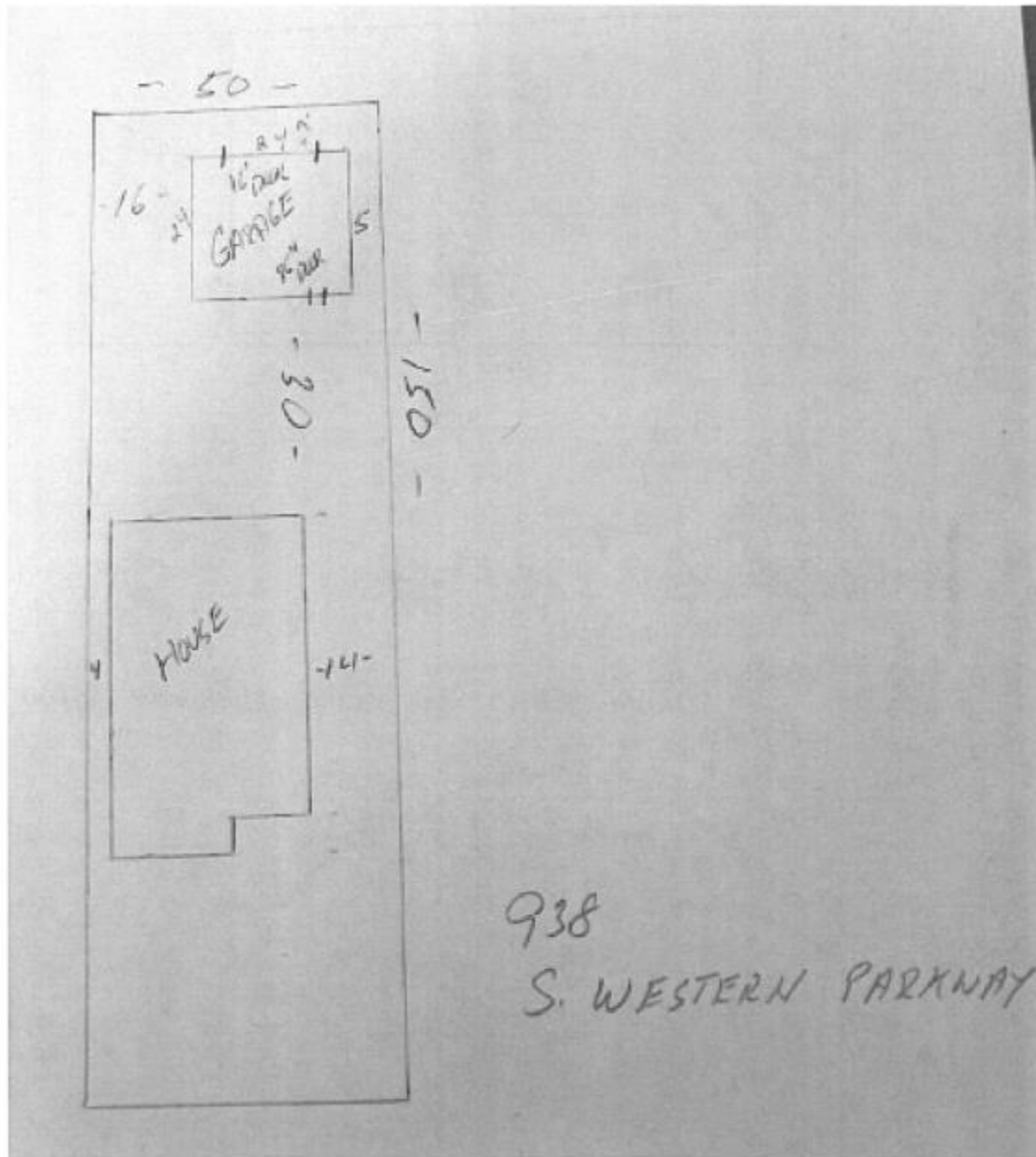
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



RECEIVED
AUG 19 2020
PLANNING & DESIGN
SERVICES

20-VARIANCE-0089