

Board of Zoning Adjustment
Staff Report
November 16, 2020



Case No: 20-VARIANCE-0128
Project Name: S. 1st Street Variance
Location: 1430 S. 1st Street
Owner(s): Laura & Nash Neely
Applicant: Laura Neely
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code section 5.4.1.E.5 to allow an accessory structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Side Yard	2 ft.	0 ft.	2 ft.

CASE SUMMARY/BACKGROUND

The subject property is in the Old Louisville neighborhood and preservation district on the west side of S. 1st Street in between W. Burnett Avenue and W. Magnolia Avenue. It is in the Traditional Neighborhood Zoning District (TNZD) and the Traditional Neighborhood Form District. There is a single-family structure on the property and the applicant proposes to construct a carriage house at the rear that would have a zero-foot setback from the northern property line.

The Old Louisville Architectural Review Committee approved the carriage house on condition under case number 20-COA-0080 on June 26, 2020. Planning & Design Staff does not have any recommended conditions.

The applicant has provided staff with a letter from the affected property owner allowing access for construction and maintenance of the proposed accessory structure.

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 section 5.4.1.E.5 to allow an accessory 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

20-COA-0080 – Certificate of Appropriateness for the proposed carriage house.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.E.5

- (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 accessory 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 the structure was approved by the Old Louisville Architectural Review Committee.

- (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 accessory structure 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 accessory structure will have a similar side yard setback as other similar structures in the area. The applicant has also provided staff with a letter from the affected property owner allowing access for construction and maintenance of the proposed accessory structure.

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 generally apply to the land in the generally 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 not create an unnecessary hardship on the applicant as the proposed carriage house could be constructed to meet the setback 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.

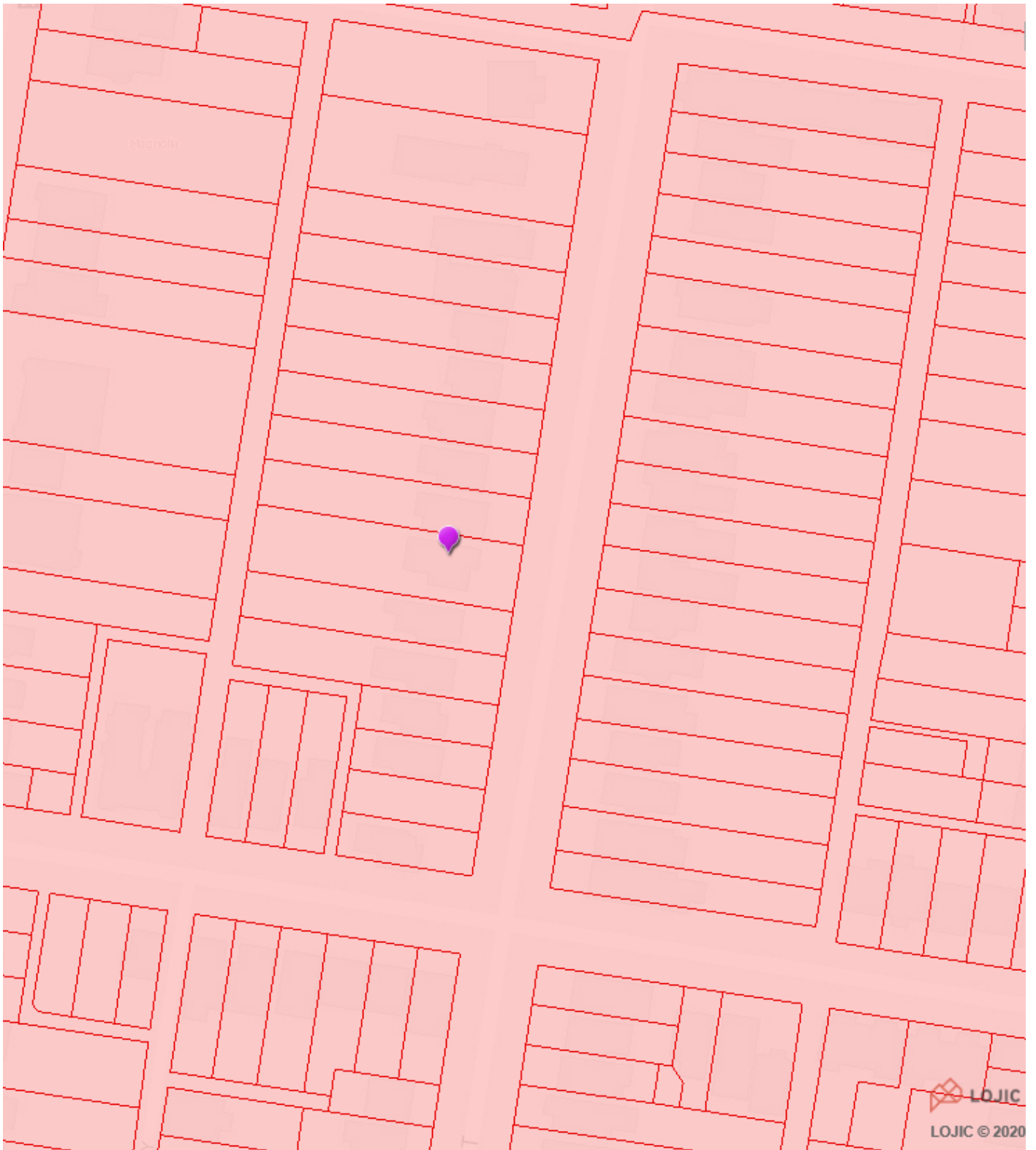
NOTIFICATION

Date	Purpose of Notice	Recipients
10/26/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
11/2/2020	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



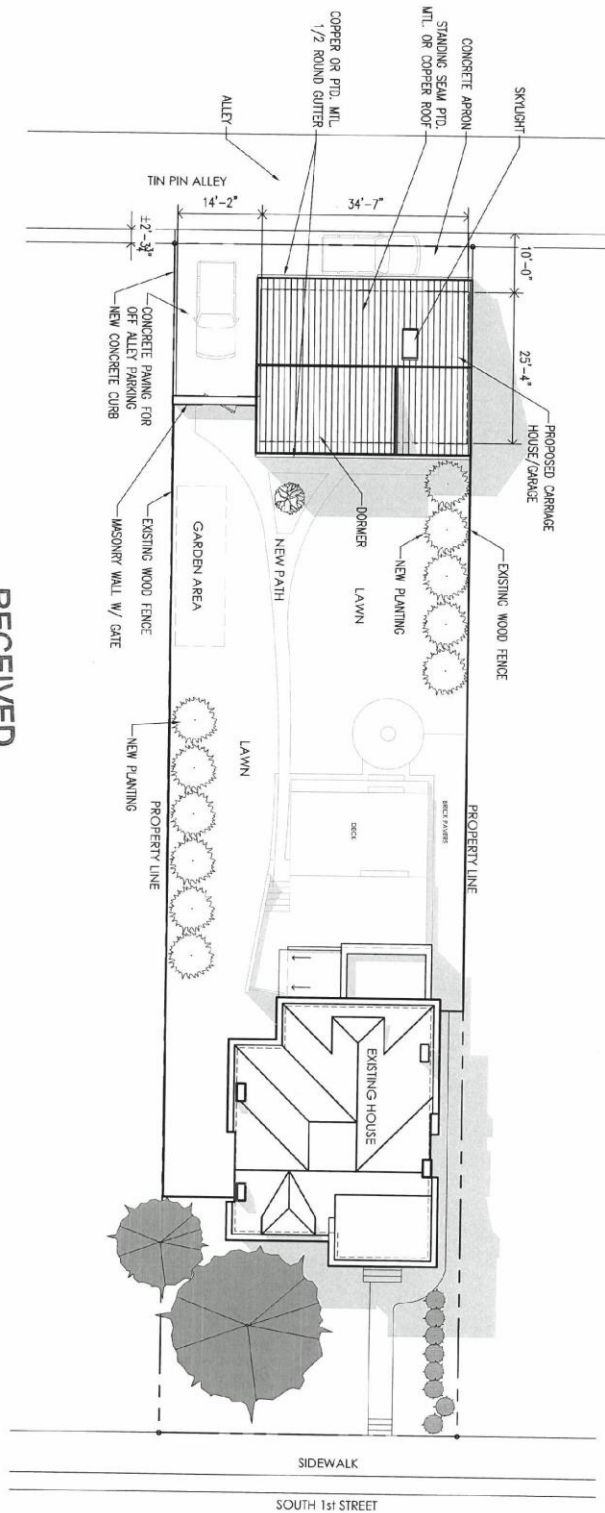
3. Site Plan

PPA 4.24.2020

RECEIVED
SEP 10 2020
PLANNING & DESIGN
SERVICES

SITE PLAN 20-VARIANCE - 0128

NEELY RESIDENCE: CARRIAGE HOUSE
1430 S. FIRST ST. LOUISVILLE, KY. 40208
A1.0



4. Site Photos



Front of subject property.



Variance area.



Looking north down the alley.



Looking south down the alley.