

Board of Zoning Adjustment

Staff Report

November 16, 2020



Case No: 20-VARIANCE-0135
Project Name: Hawthorne Variance
Location: 2528 Hawthorne Avenue
Owner: Michael Laun
Applicant: Wayne Fields
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Nia Holt, Planner I

REQUESTS:

Variance from Land Development Code Section 5.4.2.C to allow an accessory structure to encroach into the required side yard setback

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

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single-Family Residential in the Neighborhood Form District. The site contains an existing single-family structure located in the Hawthorne Neighborhood. The applicant is proposing to construct a rear 12 x 36 square foot addition to their existing detached garage. The existing garage is located along Western property line. The proposed garage addition will be 432 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 5.4.2.C to allow an accessory structure to encroach into the required side yard setback

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. Additionally, the applicant has obtained a letter from the affected property owner granting access to their property during construction and for future maintenance of the structure.

- (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 to detached garage will be of a similar placement on the property 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 proposed addition will be a similar distance from the side property line as the existing garage.

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 build the proposed garage 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.

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
10/28/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8
11/2/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

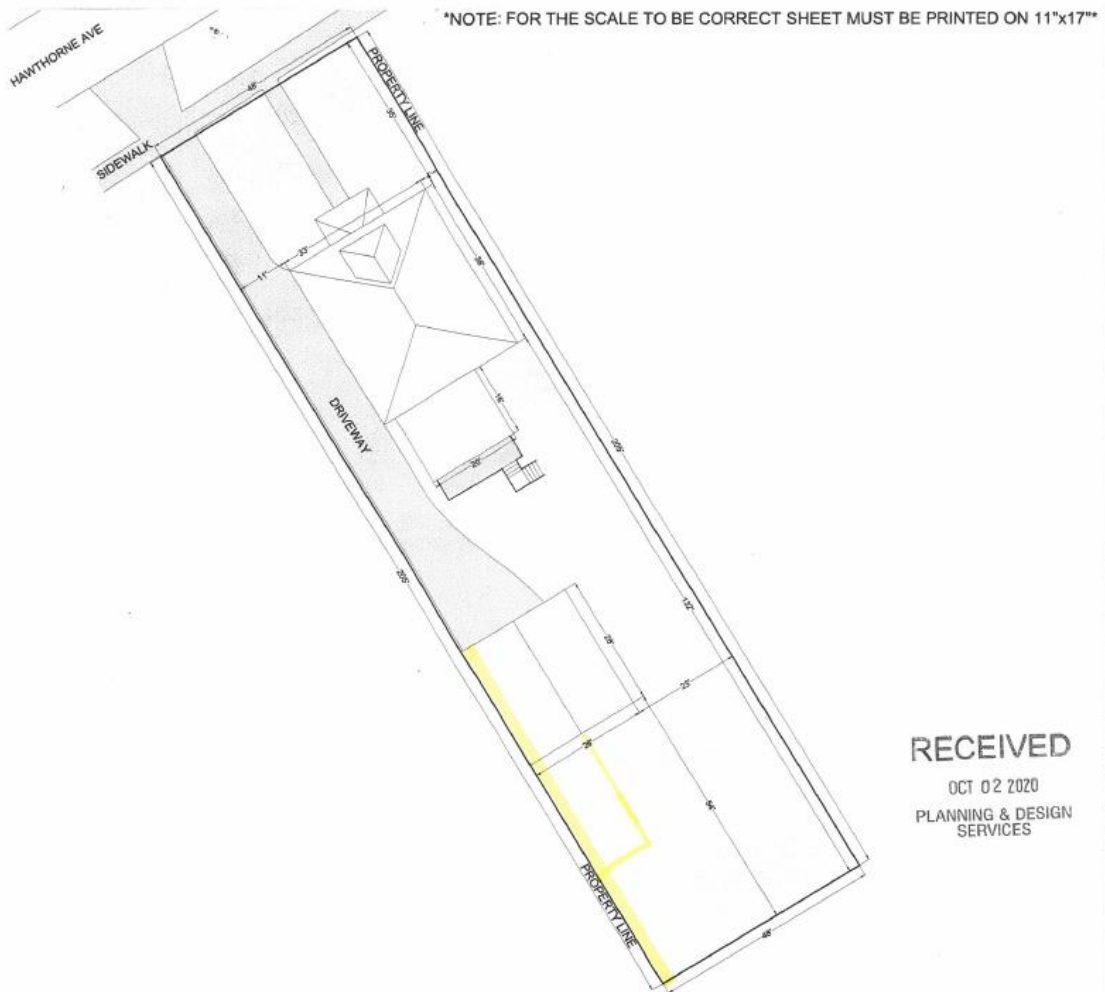
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



4. Elevations

RECEIVED

OCT 02 2020
PLANNING & DESIGN
SERVICES

