

Board of Zoning Adjustment

Staff Report

January 25th, 2021



Case No:	20-VARIANCE-0165
Project Name:	Lilly Avenue Variance
Location:	520 Lilly Ave
Owner(s):	Suncar LLC
Applicant:	Desmond Conley
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Rachel Mandell, Planner I

REQUESTS:

Variance from Land Development Code Section 5.1.10.F to allow a principle structure to encroach into the required side yard setback and Section 5.4.1.D.3 to provide less than 20% private yard area.

Location	Requirement	Request	Variance
East Side Yard	2ft	0ft	2ft
Private Yard Area	482 sqft	403 sqft	79 sqft

CASE SUMMARY/BACKGROUND

The subject site is zoned R-6 Multifamily Residential in the Traditional Neighborhood Form District. It is a single-family structure located in the Saint Joseph Neighborhood. The applicant is proposing a second-floor addition, as well as an expansion from the rear of the existing structure.

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

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets the standard of review.

Staff finds that the requested variance to provide less than 20% private yard area meets all standards 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 5.1.10.F to allow a principal structure to encroach into the required side yard setback, and from section 5.4.1.D.3 to provide less than 20% private yard area.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Letter of support from homeowner of 518 Lilly Avenue.

RELATED CASES

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.10.F

- (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. 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 structure to be constructed in the rear and will be in character with the design of several other structures in the neighborhood. Additionally, the lot width is already substandard, and the addition will be in line with the existing structure.

- (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 second story addition and expansion will be in the rear of the property. The addition 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 is a small continuance of the existing structure and the lot is already substandard in width.

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: There are no special circumstances associated with this variance, however there are several similar expansions that resemble the proposed addition within the general vicinity of the subject property.

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 addition in a way that aligns with the existing foundation.

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 prior to beginning construction.

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 need to 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 addition is consistent with several other structures in the general 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 addition will need to 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 lot is already substandard in nature.

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 arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the subject property is smaller than many surrounding properties outside of this block.

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 and deprive the applicant of the reasonable use of the land because the property is considerably narrower in width than surrounding lots but has the same depth.

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 prior to beginning construction.

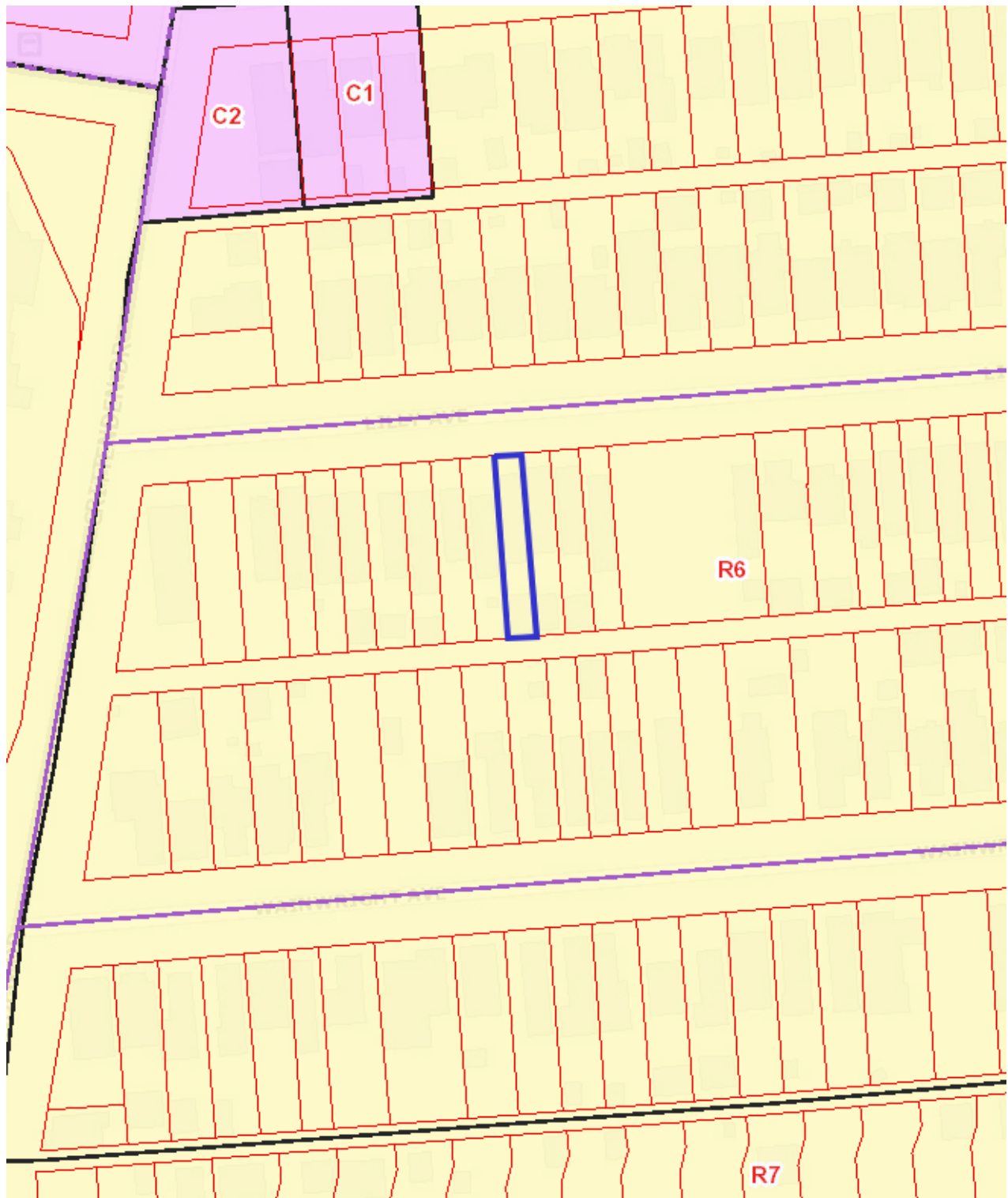
VARIANCE PLAN REQUIREMENT

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.

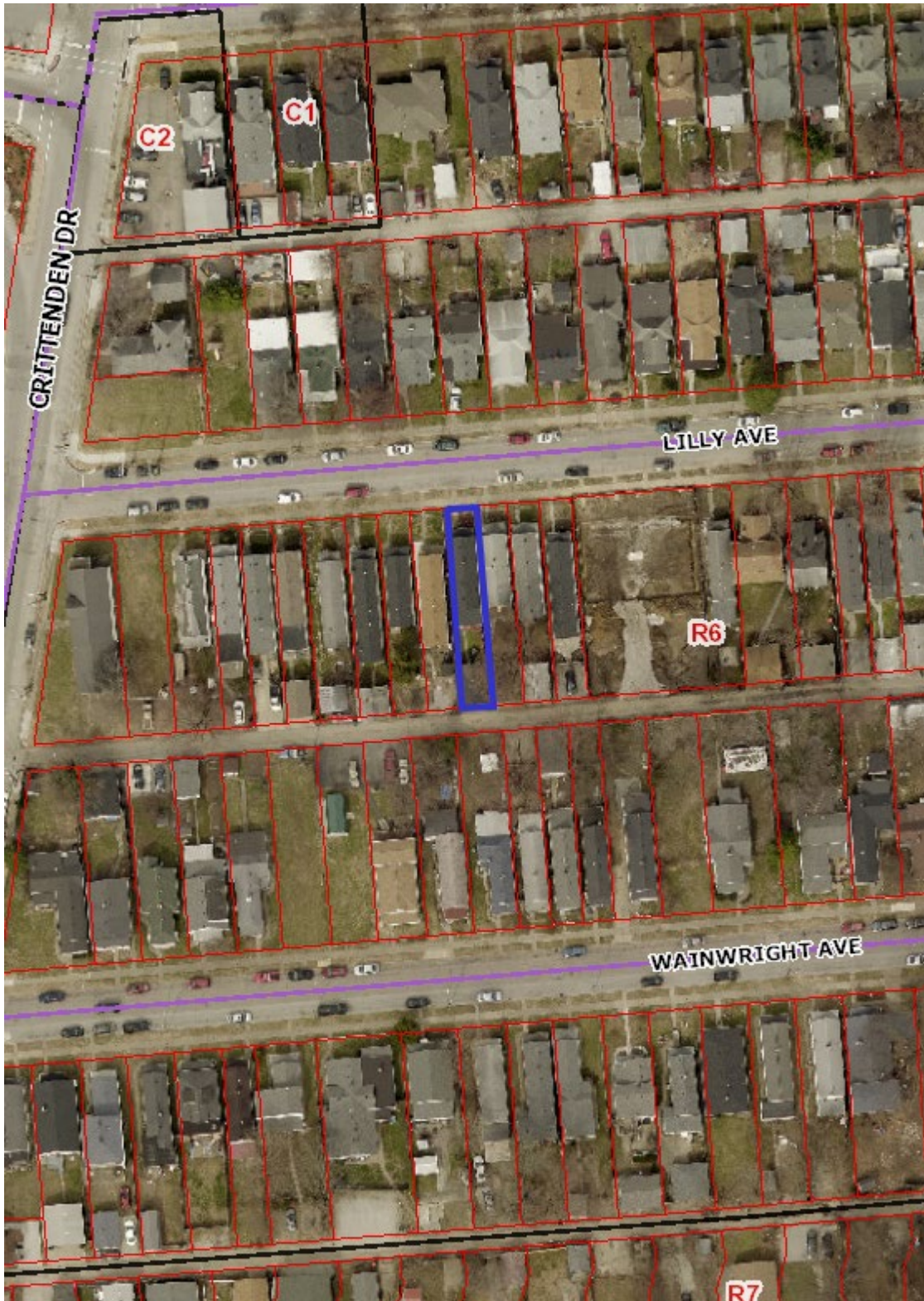
ATTACHMENTS

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

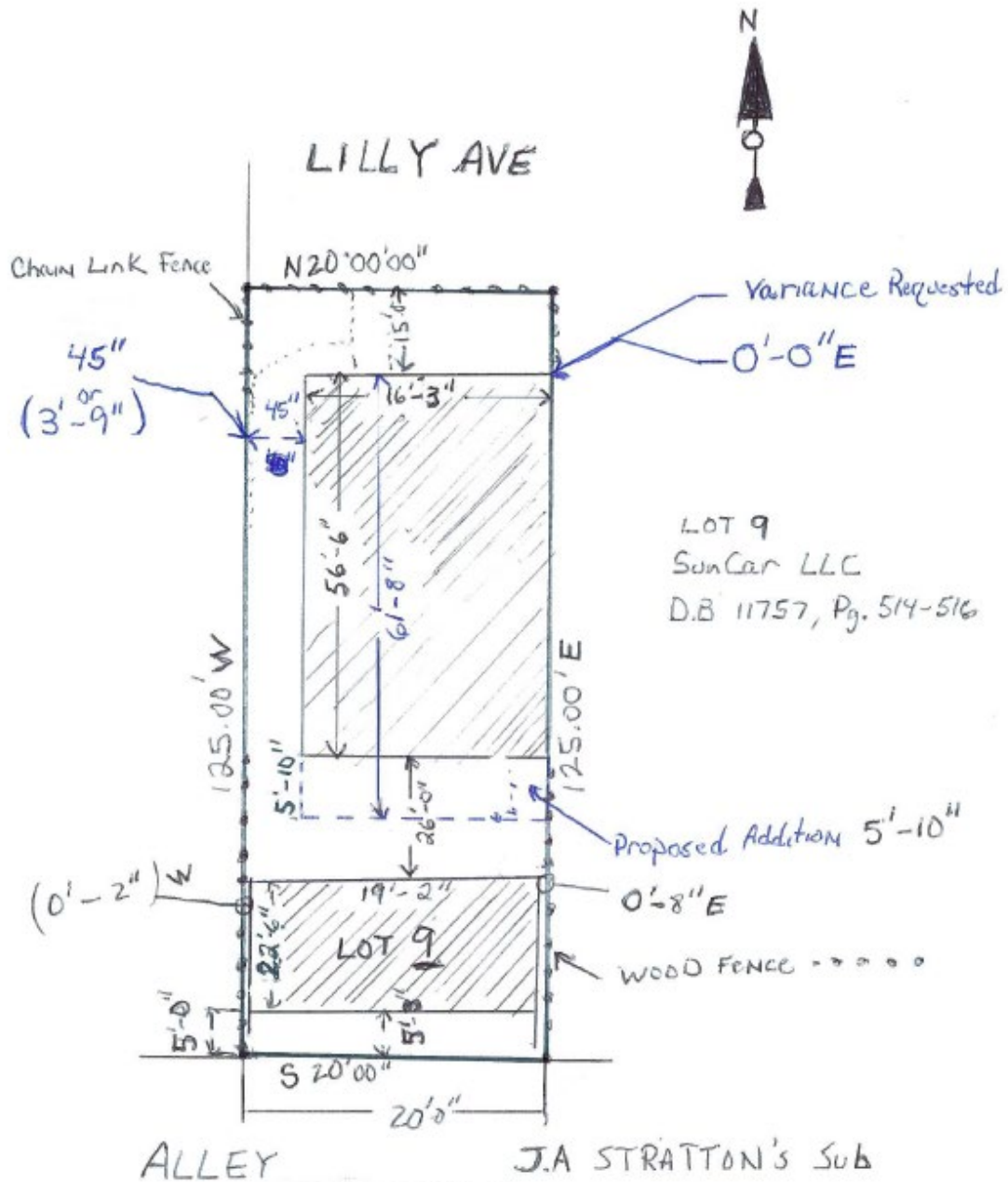
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



Variance Exhibit:
Site Address:

520 Lilly Ave
Louisville, Ky 40217

OWNER: Sun Car, LLC
8416 Fernview Drive, 40291