

Board of Zoning Adjustment

Staff Report

February 1st, 2021



Case No:	20-VARIANCE-0178
Project Name:	Tyler Lane Variance
Location:	2045 Tyler Lane
Owner(s):	DHR Properties LLC
Applicant:	Clay Wallace
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Armstrong
Case Manager:	Rachel Mandell, Planner I

REQUEST:

Variance from Land Development Code Table 5.3.1 to allow a principle structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
West Side Yard	5ft	2.4ft	2.6ft

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single-family Residential in the Neighborhood Form District. The site is in the Gardiner Lane neighborhood. The applicant is proposing to add a second story addition to the existing single-family home.

The applicant has provided staff with an agreement 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.

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 side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

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. 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 addition will be conforming with the design of other structures on the same block.

- (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 structure will be within the footprint of the existing home. Additionally, the new construction will 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 in line with the existing 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: There are no special circumstances associated with this variance, however the existing structure is not compliant with zoning regulations prompting the need for a variance in order to add the second story addition.

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 structure.

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.

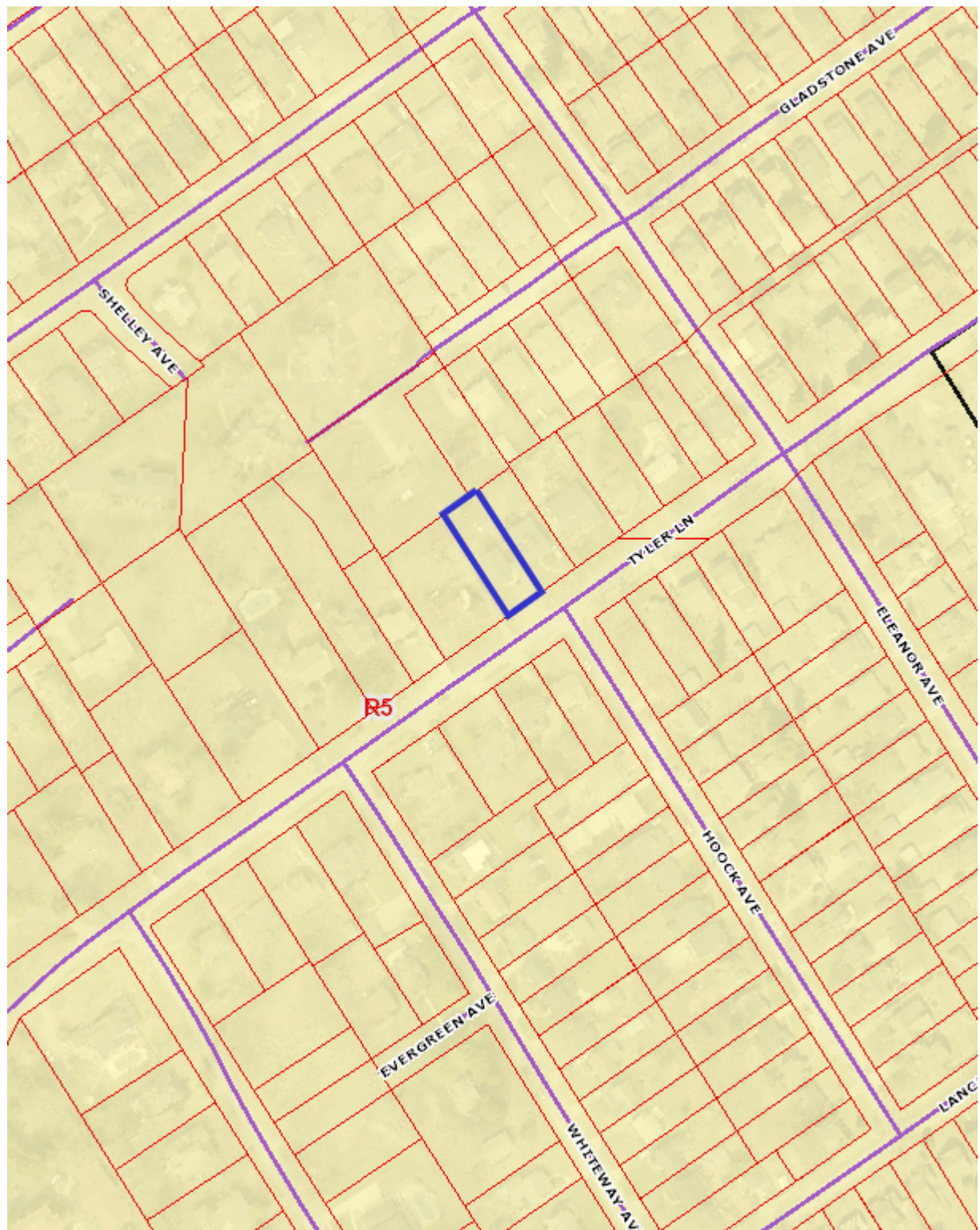
VARIANCE PLAN REQUIREMENT

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

