

Board of Zoning Adjustment

Staff Report

March 1st, 2021



Case No: 21-VARIANCE-0009
Project Name: Cherokee Road Variance
Location: 909 Cherokee Road
Owner(s): Home in the Highlands LLC
Applicant: Charles Williams
Jurisdiction: Louisville Metro
Council District: 8 – Cassie Armstrong
Case Manager: Rachel Mandell, Planner I

REQUEST:

Variance from Land Development Code section 5.4.1.D.2 to provide less than 30% private yard area.

Location	Requirement	Request	Variance
Private Yard Area	2,435 SF	2,218 SF	217 SF

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5B Two-Family in the Traditional Neighborhood form district. The site is in the Cherokee Triangle neighborhood. The applicant is proposing an addition towards the rear of the existing principle structure, as well as demolishing an existing car port and replacing it with a two-car garage.

The proposal was approved by the Historic Landmarks and Preservation Commission in January 2021.

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 section 5.4.1.D.2 to provide less than 30% private yard area.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

RELATED CASES

20-COA-0202

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 and over 2,200 SF of private yard area will be provided.

- (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 and private yard area are located behind the existing principle structure and the Landmarks Commission has approved the design of the proposal.

- (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 private yard area will provide ample open space and is not visible from Cherokee Road. 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 large lot size prompted the requirement to also provide a large quantity of private yard area square footage.

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 lot size is double that of the minimum lot size for the zoning and form district.

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 addition and replace the garage as desired although there is ample lot space to do so while still providing adequate private yard area.

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

[illegible]

Aerial Photograph



Site Plan

