

Board of Zoning Adjustment

Staff Report

April 5th, 2021



Case No: 21-VARIANCE-0021
Project Name: Stodghill Place Variance
Location: 304 Stodghill Place
Owner(s): John Ackerman
Applicant: Charles Podgursky
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
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 setbacks.

Location	Requirement	Request	Variance
Northern Side Yard	6ft	3.8ft	2.2ft

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Single-family Residential in the Neighborhood Form District. The site is in the Willow Wood Subdivision and the structure sits on a double-lot significantly larger than the surrounding properties. The applicant is proposing an addition to the primary structure toward the Northeastern side of the home.

The location of the proposed addition, which includes a proposed garage, corresponds with the location of the existing curb cut and driveway. The addition also includes an open, unenclosed front porch which will be in conformance with the surrounding structures. Research shows that the home was originally built in 1821, prior to the establishment of the subdivision or surrounding properties. This is likely why the subject site is different in size and shape when compared to the surrounding lots.

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 setbacks.

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 addition complies with the front building limit line and does not interfere with any sight distances from the curvature of Stodghill Place. Also, the addition 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 several of the surrounding properties have front porches and attached garages.

- (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 property is situated on a cul-de-sac with a rounded front yard and the addition will follow the same shape of the lot.

- (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 historic age of the home and orientation on the lot are consequence of a later subdivision.

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 arises from special circumstances which do not generally apply to land in the same zoning district because the age of the home predates the establishment of the subdivision and lot lines.

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 layout of 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 prior to beginning construction.

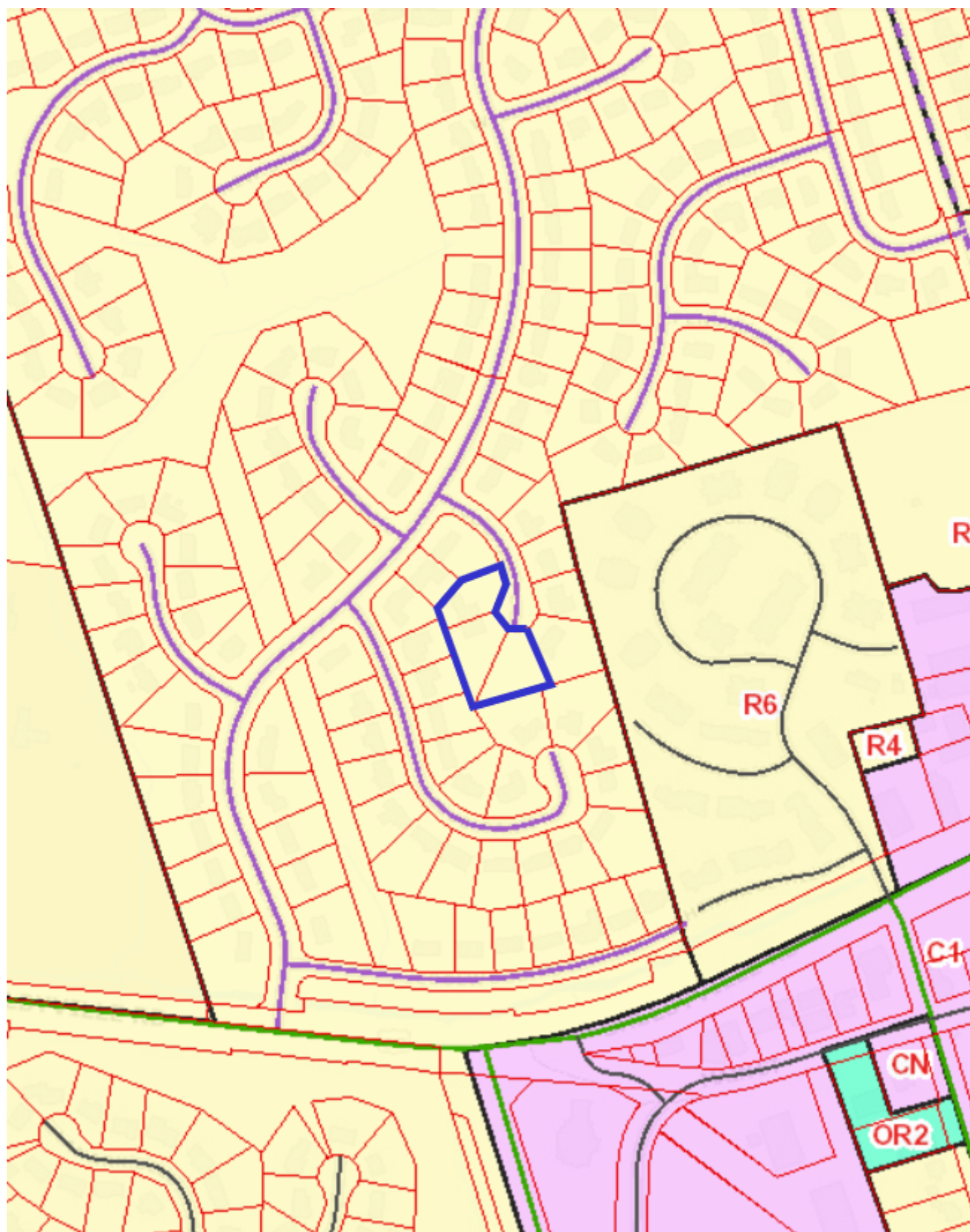
VARIANCE PLAN REQUIREMENT

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

Zoning Map



Aerial Photograph



Site Plan

