

LOUISVILLE BOARD OF ZONING ADJUSTMENT MINUTES

JULY 6, 1992

DOCKET NO. B-114-92

Applicant: Richard K. and Denise Y. Merryweather

Subject: An application for variances from the Zoning District Regulations to permit a proposed detached garage to encroach into required rear and street side yards and an existing structure to encroach into the required street side yard.

Premises affected: On property known as 179 East Wellington Avenue and being in the City of Louisville.

Appearances For Applicant:

Mark Chandler, 500 Colorado Avenue, Louisville, Kentucky 40208.

Appearances Against Applicant:

No one.

On June 8, 1992, Kentucky Garage Builders applied for a building permit which the City of Louisville Department of Inspections, Permits and Licenses refused to issue since it would not comply with the Zoning District Regulations.

On June 16, 1992, Richard K. and Denise Y. Merryweather filed an application for variation from the requirements of the Zoning District Regulations to permit a proposed detached garage to encroach into required rear and street side yards and an existing structure to encroach into the required street side yard.

On July 6, 1992, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and proposed construction was presented to each Board member.

By general consensus and with the consent of all those present for the hearing of this case, the Board voted unanimously to waive the reading of the staff report and incorporate it into the record. The Board members had received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. A staff member read the staff report. See Addendum for staff report in full.

A map of the site and surrounding area was shown.

Shari Cooper, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Crawford, seconded by Member Miles, the following resolution was unanimously adopted:

WHEREAS, the Board finds that the substandard size of the lot is a special circumstance which does not generally apply to land in the general vicinity or in the same zone, and

WHEREAS, the Board finds that an existing tree would have to be removed in order to maintain the required street side and rear yards, therefore, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, and

WHEREAS, the Board finds that the substandard size of the lot is a circumstance which is not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, and

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WHEREAS, the Board finds that the existing tool shed shall be removed, that similar encroachments exist in the area, and that there are no objections from adjoining property owners, therefore, the granting of the variances will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations,

NOW, THEREFORE, BE IT RESOLVED that the variances are hereby APPROVED.

The variances allow:

1. The proposed detached garage to be located 2 feet from the rear property line at its closest point.
2. The proposed detached garage to be located 11 feet from the Allmond Avenue Street side yard at its closest point.
3. The existing single family residence to be located 5 feet from the Allmond Avenue Street side property line at its closest point.