

# Board of Zoning Adjustment

## Staff Report

July 26, 2021



**Case No:** 21-VARIANCE-0074  
**Project Name:** Bassett Avenue Variance  
**Location:** 1279 Bassett Avenue  
**Owner:** James & Janet Degonda  
**Applicant:** Charlie Williams – Charlie Williams Design  
**Jurisdiction:** Louisville Metro  
**Council District:** 8 – Cassie Chambers Armstrong  
**Case Manager:** Zach Schwager, Planner I

### **REQUESTS:**

**Variance** from Land Development Code sections 5.4.1.E.2 and 5.4.1.E.5 to allow an accessory structure to encroach into the required side yards and rear yard.

Location	Requirement	Request	Variance
Side Yards	2 ft.	1.5 ft.	0.5 ft.
Rear Yard	5 ft.	2.67 ft.	2.33 ft.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-5 Residential Single Family in the Traditional Neighborhood Form District. It is located in the Cherokee Triangle neighborhood and preservation district on the northeast side of Bassett Avenue in between Ransdell Avenue and Longest Avenue. The applicant is proposing to construct a detached garage at the rear of the property that will encroach into the required side yards and rear yard.

Historic Landmarks and Preservation Commission staff approved the garage on condition under case number 21-COA-0065 on April 15, 2021. Planning & Design Staff does not have any recommended conditions.

The applicant has provided staff with signatures from the affected property owners allowing access for construction and maintenance of the proposed garage.

### **STAFF FINDINGS**

Staff finds that the requested variances are adequately justified and meet the 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 sections 5.4.1.E.2 and 5.4.1.E.5 to allow an accessory structure to encroach into the required side yards and rear yard.

## **TECHNICAL REVIEW**

Transportation Planning has reviewed and approved the plan.

## **INTERESTED PARTY COMMENTS**

Staff received a letter in opposition to the requested variance. This has been attached in the agenda item.

## **RELATED CASES**

21-COA-0065 – Certificate of Appropriateness for the proposed garage.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTIONS 5.4.1.E.2 and 5.4.1.E.5**

- (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, because the proposed garage must be constructed to comply with all building codes, including fire codes. The plan has also been reviewed and approved by Transportation Planning.

- (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 accessory structure was approved by Historic Landmarks and Preservation Commission staff.

- (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 because the structure must be constructed to comply with all building codes. The plan has also been reviewed and approved by Transportation Planning.

- (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 relatively narrow and other garages on the alley are similar distances or closer to the rear property line as the proposed garage.

## **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 not arise from special circumstances which do generally apply to the land in the general vicinity or the same zone as the lot is similar in size and shape as surrounding properties on Bassett Avenue.

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 for the side yard setbacks but the garage could be moved further back from the rear property line.

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 has not started construction and is requesting the variance.

### **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.

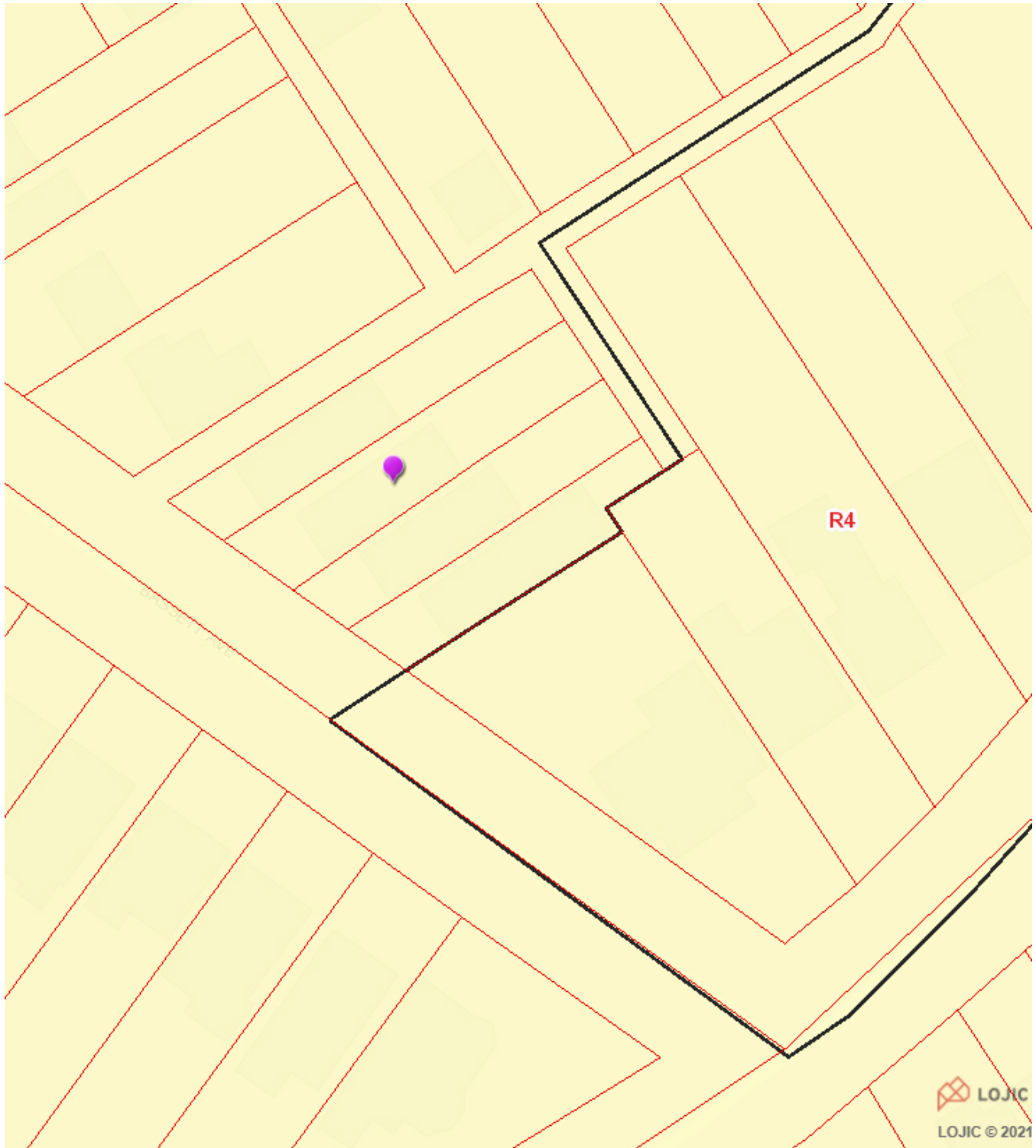
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
7/8/2021	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 8
7/14/2021	Hearing before BOZA	Notice posted on property

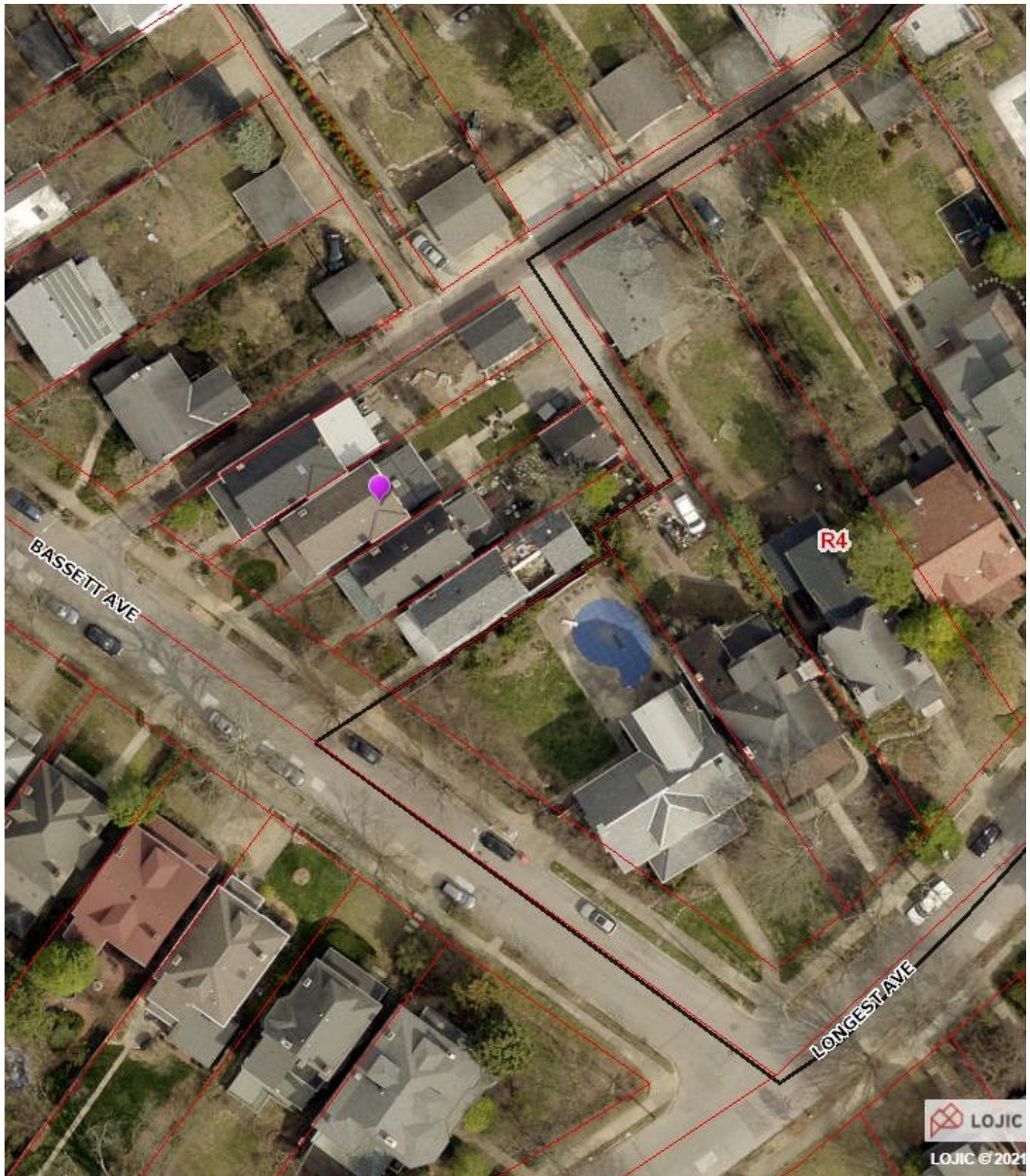
### **ATTACHMENTS**

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

## 1. Zoning Map



## 2. Aerial Photograph





**PROPOSED GARAGE  
1279 BASSETT AVE  
LOUISVILLE, KY 40204**



## PROPOSED SITE PLAN

SCALE 1" = 20'

**CHARLIE WILLIAMS DESIGN, INC.**  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40204  
502 459 1810



#### 4. Site Photos



Front of subject property.





Properties to the left.





Properties to the right.





Location of proposed garage and variance areas.