

Board of Zoning Adjustment

Staff Report

August 2, 2021



Case No: 21-VARIANCE-0028
Project Name: Zane Street Variance
Location: 736 Zane Street
Owner: UMI Ventures, LLC
Applicant: Mick Logsdon – Logsdon Surveying
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code section 5.1.12.A.2.e to allow a principal structure to encroach into the required street side yard setback.

| Location | Requirement | Request | Variance |
|------------------|-------------|---------|----------|
| Street Side Yard | 3 ft. | 1.5 ft. | 1.5 ft. |

CASE SUMMARY/BACKGROUND

The subject property is in the Traditional Neighborhood Zoning District (TNZD) and the Traditional Neighborhood Form District. It is on the southern side of S. Zane Street in between S. 7th Street and S. 8th Street and is in the Limerick neighborhood and preservation district. The site is currently undeveloped, and the applicant is proposing to construct a new single-family residence. The proposed structure will encroach into the required street side yard setback.

The Limerick Architectural Review Committee approved the new construction on condition under case number 21-COA-0058 on June 30, 2021. Planning & Design Staff does not have any recommended conditions.

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 section 5.1.12.A.2.e to allow a principal structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

21-COA-0058 – Certificate of Appropriateness for construction of a new single-family residence.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.A.2.e

- (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 structure must 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 structure was approved by the Limerick Architectural Review Committee.

- (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.

- (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 subject property is narrow and does not provide much space to meet all zoning regulations.

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 arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the lot is relatively small compared to some other properties in the area.

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 as the subject property is relatively small compared to surrounding properties.

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.

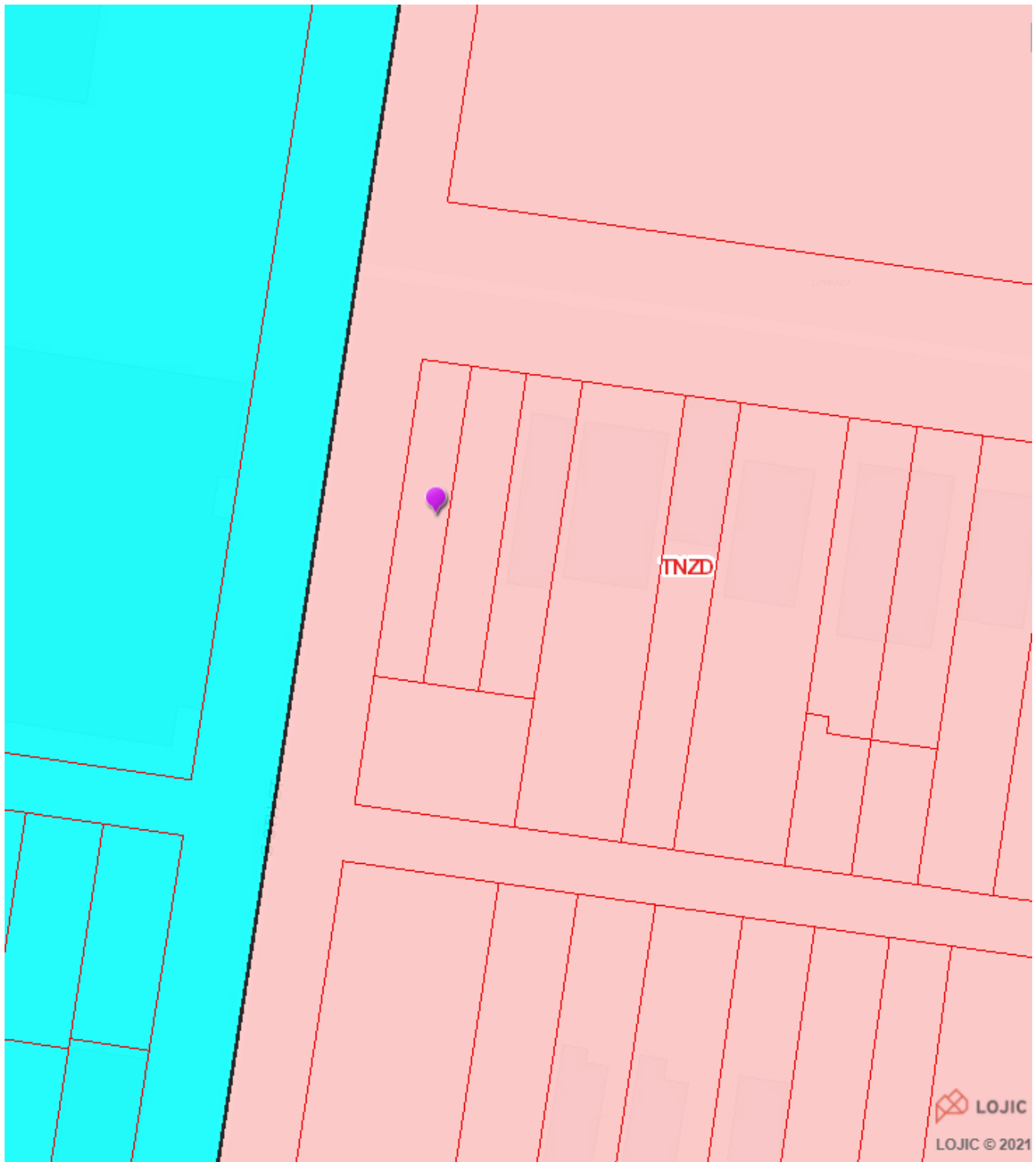
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------|---------------------|--|
| 7/14/2021 | Hearing before BOZA | 1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 6 |
| 7/19/2021 | Hearing before BOZA | Notice posted on property |

ATTACHMENTS

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

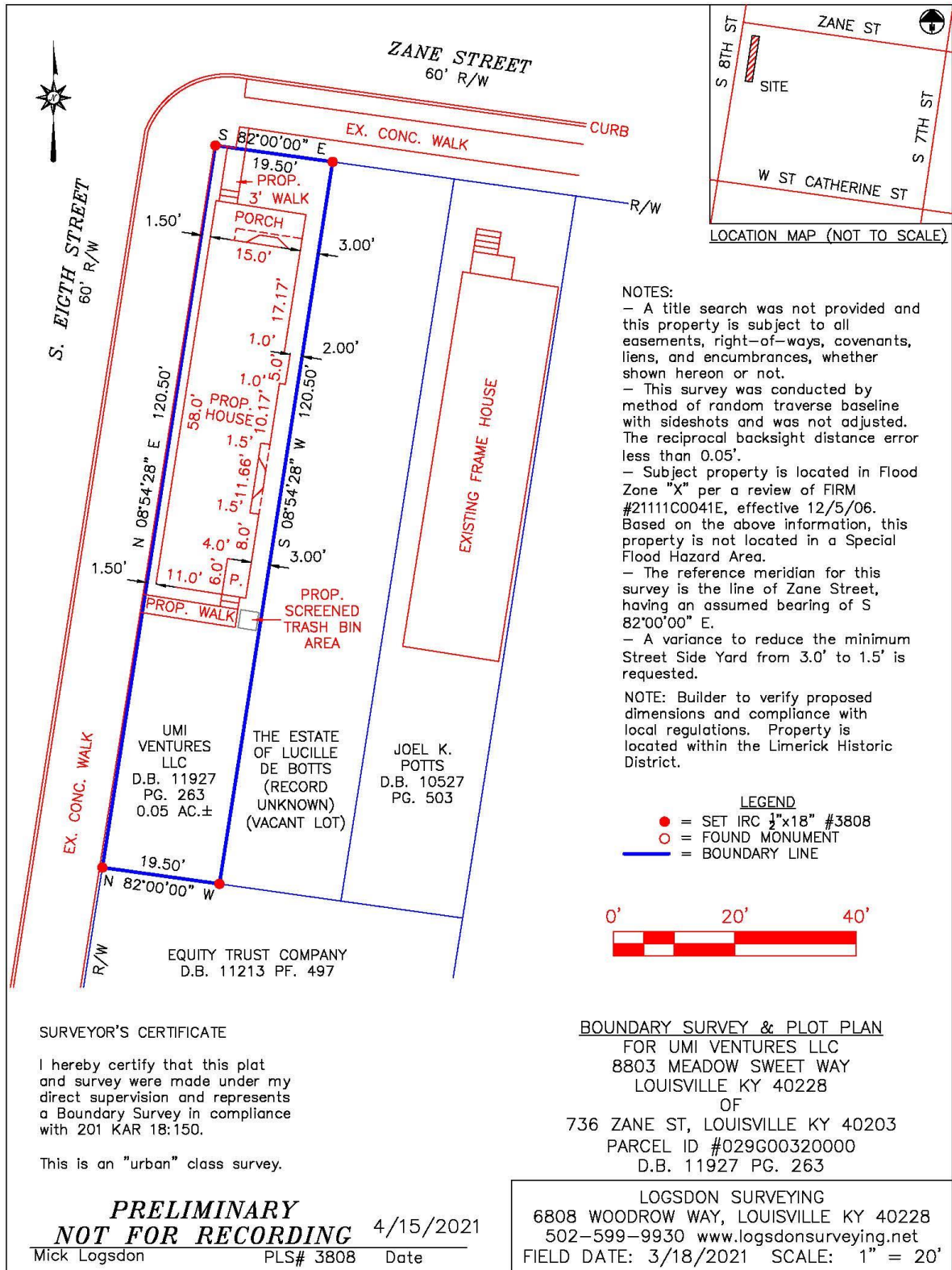
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Site Photos



Front of subject property.



Property across S. 8th Street.



Property across Zane Street.



Looking at subject property from across S. 8th Street.