

**Board of Zoning Adjustment**  
**Staff Report**  
August 2, 2021



<b>Case No:</b>	21-VARIANCE-0079
<b>Project Name:</b>	St. Xavier Street and Gilligan Street Variances
<b>Location:</b>	2707 St. Xavier Street and 2708 Gilligan Street
<b>Owners:</b>	Gerald Omeara
<b>Applicant:</b>	Bill Schroll – Schroll Land Surveying LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Donna Purvis
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST:**

**Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of the lot.

Location	Requirement	Request	Variance
Private Yard Area (St. Xavier Street)	786.1 sq. ft.	350 sq. ft.	436.1 sq. ft.
Private Yard Area (Gilligan Street)	550.9 sq. ft.	360.5 sq. ft.	190.4 sq. ft.

**CASE SUMMARY/BACKGROUND**

The subject site is zoned U-N Urban Neighborhood in the Traditional Neighborhood Form District. It is on the north side of St. Xavier Street in between N. 26<sup>th</sup> Street and N. 28<sup>th</sup> Street in the Portland neighborhood. There are currently two single-family residences on the subject property and the applicant has applied to subdivide the property into two lots. The proposed subdivision would reduce the private yard areas for each lot to be less than the required 20% of the area of the lots. There is no proposed construction.

**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 variances established in the Land Development Code from section 5.4.1.D.2 to allow private yard areas to be less than the required 20% of the area of the lots.

**TECHNICAL REVIEW**

No technical review required.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

## **RELATED CASES**

21-MPLAT-0068 – Minor subdivision to create two lots from one.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare, because there is no proposed construction.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The variances will not alter the essential character of the general vicinity as there is no proposed construction.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variances will not cause a hazard or nuisance to the public because there is no proposed construction.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as there is no proposed construction.

## **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 variances do arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the lot is proposed to be subdivided so each structure is on an individual lot.

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 there is no proposed construction.

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 and there is no proposed 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.

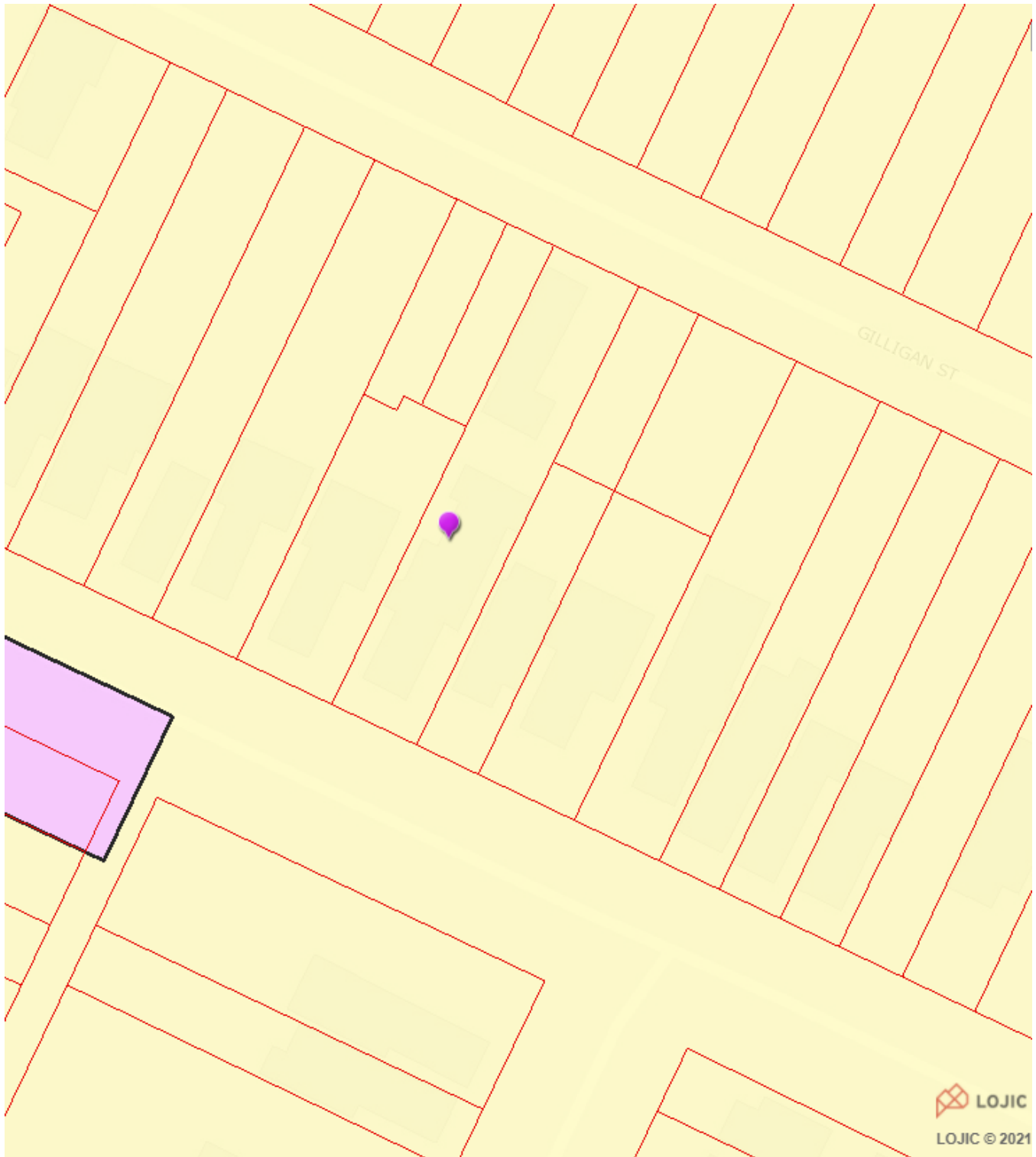
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
7/14/2021	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 5
7/19/2021	Hearing before BOZA	Notice posted on property

### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Condition of Approval

## 1. Zoning Map

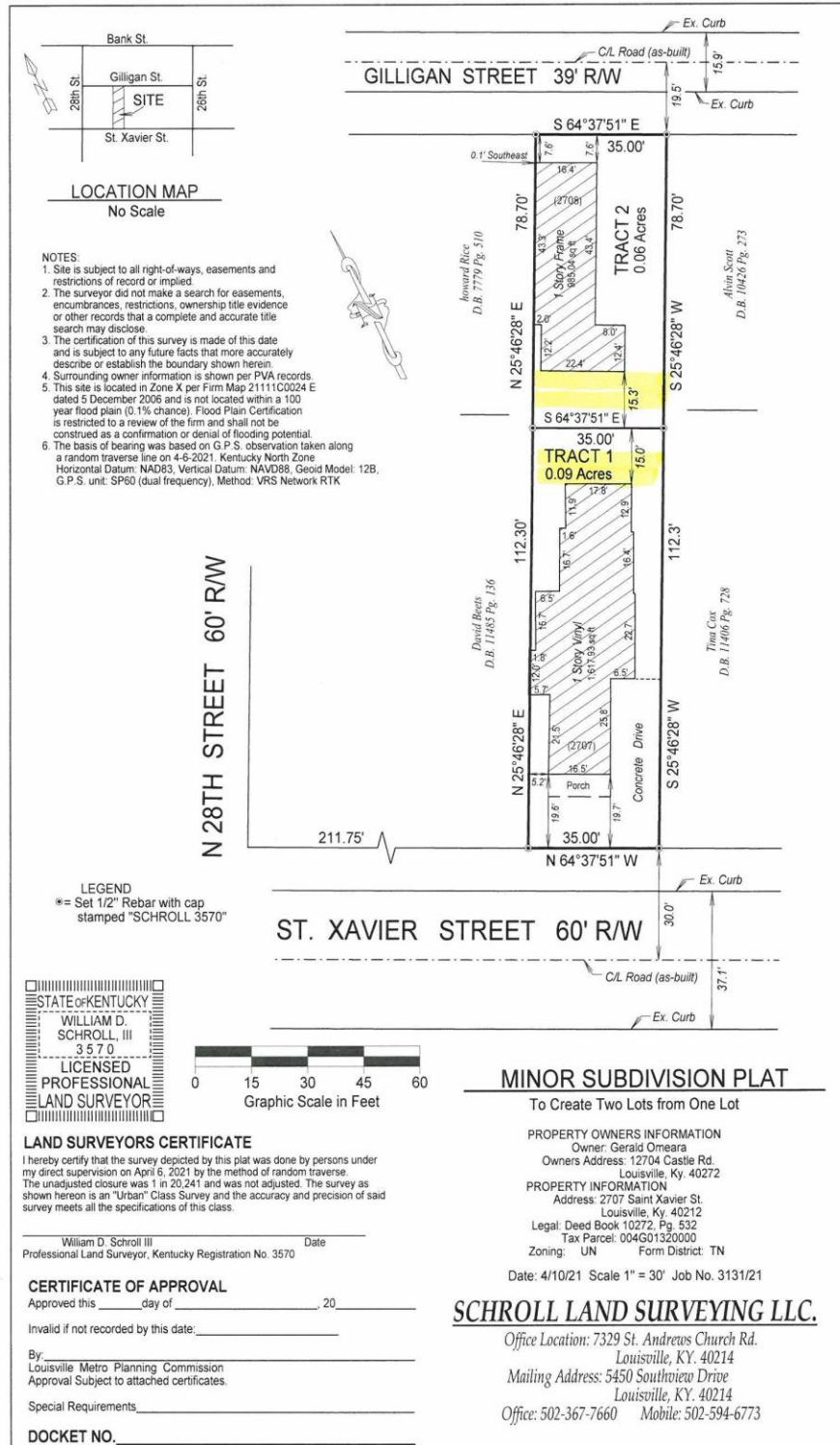


## 2. Aerial Photograph





### 3. Site Plan



#### 4. Site Photos



Front of subject property from St. Xavier Street.





Rear of subject property from Gilligan Street.





Property across St. Xavier Street.



Existing private yard area.





Existing private yard area.



**5. Condition of Approval**

- 1) The applicant shall submit a Minor Subdivision Plat application to Planning & Design Services for review and approval to subdivide the property. The approved minor plat shall be recorded with the Jefferson County Clerk.