

Board of Zoning Adjustment
Staff Report
August 30, 2021



Case No:	21-VARIANCE-0071
Project Name:	Hancock Street Variance
Location:	913 S. Hancock Street
Owner/Applicant:	Aimee Overly
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code table 5.2.2 to allow a principal structure to encroach into the street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	3 ft.	0 ft.	3 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned U-N Urban Neighborhood and is in the Traditional Neighborhood Form District. It is on the southeastern corner of S. Hancock Street and Coke Street in the Smoketown neighborhood. The site currently has a one-story single-family residential structure and the applicant is proposing to add a covered porch on the side that will encroach into the required street side yard setback.

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 Land Development Code table 5.2.2 to allow a principal structure to encroach into the street side yard setback.

TECHNICAL REVIEW

Transportation Planning has reviewed and approved the plan.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 there are other structures in the area that encroach into the street side yard setback.

- (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 only 29 ft. in width.

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 land in the general vicinity or the same zone as the property is similar in size and shape to 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 only 29 ft. in width.

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.

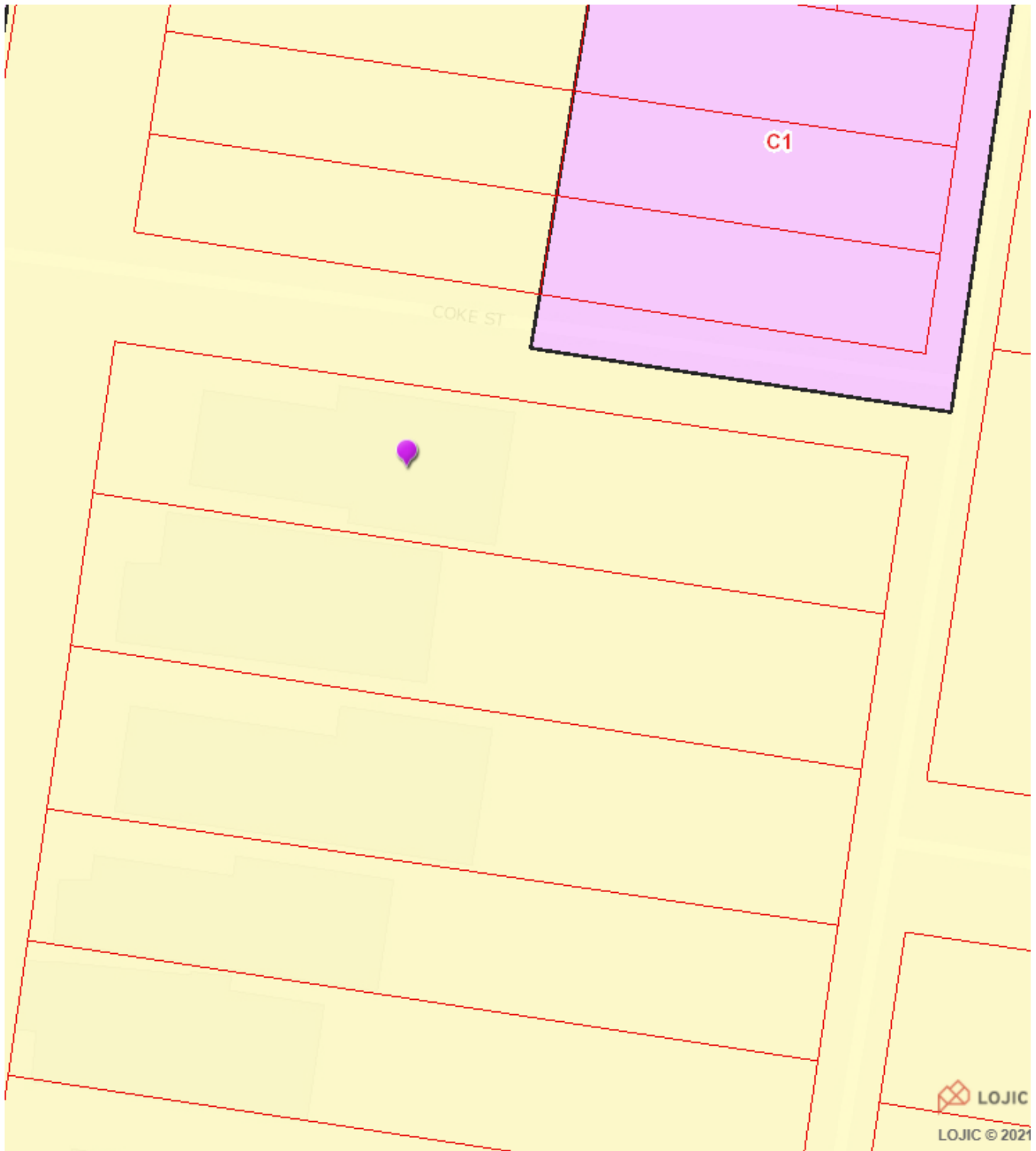
NOTIFICATION

Date	Purpose of Notice	Recipients
8/11/2021	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 4
8/17/2021	Hearing before BOZA	Notice posted on property

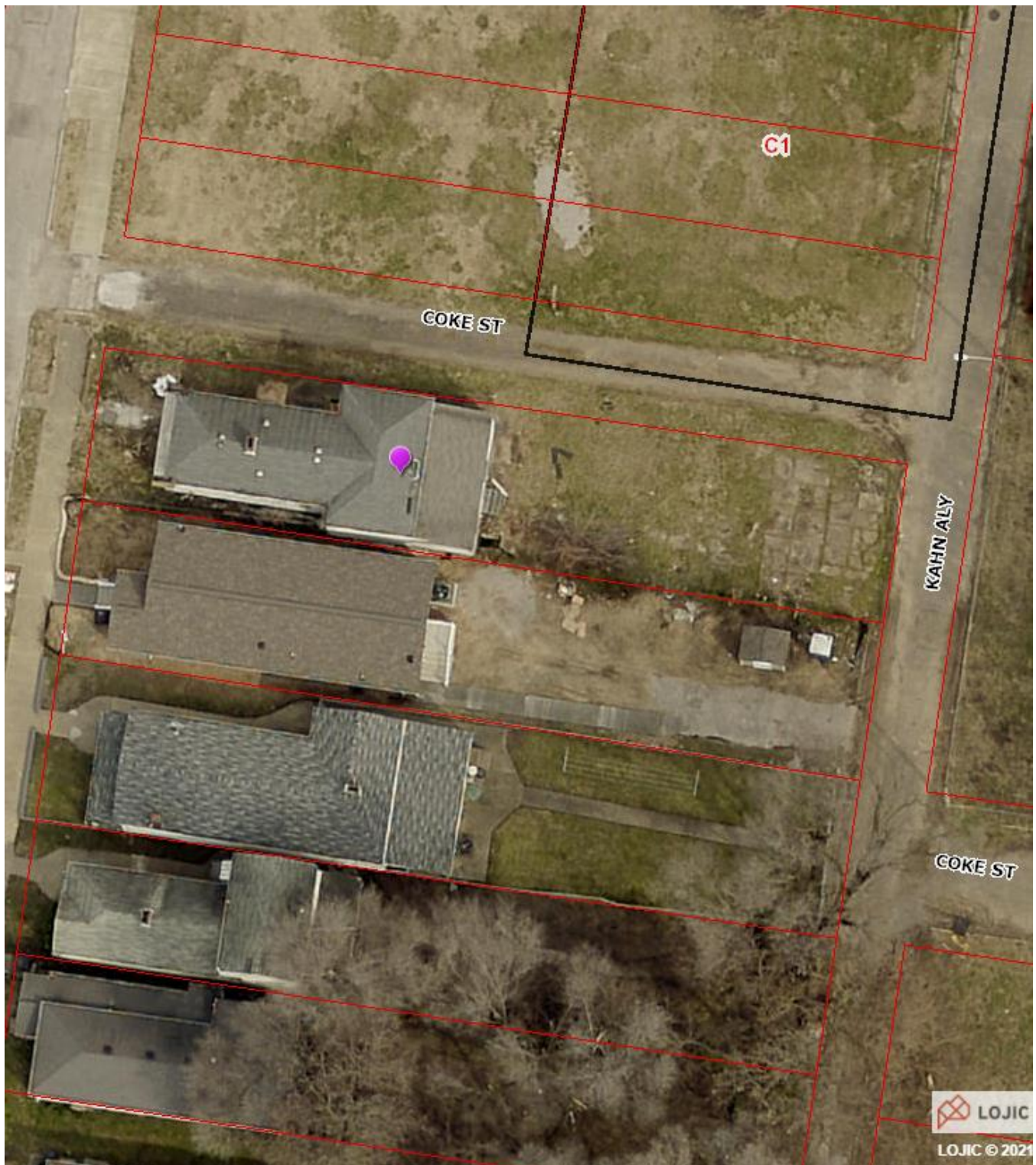
ATTACHMENTS

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

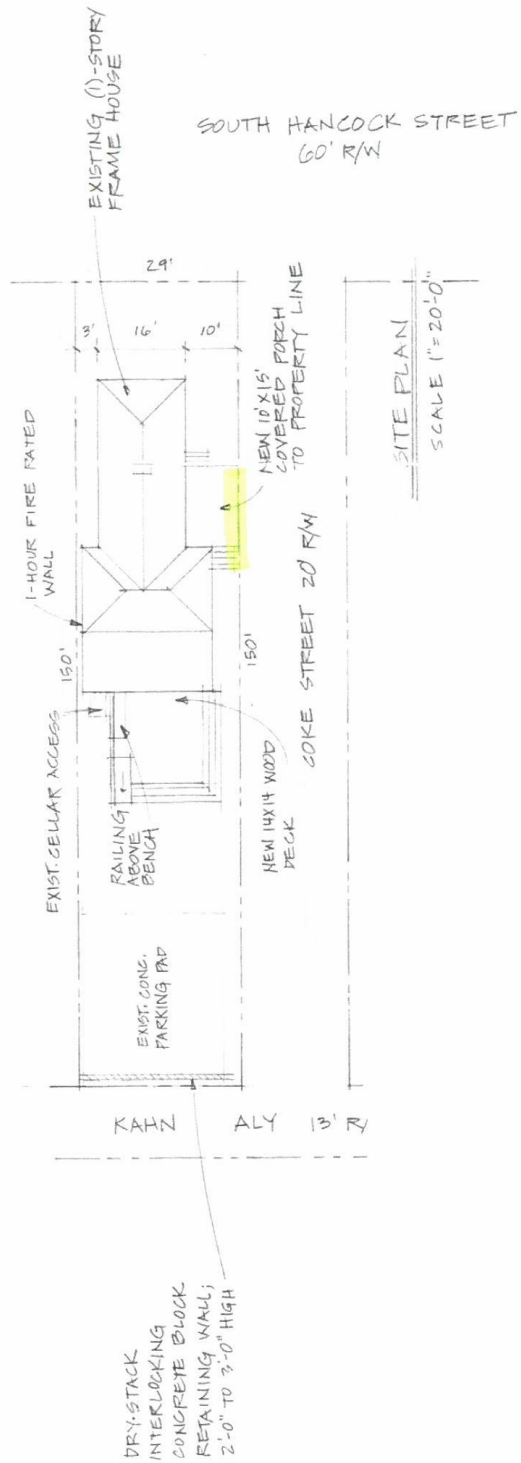
1. Zoning Map



2. Aerial Photograph



3. Site Plan



SITE PLAN, LOFT PLAN; LOFT SE		DRAWN BY	
SCALE:	APPROVED BY:	REVISED	
DATE: 4.9.21			
OVERLY RESIDENCE 913 S. HANCOCK ST.		40203	
MARY HEED JACKSON, AIA		DRAWING	A-6

4. Site Photos



Front of subject property.



Property to the left across Coke Street.



Properties to the right.



Property across S. Hancock Street.



Variance area.

5. Condition of Approval

- 1) A survey of the northern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.