

Board of Zoning Adjustment

Staff Report

September 13, 2021



Case No: 21-VARIANCE-0098
Project Name: Cotter Drive Variance
Location: 3516 Cotter Drive
Owner/Applicant: Arin & Dalton Holt
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
Case Manager: Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

Location	Requirement	Request	Variance
Private Yard Area	1,889.28 sq. ft.	0 sq. ft.	1,889.28 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-7 Residential Multi-Family and is in the Traditional Neighborhood Form District. It is on the south side of Cotter Drive in between Peony Drive and S. 35th Street in the Park Duvalle Phase II subdivision. The site has a two-story single-family residence and the applicant is proposing to construct an attached garage at the rear of the existing structure.

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 section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

RELATED CASES

10-28-97 – Innovative subdivision for Park Duvalle Phase II.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.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 addition 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 multiple other properties in the area with similar designs. There is also no alley access and the pattern of development is more similar to the Neighborhood Form District.

- (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 there is no other area to put the addition. Also, the existing private yard area does not meet the requirement.

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 to surrounding lots.

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 does not have adequate depth for the addition.

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.

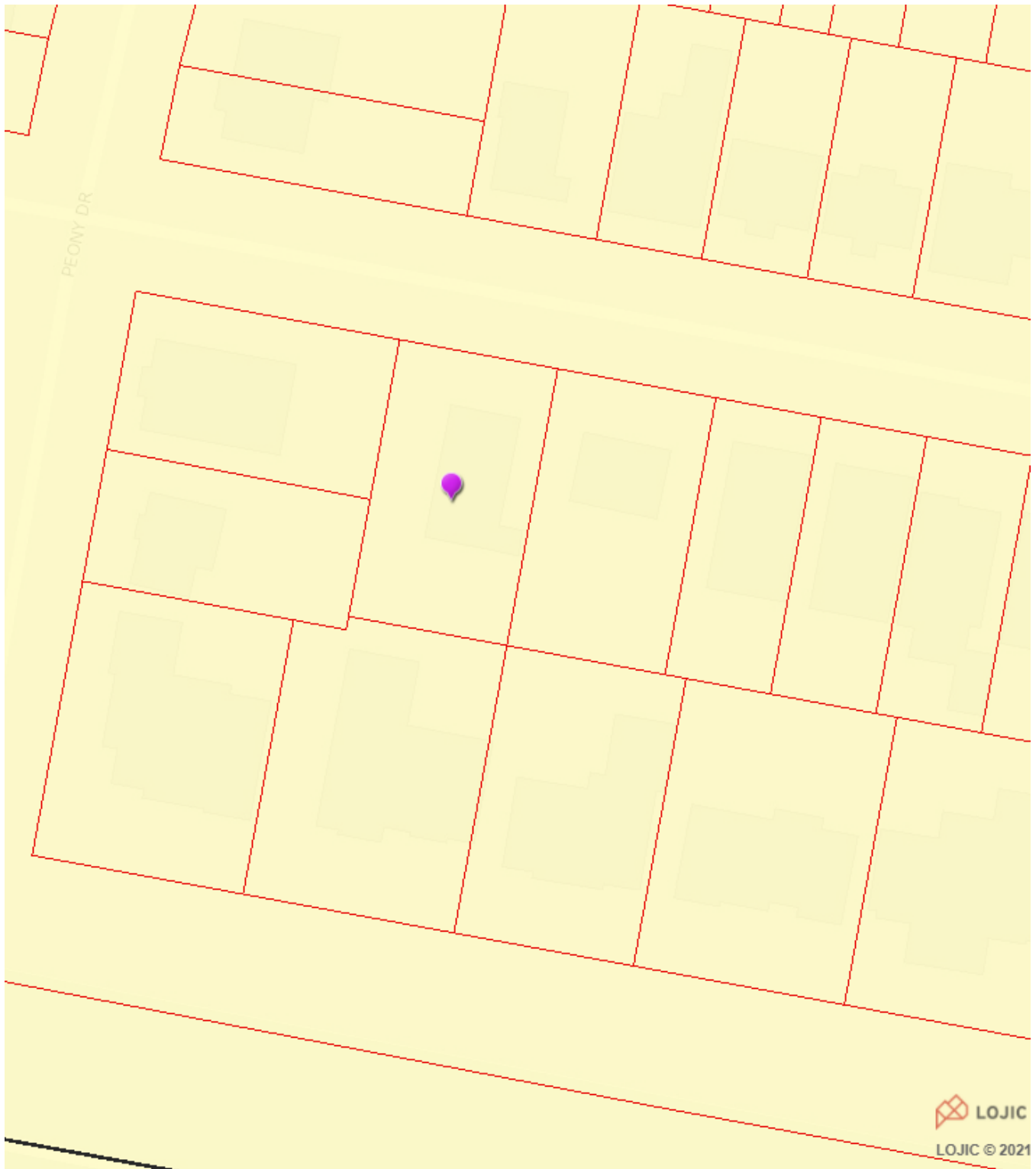
NOTIFICATION

Date	Purpose of Notice	Recipients
8/24/2021	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 1
8/27/2021	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



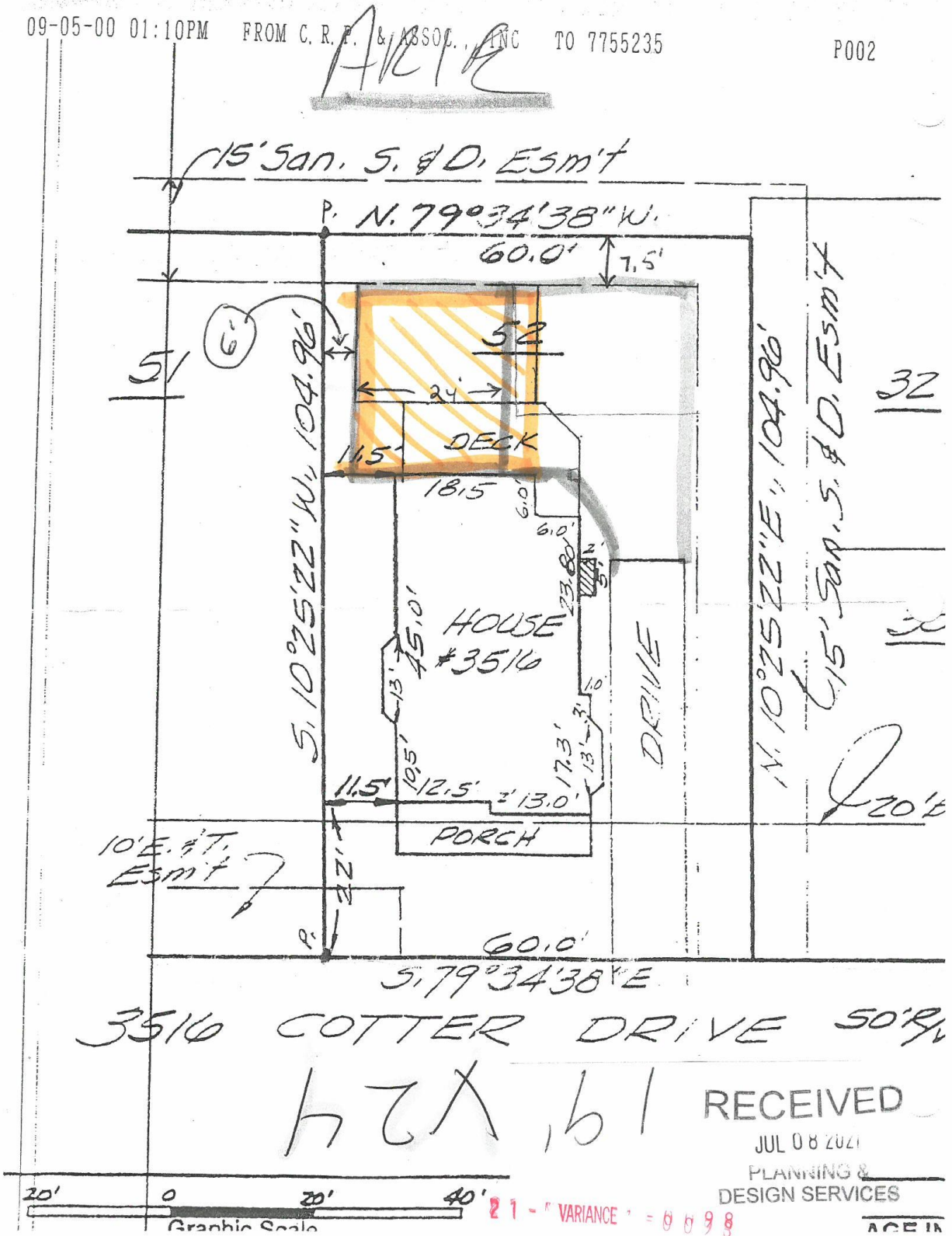
3. Site Plan

09-05-00 01:10PM

FROM C. R. F. & ASSOC., INC

TO 7755235

P002



4. Site Photos



Front of subject property.



Location of proposed garage.



Existing private yard area.