

Board of Zoning Adjustment

Staff Report

September 13, 2021



Case No: 21-VARIANCE-0099
Project Name: Tiffany Lane Variance
Location: 506 Tiffany Lane
Owner/Applicant: Lindsay & Eric Harden
Jurisdiction: Louisville Metro
Council District: 7 – Paula McCraney
Case Manager: Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code table 5.3.1 to allow an addition to a principal structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard (Minimum)	7.5 ft.	4 ft.	3.5 ft.
Side Yard (Total)	22.5 ft.	13 ft.	9.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-3 Residential Single-Family and is in the Neighborhood Form District. It is on the west side of Tiffany Lane in between Pennington Lane and Crocus Lane in the City of Rolling Fields. The site has a 1 ½ story single-family residence and the applicant is proposing to construct an attached garage on the side 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 table 5.3.1 to allow an addition to a principal structure to encroach into the required side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Staff has received phone calls in opposition to the requested variance.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 structures with attached front-loaded garages in the area.

- (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 lot narrows moving toward the rear of the property.

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 as the lot narrows moving toward the rear of the property.

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 not create an unnecessary hardship on the applicant as the proposed addition could be relocated to the rear of the existing structure.

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.

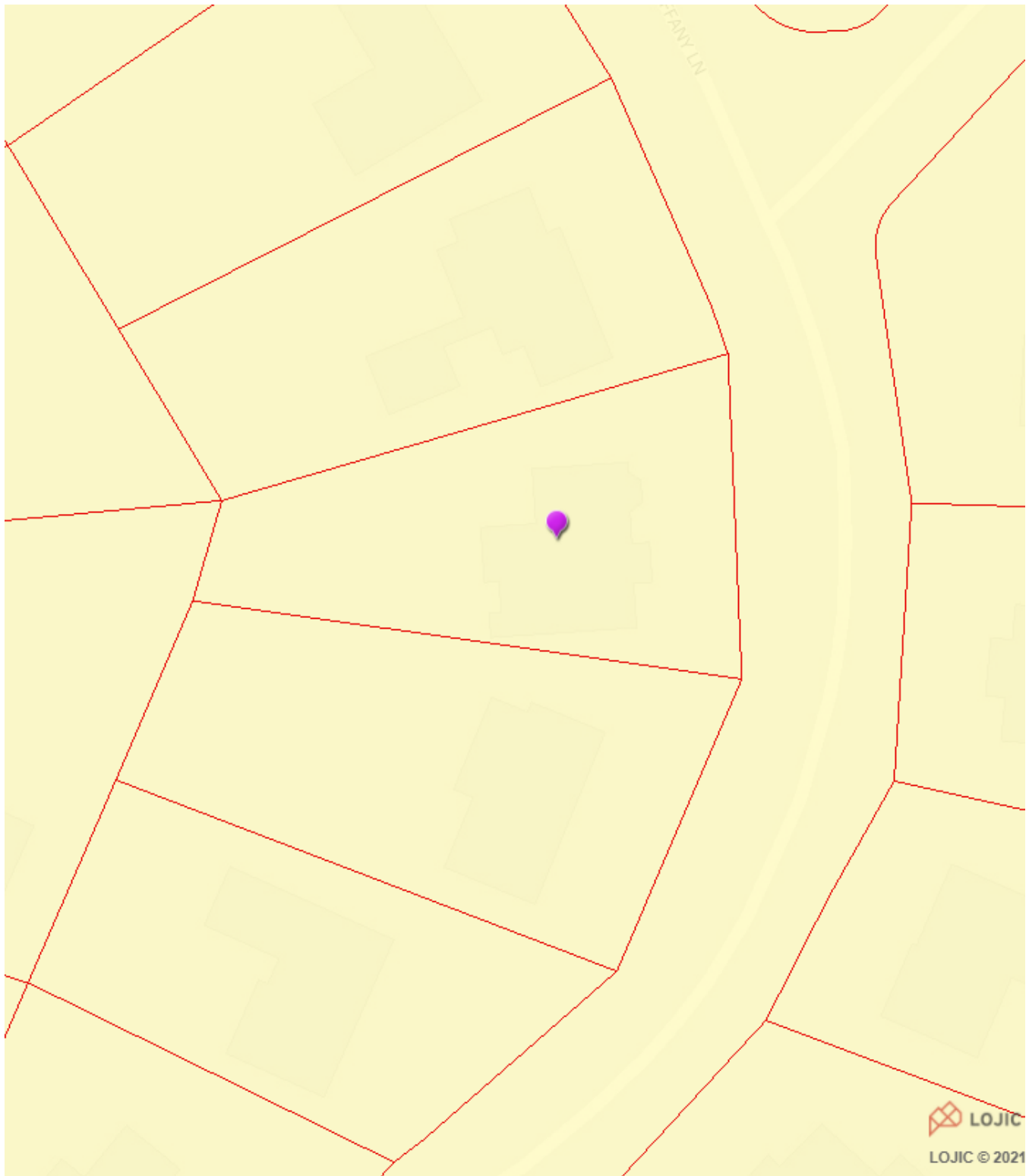
NOTIFICATION

Date	Purpose of Notice	Recipients
8/25/2021	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 7
8/27/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

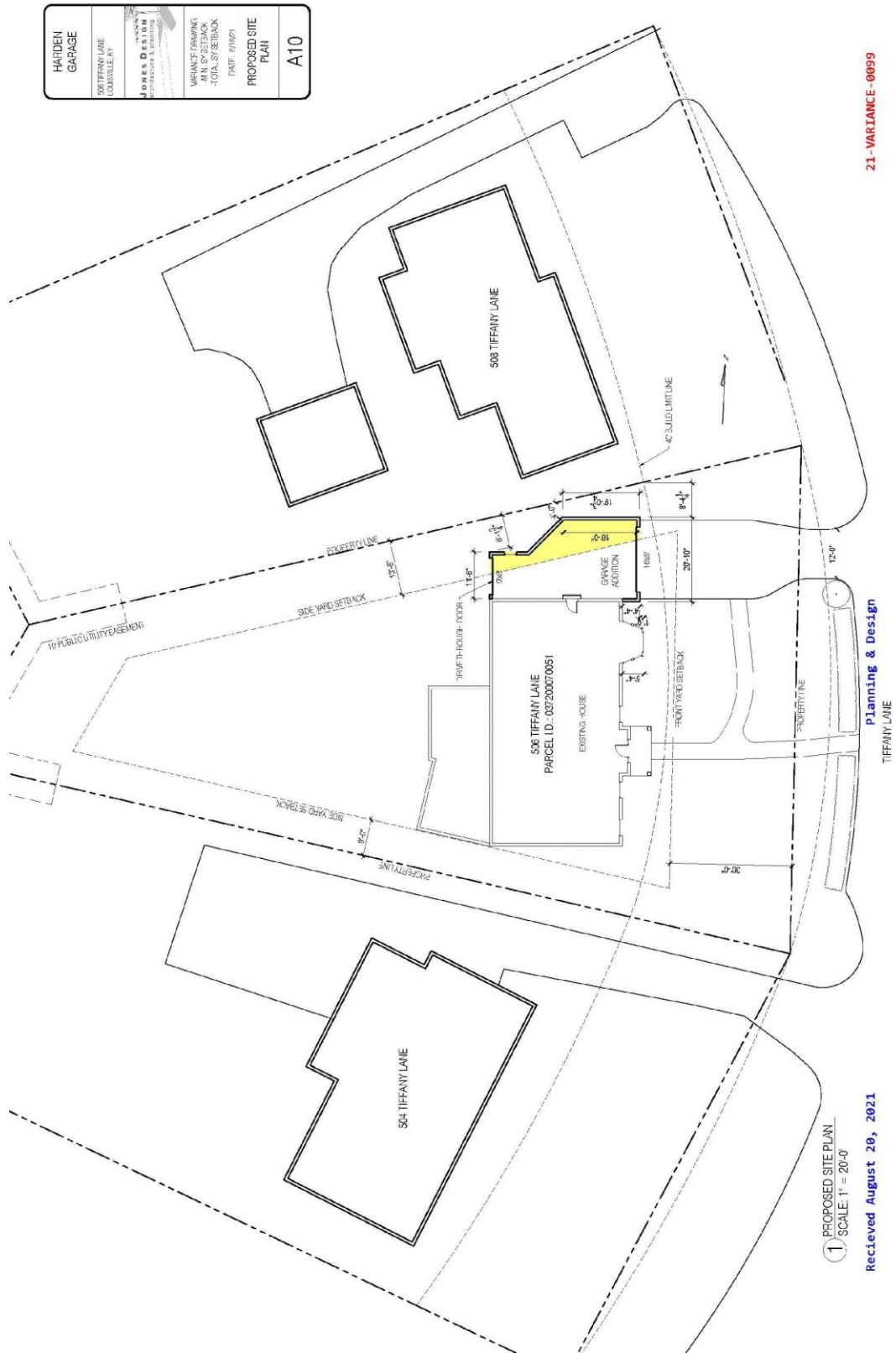
1. Zoning Map



2. Aerial Photograph



3. Site Plan



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4. Site Photos



Front of subject property.



Location of proposed garage.



Variance location looking toward Tiffany Lane.



Variance area.