

# Board of Zoning Adjustment

## Staff Report

September 27, 2021



<b>Case No:</b>	21-VARIANCE-0116
<b>Project Name:</b>	Grand Avenue Variances
<b>Location:</b>	3415 Grand Avenue
<b>Owner:</b>	Properties of Cuevas Lopez
<b>Applicant:</b>	Yajaira Morphonios – Strategic Alliance Consultants
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	1 – Jessica Green
<b>Case Manager:</b>	Zach Schwager, Planner I

### **REQUESTS:**

**Variance** from Land Development Code section 5.1.10.F to allow a principal structure to encroach into the required side yard setbacks.

Location	Requirement	Request	Variance
East Side Yard	2 ft.	1 ft.	1 ft.
West Side Yard	2 ft.	1 ft.	1 ft.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-5 Residential Single Family and is in the Traditional Neighborhood Form District. It is on the north side of Grand Avenue in between S. 36<sup>th</sup> Street and Louis Coleman Jr. Drive in the Chickasaw neighborhood. The site is currently undeveloped, and the applicant is proposing to construct a one-story single-family residence that will encroach into the side yard setbacks.

The subject property is 20 ft. in width. Land Development Code section 5.1.10.F allows for a lot less than 50 feet in width to have a side yard setback requirement of 10% of the width of the lot. The required side yard setbacks are therefore two feet.

### **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 Land Development Code section 5.1.10.F to allow a principal structure to encroach into the required side yard setbacks.

### **TECHNICAL REVIEW**

No technical review required.

## **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 SECTION 5.1.10.F**

- (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 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 variances will not alter the essential character of the general vicinity as the proposed structure will have similar setbacks as existing structures in the area.

- (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 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 variances will not allow an unreasonable circumvention of the zoning regulations as the subject property is only 20 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 variances do 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 properties.

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 20 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 variances.

### **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.

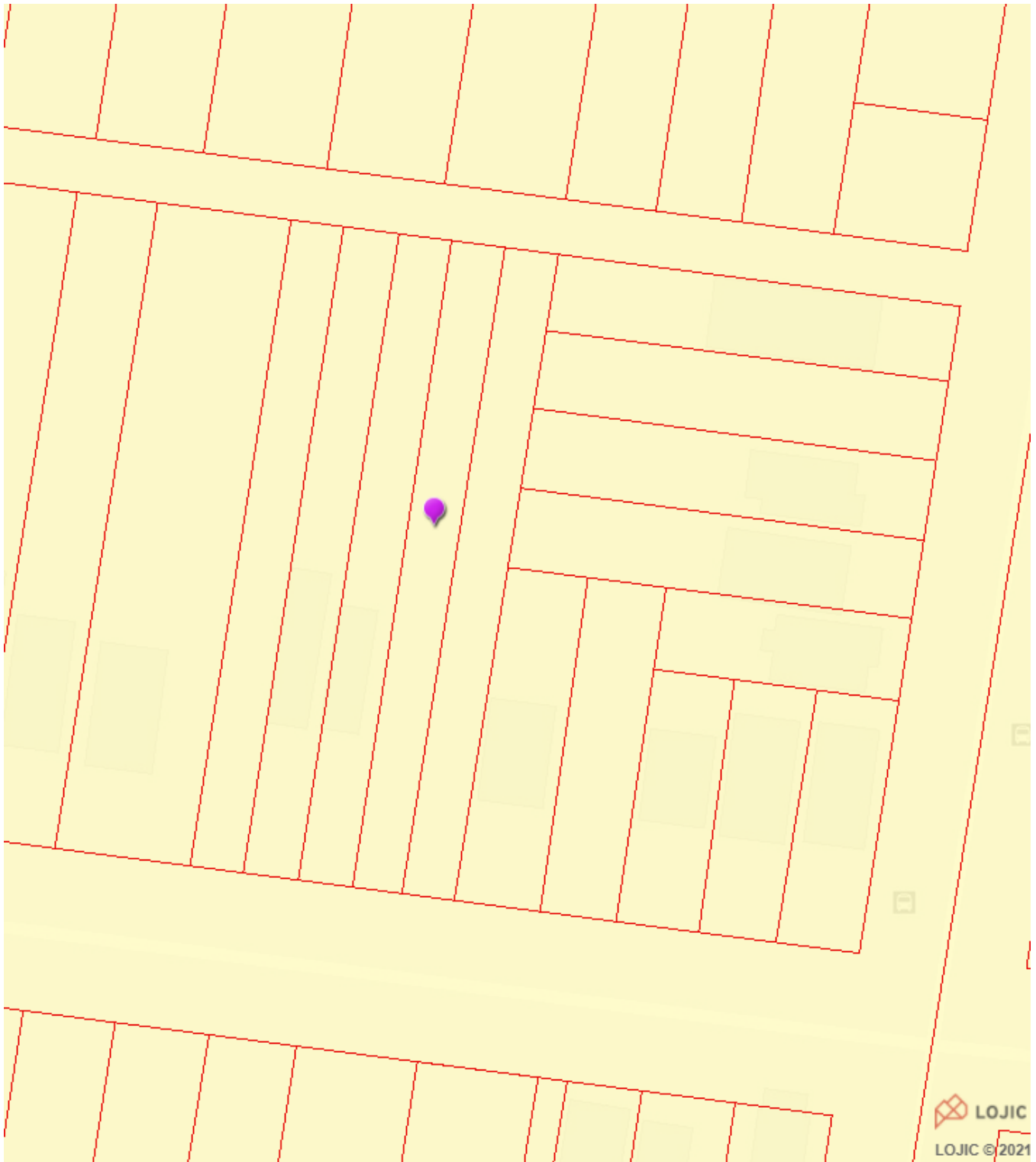
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
9/10/2021	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 1
9/10/2021	Hearing before BOZA	Notice posted on property

### **ATTACHMENTS**

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

## 1. Zoning Map

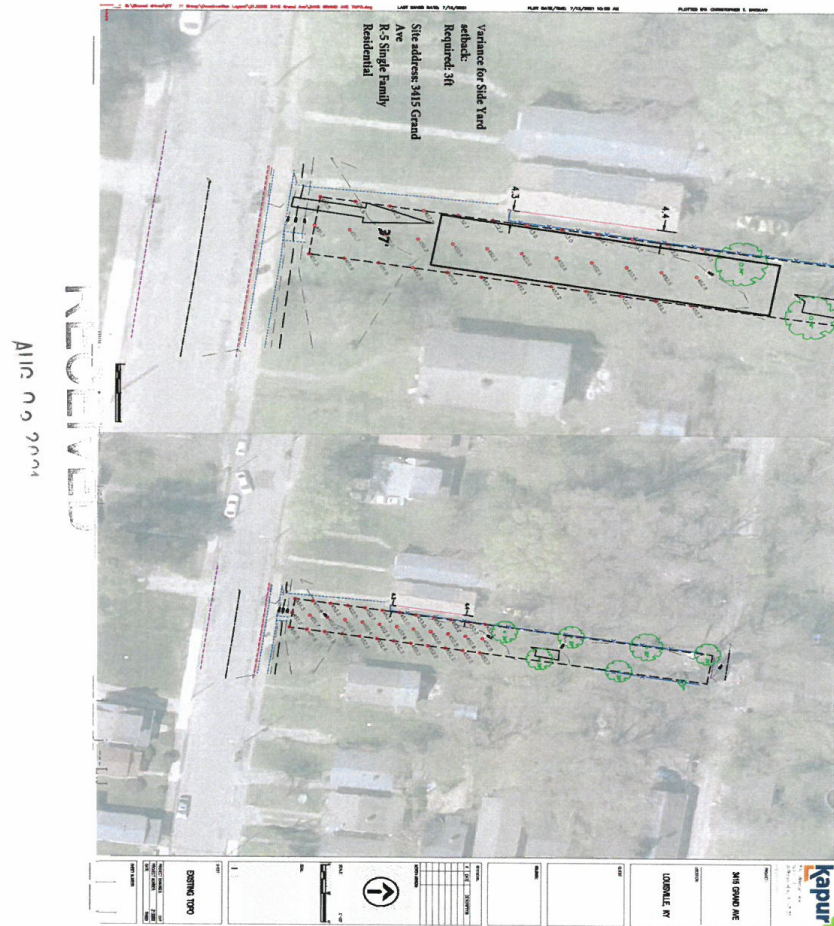


## 2. Aerial Photograph





### 3. Site Plan



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#### 4. Site Photos



Front of subject property and variance areas.





Properties to the left.





Property to the right.





Properties across Grand Avenue.