

Board of Zoning Adjustment

Staff Report

September 27, 2021



Case No: 21-VARIANCE-0108
Project Name: Bicknell Avenue Variance
Location: 1501 Bicknell Avenue
Owner/Applicant: Sunshine Builders, LLC
Representative: Damon Garrett
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Heather Pollock, Planner I

REQUEST:

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 | 2702 sq. ft. | 1,532 sq. ft. | 1,170 sq. ft. |

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Residential Single-Family in the Traditional Neighborhood Form District. The currently vacant property is located in the Hazelwood subdivision. The applicant is proposing to construct a new single-family structure. The new construction will reduce the private yard area to be less than the required 30% of the area of the lot.

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 the Land Development Code from 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 were received by staff.

RELATED CASES

B-221-85: Denied request for variances to permit proposed off-street parking spaces and a sign to encroach into the required front yard and to permit a proposed structure, a dumpster enclosure, off-street parking spaces, and a sign to encroach into the required street side yard.

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 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 proposed principal structure will not alter the essential character of the general vicinity as it is going to be built with material that will be in character with the existing residence and surrounding residential neighborhood.

- (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 this lot is an unusual shape and there is additional open space that cannot be included in the calculation. If this area could be counted toward the private yard, then a variance would not be required.

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 generally apply to the land in the generally vicinity or the same zone as the lot is dissimilar in size and shape to the 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 there is additional open space that cannot be counted toward the private yard area.

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 has not begun 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 |
|------------|---------------------|---|
| 09/13/2021 | Hearing before BOZA | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 15 |
| 09/10/2021 | Hearing before BOZA | Notice posted on property |

ATTACHMENTS

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

1. Zoning Map



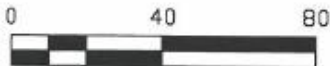
2. Aerial Photograph



3. Site Plan

NOTE: This document does not constitute a boundary survey and is subject to the inaccuracies that a subsequent boundary survey may disclose. The information shown on this PLOT PLAN shall not be used to establish any fence, structure or other improvements (other than shown hereon). The linear and angular values shown are based on the deed of record and the information shown has not been verified unless noted. The builder is responsible for verification of all zoning requirements and restrictive covenants including setbacks prior to start of construction.

PLOT PLAN ONLY. NOT A BOUNDARY SURVEY.
NOT FOR RECORDING PURPOSES.



ALAN HARTLEY LAND SURVEYS

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PLOT PLAN

| | | |
|----------|---------|------------------------|
| DRAWN | DATE | 1501 BICKNELL AVENUE |
| | 7/14/21 | SUNSHINE BUILDERS LLC. |
| APPROVED | DATE | 2104 CLUB VISTA PLACE |
| | | LOUISVILLE, KY 40215 |
| SCALE | SHEET | PROJECT NO. |
| 1" = 40' | 1 of 1 | |

Received July 23, 2021 Planning & Design

21-VARIANCE-0108

Site Photos



Front of subject site



Front of subject site



View of subject site from intersection of Bicknell Ave and Cayuga St.



Across Bicknell Ave from subject site.