

Board of Zoning Adjustment

Staff Report

October 18, 2021



Case No: 21-VARIANCE-0126
Project Name: Varble Avenue Variance
Location: 4628 Varble Avenue
Owner/Applicant: Barbara McDaniel Deal & Dave Deal
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
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	2,086.5 sq. ft.	0 sq. ft.	2,086.5 sq. ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Residential Single-Family in the Traditional Neighborhood Form District. The property is located on the south side of the 4600 block of Varble Ave. in the Chickasaw neighborhood.

The applicant is proposing to build a new garage over the foundation of where an existing garage was recently demolished. The property currently does not have any space that can be counted towards the required private yard area as the space between the primary structure and the accessory structure area is paved and used for vehicle maneuvering and parking.

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

Transportation planning stated that the property could maintain it's existing driveway access off Varble Ave. additionally no vehicle parking is permitted in the side yard setback.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

There are no related cases.

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 addition 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 the proposed garage will be built on the existing slab of a previous garage and the remaining space is nonconforming as it is paved and used for vehicle maneuvering and parking and access for the existing driveway.

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 space between the primary structure and the accessory structure area is nonconforming because it is paved and used for vehicle maneuvering and parking.

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 was an existing garage that was removed due to its deteriorated state and the proposed garage will be built in the same space. Additionally, existing access is via driveway off Varble Ave. rather than the rear alley.

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.

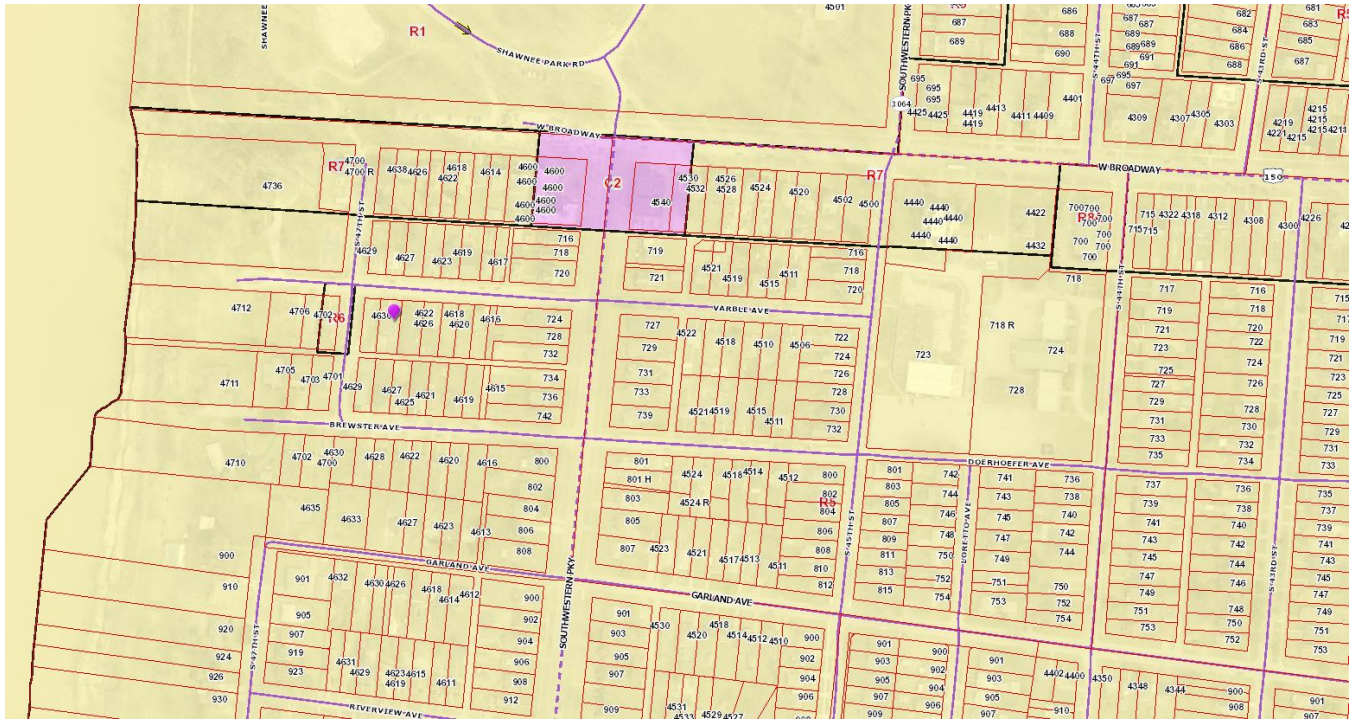
NOTIFICATION

Date	Purpose of Notice	Recipients
10/01/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 5
10/04/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

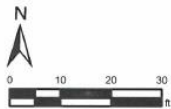
1. Zoning Map



2. Aerial Photograph



3. Site Plan



Tuesday, August 17, 2021 | 1:37:51 PM

RECEIVED

AUG 18 2021

PLANNING &
DESIGN SERVICES



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This map is not a legal document and should only
be used for general reference and identification.

Site Photos



Front of subject site.



Right of subject site.



Left of subject site.



Across street.



Variance Area



Variance Area