

Board of Zoning Adjustment

Staff Report

July 10, 2023



Case No:	23-VARIANCE-0082
Project Name:	Edgehill Road Variance
Location:	2202 Edgehill Road
Owner:	Sara Watson & Matthew Rasnake
Applicant:	Anne Del Prince
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Jeremy Chesler, Planner I

REQUESTS:

Variance from the Land Development Code section 5.1.12.B.2.e.i.1 to allow a structure to encroach into the required street side yard setback and to exceed the required street side yard setback as established by infill regulations.

Location	Requirement	Request	Variance
Infill- Street Side Yard Setback	21 ft.	16 ft.	5 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Single-Family Residential and is in the Neighborhood Form District. It is located at the southeast corner of Dorothy Avenue and Edgehill Road in the Highlands Neighborhood. The site is currently developed with a two-story single-family home. The applicant is proposing to build an accessory structure to use as a garage.

Section 5.1.12.B.2.e.i.1 of the Land Development Code states that the front yard and street side yard setback lines shall fall within the range of the front or street side yard setbacks of the two nearest lots containing principal structures within the same block face. Therefore, the street side yard setback shall be 21 feet; the proposal is for the structure to range between 16 to 21 feet from the street side yard property line.

STAFF FINDINGS

Staff finds that the requested variance from infill standards in the street side yard has been adequately justified based on staff’s analysis contained in 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 for encroachment into the required street side yard setback as established in the Land Development Code.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the structure may require alterations to the proposed building plans in order to meet building code requirements.

INTERESTED PARTY COMMENTS

There are no interested party comments.

RELATED CASES

None

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.e.i.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 structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested. The proposed addition will not impact vision clearance for vehicular traffic or pedestrians on Edgehill Road.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed building addition will not alter the essential, visual character of the general vicinity as the addition and its location on the lot will be in character with the surrounding residential neighborhood. There are other accessory structures in close proximity to the public right of way which will have a similar appearance from the street.

- (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. Vegetation currently serves as screening for the variance area and will be preserved to provide limited alteration to the view of the subject property from the street (See site photos included in staff report).

- (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 are other homes within the surrounding blocks that do not meet the current required infill standards for street side yard setbacks. The unique shape of the lot makes building an accessory structure on the property very difficult.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the shape of the lot containing an acute interior corner is a significant factor that has led to the special circumstances requiring a variance request. A similar shape lot exists nearby at 2200 Lauderdale Road (see attached photos) and also contains an accessory structure which fails to adhere to the required street side yard setback as determined by infill regulations.

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 because the unique shape of the property makes conforming to infill standards particularly difficult. Based on the current regulations the principal structure would also not meet the infill standards and would require shifting of the original building limit line of 25' to satisfy this requirement.

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 yet started construction and has applied for a 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
06/23/2023	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 8
06/28/2023	Hearing before BOZA	Notice posted on property

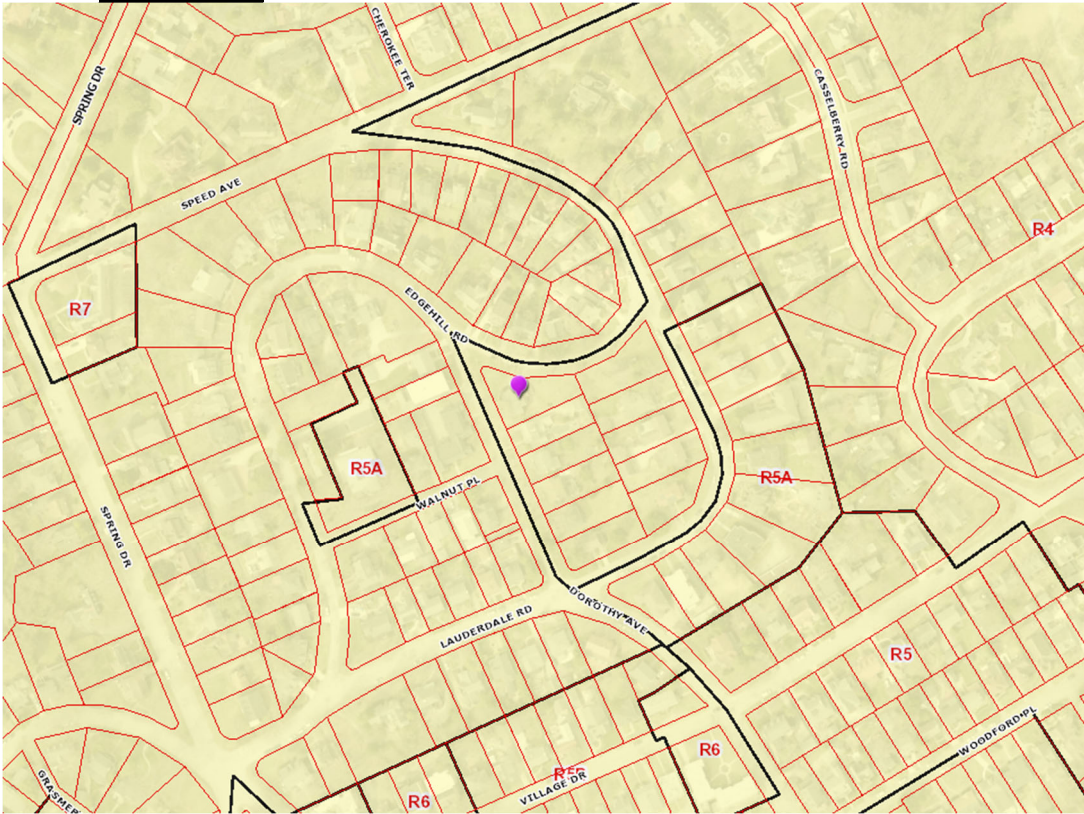
Conditions Of Approval

1. If approved, a minor plat to adjust the original building limit line established on plat # 2-314 (Zachary Taylor Subdivision), will be required prior to issuance of a building permit.
2. An encroachment permit will be required for all work done in the right-of-way.

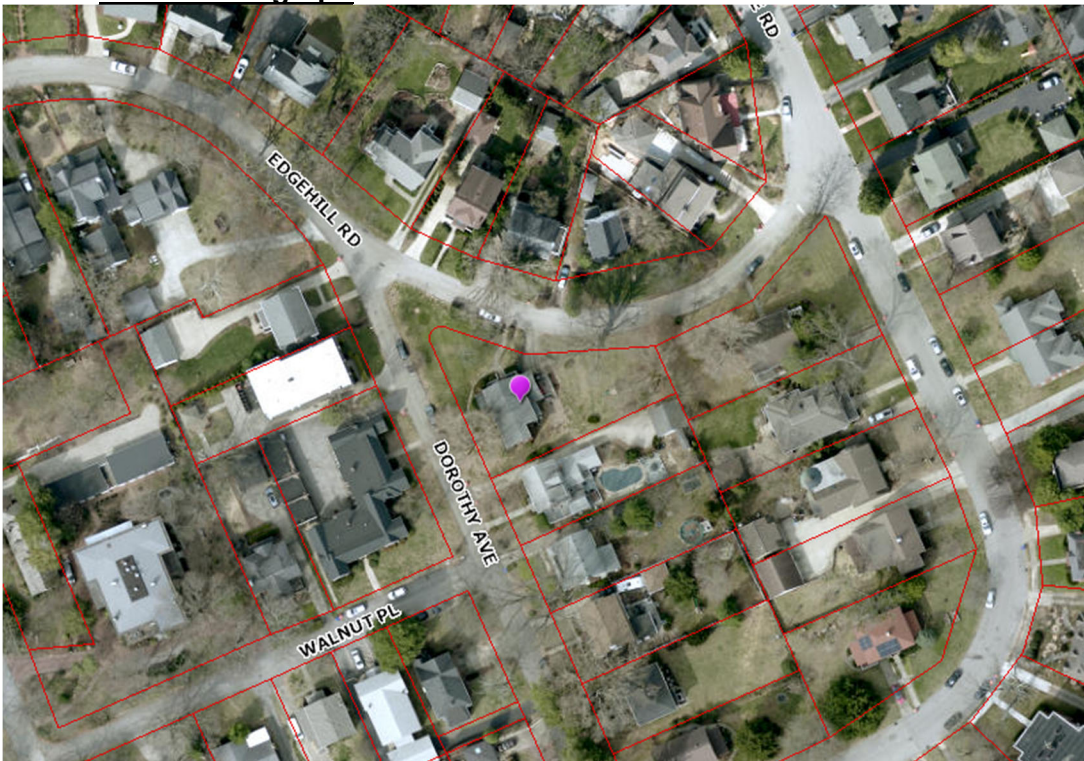
ATTACHMENTS

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

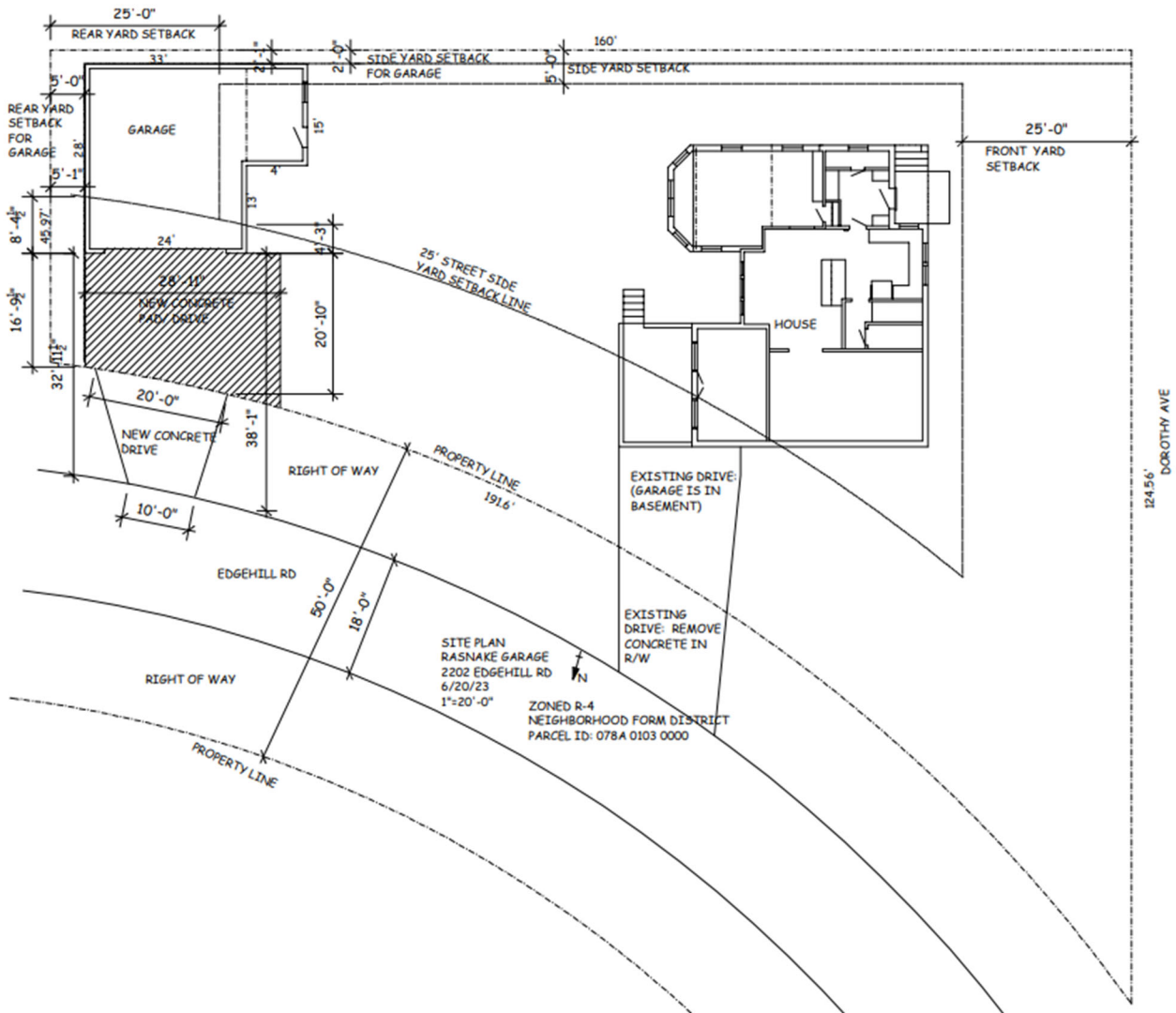
1. Zoning Map



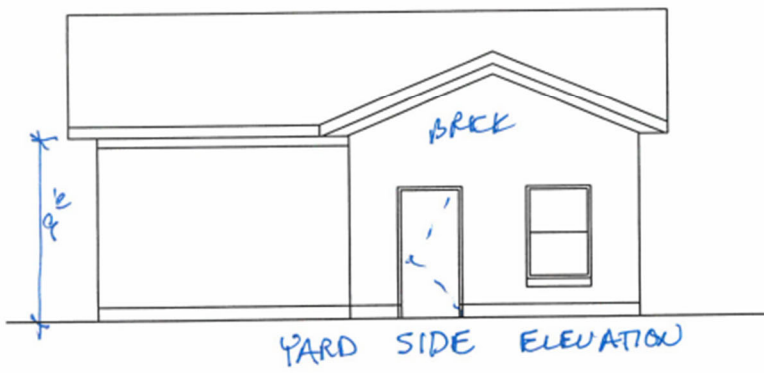
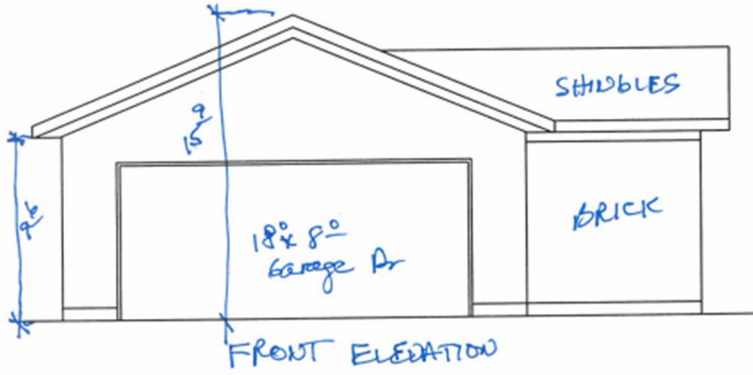
2. Aerial Photograph



3. Site Plan



4. Elevations



5. Site Photos

Front of subject property.



View of Variance Request Area



Property to the left.



Google Street View: April 2019

Property to the right



Network: Jun 28, 2023 at 10:28:30 AM EDT
Local: Jun 28, 2023 at 10:28:30 AM EDT

Properties across the street.



Neighborhood Examples

