

Board of Zoning Adjustment

Staff Report

March 18, 2024



Case No: 24-VARIANCE-0010
Project Name: Oak Valley Variance
Location: 6305 Oak Valley Drive
Owner: Reign Supreme, LLC.
Applicant: Nikisha Lindsay
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell
Case Manager: Jeremy Chesler, Planner I

REQUESTS:

- **Variance** from the Land Development Code (LDC), Section 5.3.1.C (Table 5.3.1) to allow a principal structure addition to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	6'	3'	3'

CASE SUMMARY

The subject site is located on the east side of Oak Valley Drive. There is an existing 1-story, single-family residential structure on the property. The applicant is proposing a vertical addition that will include a new façade and an attached garage. The addition will maintain the existing side yard setback on the southern side of the property; however, it will encroach into the side yard setback on the northern side of the property, triggering the need for the variance. The existing structure currently sits approximately 11' from the property line, the addition will be located 3' from the property line. Although the proposed structure would encroach into one of the required side yard setbacks, the requirement to provide at least 18' of total side yard setback is still being met.

STAFF FINDINGS

The requested variance for a side yard setback is adequately justified for approval based on staff's analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 requested encroachment into the side setback does not impede the safe movement of pedestrians or motorists. The applicant has obtained the adjacent property owners' signatures. These signatures verify that the adjoining property owners' have seen the drawings and elevations of the proposed addition and have no objection to the planned construction or variance.

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

STAFF: The requested variance will not alter the essential, visual character of the general vicinity as the proposed addition complements the existing pattern of the surrounding residential neighborhood. There have been other variances granted to nearby properties allowing structures to encroach into required side yard setbacks, including B-103-98 at 6202 Oak Valley Drive, and 19VARIANCE1047 at 6303 Oak Valley Drive, the adjoining property to the north.

- (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 a reduction in the minimum required side setback does not impact the safe movement of pedestrians or motorists along the adjacent public right of way.

- (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. Although the structure is encroaching into one of the side yard setbacks, the proposal is still complying with the minimum total of both side yard setbacks, 18'.

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 is similar in size and shape to the surrounding properties, where the topography has a large influence design and construction of nearby structures. The topography of the lot reduces the portion of the lot that can be built on without additional measures, such as retaining walls, limiting alternative design options.

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 because the plan could be altered so the proposed structure does encroach into the required side yard setback.

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. The applicant has not started construction on the addition and has requested a variance.

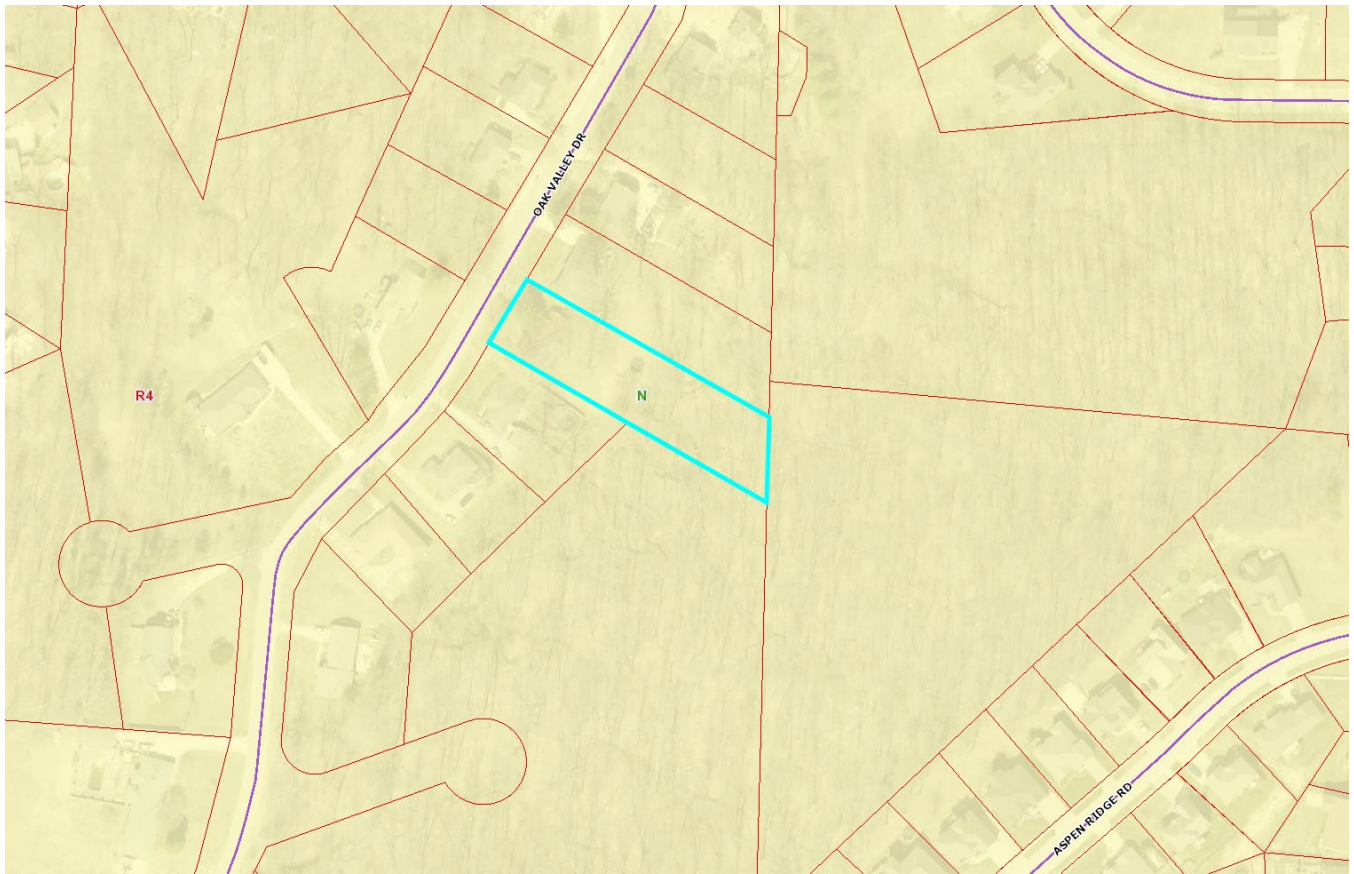
REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variance** from the Land Development Code (LDC, Table 5.3.1) to allow a principal structure addition to encroach into the required side yard setback.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

