

Board of Zoning Adjustment Staff Report

June 3, 2024



Case No: 24-VARIANCE-0026
Project Name: N 20th St Storage Building & Garage
Location: 230 N 20th St
Owner: Rebecca Luttrell
Applicant: Rebecca Luttrell
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Mark Pinto, Planner I

REQUESTS:

- **Variance** from Land Development Code (LDC), Section 5.2.2.C (Table 5.2.2) to allow an accessory structure to encroach into the required street side yard setback (24-VARIANCE-0026).
- **Waiver** of LDC, Section 5.5.5.A.1 to allow an accessory structure to be visible from the public street. (24-WAIVER-0044)

Location	Requirement	Request	Variance
Street Side Yard	3 ft.	2 ft.	1 ft.

CASE SUMMARY

An accessory structure is being proposed within the C-R Commercial Residential zoning district and Traditional Neighborhood form district. The proposed building is 1,000 sq ft. The subject site where the structure will be placed is located on the corner of N 20th Street and Duncan Street. Per the applicant's request, the accessory structure is to serve the abutting community service facility as a storage building and garage. Due to the location of the accessory building, variances and waivers are being requested. The community service facility was approved by conditional use in case #21-CUP-0186. Previously, the 2 sites were one and were subdivided, the properties have since been consolidated. There are no proposed changes to the community service facility at 230 N 20th Street within the original boundaries of the conditional use permit.

STAFF FINDINGS

The requested variance and waiver are adequately justified for approval based on staff's analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM 5.2.2.C Street Side Yard Setback.

- (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 proposed accessory structure will not negatively impact the safe movement of

people or vehicles along Duncan Street. There is an existing 6' tall chain link fence along Duncan Street that separates the property from the public sidewalk and road. Furthermore, the site plan shows evergreen plantings along the perimeter of the accessory structure, including along Duncan Street where the street side yard variance has been requested.

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

STAFF: The variance will not alter the essential character of the general vicinity since the proposed accessory structure is similar in height and scale with existing structures within the general vicinity. Moreover, the proposed accessory structure will contain evergreen plantings along the perimeter of the building including the street side yard portion facing Duncan St. Thereby softening the visual impact from the public view.

- (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 it neither impedes vision clearance for vehicles traveling along Duncan and N 20th Streets or the safe movement people. According to the site plan, the proposed accessory structure will be screened from N 20th and Duncan Streets by evergreen plantings thereby mitigating impact. Also, the accessory structure shall comply with all applicable building code regulations, including fire 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 it presents no adverse impacts to public safety, does not alter the essential character of the general vicinity, and does not cause a hazard or nuisance. Additionally, the request has provided reasonable means of mitigating the impact of the accessory structure encroaching into the required street side yard setback by providing evergreen plantings as a form of screening.

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 a double wide lot, which historically was two separate properties prior to consolidation.

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 accessory structure would then need to conform to the required 3' street side yard setback. The required setback would require the proposed building to be pushed closer to the existing community service facility which could present additional building and safety challenges.

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 begun construction of the accessory structure.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 5.5.5.A.1

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver to allow an accessory structure to be visible from the public street would not adversely affect adjoining property owners since the plan indicates the proposed structure being screened from adjacent properties with evergreen plantings and fencing. Furthermore, the structure will be located on a corner, observing an approximate 35' setback from the rear property line and unimproved alley. The building immediately abutting the proposed accessory structure along N 20th Street is located on the same parcel and is the community service facility at which the proposed accessory structure will serve.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver does not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The proposed structure is in compliance with Plan 2040 since the proposed accessory structure will be constructed to serve the directly abutting community service facility that was previously approved under a conditional use permit. Moreover, the proposed accessory structure will be similar in height and scale, while being sufficiently screened with evergreen plantings. The evergreen plantings will also mitigate the impact of the building material which according to elevations provided, appears to be metal.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since regardless of the size and location of the accessory structure, the building would be visible from the public street given it is a corner lot that was previously two separate properties. The subject property is already occupied by the principal structure which is the community service facility directly abutting. The visibility of the accessory structure is being mitigated by providing evergreen plantings along the perimeter of the building that faces N 20th and Duncan Streets.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for noncompliance with the requirements to be waived. The

applicant has shown evergreen plantings along the perimeter of property lines adjacent to N 20th and Duncan Streets, as well as providing increased setbacks from the rear and front property lines.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variance** from LDC Section 5.2.2.C (Table 5.2.2) to allow an accessory structure to encroach into the required street side yard setback.
- **APPROVE** or **DENY** the **Waiver** of LDC, Section 5.5.5.A.1 to allow an accessory structure to be visible from the public street **ON CONDITION** that a continuous row of evergreen-type plantings with a minimum mature height of 12' shall be provided adjacent to the walls along N 20th and Duncan Streets, and along the rear of the property abutting the unimproved alley.

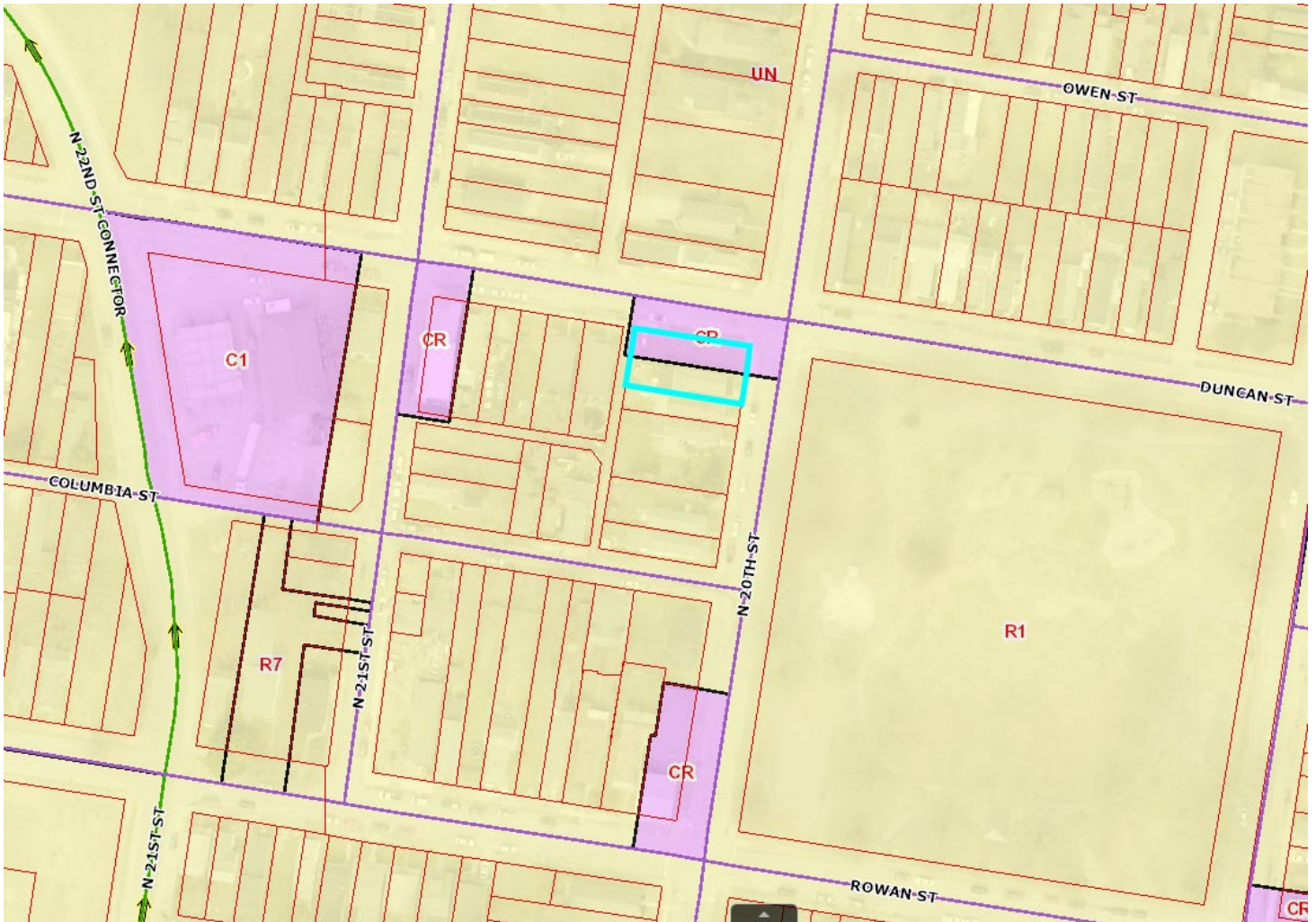
NOTIFICATION

Date	Purpose of Notice	Recipients
05/15/2024	Hearing before BOZA	1 st tier adjoining property owners
05/14/2024		Registered Neighborhood Groups in Council District 5
05/21/2024	Hearing before BOZA	Notice posted on property

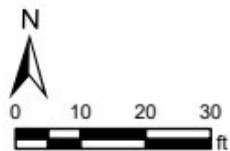
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



Thursday, May 23, 2024 | 2:57 PM

 **LOJIC**
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