

Board of Zoning Adjustment

Staff Report

June 3, 2024



Case No: 24-VARIANCE-0050
Project Name: Dandridge Avenue Variance
Location: 920 Dandridge Avenue
Owner: Stephen B. Duncan
Applicant: Karl Lentz, LJB, INC.
Jurisdiction: Louisville Metro
Council District: 6 – Phillip Baker
Case Manager: Molly Clark, Planner II

REQUESTS:

- **Variances** from the Land Development Code (LDC), Section 5.2.2.C (Table 5.2.2) to allow a principal structure to encroach into the required 5' side yard setbacks.

Location	Requirement	Request	Variance
Side Yard Setback	5 ft.	0 ft.	5 ft.

CASE SUMMARY

The subject property is zoned C-1, commercial and is within the Traditional Workplace form district. Located near the intersection of Dandridge Avenue and Charles Street, the property is developed with a one-story commercial structure that once operated as a contractor shop, that is proposed to be demolished. The applicant is proposing to construct three 2-story townhome style single-family homes that will be sharing a common side wall with the center unit.. Although the site is zoned commercial the LDC requires a 5' setback for development when adjacent to single family residential. In this case, the development on each site is a single-family residential unit.

STAFF FINDINGS

The requested side yard setback variance 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 of the home into the side setback does not impede the safe movement of vehicles or pedestrians or prevent future maintenance of the property as the footprint is defined by the existing first floor. Furthermore, the proposed homes will be required to comply with all applicable building code regulations, including fire codes.

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

STAFF: The proposed townhome development will not alter the essential character of the general vicinity since this style of housing is consistent with other housing in the neighborhood. There are several areas within the neighborhood that also have this style of housing.

- (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 since there will not be an adverse effect public health, safety, or welfare. The requested encroachment of the home into the side setbacks does not impede the safe movement of vehicles or pedestrians or prevent future maintenance of the property since this the project is proposing single family next to single family and the setback proposed is appropriate for this style of housing. This 5' setback is designed to create a buffer between commercial and residential, which is not the case for this development as residential is being proposed adjacent to residential.

- (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 since this the project is proposing single family next to single family and the setback is inappropriate for this style of housing. This 5' setback is designed to create a buffer from commercial and residential, which is not the case for this development. Reduced side yards not conforming to current rules appears to be common in the general vicinity as well as additions of similar size, shape, and scale.

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 since the setbacks in C-1 next to single family residential lots are to create separation from commercial and residential. In this case it is single family next to single family and the required setbacks would not be appropriate for this proposal.

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 since the setbacks in C-1 next to single family residential lots are to

create separation from commercial and residential. In this case it is single family next to single family and the required setbacks would not be appropriate for this proposal. The applicant is proposing to subdivide to allow for three single family residential lot sizes with townhome style housing that are consistent with other housing in the neighborhood.

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 requested the variance and construction has not yet begun.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Variances** from Land Development Code (LDC) Section 5.2.2.C (Table 5.2.2) to allow a principal structure to encroach into the required 5 foot side yard setbacks.

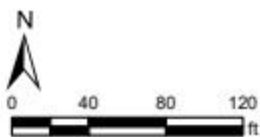
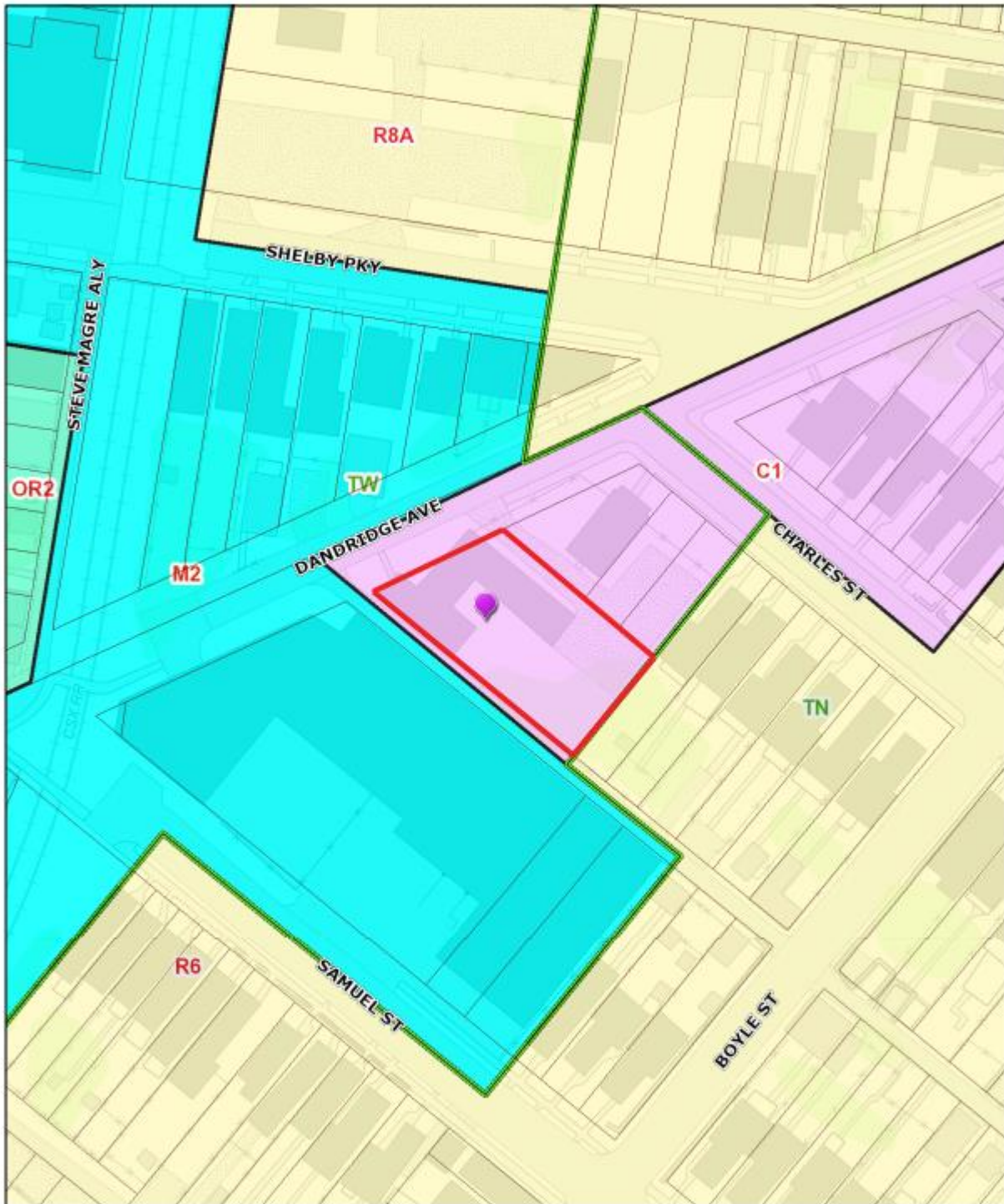
NOTIFICATION

Date	Purpose of Notice	Recipients
5/20/2024	Hearing before BOZA	1 st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 15
5/22/2024	Hearing before BOZA	Sign posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



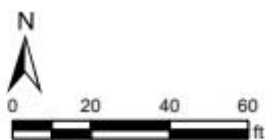
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2. Aerial Photograph



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