

Board of Zoning Adjustment

Staff Report

September 23, 2024



Case No:	24-VARIANCE-0107
Project Name:	Metal Garage Variance
Location:	5600 Canonero Ct.
Owner(s):	Ellis & Delores Howell
Applicant:	Ellis Howell
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Kaitlin Dever, Planner I

REQUEST(S)

- **Variance** from Land Development Code (LDC) Section 5.4.2.C.3.a to allow an accessory structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Accessory Structure – Side Yard	2 ft.	0.4 ft.	1.6 ft.

CASE SUMMARY

The subject property is zoned R-4 Single Family Residential in the Neighborhood form district, and located at the corner of Canonero Court and Canonero Way in the Spanish Cove subdivision near S. Hurstbourne Parkway. The property is developed with a two-story residence, attached garage, and a pool. The applicant is proposing a detached 20 ft. by 30 ft. metal garage to store two boats and a vehicle with a 10' paved access from the existing driveway on Canonero Way.

STAFF FINDING

The requested 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 variance will not adversely affect the public health, safety or welfare because the proposed detached garage is oriented behind the existing residence and within the side yard. There is approximately 3’ between the proposed detached garage and the existing residence. The proximity of the proposed detached garage to the side property line does not impact the structures located on the adjacent lot at 7810 Canonero Way. No additional access from Canonero Way or Canonero Court is being proposed at this time.

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

STAFF: The requested variance will not alter the essential character of the general vicinity because the prevailing neighborhood pattern includes a variety of both attached and detached garages to the side or to the rear of the principal structure. The proposed detached garage is of similar size and scale to other accessory structures within the 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 proposed detached garage is oriented behind the existing residence and within the side yard. The encroachment into the side yard is only a small rear section of the proposed structure and is located further away from the existing residence at 7810 Canonero Way than the front. Additionally, the front, side, and rear yards of the subject property are screened by large, mature vegetation which will prevent visibility from public sidewalks and streets.

- (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 because only a small section of the proposed detached garage will be encroaching into the 2' side yard setback.

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 not arise from any special circumstances. The applicant is requesting relief due to the size of the proposed detached garage in relation to the irregular shape of the corner lot subject property and small amount of buildable area available.

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 building permit would be denied and prevent construction of the proposed structure. Furthermore, the applicant would have to find alternative off-site parking and storage options.

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 applied for a building permit and is requesting a variance to obtain permit approval and begin construction.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** from LDC Section 5.4.2.C.3.a to allow an accessory structure to encroach into the side yard setback.

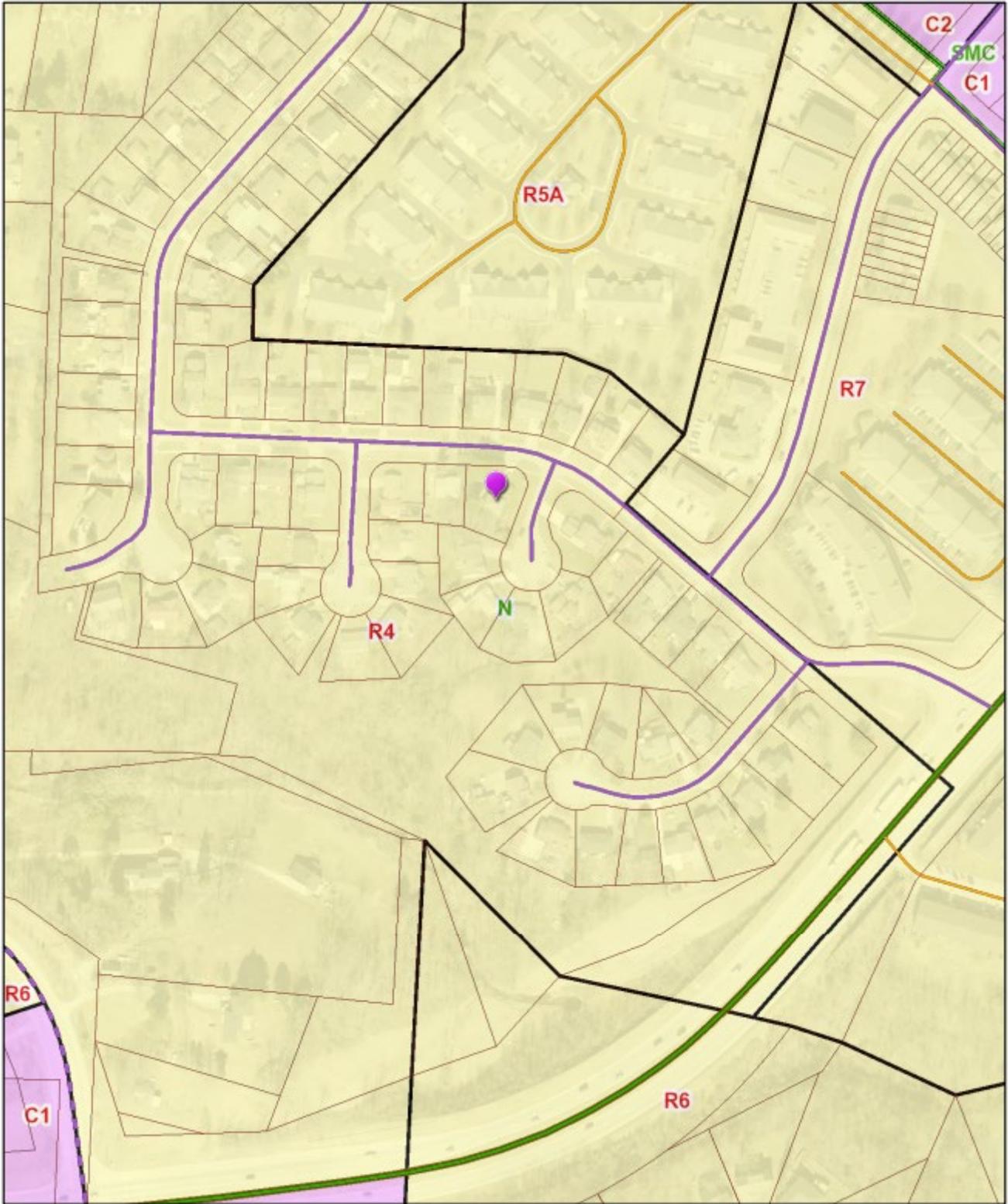
NOTIFICATION

Date	Purpose of Notice	Recipients
9/5/2024	Hearing before BOZA	1 st tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 24
9/6/2024	Hearing before BOZA	Sign posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

