

**MINUTES  
LOUISVILLE ZONING BOARD OF APPEALS  
OCTOBER 10, 2006**

Louisville Zoning Board of Appeals met in regular session with Vice-Chairman Grosswiller presiding. The meeting was called to order at 6:30 P.M.

MEMBERS PRESENT

Ken Grosswiller  
Guy Guidone  
John Phillippi

MEMBERS ABSENT

John Campbell, Chairman  
William Ferrell

CITY PERSONNEL PRESENT

E. Thomas Ault, City Manager  
Robert Duffrin, City Law Director  
Cynthia Kerchner, Mayor-Council Member  
Sue Mendenhall, Deputy City Clerk  
Deborah Sanborn, Director of Planning & Development

MINUTES OF THE SEPTEMBER 12, 2006 MEETING

MEMBER GUIDONE MOVED, MEMBER PHILLIPPI SECONDED, and the Motion carried to approve the Minutes of the September 12, 2006 meeting as presented. The vote: All yea.

NEW BUSINESS

AB 06-02 JARROD & TRICIA DEGENHARD, OWNERS, 803 E GORGAS, FOR A VARIANCE OF SECTION 1151.16(B) FOR AN ACCESSORY BUILDING LESS THAN THE REQUIRED 60 FT. FROM THE SIDE/FRONT LOT LINE (8 FT. PROPOSED).

Director of Planning & Development, Deborah L. Sanborn presented the following staff report.

EXISTING CONDITION

Single-Family Residence

BACKGROUND INFORMATION

- The subject property is located on East Gorgas Street

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- The subject property measures 60 ft x 180 ft
- The applicant proposes to demolish a 28 ft. X 18 ft. accessory building and to build a 24 ft X 24 ft accessory building (garage) in the rear yard 8 ft from the side/front property line
- There is a 15 ft unimproved alley along the west property line which the applicants use as a gravel driveway
- Section 1151.16(b) states that accessory buildings which are not a part of the main building shall not be located closer than 15 ft to the main building and may be built within 8 ft. of the rear and side lot line
- Section 1151.16(b) goes on to state that accessory buildings not part of the main structure shall not occupy more than 30% of the required rear yard and shall not be located nearer than 60 ft to any front lot line or side street lot line
- The proposed garage would be located 24 ft from the main structure, 85 ft from the front property line, 72 ft from the rear property line, 28 ft from the east side property line and 8 ft from the west side/front property line
- The proposed garage would be 576 sq ft or 24% of the required rear yard

### DISCUSSION

- Variances are intended to alleviate a situation in which, for no public reason, zoning for an area more stringently burdens one parcel of land than others. *Many lots close to the city core are narrower than the current code requirement making the required setback for accessory buildings from right-of-way lines (60 ft) excessive. The subject lot is only 60 ft wide; therefore unable to accommodate a 60 ft side/front setback.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *The lot is considered substandard in terms of frontage and cannot accommodate the required ROW setback for detached accessory buildings.*
- The standard to use in determining the merits of an area variance is whether the denial of the variance would result in “practical difficulties” for the property owner. The following questions need to be examined in considering an area variance:
  1. Can there be a beneficial use of the property without the variance? *Yes, the denial of this request will not render the lot unusable.*
  2. Is the variance substantial? *The applicant is requesting a variance to construct a garage 8 ft from the side/front property line which is an 86.7% variance from the required 60 ft setback.*
  3. Will the essential character of the neighborhood be substantially altered or adjoining properties suffer a substantial detriment? *The neighborhood is generally residential made up of substandard lots. There are several unimproved alleys located in the immediate area with structures situated closer to lot lines than current code permits.*

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4. Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown*
5. Can the problem be solved by some other manner other than the granting of a variance? *Yes, the applicant could repair the existing 28 ft x 18 ft (504sf) garage rather than construct a 24 ft x 24 ft (576 sf) new structure.*

The commission discussed the unimproved alley and the length of the driveway.

MEMBER PHILLIPPI MOVED, MEMBER GROSSWILLER SECONDED, and the Motion carried to approve the request as presented even though it is a substantial variance, there are extenuating circumstances since there is an existing structure that is not in compliance because of the location near an unimproved alley. The vote: All yea.

Having no further business, MEMBER PHILLIPPI MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to adjourn the meeting at 6:40 P.M.

Respectfully submitted,

Sue Mendenhall  
Deputy City Clerk

