

**MINUTES
LOUISVILLE ZONING BOARD OF APPEALS
JANUARY 10, 2023
CONSTITUTION CENTER, 1022 WEST MAIN
6:30 P.M.**

Louisville Zoning Board of Appeals met in regular session with Chairman Casar presiding.

The Pledge of Allegiance was led by Chairman Casar.

MEMBERS PRESENT

Bruce Barth
Daniel Casar
Dan Harrison
John Phillippi

MEMBERS ABSENT

Mark Sigler

CITY PERSONNEL PRESENT

Joanie Aljancic, Council Member
Magan Denzer, Deputy City Clerk
Kaitlyn Carpenter, Administrative Assistant
Tiffany Justice, City Clerk

The Certificate of Open Meeting was presented.

ELECTION OF CHAIRMAN

MEMBER HARRISON MOVED, MEMBER PHILLIPPI SECONDED, and the Motion carried to elect Daniel Casar as Chairman. The vote: Barth yea, Casar abstain, Harrison yea, Phillippi yea.

ELECTION OF VICE-CHAIRMAN

MEMBER HARRISON MOVED, MEMBER CASAR SECONDED, and the Motion carried to elect Bruce Barth as Vice-Chairman. The vote: Barth abstain, Casar yea, Harrison yea, Phillippi yea.

MINUTES OF THE DECEMBER 13, 2022 MEETING

Chairman Casar declared the minutes of the December 13, 2022 meeting approved as presented by unanimous consent.

Chairman Casar swore in those in attendance planning to speak before the board.

NEW BUSINESS

AB 23-01 JIMMY AND AMY JONES, PROPERTY OWNERS OF 1226 NUTWOOD CIR FOR A VARIANCE OF SECTION 1154.02(A) TO PERMIT A SINGLE CAR GARAGE ADDITION CLOSER THAN THE ALLOWED 40 FT TO THE REAR PROPERTY LINE (38.6 FT PROPOSED).

EXISTING CONDITION

Single-family residence

ZONING

Parcel: R-1
North: R-1
South: R-1
East: R-1
West: R-1

BACKGROUND INFORMATION

- The subject property is located on the cul-de-sac of Nutwood Cir.
- Section 1154.02(a) Required Yards and Open Spaces matrix requires a minimum rear yard depth of 40 ft in an R-1 district.
- The property owner is proposing to construct a single car garage addition which will be 38.6 ft from the rear lot line.

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. *The zoning requirements do not impact the subject lot more stringently than others.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *There are no property characteristics causing the need for a variance.*

- 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 lot still accommodates residential uses.*
 2. Is the variance substantial? *A variance of 1.4 feet is being requested. This constitutes a variance of 3.5%.*
 3. Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment? *Contiguous property owners were notified of the variance request.*
 4. Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown.*
 5. Can the problem be solved by some manner other than the granting of a variance? *The situation is created by the proposed garage addition.*

Property owner, Jimmy Jones, was present for meeting. Mr. Jones informed board members the proposed garage addition would be used to store a boat, ATV, and other recreational storage needs. The family has owned the property for 20 years.

Member Harrison questioned if they would add another driveway leading to the garage. Mr. Jones stated they plan to pour concrete for the floor of the proposed garage addition and taper the existing concrete drive.

Member Phillippi questioned the size of addition and why it could not meet the required setbacks. Mr. Jones explained the existing house does not meet the 40 ft rear setback and the proposed addition would be following the same rear wall of the house causing the setback to be short of the 40 ft requirement.

MEMBER CASAR MOVED, MEMBER HARRISON SECONDED, and the Motion carried to approve the variance for a rear yard setback of garage addition as submitted. The vote: all yea.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Magan Denzer
Deputy City Clerk