

**MINUTES  
LOUISVILLE ZONING BOARD OF APPEALS  
MAY 9, 2023**

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

The Pledge of Allegiance was led by Chairman Casar.

**MEMBERS PRESENT**

Dan Harrison  
John Phillippi  
Daniel Casar

**MEMBERS ABSENT**

Mark Sigler  
Bruce Barth

**CITY PERSONNEL PRESENT**

Tom Pukys, City Manager  
Pat Fallot, Mayor-Council Member  
Richard Slackford, Council Member  
Tiffany Justice, City Clerk  
Magan Denzer, Deputy City Clerk  
Kaitlyn Carpenter, Administrative Assistant

The Certificate of Open Meeting was presented.

**MINUTES OF THE MARCH 14, 2023 MEETING**

Chairman Casar declared the minutes of the March 14, 2023 meeting approved as presented by unanimous consent.

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

**NEW BUSINESS**

**AB 23-03 RONALD GUY, PROPERTY OWNER OF 819 S CHAPEL ST, FOR A VARIANCE OF SECTION 1154.02(D) FOR A COVERED FRONT PORCH, ON A SUBSTANDARD LOT, LESS THAN THE AVERAGE FRONT YARD SETBACK OPTION OF 25 FT (8FT PROPOSED).**

**EXISTING CONDITION & BACKGROUND INFORMATION**

- The subject lot is located at the corner of 4th Street and S Chapel Street.
- The subject lot is a 5,940 sq ft substandard lot located in an R-3 zoning district.

- The house is currently undergoing exterior renovations.
- The applicant proposes to increase the existing front yard depth from 14.5 ft to 8 ft to construct a covered front porch.
- The lot immediately joining the property to the north has an existing front yard depth of approximately 10 ft.
- Front yard setbacks can be modified according to below Section 1154.02(d) of the zoning code, but are not permitted to be less than 25 ft.

Section 1154.02(d) Average Front Yard Setback Option in Residential (R) Districts. In any R district where the average depth of at least two (2) existing front yards on lots within two hundred (200) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in these regulations, the required depth of the front yard on such lot may be modified. In such cases, this shall not be less than the average depth of such existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining. However, the depth of the front yard on any lot shall not be less than twenty-five (25) feet and need not exceed one hundred (100) feet.

### ZONING

Parcel:	R-3
North:	R-3
South:	R-3
East:	R-1
West:	R-3

### 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 required setback requirements are frequently difficult to meet on substandard lots.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *The lot is substandard and is considered legal nonconforming.*
- 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? *The variance request is for 68% of the required setback. (25 ft permitted, 8 ft proposed)*
3. Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment? *The neighborhood is made up of multiple substandard and legal nonconforming lots not meeting required setbacks.*
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? *The lot is legal nonconforming and would have difficulty meeting the existing code requirements.*

The property owner was not present for the meeting.

Member Phillippi commented that the code was not clear and believed it should be a standard of 25 ft.

Member Casar asked if the structure could be 10 ft away. Deputy Clerk Denzer stated the applicant was advised that a 10 ft setback (same as adjacent property) would not require a variance.

Member Phillippi stated he was opposed due to the structure being right on the street.

Member Casar stated that the other surrounding houses are similar in fashion and doesn't see a problem with it.

MEMBER CASAR MOVED, MEMBER HARRISON SECONDED, and the Motion to approve the covered front porch was denied. The vote: Harrison yea, Phillippi no, Casar yea.

*Section 1102.02 (e)(3) Voting\_ A concurring vote of three (3) members shall be necessary to take action, make decisions, or act on any motion.*

Having no further business, the meeting was adjourned.

Respectfully submitted,

Magan Denzer  
Deputy City Clerk