

Board of Zoning Adjustment

Staff Report

June 27, 2022



Case No: 22-VARIANCE-0079
Project Name: Lightfoot Road Variance
Location: 495 Lightfoot Road
Owner/Applicant: Jodi & Michael Noble
Representative: Melody Masoud, Amlung Construction Co, INC.
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Heather Pollock, Planner I

REQUESTS:

Variance from the Land Development Code Table 5.2.2 to allow a principal structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	15 ft.	13.68 ft.	2 ft.
Side Yard Setback Total	45 ft.	41.31 ft.	3.69 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-1 Single Family Residential and is in the Neighborhood Form District. It is on the north side of the 400 block of Lightfoot Rd., in the Green Hills, Unit B subdivision in the City of Mockingbird Valley. The site currently has a two-story single-family residential structure and the applicant is proposing a 2nd story addition over a portion of the existing footprint that will encroach into the required side yard setback.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets the standards of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in Code to allow a principal structure to encroach into the side yard setback.

TECHNICAL REVIEW

No outstanding technical review comments.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff. The applicant submitted the Non-Public Hearing Affidavit with signatures from all 1st tier adjoining property owners.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 proposed structure must be constructed to comply with all building codes, including fire codes and the Land Development Code, except where relief is requested.

- (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 as the 2nd story addition will encroach the same distance as the existing structure and will be built with material that will be in character with the existing residence and surrounding residential 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 structure must be constructed to comply with all building codes.

- (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 as the addition will not encroach into the side yard setback any further than the existing structure.

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 special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is similar in size and shape as the surrounding properties.

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 as the existing primary structure is already encroaching into the side yard setback and the proposed 2nd story addition will line up.

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 as the applicant has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

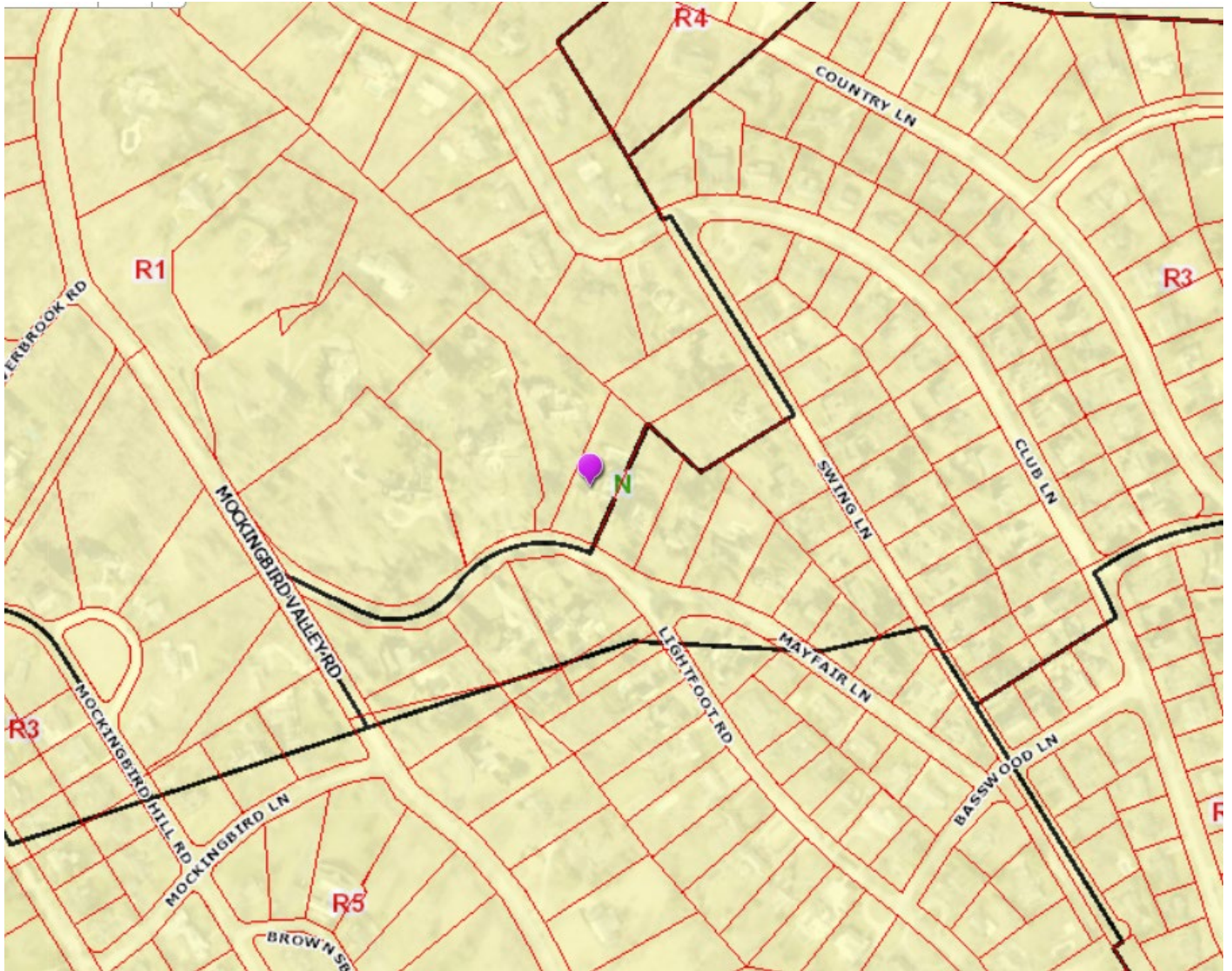
NOTIFICATION

Date	Purpose of Notice	Recipients
	No notice required	

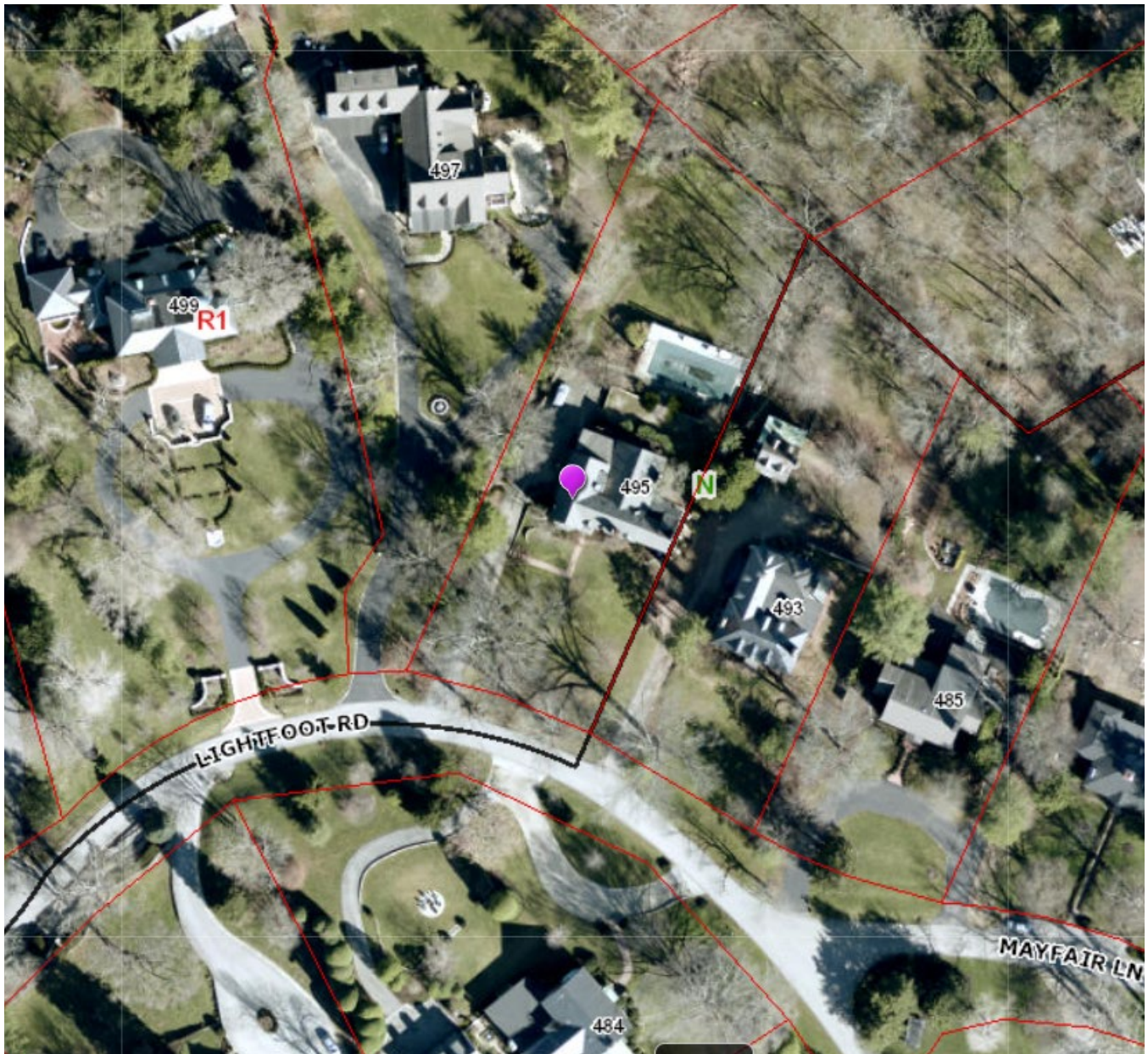
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

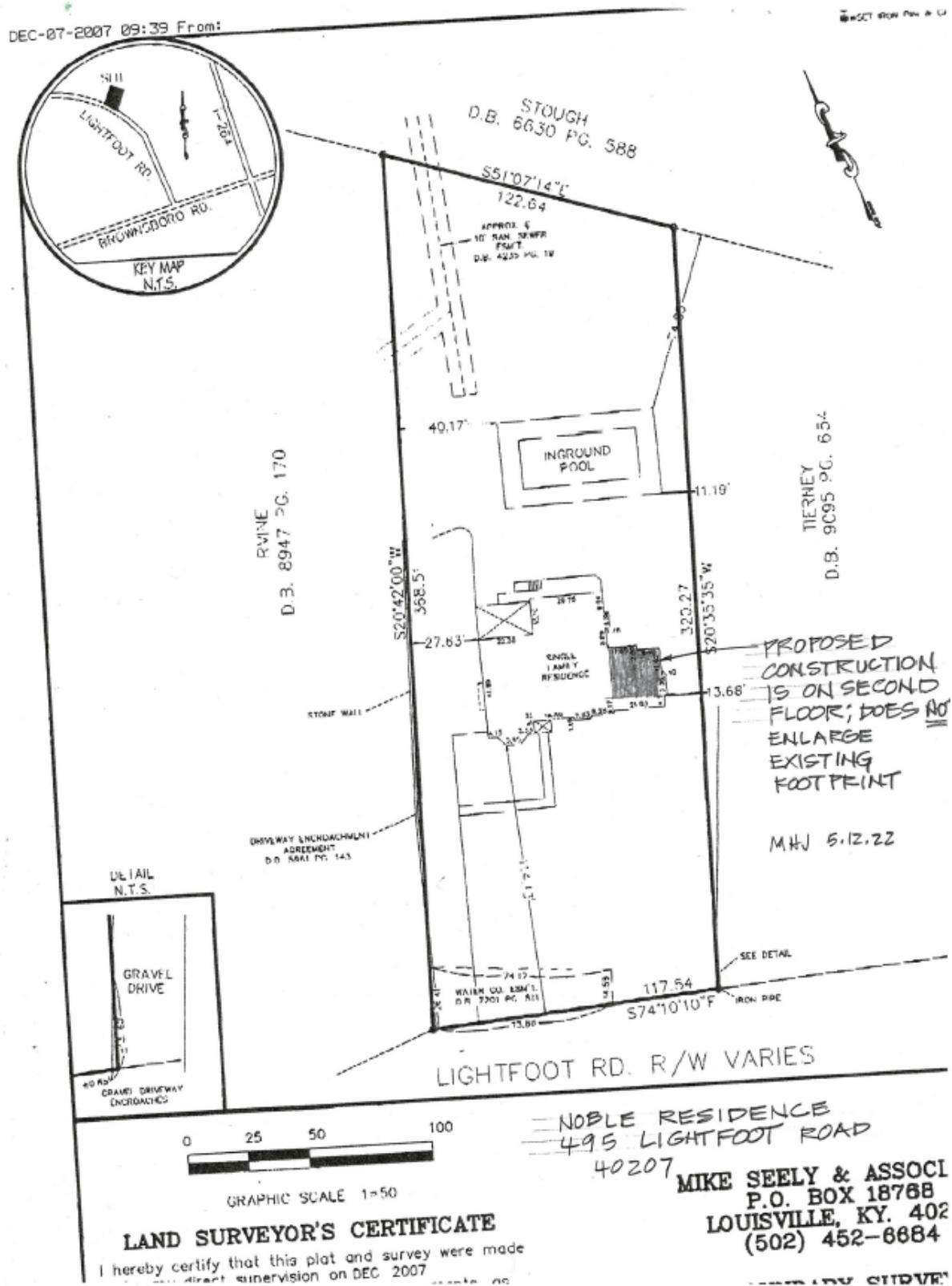
1. Zoning Map



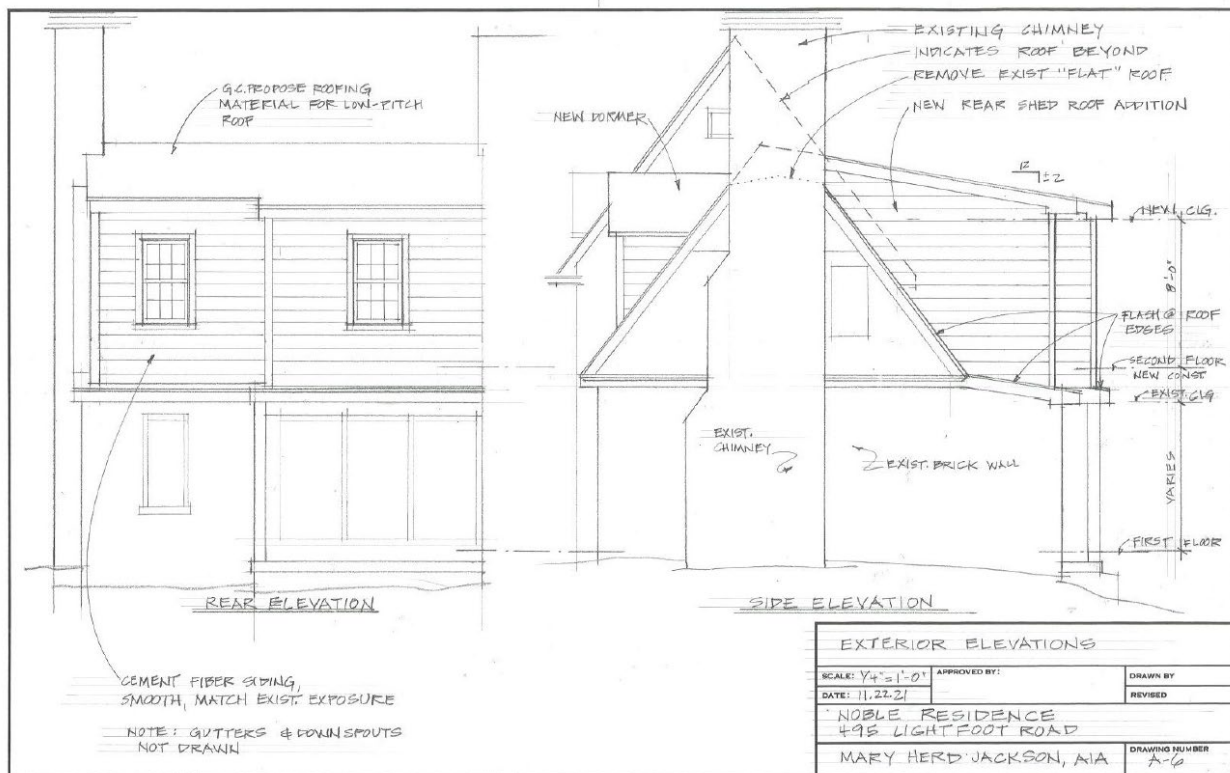
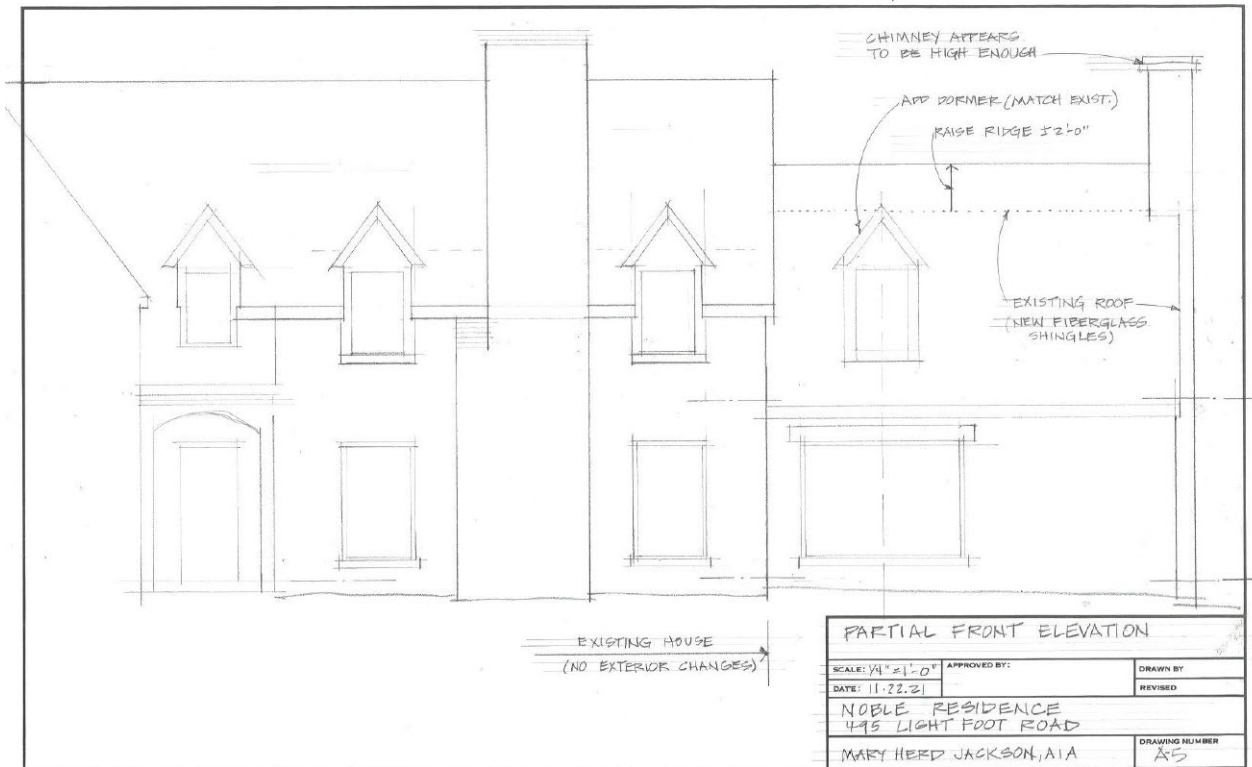
2. Aerial Photograph



3. Site Plan



4. Elevations



5. Site Photos



Front of subject property, Google 2019.



Properties to the left, Google 2019.



Properties to the right, Google 2019.



Across street, Google 2019.



View of variance area from front of property, Google 2019.



Variance Area.