

Board of Zoning Adjustment Staff Report

April 20, 2015



Case No:	15VARIANCE1018
Request:	Variance to reduce the required supplemental front yard
Project Name:	Old Henry Court Condominiums
Location:	14319 Old Henry Road
Owner:	14319 Old Henry Road LLC
Applicant:	Terry R. Hagerman Builder Inc.
Representative:	Blue Stone Engineers PLLC
Jurisdiction:	Louisville
Council District:	19 – Julie Denton
Case Manager:	Christopher Brown, Planner II

REQUEST

- Variance #1: Variance from Chapter 5.3.1.C.4 of the Land Development Code to allow pavement and building to encroach into the required 10' supplemental front yard

Variance

Location	Requirement	Request	Variance
Supplemental Front Yard	10'	0'	10'

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-5A
 Existing Form District: Neighborhood
 Existing Use: Vacant
 Proposed Use: Condominiums
 Plan Certain Docket #: 9102

The applicant is requesting to construct five condominium residential structures on the site with a cul-de-sac extension from the existing Sycamore Falls Drive. The pavement of the proposed drive as well as a portion of building #1 will encroach into the required 10' supplemental front yard. The front yard is adjacent to a minor arterial and requires the additional 10' supplemental front yard in addition to the required 20' minimum front yard along Old Henry Road. The 20' front yard will be observed by the proposed construction.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-5A	N
Proposed	Condominiums	R-5A	N
<i>Surrounding Properties</i>			
North	Condominiums	R-5A	N
South	Condominiums	R-5A	N
East	Condominiums	R-5A	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

9102: A change in zoning from R-4 to R-5A was approved to allow a multi-family residential use on the subject site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code
Cornerstone 2020

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES (Front Yard Supplemental Setback)

(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 since the encroachment is will follow the required 20' front yard setback.

(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 since the buildings and pavement will follow the form district pattern in regards to the front yard setback along Old Henry Road.

(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 since the encroachment is will follow the required 20' front yard setback.

(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 since the reductions result from the need to meet a supplemental setback along the street frontage which is proposed to be realigned in the area.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone due to the location along the Old Henry Road street frontage with access from Sycamore Falls Drive and a Type B stream buffer to the north and east.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the development to move to the east further into the Type B stream buffer.

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 since the pattern of development for the area was established prior to the current proposal due to the restrictive nature of the stream buffer location and access from the existing Sycamore Falls Drive.

TECHNICAL REVIEW

- The required waivers, amendment to binding elements and development plan will be heard by the Development Review Committee or Land Development and Transportation.

STAFF CONCLUSIONS

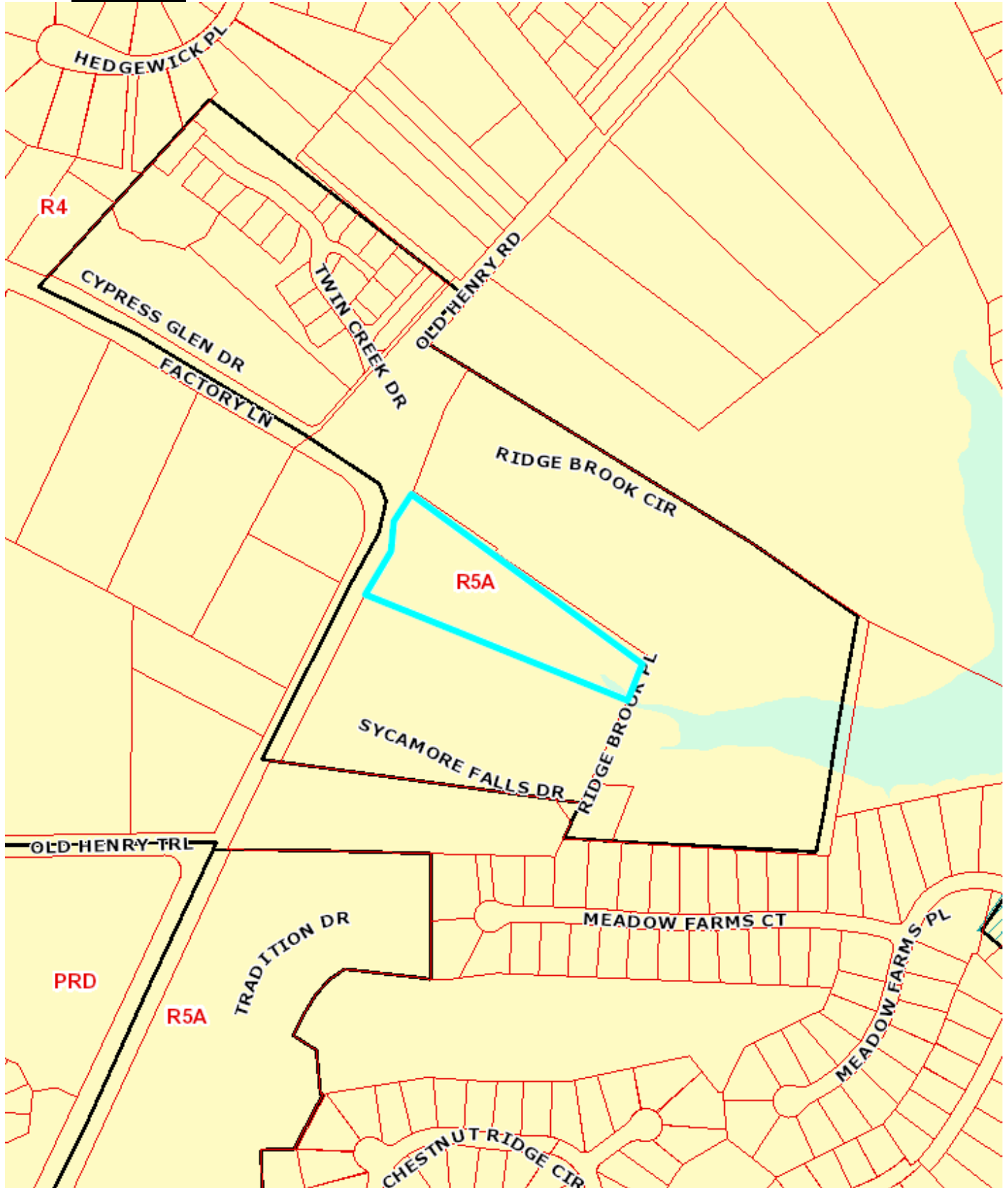
The standard of review for the requested variance has been met. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting variances as established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
4/6/15	Hearing before BOZA	1 st tier APO of subject property Registered Interested Parties for Council District 19 Individuals that spoke at previous public hearings

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph

