

# Board of Zoning Adjustment

## Staff Report

October 30, 2017



<b>Case No:</b>	17VARIANCE1073
<b>Project Name:</b>	4620 Glen Rose Road Residence
<b>Location:</b>	4620 Glen Rose Road
<b>Owner(s):</b>	Jeffrey Smith
<b>Applicant:</b>	Jeffrey Mack
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

- **Variance** from Land Development Code section 5.1.12.B.2.e.i.1 to allow a structure to encroach into the required infill street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	72 ft.	45 ft.	27 ft.

### CASE SUMMARY/BACKGROUND

The subject property is a 0.53 acre corner lot located at a curve in Glen Rose Road. The property is currently undeveloped. The applicant proposes to construct a new one-story single-family residence with an attached garage, with the front door of the house oriented to the street side yard (the eastern yard) of the property.

Without infill standards, the required street side yard setback would be 30 feet. However, infill standards per Land Development Code section 5.1.12.B.2.e.i.1 apply to the street side yard of the property, as 100% of the other lots on the street side block face have been developed with principal structures. The required infill street side yard setback is 72 feet. The applicant proposes to have the façade of the residence be 45 feet from the street side property line. The applicant therefore requests a variance for the encroachment into the required infill street side yard setback.

### STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard 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 the Land Development Code from section 5.1.12.B.2.e.i.1 to allow a structure to encroach into the required infill street side yard setback.

## **TECHNICAL REVIEW**

- No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.e.i.1**

- (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 as the house will have a greater separation from the road than the form district would otherwise require.

- (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 considerable vegetation between the properties in the neighborhood will obscure that the setback of this structure is different from the setbacks of the two nearest principal structures.

- (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 as the new residence will not obstruct sight lines or create a hazard at the corner.

- (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 houses on the same block face as the street side yard of this property are widely spaced with considerable vegetation between them, with the result that the offset of this structure will not be noticeable.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise 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 because the lot is regular in shape and of a large enough size that the proposed house could be placed so as to comply with the infill setback requirement.

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 by shifting yard space from behind the house to the front of the house, reducing the level of privacy the applicant can achieve in the yard.

3. 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.

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 is requesting the variance and has not begun construction.

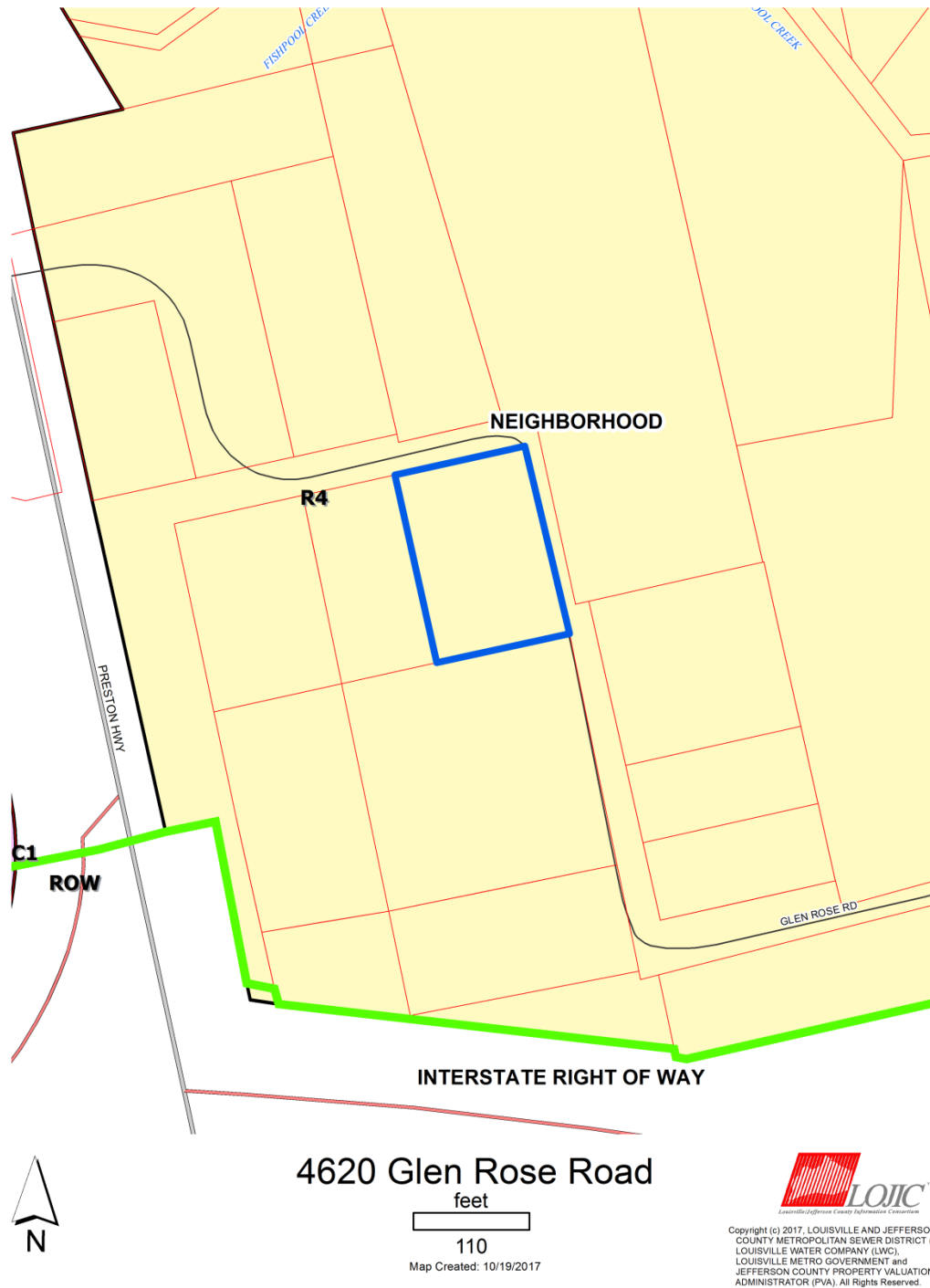
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10/11/2017	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24
10/13/2017	Hearing before BOZA	Notice posted on property

#### **ATTACHMENTS**

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

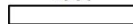
1. Zoning Map



2. Aerial Photograph



4620 Glen Rose Road  
feet

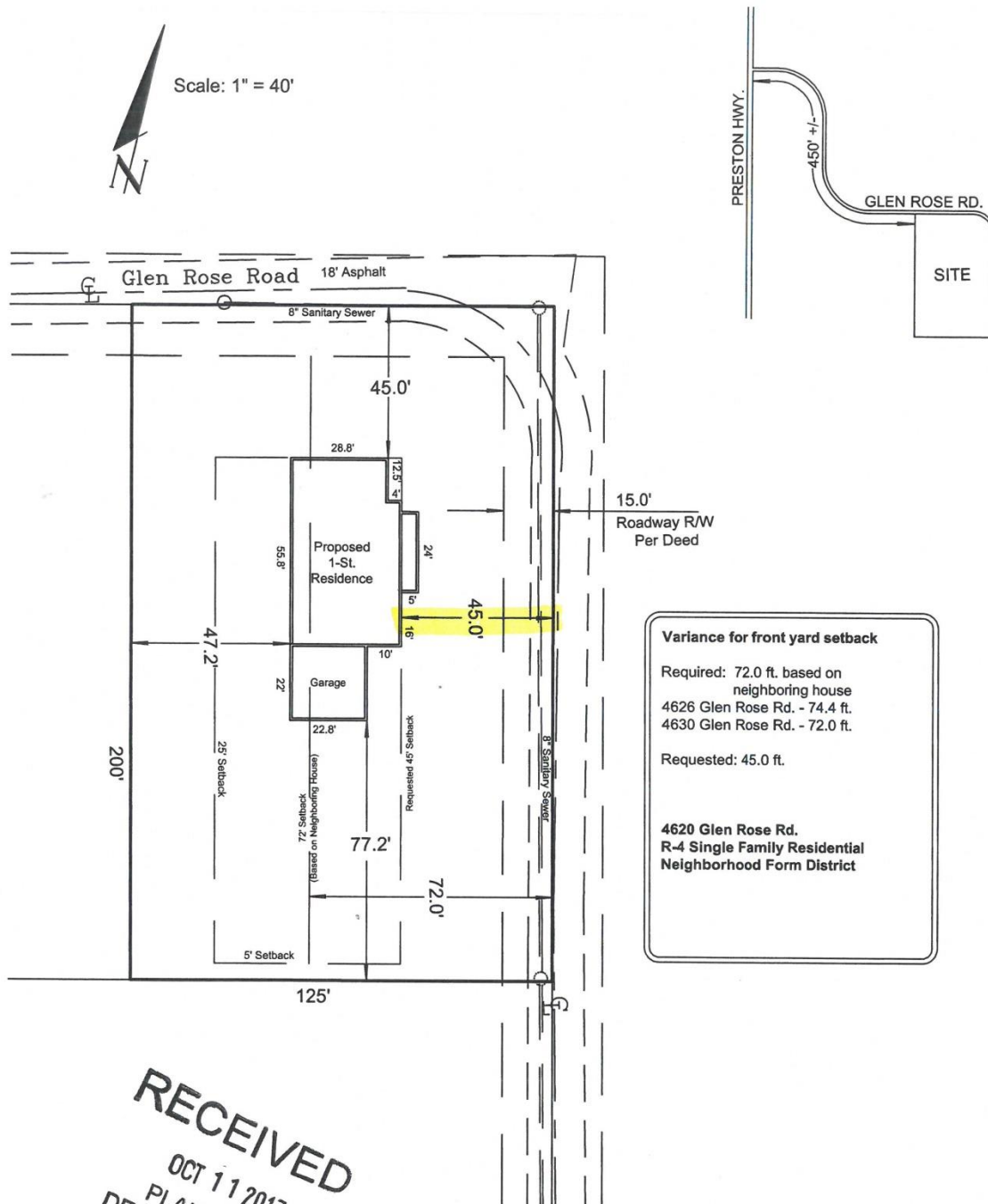


Map Created: 10/19/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.

### 3. Site Plan



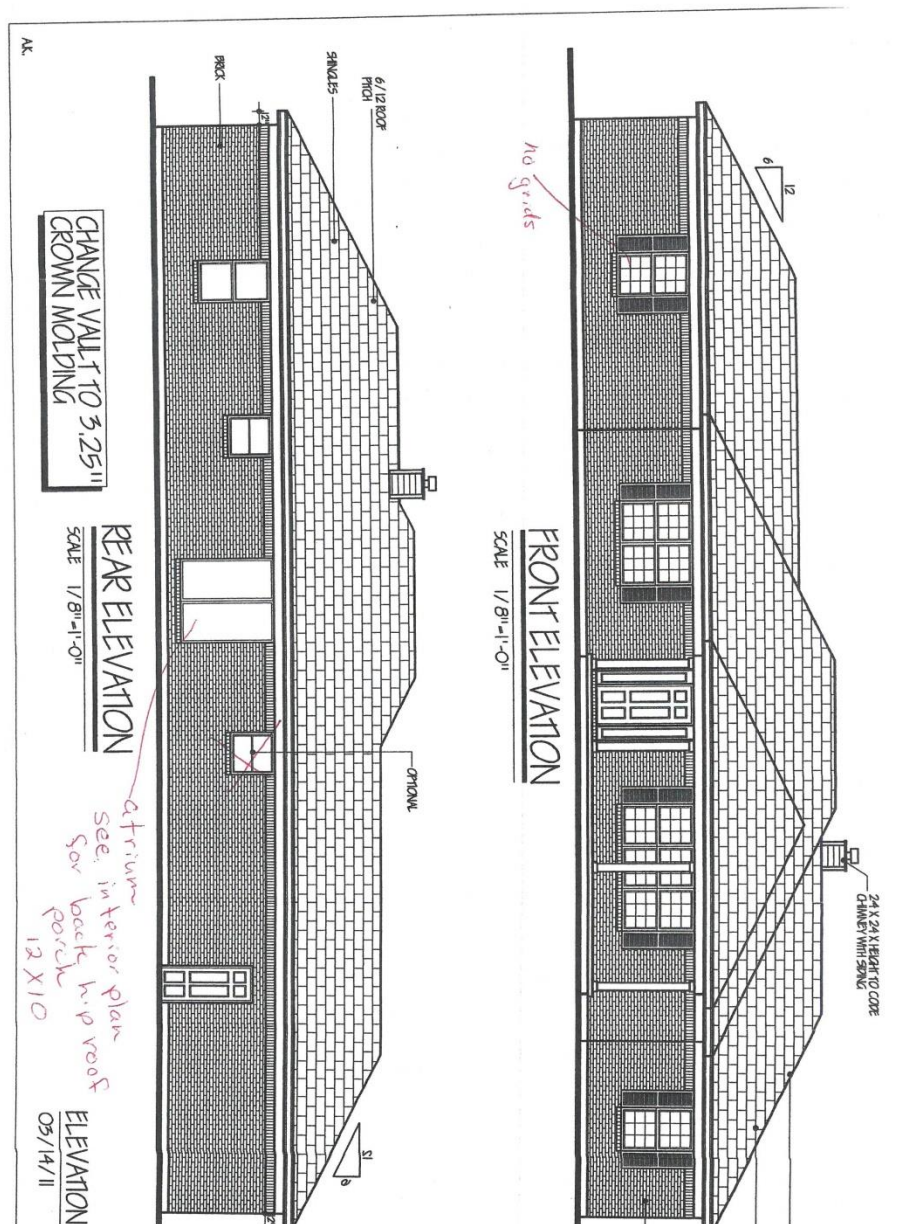
**RECEIVED**  
 OCT 11 2017  
 PLANNING &  
 DESIGN SERVICES

Site Plan  
 of  
 4620 Glen Rose Rd.  
 Louisville, Kentucky 40229  
 Parcel ID 066100810000  
 Prepared for Jeffrey Mack  
 by Norman L. Houghlan PLS  
 October 2, 2017

17 VARIANCE 1073

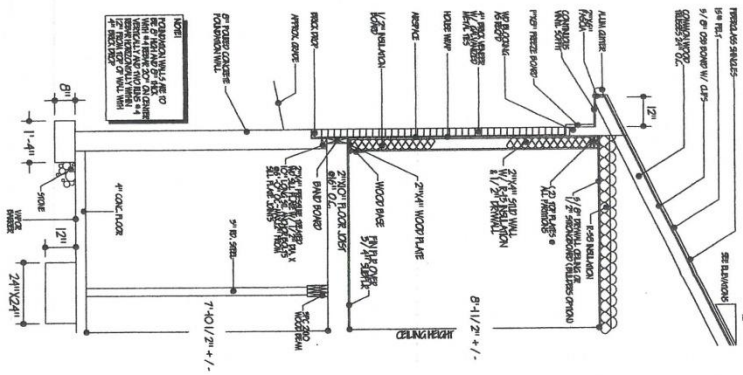


4. Elevation



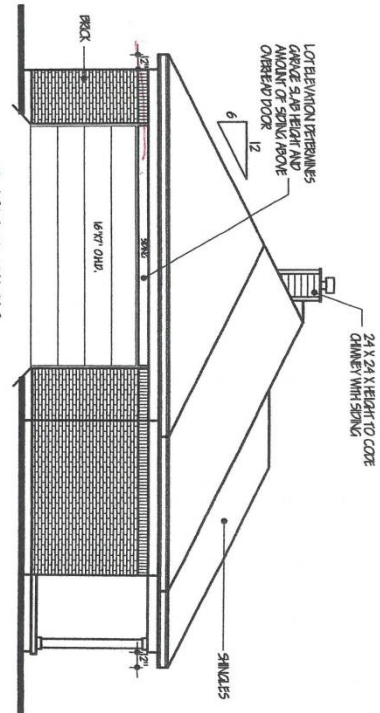
RECEIVED  
OCT 05 2017  
DESIGN SERVICES

17 VARIANCE 1073

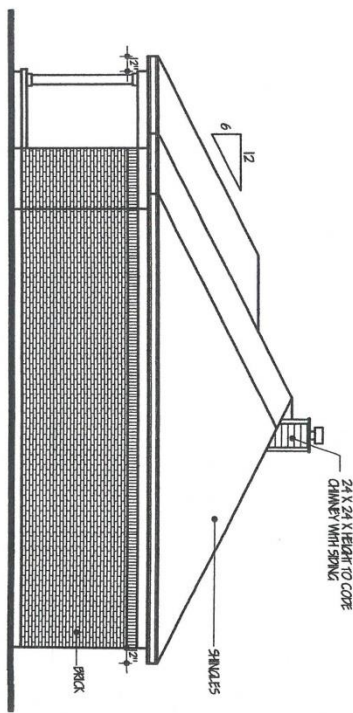


**WALL SECTION**  
SCALE 1/4"=1'-0"

AK



**LEFT SIDE**  
SCALE 1/8"=1'-0"



**RIGHT SIDE**  
SCALE 1/8"=1'-0"

SEE  
IN

**RECEIVED**

OCT 05 2017

DESIGN SERVICES

17 VARIANCE 1073



5. **Site Photos**



The front of the subject property.





The property to the right of the subject property.



The property across Glen Rose Road to the east.





The property across Glen Rose Road to the north.





The street side yard where the variance is being requested.





The property immediately south of the subject property. This principal structure is located 74.4 feet from the property line.





The property two to the south of the subject property. This principal structure is located 72 feet from the property line.





The view up Glen Rose Road from the south, showing the vegetation between properties.