

Board of Zoning Adjustment
Staff Report
November 5, 2018



Case No:	18VARIANCE1097
Project Name:	Altawood Variance
Location:	4109 Altawood Ct
Owner(s):	Rick Just
Applicant:	Rick Just
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Variance** to reduce a 100 foot front yard setback to 80 feet.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a single family home in the Altawood Planned Development District. The zoning district has a required front yard setback of 100 feet. The applicant is seeking a variance to allow a front yard setback of 80 feet, as the lot is smaller than many of the other lots in the district, and the required 100 foot setback would greatly constrict the buildable area of the site.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received an email expressing opposition to the variance request, with concerns that granting this variance will undermine the intent of the Altawood Planned Development District.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the home will still have a significant setback, and all other required setbacks will be met on the subject site.

- (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 because there are several homes in the zoning district with setbacks less than the required 100 feet.

- (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 all other required setbacks will be met on site.

- (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 because the proposed home and setback are in keeping with the character of 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 does arise from special circumstances, as the subject site is one of the smallest lots in the zoning district, and is greatly constricted by the required 100 foot setback.

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 because the proposed home would need to be smaller to fit in the limited area allowed by the required yards.

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.

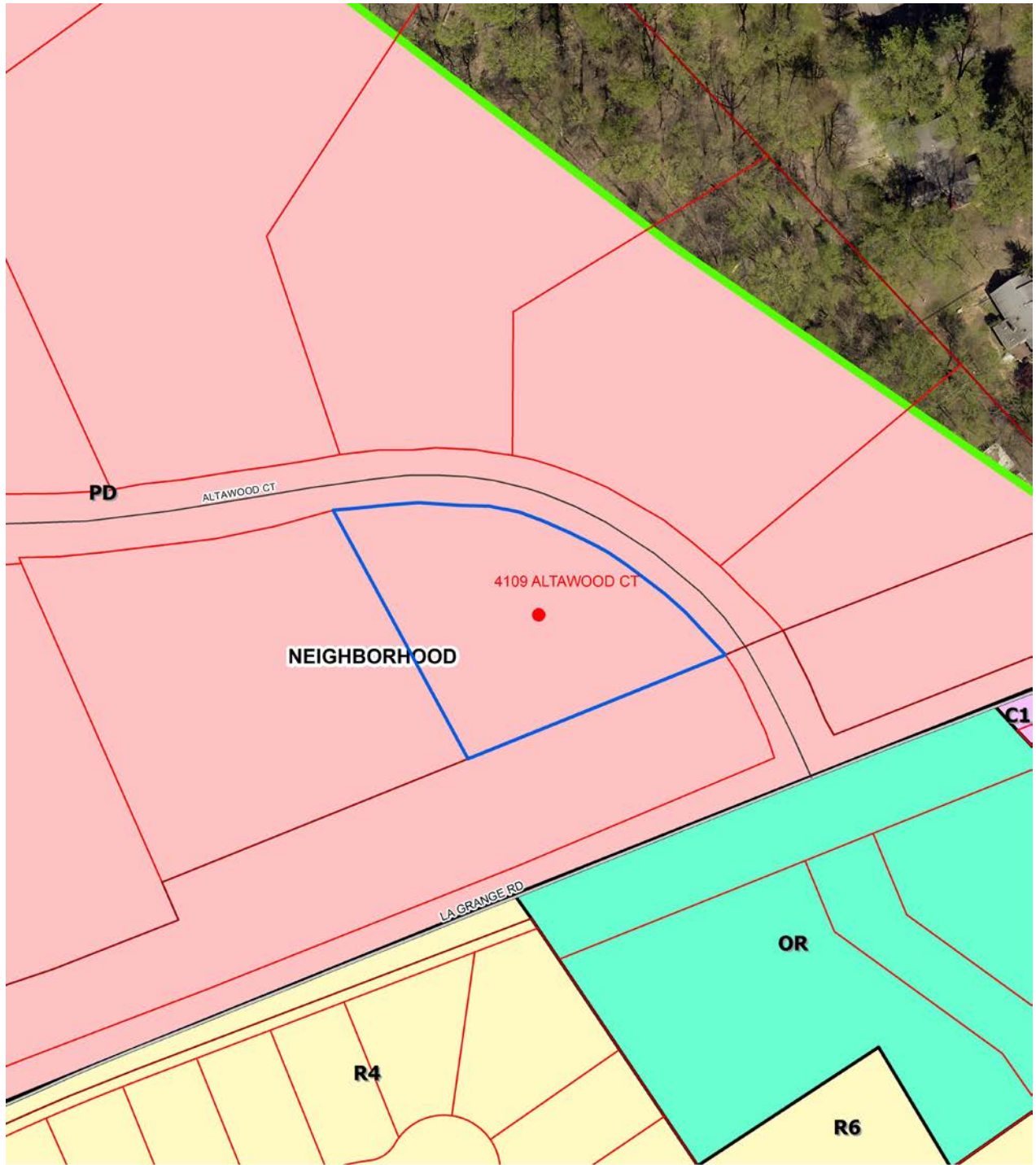
NOTIFICATION

Date	Purpose of Notice	Recipients
10-19-18	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 17

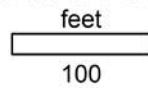
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



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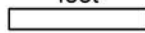
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2. Aerial Photograph



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feet



100



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