

# Development Review Committee

## Staff Report

November 30, 2016



|                                  |                                    |
|----------------------------------|------------------------------------|
| <b>Case No:</b>                  | 16WAIVER1041                       |
| <b>Project Name:</b>             | LeBlanc Residence                  |
| <b>Location:</b>                 | 15610 Highway 148                  |
| <b>Owners:</b>                   | Richard and Alice LeBlanc          |
| <b>Applicant:</b>                | Richard and Alice LeBlanc          |
| <b>Representative(s):</b>        | Cardinal Surveying – Kathy Matheny |
| <b>Project Area/Size:</b>        | 1.04 acres                         |
| <b>Existing Zoning District:</b> | R-4, Single-family Residential     |
| <b>Existing Form District:</b>   | N, Neighborhood                    |
| <b>Jurisdiction:</b>             | Louisville Metro                   |
| <b>Council District:</b>         | 20 – Stuart Benson                 |
| <b>Case Manager:</b>             | Joel P. Dock, Planner I            |

### REQUEST

- **Waiver** of Land Development Code (LDC), section 10.3.5.A.1

### CASE SUMMARY

The applicant is requesting to waive the seventy-five foot parkway setback to allow for a single-family residential accessory structure that has been constructed without a building permit to remain and be issued permits. The request is being made following a property maintenance inspection by the Office of Property Maintenance and Code Enforcement which revealed the violation. The accessory structure subject to this review is a 912 square foot metal building. It is located 57.39 feet from the Highway 148 right-of-way.

The applicant's letter of explanation states that the property was formerly a fraternal lodge. The accessory structure in question is being used as a hobby shop for the single-family residential use.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

|                        | Land Use      | Zoning | Form District |
|------------------------|---------------|--------|---------------|
| Subject Property       |               |        |               |
| Existing               | Single-family | R-4    | N             |
| Proposed               | Single-family | R-4    | N             |
| Surrounding Properties |               |        |               |
| North                  | Single-family | R-4    | N             |
| South                  | Single-family | R-4    | N             |
| East                   | Single-family | R-4    | N             |
| West                   | Single-family | R-4    | N             |

### PREVIOUS CASES ON SITE

Staff found no associated Planning and Design Services cases.

### INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (October 2016)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIDEWALK WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the accessory structure does not obstruct views of pedestrian or vehicular traffic nearby. Additionally, the structure does not impact the view shed of nearby properties as it is a one-story building and the property is surrounding by a dense wooded area.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The proposed waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 13, Policy 7 calls for the protection of the character of parkways and scenic by-ways and corridors through standards for buffers, landscape treatment, lighting and signs. The accessory structure does not encroach beyond the existing primary structure into the parkway setback and does not create any additional impervious surface beyond what previously existed within the setback. Furthermore, the property is surrounded by a densely wooded area which aids in the aesthetic preservation of the corridor from passersby.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the structure has been built in violation of the parkway standards.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would 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 as the structure was built to be compatible with existing setbacks and design on the property.

### TECHNICAL REVIEW

There are no technical review items at this time.

### STAFF CONCLUSIONS

The waiver appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving a Sidewalk Waiver.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the waiver of Land Development Code, section 10.3.5.A.1 to allow the existing structure to be located within the 75 foot parkway setback at a distance of 57.39 feet from the front property line.

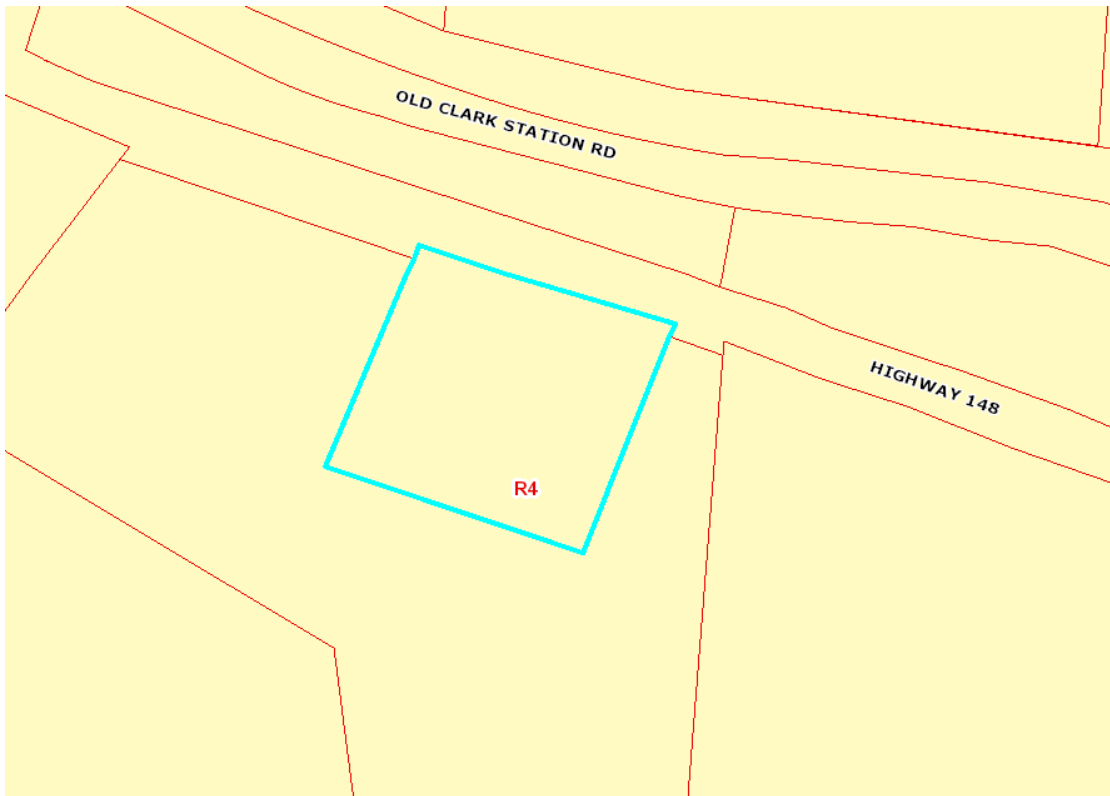
### NOTIFICATION

| Date     | Purpose of Notice | Recipients                                                                                |
|----------|-------------------|-------------------------------------------------------------------------------------------|
| 11/18/16 | DRC               | Adjoining property owners, applicant, owner, and registered users of Council District 20. |

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. **Aerial Photograph**

