

Board of Zoning Adjustment
Staff Report
 August 17, 2015



Case No:	15VARIANCE1047
Project Name:	None (Residence)
Location:	3724 Canoe Lane
Owner(s):	Estate of George Moseley, Jr.
Applicant(s):	George Moseley III, Representative
Representative(s):	Kathryn Matheny
Project Area/Size:	66 square feet
Existing Zoning District:	R-3, Residential Multi-Family
Existing Form District:	N, Neighborhood
Jurisdiction:	Rolling Fields
Council District:	7 – Angela Leet
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variance from the Land Development Code to allow a proposed addition to encroach into the required infill setback along Canoe Lane.

Location	Requirement	Request	Variance
Frontage along Canoe Lane	40' (minimum) 47' (maximum)	32.4'	7.6'

CASE SUMMARY

The applicant is proposing to enclose an existing porch and make it a 2-story entry way. The upstairs portion will become a dressing room. The footprint of the structure will be approximately 66 square feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-3	N
Proposed	Residential Single Family	R-3	N
Surrounding Properties			
North	Residential Single Family	R-3	N
South	Cemetery	R-3	N
East	Residential Single Family	R-3	N
West	Residential Single Family	R-3	N

SITE CONTEXT

The site is irregular in shape and located on the southwest corner of Deep Dale lane and Canoe Lane. The site is surrounded by residential properties to the north, south, east, and west.

PREVIOUS CASES ON SITE

15MINORPLAT1095 A request for a minor subdivision plat to reduce the building limit line. The request can proceed if the variance is approved.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

(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 addition will be matching the current condition on 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 the proposed addition will be compatible with the existing structure and match the existing porch alignment.

(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 proposed addition will be approximately 50 feet from the edge of pavement.

(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 encroachment has been in place for a number of years.

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 site was developed before the current regulations.

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 addition could not be built as shown.

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 owner is trying to conform to the existing conditions on site.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

The new addition will be compatible with the surrounding residential neighborhood. 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 standard for a variance established in the Land Development Code.

NOTIFICATION

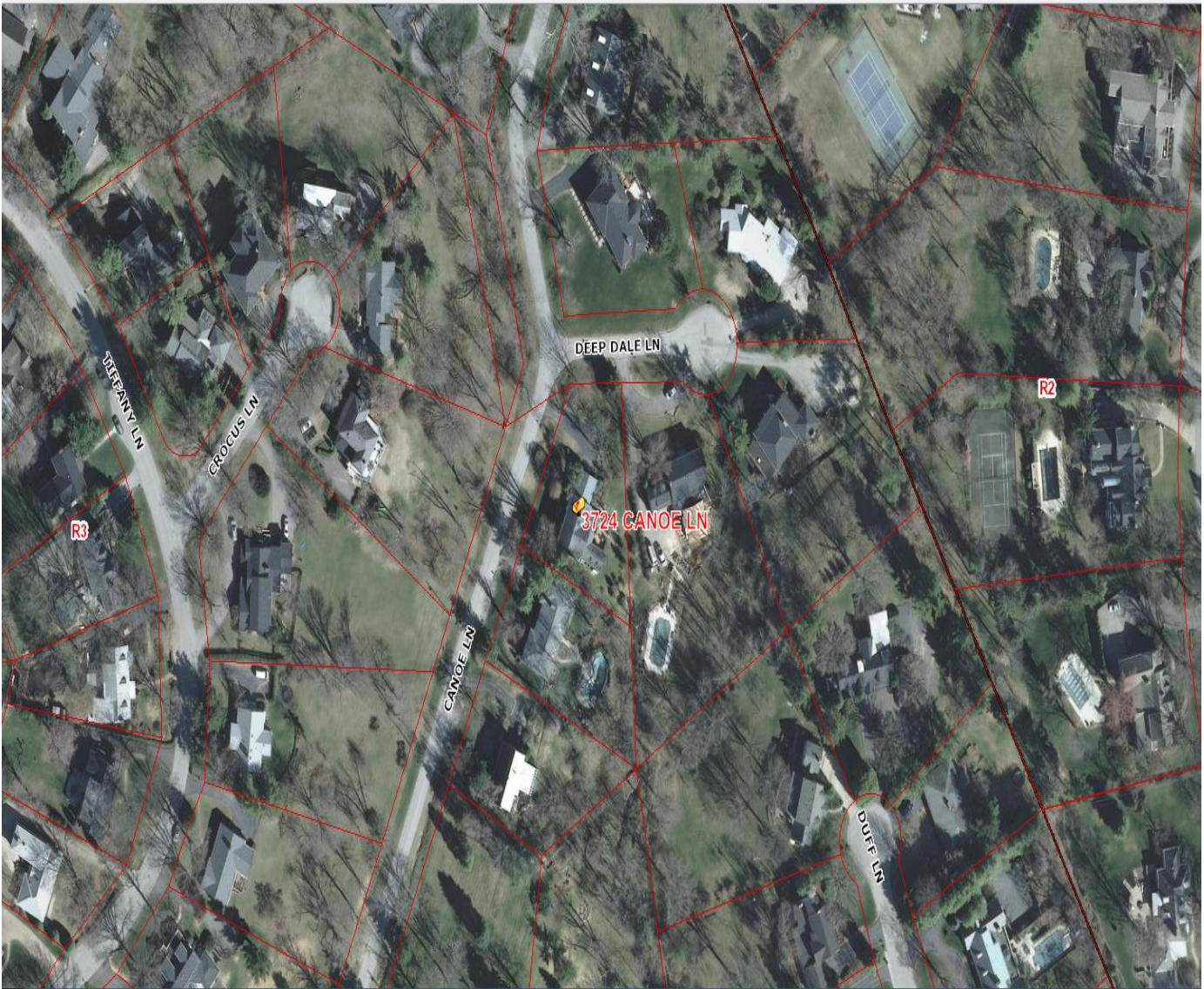
Date	Purpose of Notice	Recipients
7/30/15	APO Notice	First tier adjoining property owners Neighborhood notification recipients
7/31/15	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

This variance is to allow a building limit line by Minor Plat to move and allow an existing porch to be enclosed and converted to an elegant two story entry way. The porch exists and is currently over the set back and has been for many years. This is an improvement to house with no adverse affects.

2. Explain how the variance will not alter the essential character of the general vicinity.

The porch is existing. The area occupied by structure will not extent out further but rather will be more finished and attractive. The upgrade for the house fits the neighborhood.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

There is no new nuisance or new hazard created by enclosing and finishing an existing porch as an entrance hall for this home.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The porch is existing and has encroached for several years. The infill regulations-which create the need for the variance -are newer in time than this neighborhood. The proposed entry way is attractive and fits with the neighborhood. There is no other option as to where to put this feature.

RECEIVED

JUL 20 2015

PLANNING & DESIGN SERVICES

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

He special circumstance is an older neighborhood with an existing porch which encroaches. The applicant is not seeking to place a new building footprint where is does not already exist.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The denial would be an unnecessary hardship because the porch is existing, as is the house,-the only place this entranceway can be constructed is at this location. It improves the house and its façade is the same footprint as the porch.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No

15VARIANCE1047



15VARIANCE 1047

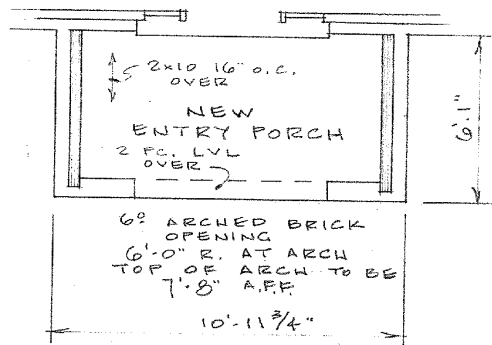
• FRONT ELEVATION •

3742 Canoe LN

RECEIVED

JUL 20 2015
PLANNING &
DESIGN SERVICES

EXISTING FOYER



FIRST FLOOR
1/4" = 1'-0"

MOVE EX. OUTLET AS REQUIRED

EXPAND EX. 2468 TO 2568

15VARIANCE1047

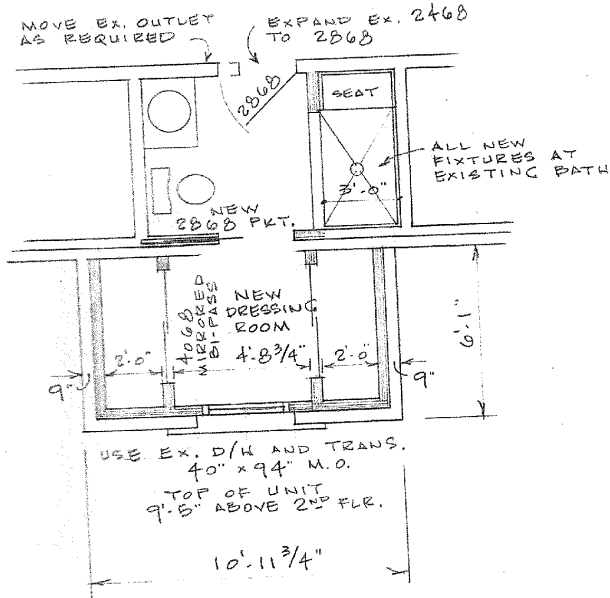
3742 Canal LN

10'-11 3/4"

FIRST FLOOR
1/4" = 1'-0"

RECEIVED

JUL 20 2015
PLANNING &
DESIGN SERVICES



SECOND FLOOR PLAN
- 1/4" = 1'-0"

RESIDENTIAL ADDITION

3742 CANOE LANE 15VARIANCE1047

DRAWN BY MIKE RICHARD 3-26-15

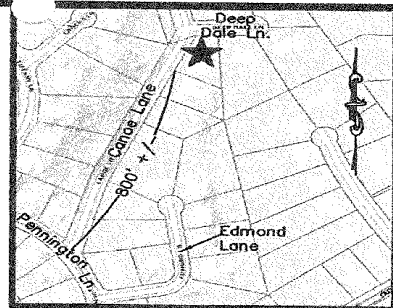
APPROVED THIS _____ DAY OF _____ 2015
 INVALID IF NOT RECORDED BEFORE THIS DATE: _____ BY: _____
 LOUISVILLE METRO PLANNING COMMISSION
 APPROVAL SUBJECT TO ATTACHED CERTIFICATES.
 SPECIAL REQUIREMENT(S): _____
 DOCKET NUMBER: _____

PURPOSE OF PLAT

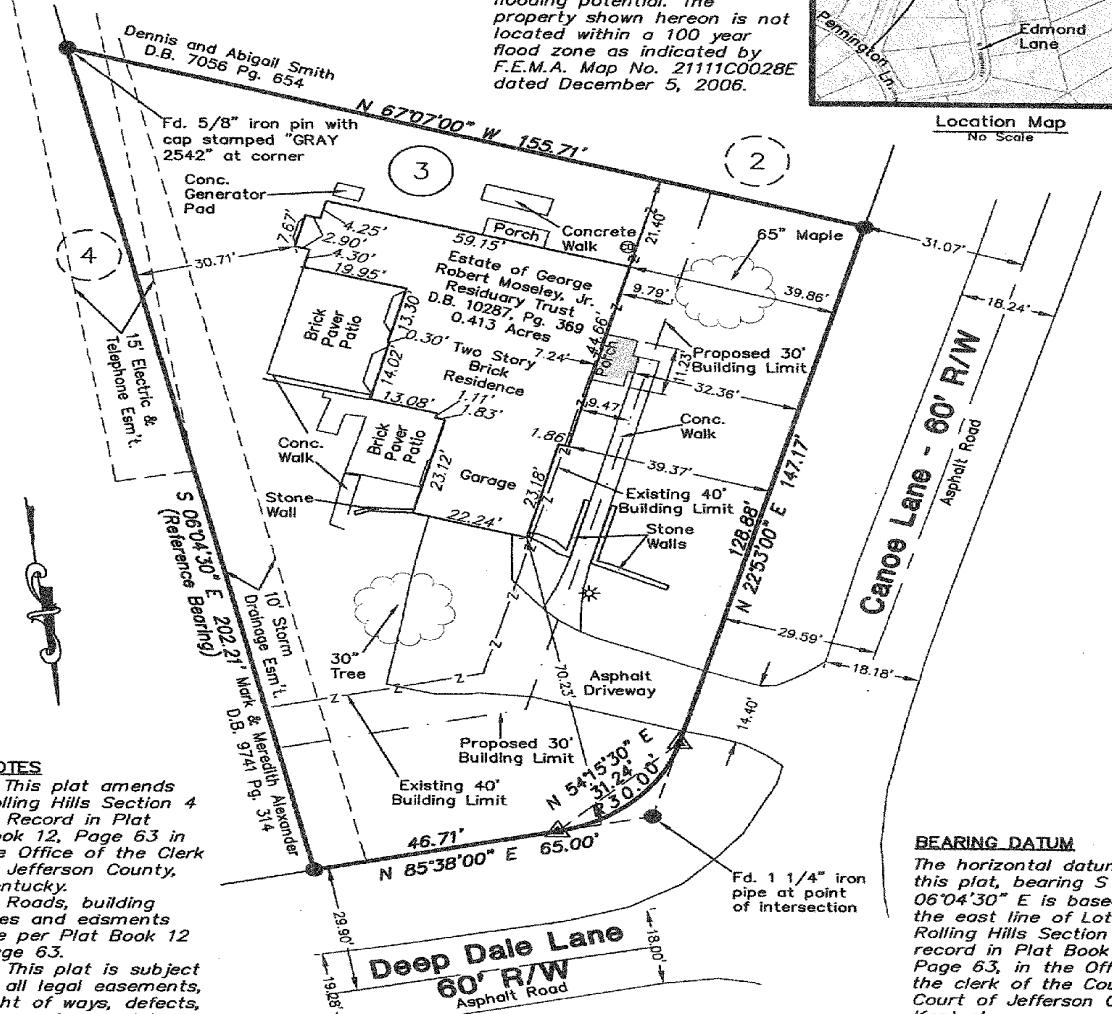
The purpose of this plat is to move the building limit line.

FLOOD NOTE

Flood Plain Determination is restricted to a review of the Flood Insurance Rate Maps latest revisions and shall not be construed as a confirmation or denial of flooding potential. The property shown hereon is not located within a 100 year flood zone as indicated by F.E.M.A. Map No. 21111C0028E dated December 5, 2006.



Location Map
No Scale



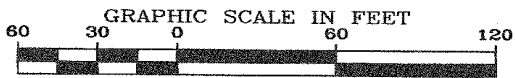
NOTES

- This plat amends Rolling Hills Section 4 of Record in Plat Book 12, Page 63 in the Office of the Clerk of Jefferson County, Kentucky.
- Roads, building lines and easements are per Plat Book 12 Page 63.
- This plat is subject to all legal easements, right of ways, defects, liens, adverse claims, encumbrances, covenants and restrictions, which a title search may reveal, whether shown on this plat or not.

- Indicates found 1" pipe at corner *Unless Noted*
- ▲ Indicates computed unmarked point

BEARING DATUM

The horizontal datum for this plat, bearing S 06°04'30" E is based on the east line of Lot 3 of Rolling Hills Section 4, of record in Plat Book 12, Page 63, in the Office of the clerk of the County Court of Jefferson County, Kentucky



LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat and survey were made under my supervision on July 16, 2015, and that the angular and linear measurements as witnessed by monuments shown hereon are true and correct to the best of my knowledge and belief. This survey was made by method of random traverse with sideshots. The unadjusted closure ratio of the traverse was 1:24,947 and was not adjusted. This survey and plat meets or exceeds the minimum standards of governing authorities for an "Urban" survey.

[Signature] 7-20-15
 RICHARD MATHENY—P.L.S. # 3173 DATE

MINOR SUBDIVISION PLAT
 Owner: Estate of George Robert Moseley, Jr. Residuary Trust
 3724 Canoe Lane, Louisville, KY 40207
 D.B. 10287, Pg. 369 Parcel ID 037300300000
 R3 Zoning Neighborhood Form District
 This survey complies with 201 KAR 18:150

STATE of KENTUCKY
RICHARD S. MATHENY
 3173
 LICENSED PROFESSIONAL LAND SURVEYOR

CARDINAL SURVEYING
 9009 PRESTON HWY.
 LOUISVILLE, KY 40219
 Phone (502) 966-3446
 www.cardinalsurveyingservices.com

DRAWN BY: BKF
 SCALE: 1" = 30'
 DATE: 07/20/2015
 FIELD SURVEY DATE: 07/16/2015
 BY: MY/LF

15 MINOR PLAT 1047