

16VARIANCE1074

7206 Hollow Creek Road



Louisville Metro Board of Zoning Adjustment

Public Hearing

Ross Allen, Planner I

January 23, 2017

Request(s)

- **Variance:** from the Land Development Code section 5.3.1.C, table 5.3.1 to allow an addition onto an extension onto an existing deck and ramp from the deck to the rear yard to encroach into the minimum side yard setback by approximately 3.55 ft. with a condition of approval for tree plantings.

Location	Requirement	Request	Variance
Minimum Side Yard Setback	5 feet	1.45 feet	3.55 feet

Case Summary / Background

- The applicant replaced an old deck with a new wider (10.5 inches) deck, dimensions = 16 feet 11.5 inches by 14 feet the deck continues running south along the eastern wall of the garage for a width of 8 feet and a length of 20 feet.
- The parcel has a small concave on the eastern property line which reduces the width of the applicant's lot contributing to the need for the variance.

Case Summary for the Reconsideration

- BOZA hearing Oct. 17, 2016, the board requested a boundary survey and continued the case until Nov. 21, 2016. Neighbor opposed the variance on privacy concerns and the fact that the applicant is requesting a variance as a result of a stop work order issued by Louisville Metro.
- BOZA hearing Nov. 21, 2016, the board heard the case with an updated site plan and determined that the variance was adequately justified, variance approved. Neighbor opposed the variance with the same concerns.

Case Summary for the Reconsideration

- Opposition ask for a reconsideration request via email from attorney. (Dec. 19, 2016). Both Applicant and opposition have come to an agreement and would like the case to be reconsidered with the intent of adding conditions of approval, tree plantings along the entirety of the eastern property line.
- Reconsideration Request was considered by the Board of Zoning Adjustment on Jan. 9, 2017. The Board voted to reconsider the variance.
- BOZA must determine if the variance will stand as approved on Nov. 21, 2016 with the intent of adding a conditional of approval for tree plantings/screening along the applicant's entire eastern property line.

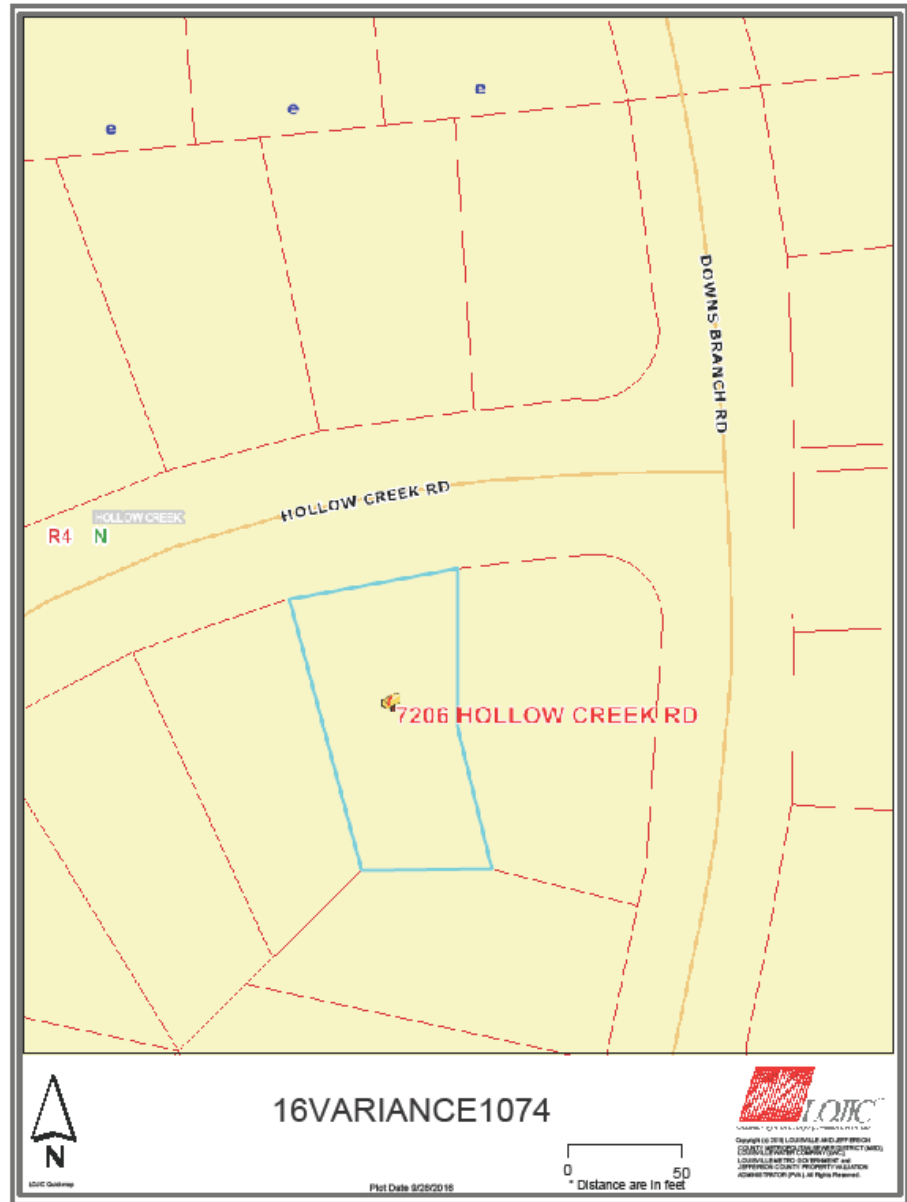
Zoning/Form Districts

Subject Property:

- Existing: R-4/Neighborhood
- Proposed: R-4/ Neighborhood

Adjacent Properties:

- North: R-4/Neighborhood
- South: R-4/Neighborhood
- East: R-4/Neighborhood
- West: R-4/Neighborhood



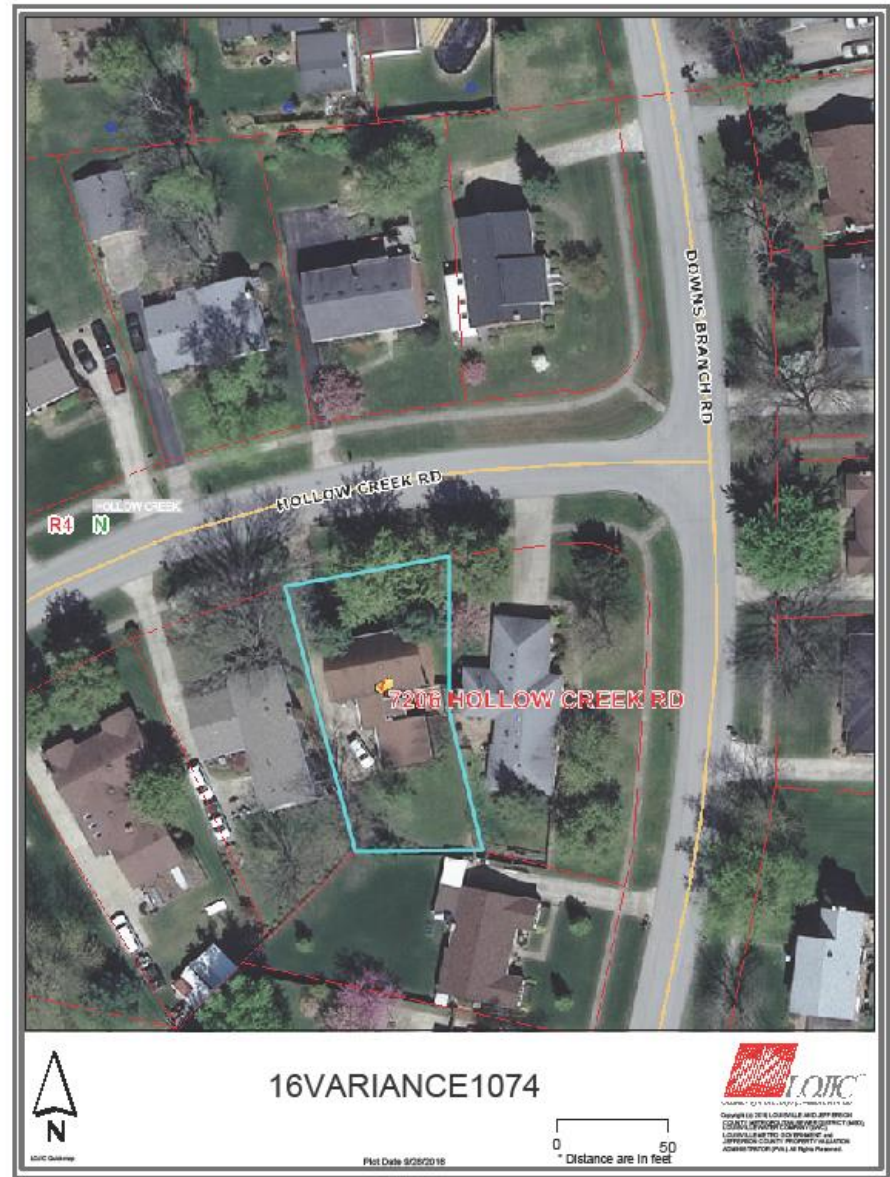
Aerial Photo/Land Use

Subject Property:

- Existing: Residential Single Family
- Proposed: Residential Single Family

Adjacent Properties:

- North: Residential Single Family
- South: Residential Single Family
- East: Residential Single Family
- West: Residential Single Family



Site Photos-Subject Property



The subject site, looking south from Hollow Creek Road along the eastern property line.

Site Photos-Subject Property



Looking south at the side yard setback along the Eastern property line where the variance is requested.

Site Photos-Subject Property



Looking North from the rear of the property towards Hollow Creek Road.

Site Photos - Subject Property



Looking North from the rear of the property towards Hollow Creek Road. Neighbors fence is shown relative to the height of the applicant's deck.

Site Photos - Adjacent Property



Looking west from the neighbors deck towards the applicant's deck and garage. Staff illustrating height and visibility from applicant's deck and view into the neighbors side/rear yard.

Site Photos - Subject Property



Looking Northwest from the rear of the neighbors property towards Hollow Creek Road. Neighbors fence is shown relative to the height of the applicant's deck and visibility into the neighbors yard from the applicant's deck.

Site Photos - Subject Property



Looking East from the applicant's deck into the neighbors side/rear yard. Provides the height and visibility from the applicant's deck.

Conclusions

- The variance request appears to be adequately justified and meets the standard of review.
- The Board of Zoning Adjustment must determine if the proposal meets the standard of review for granting a variance as established in the Land Development Code from section 5.3.1.C, table 5.3.1 to allow a proposed deck to encroach into the side yard setback by approximately 3.55 feet. Additionally, it is requested that BOZA place a condition with the approval that approximately 2 dozen trees for screening be planted along the applicants entire eastern property line.

Required Actions

- **Variance:** from the Land Development Code section 5.3.1.C, table 5.3.1 to allow a proposed deck to encroach into the 5 foot side yard setback by approximately 3.55 feet along with a condition that the applicant provide the 2 dozen trees along the entire eastern property line.
Approve/Deny

Location	Requirement	Request	Variance
Minimum Side Yard Setback	5 feet	1.45 feet	3.55 feet