

Development Review Committee

Staff Report

April 2, 2014



Case No: 14WAIVER1006

Request: To allow an accessory structure to be built and exceed the size of the primary structure

Project Name: 6802 Concord Hill Rd.

Location: 6802 Concord Hill Rd.

Owner: Gaines, Margaret and Rodney Sr.

Applicant: Same

Representative: Same

Jurisdiction: Louisville

Council District: 24- Madonna Flood

Case Manager: Jessica Butler, Planner I

REQUEST

- Waiver of 5.4.2, to allow an addition to be made on one of the existing accessory structures on a lot, making the cumulative total of accessory structure size greater than the size of the primary structure.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This property has two accessory structures on the single-family residential property. One is currently 1750 sf, the other is 1600 sf. To the second structure, the applicant proposes a 1056 sf addition. This makes the total square footage of accessory structures 4406. The primary structure is 2600 sf. The property is 4.95 acres.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single Family Residential	R-4	N
Proposed	Single Family Residential		N
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4	N
South	Single Family Residential	R-4	N
East	Single Family Residential	R-4	N
West	Single Family Residential	R-4	N

PAST OR CURRENT CASES ON SITE

13PM16290- Code violation for non-permitted use in a residential zone (improper keeping of a recreational vehicle)

INTERESTED PARTY COMMENTS

No comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code, 2004

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners because all setback requirements are adhered to for this accessory structure and the lot is nearly 5 acres.

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

STAFF: The waiver meets the applicable guidelines of Cornerstone 2020. Residential Guideline 23 discusses the compatibility of the proposed addition, and staff determines the accessory structures fit the character of the residential area.

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

STAFF: The extent of the waiver is the minimum necessary to afford relief to the applicant because the applicant has been notified that they need to enclose their camper, and this addition will allow them to do so.

- (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 Land Development Code standards would deprive the applicant of storage of their camper on their 5 acre lot.

TECHNICAL REVIEW

- There are no outstanding technical review issues.

STAFF CONCLUSIONS

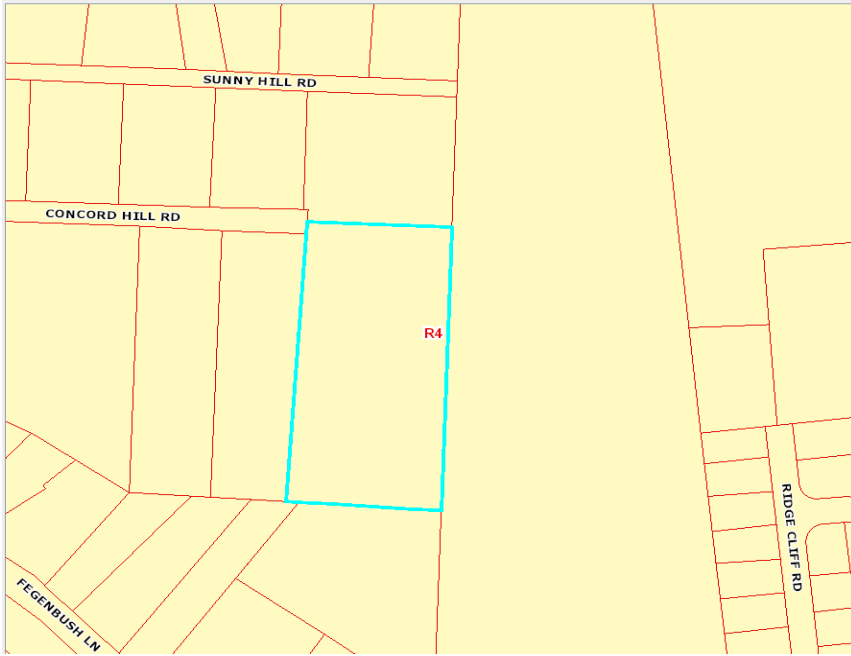
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a LDC Waiver established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/19/14	Notification for DRC	1 st tier adjoining property owners Subscribers of Council District 24 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. **Cornerstone 2020 Staff Checklist**

√ Meets Guideline

29	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	Setback standards are adhered to for the accessory structure and it fits the character of the residential vicinity.
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4. **Applicant's Justifications**

General Waiver Justification:

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

1. Will the waiver adversely affect adjacent property owners?

No Attaching to Existing Building no affect before AND still AWAY FROM property lines

2. Will the waiver violate the Comprehensive Plan?

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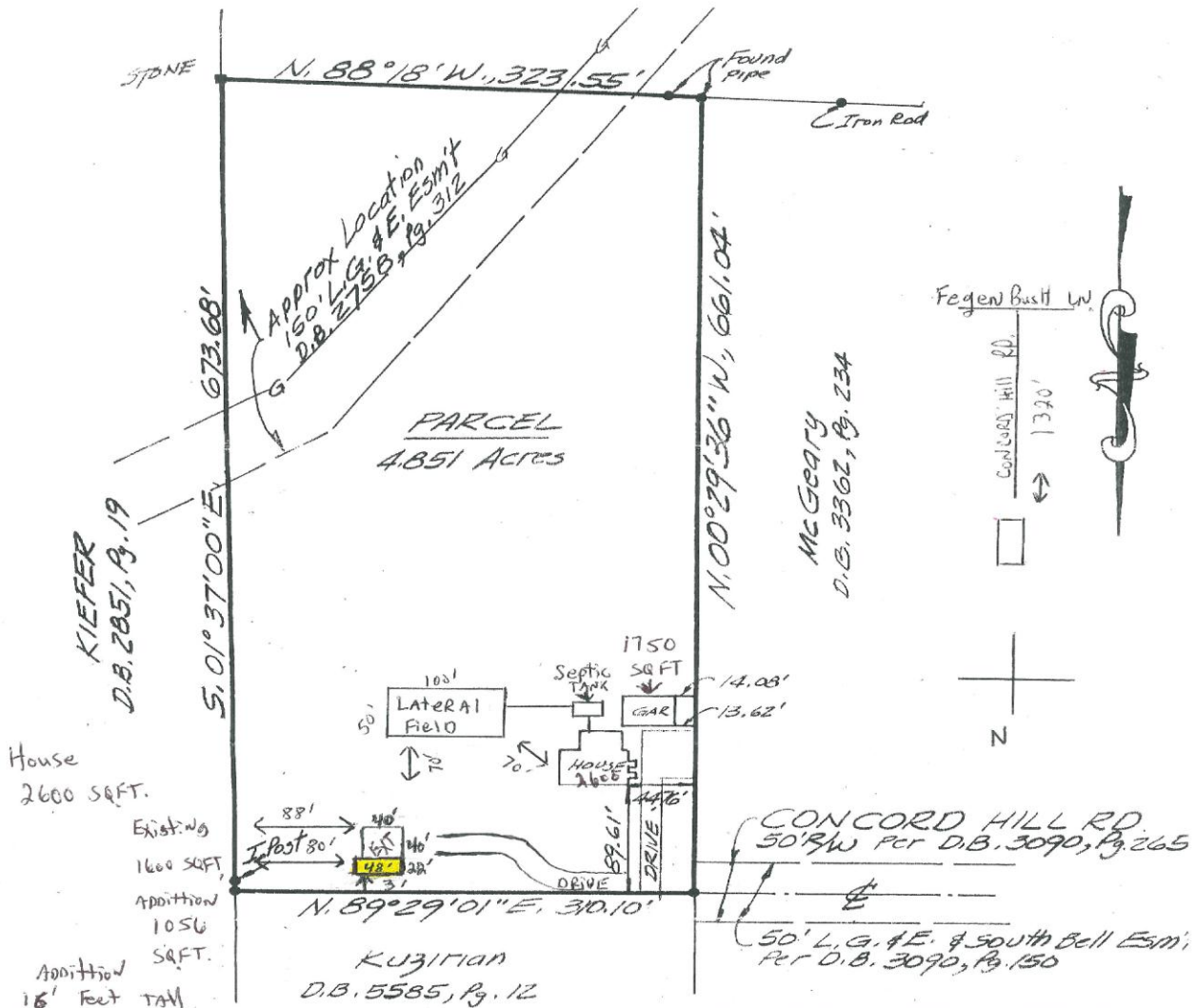
3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes - So I don't HAVE to move Camper FROM Home.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Although I live on a private Road AND all most 5 acres AND there are Campers all over Jefferson County It only takes ONE person to create a Hardship. Codes said it may have to be moved AND Best IN closure

5. Site Plan



LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat and survey were made under my supervision 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 and plat meets or exceeds the minimum standards of governing authorities.

R.L. Rosenbaum, Jr.
 Registered Land Surveyor KY.

NOTE: The property shown hereon (is) (is not) in a 100 year flood area as located by F.E.M.A.
 Map Number _____, and dated _____



Survey For Margaret G. BRUMFIELD
 Location 6802 Concord Hill Rd
D.B. 3454, Pg. 84
B.K. G36, Pg. 56 J.C.A. Co.
 Scale: 1" = 100' Date: 3-7-00

C.R.P. & ASSOC., INC.
 7321 New LaGrange Road, Suite 111
 Louisville, KY 40222
 (502) 423-8747 • Fax (502) 429-0602

This tract shown on this plat is subject to all easements and right-of-way and restrictions visually apparent and of record

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