

Board of Zoning Adjustment

Staff Report

October 30, 2017



Case No:	17VARIANCE1066/17WAIVER1030
Project Name:	1820 Meremont Ridge Rd
Location:	1820 Meremont Ridge Rd
Owner(s):	Terry Johnson
Applicant:	Terry Johnson
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- Variance to allow a proposed swimming pool to encroach 15 feet into a required 45 foot front yard setback per Land Development Code table 5.3.1 and section 5.3.1.C.4.
- Waiver from Land Development Code table 10.3.2 to allow a proposed swimming pool to encroach into the required 50' Scenic Corridor setback.

Location	Requirement	Request	Variance
Front Yard Setback	45 ft.	30 ft.	15 ft.

CASE SUMMARY/BACKGROUND

The applicant is proposing to add a swimming pool to their single family residential property at 1820 Meremont Ridge Rd. Swimming pools must meet all required setbacks per Land Development Code (LDC) section 4.4.10. The lot is a double-frontage lot, so per LDC section 5.1.7.D, required front yard setbacks shall be provided along both road frontages. Long Run Rd is a Secondary Collector class road. Per LDC section 5.3.1.C.4 a 15 foot supplemental setback is required in addition to the standard 30 foot front yard setback for a property zoned R-4 in the Neighborhood form district. The front yard setback required for this property along Long Run Rd is therefore 45 feet, and the applicant is requesting a variance of 15 feet to allow part of the pool to encroach this setback.

Long run Rd is also classified as a Scenic Corridor. Per LDC table 10.3.2, single-family lots within a major subdivision must observe a 50 foot setback along scenic corridors. The applicant is requesting a waiver from this part to allow the pool to encroach into the scenic corridor setback.

STAFF FINDING

Staff finds that the requested variance and waiver are adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for

granting a variance established in the Land Development Code to allow a swimming pool to encroach into the required front yard setback per section 5.3.1.C.4 and table 5.3.1, and for granting a waiver from table 10.3.2 to encroach into the scenic corridor setback standards.

TECHNICAL REVIEW

There is no outstanding technical review issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

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

STAFF: The pool will be properly fenced per Land Development Code regulations.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The pool would not be visible from Long Run Rd due to topography.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The pool will be fenced for safety, and will not be visible from the public street.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The pool is being placed in order to be close to the existing house on the site, and the requested encroachments are minimized to the highest degree possible.

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 dual frontage lot combined with the presence of a collector level road makes the rear of the house require a greater setback than the front, which is unusual.

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 regulation would not deprive the applicant of reasonable use of the land.

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 taken subsequent to the adoption of the regulations.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners, as all required buffering and landscaping will still be provided on site.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The waiver will not violate specific policies of Cornerstone 2020, as the full landscape buffer will still be provided, and the pool will not be visible from the public road.

- (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 is the minimum necessary to afford relief to the applicant, because the pool is being sited as close to the house as possible.

- (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 applicant proposes to add additional landscaping around the pool area in order to compensate for the noncompliance with this regulation.

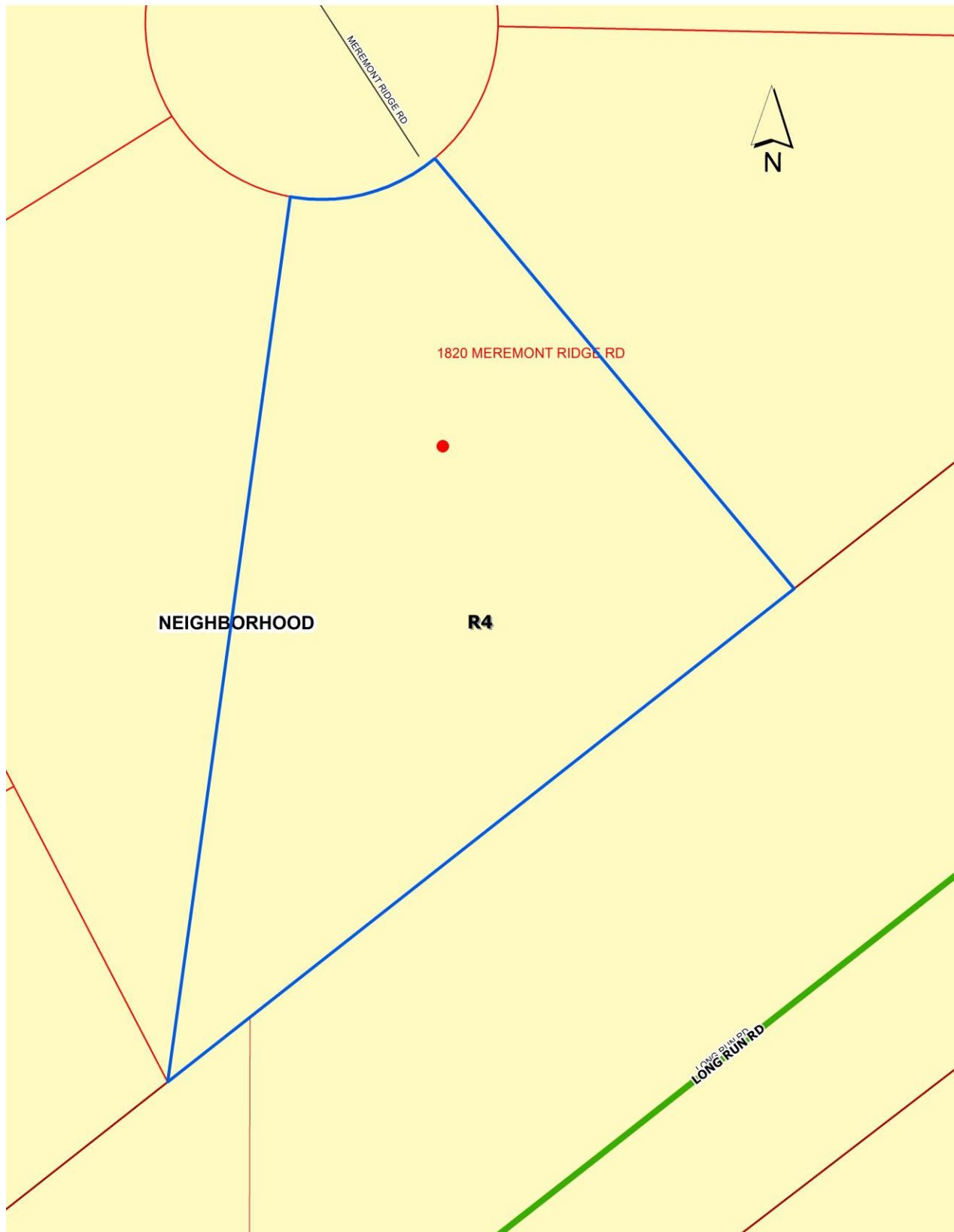
NOTIFICATION

Date	Purpose of Notice	Recipients
10-12-17	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19
10-16-17	Hearing before BOZA	Sign posted on property.

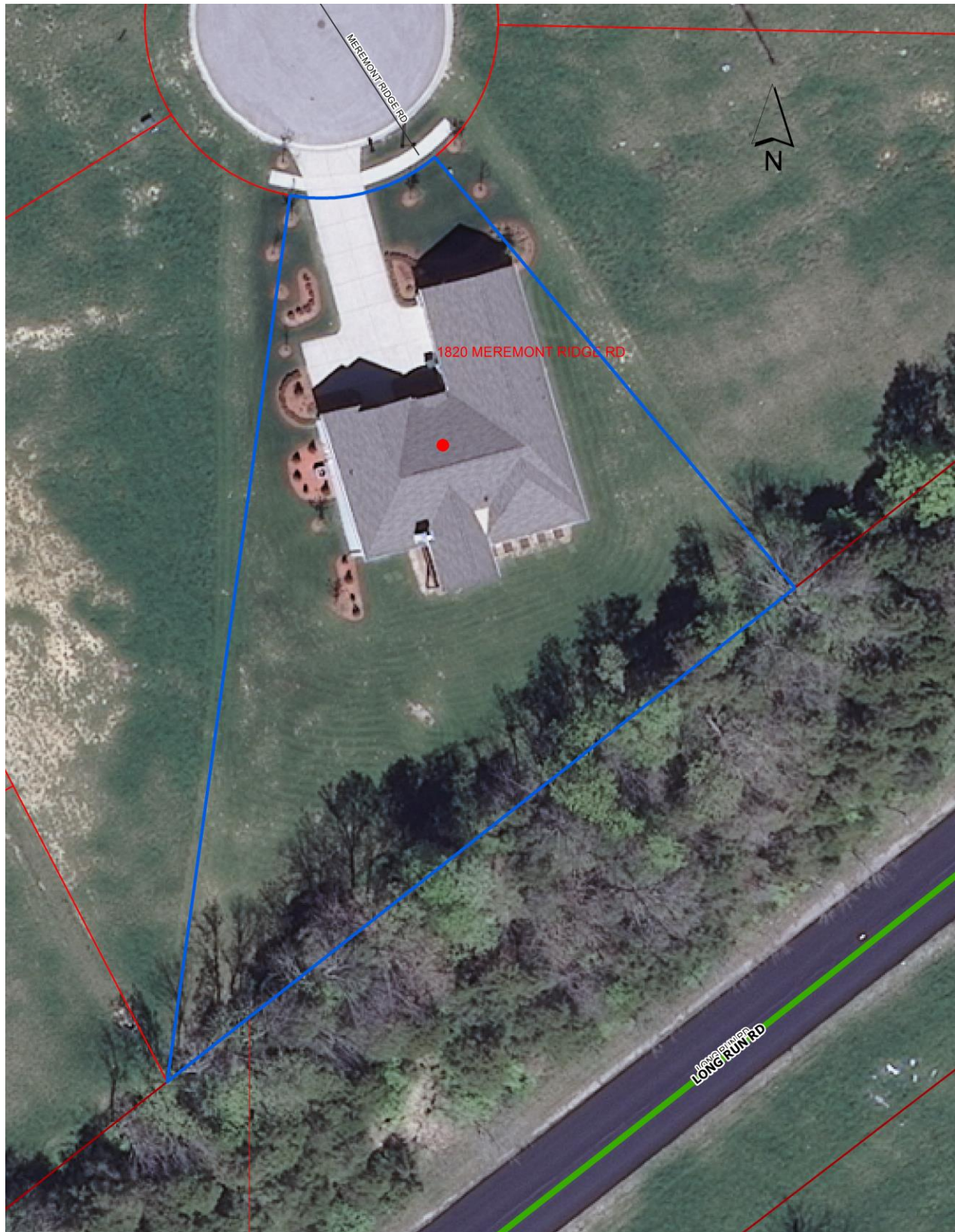
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos

1. **Zoning Map**



2. Aerial Photograph



3. **Site Photos**



Area of requested variance and waiver.



Front of property.



View towards Long Run Rd from rear of property.