

Board of Zoning Adjustment

Staff Report

September 4, 2018



| | |
|--------------------------|---|
| Case No: | 18VARIANCE1073 |
| Project Name: | Hi View Lane Variance |
| Location: | 9015 Hi View Lane |
| Owner(s): | Eric Hardin & Raegan Hardin |
| Applicant: | Brian McDonald, SB Home Renovations LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 25 – David Yates |
| Case Manager: | Dante St. Germain, Planner II |

REQUEST

- **Variance** from Land Development Code section 5.1.12.B.2.a to allow a structure to encroach into the required infill front yard setback.

| Location | Requirement | Request | Variance |
|------------|-------------|---------|----------|
| Front Yard | 63.5 ft. | 44 ft. | 19.5 ft. |

CASE SUMMARY/BACKGROUND

The subject property is undeveloped and is located on the north side of Hi View Lane, approximately one-half mile from Third Street Road. The applicant proposes to construct a new single-family residence with an attached garage facing Hi View Lane. The garage extends into the front yard, encroaching into the required infill front yard setback. The applicant requests a variance to allow the encroachment.

STAFF FINDING

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

Based upon the information in the staff report, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code section 5.1.12.B.2.a to allow a structure to encroach into the required infill front yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

Staff received signatures from all adjoining property owners, approving of the proposed site plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.a

- (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 as the proposed encroachment will not affect sight lines or adversely affect drivers along Hi View Lane.

- (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 as there are other front-loaded garages in the general vicinity in which the garage extends forward of the front door.

- (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 as the lot is not a corner lot and the encroachment will not create a hazard for the public.

- (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 as the remainder of the house is set farther back on the lot.

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 requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is irregular in shape, and narrower at the rear than at the front, making a detached or side-loaded garage impractical on the lot.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by preventing the applicant from constructing a useable garage on the property.

3. The circumstances are not 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 of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

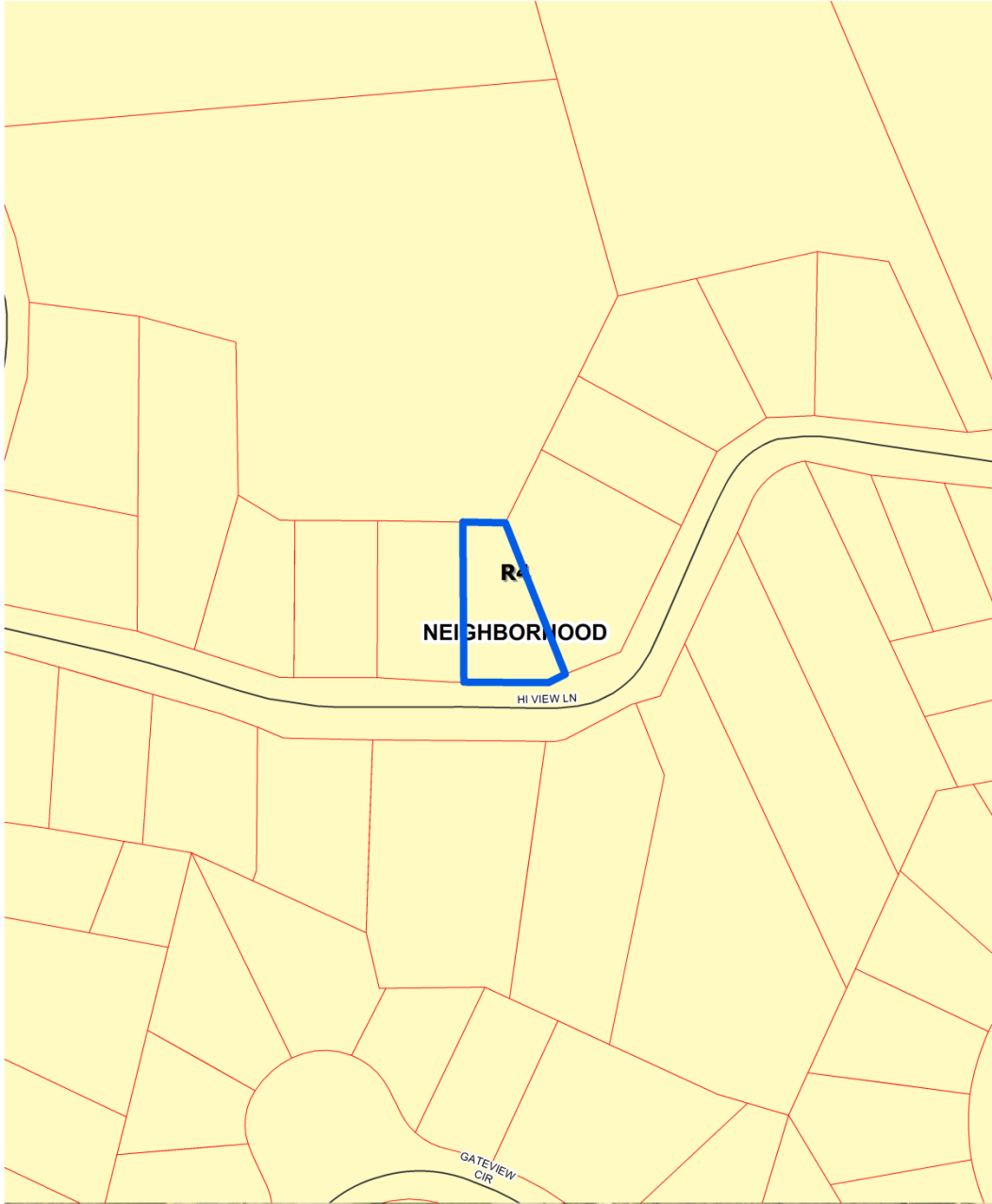
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------------|--------------------------|---|
| 08/15/2018 | Hearing before BOZA | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 25 |
| 08/24/2018 | Hearing before BOZA | Notice posted on property |

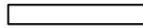
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

1. **Zoning Map**



9015 Hi View Lane
feet



140

Map Created: 8/14/2018

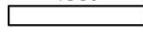


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2. Aerial Photograph



9015 Hi View Lane
feet



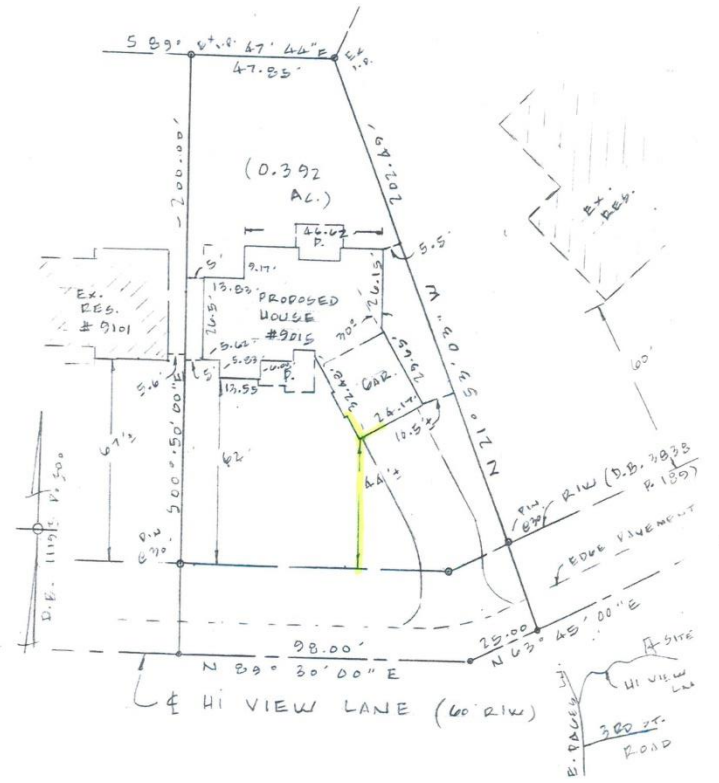
140

Map Created: 8/14/2018



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3. Site Plan



PRELIMINARY PLAN ONLY

THIS PLAT IS NOT TO BE USED AS A SURVEY OR MORTGAGE INSPECTION. THIS PLAT IS FOR BUILDING PERMIT PURPOSES ONLY.

Gary Dukes PLS
 Land Surveying
 3602 Briarglen Lane
 Louisville, KY 40220
 garydukespls@gmail.com
 502-553-4912



Location 9015 HI VIEW LANE
 Description BLOCK 10&B PARCEL 550
D.B. 11195 P. 599
 For: ERIL AND DAEGAN HARDIN
C/O SB HOME RENOV.

Scale: 1" = 30' Date: 7-27-18 By: G.J.D.
0' 15' 30" REV. 8-13-18

4. Elevations

ROOF RISE 12

ROOF LINE 29'-0"

GARAGE ROOF 14'-4"

MAIN CEILING 9'-0"

FLOOR ELEV. 0'-0"

GARAGE FLOOR 2'-0"

MIN. FOOTER DEPTH 30" BELOW FINAL GRADE

BASEMENT FLOOR 10'-2"

FRONT ELEVATION
1/4" = 1'-0"

ROOF SADDLE 51/2' HIGH

REAR ELEVATION
1/4" = 1'-0"

RECEIVED
5/11/2018
DESIGN: HHH/MSJ

SHEET NUMBER
A-6

SCALE (SEE VIEW)
DATE: 5/4/2018

S B HOME RENOVATIONS
5510-110 Fern Valley Rd.
Louisville, KY 40228
502.384.7385

S B HOME
RENOVATIONS

ERIC & REAGAN HARDIN
LOT 7, HI VIEW LANE
LOUISVILLE, KY 40272

Dan/Inger Designs
danzingerdesigns.com
502.386.5364

LEFT SIDE ELEVATION
1/4" = 1'-0"

RIGHT SIDE ELEVATION
1/4" = 1'-0"

RECEIVED
5/11/2018
DESIGN: HHH/MSJ

SHEET NUMBER
A-7

SCALE (SEE VIEW)
DATE: 5/4/2018

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5. Site Photos



The front of the subject property.



The front of the subject property.



The front of the subject property.



The front of the subject property.



The neighboring property to the west looking toward the subject site.



Looking toward the subject site from the west.



Looking toward the subject site from the west.