

Board of Zoning Adjustment Staff Report

July 11, 2016



Case No:	16VARIANCE1044
Request:	To allow a proposed two story addition to encroach into the minimum side yard setback.
Project Name:	88 Valley Road
Location:	88 Valley Road
Area:	.53780
Owner:	Donna and Glenn McCoy
Applicant:	Donna and Glenn McCoy
Representative:	Donna and Glenn McCoy
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from the Land Development Code section 5.2.2. to allow a proposed addition of a two story living space to encroach into the 6' ft. minimum side yard setback.

Location	Requirement	Request	Variance
Side Yard Setback	6' ft.	2' ft.	4' ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct an two story addition onto the side of the principal structure measuring approximately 28 feet wide by 28 feet long (total area of addition 784 sf.) on an R-3 zoned parcel within a Traditional Neighborhood Form District. The proposed addition will have a recessed basement with a two car garage and the first floor will have a master bedroom along with a master bath and laundry room.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

No other cases were associated with the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (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 since the proposed addition is similar in side yard setback to properties in the general vicinity.

- (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 since homes in the area have setbacks less than that required by the LDC and other with greater setbacks than required.

- (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 since the home sits approximately 114' ft. from the road frontage and has no other structures within a distance of approximately 70' ft.

- (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 since many homes in the general vicinity sit at odd angles to the lot frontage and setbacks vary from house to house along Valley Road.

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 does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since many homes in the general vicinity sit at odd angles to the lot frontage and setbacks vary from house to house along Valley Road.

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 deprive the applicant of the reasonable use of the land since the proposed addition sits approximately 114' ft. from the road frontage and has no other structures within a distance of approximately 70' ft. allowing space between structures.

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 of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the addition has not been built to date.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 standards for granting a variance established in the Land Development Code from section 5.2.2, table 5.2.2 Dimensional Standards – Traditional Neighborhood to allow the proposed addition to encroach into the minimum side yard setback by 4' ft.

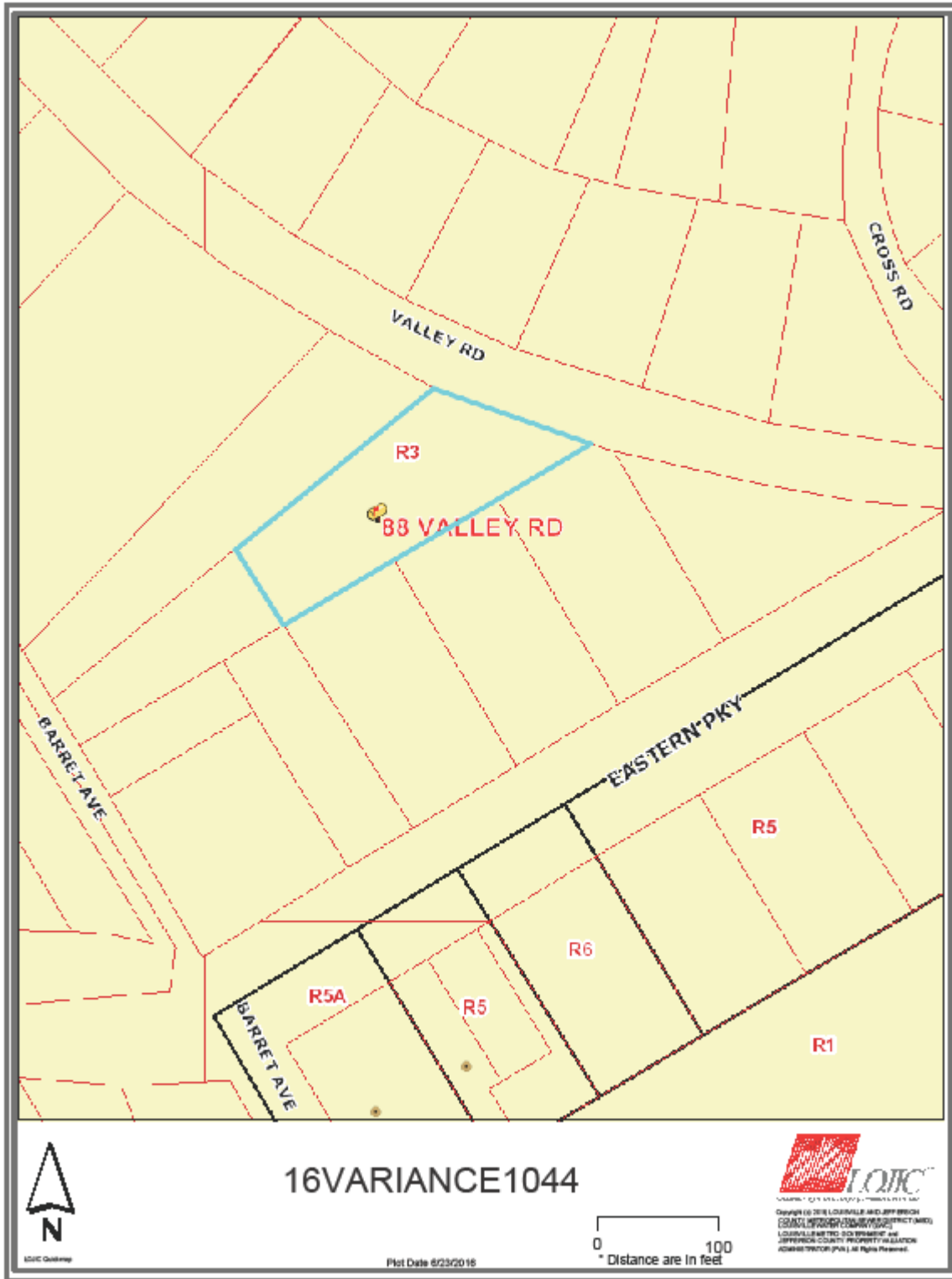
NOTIFICATION

Date	Purpose of Notice	Recipients
June 24, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
June 24, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Second Site Plan
5. Front Elevation
6. South Elevation
7. East Elevation
8. West Elevation
9. First Floor Plan
10. Basement Floor Plan

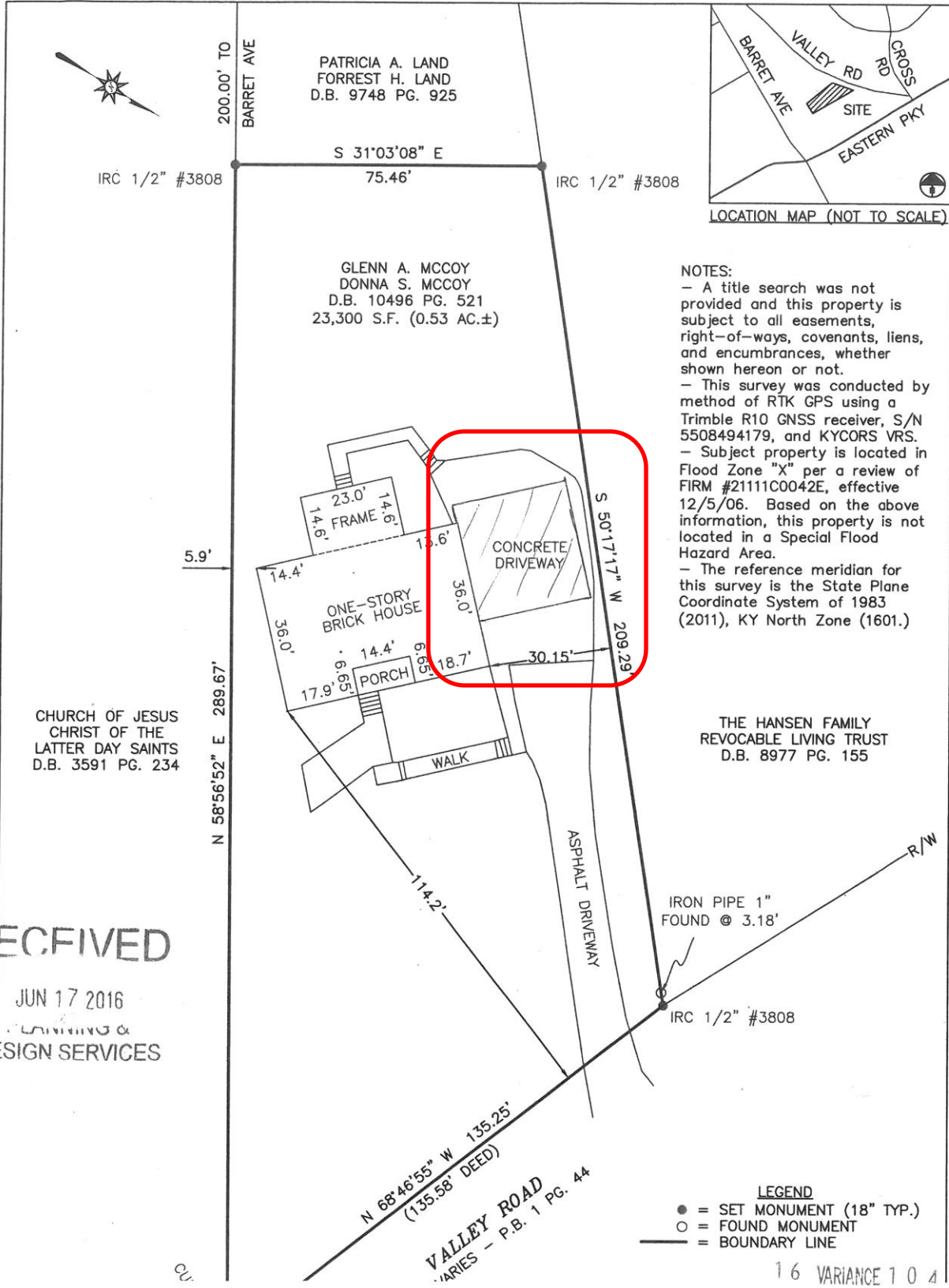
1. Zoning Map



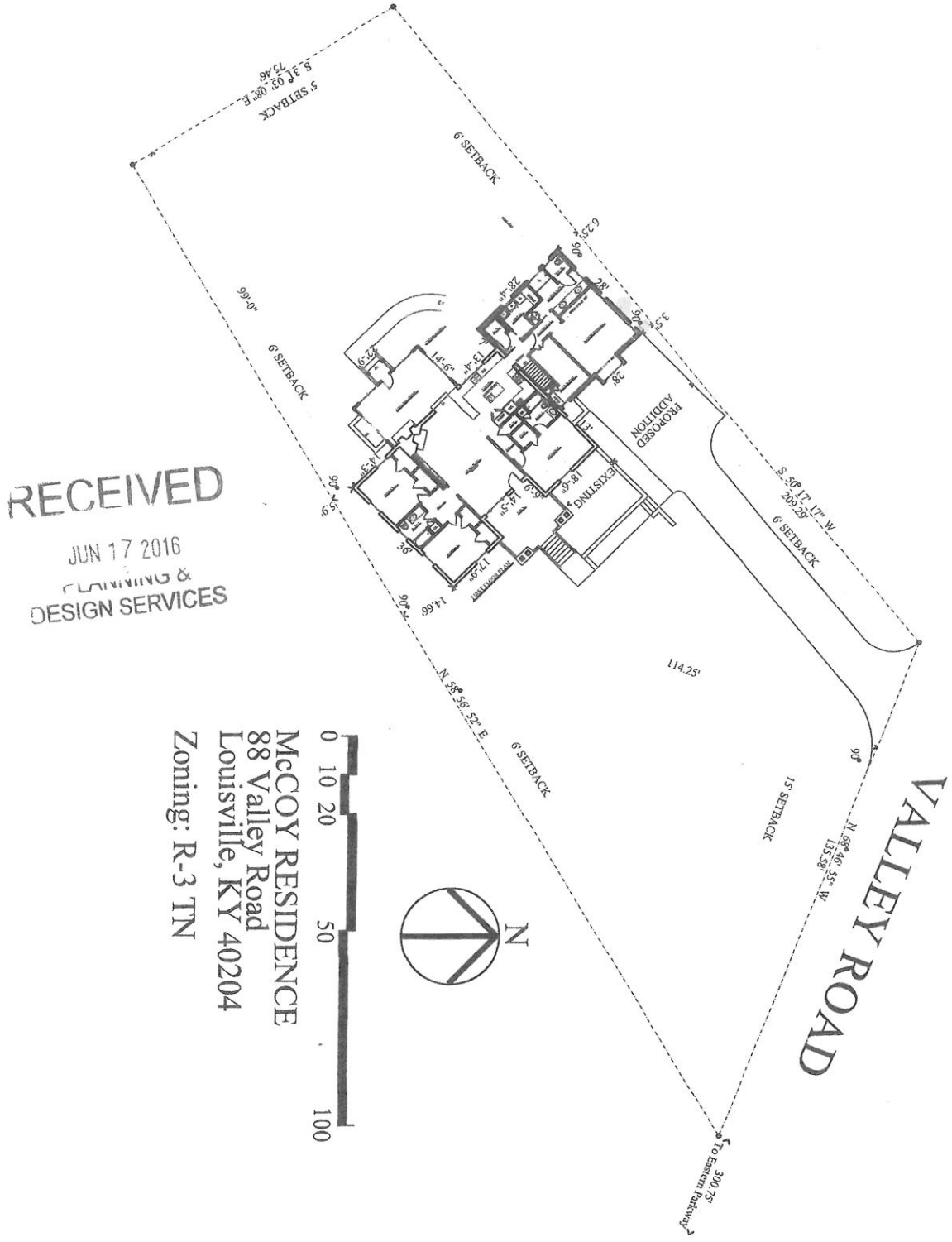
2. Aerial Photograph



3. Site Plan



4. Second Site Plan



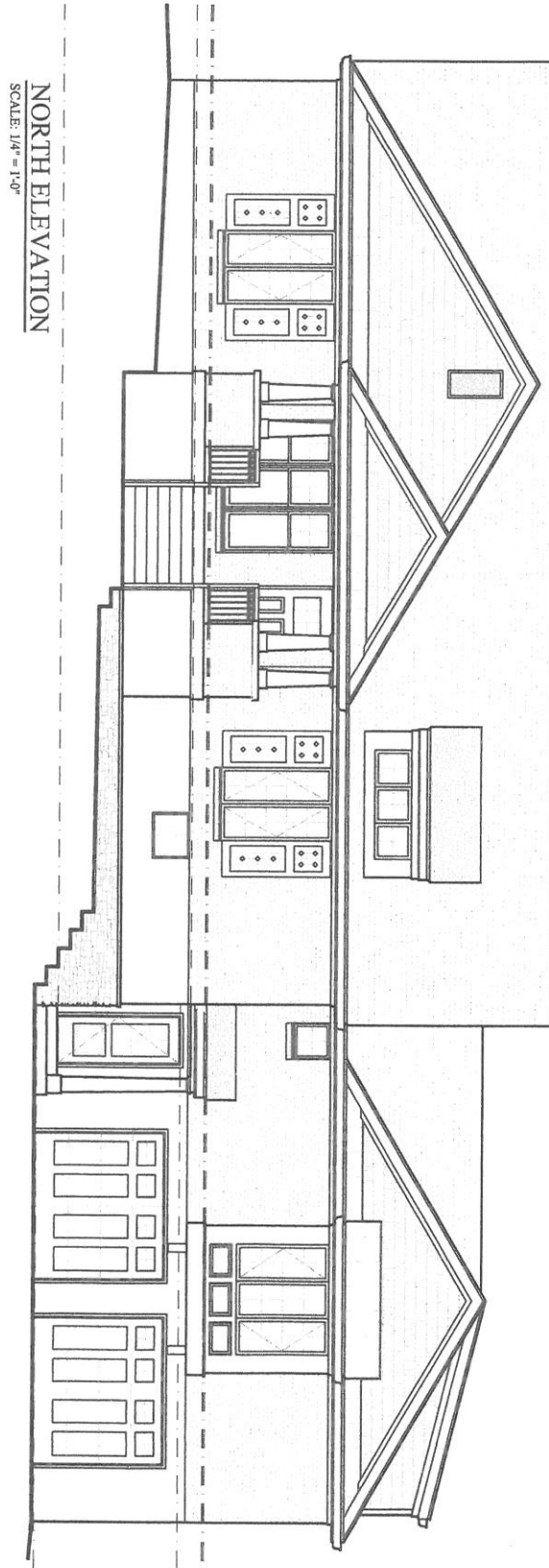
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McCOY RESIDENCE
88 Valley Road
Louisville, KY 40204
Zoning: R-3 TN

VALLEY ROAD

VARIANCE 1044

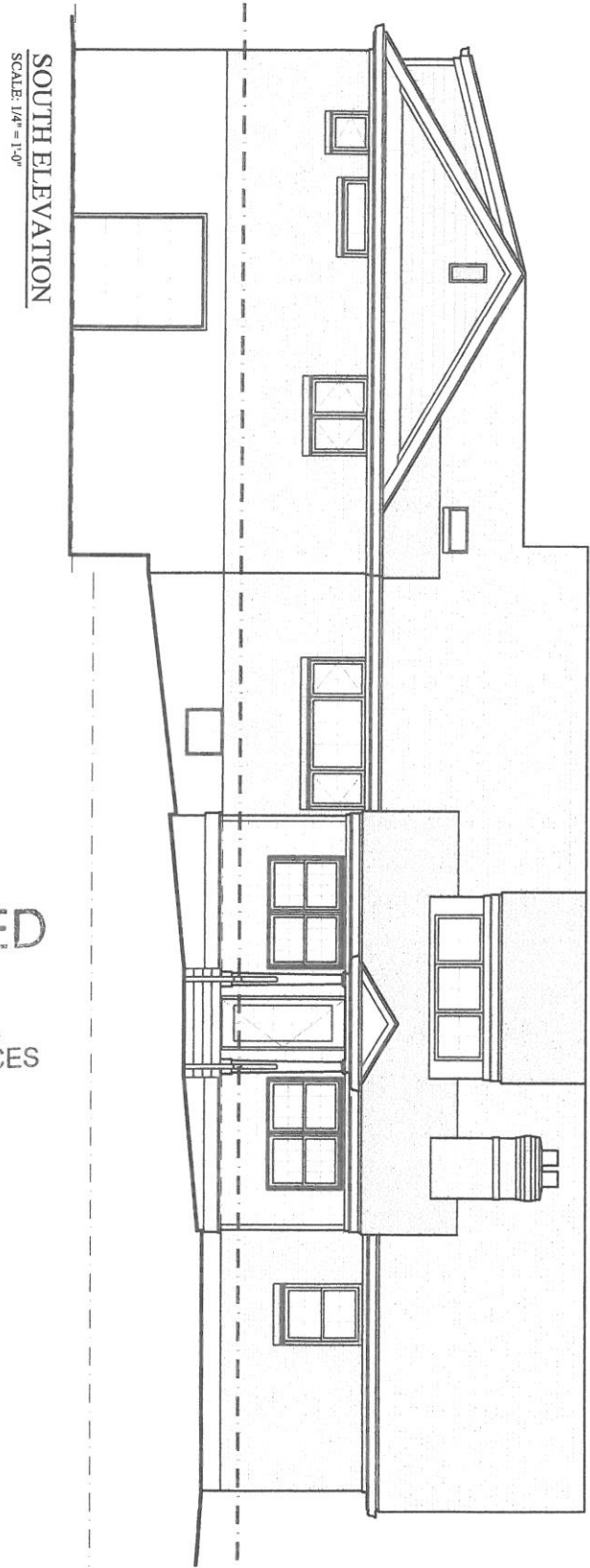
5. Front Elevation



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6. South Elevation

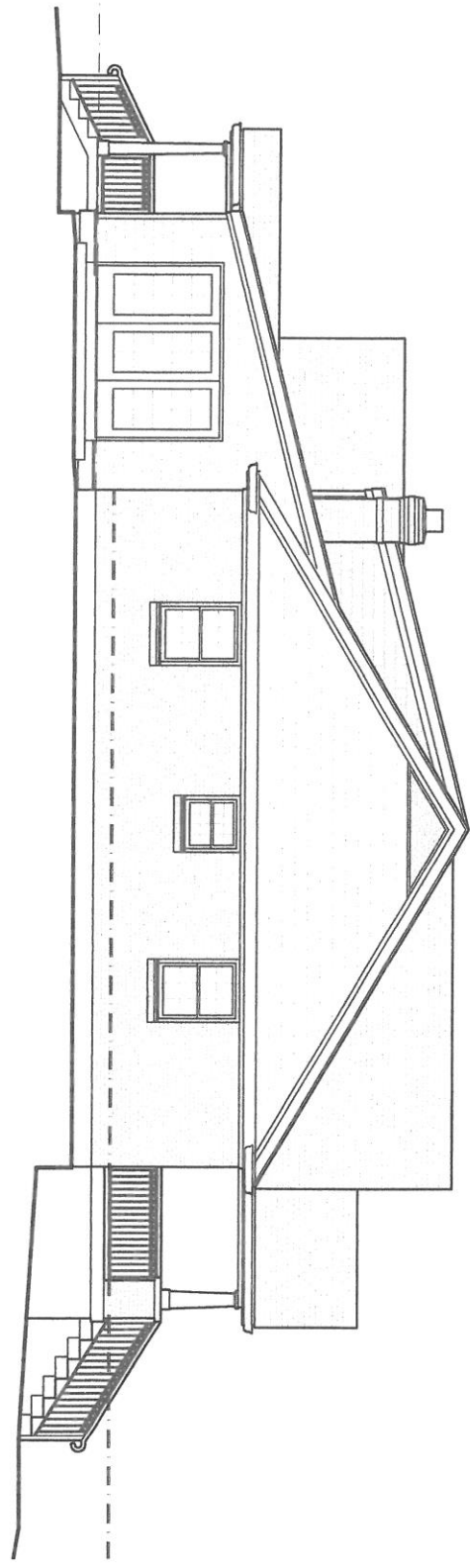


SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

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7. East Elevation



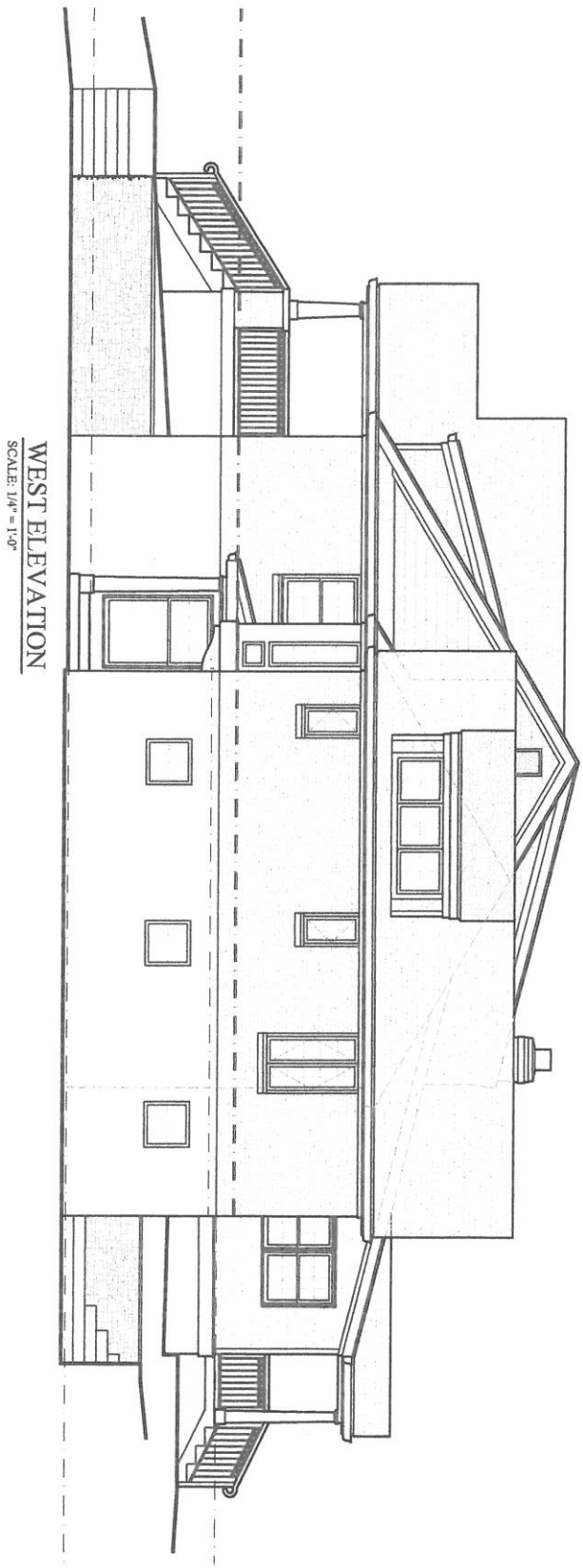
EAST ELEVATION
SCALE: 1/4" = 1'-0"

Facing LBS Property

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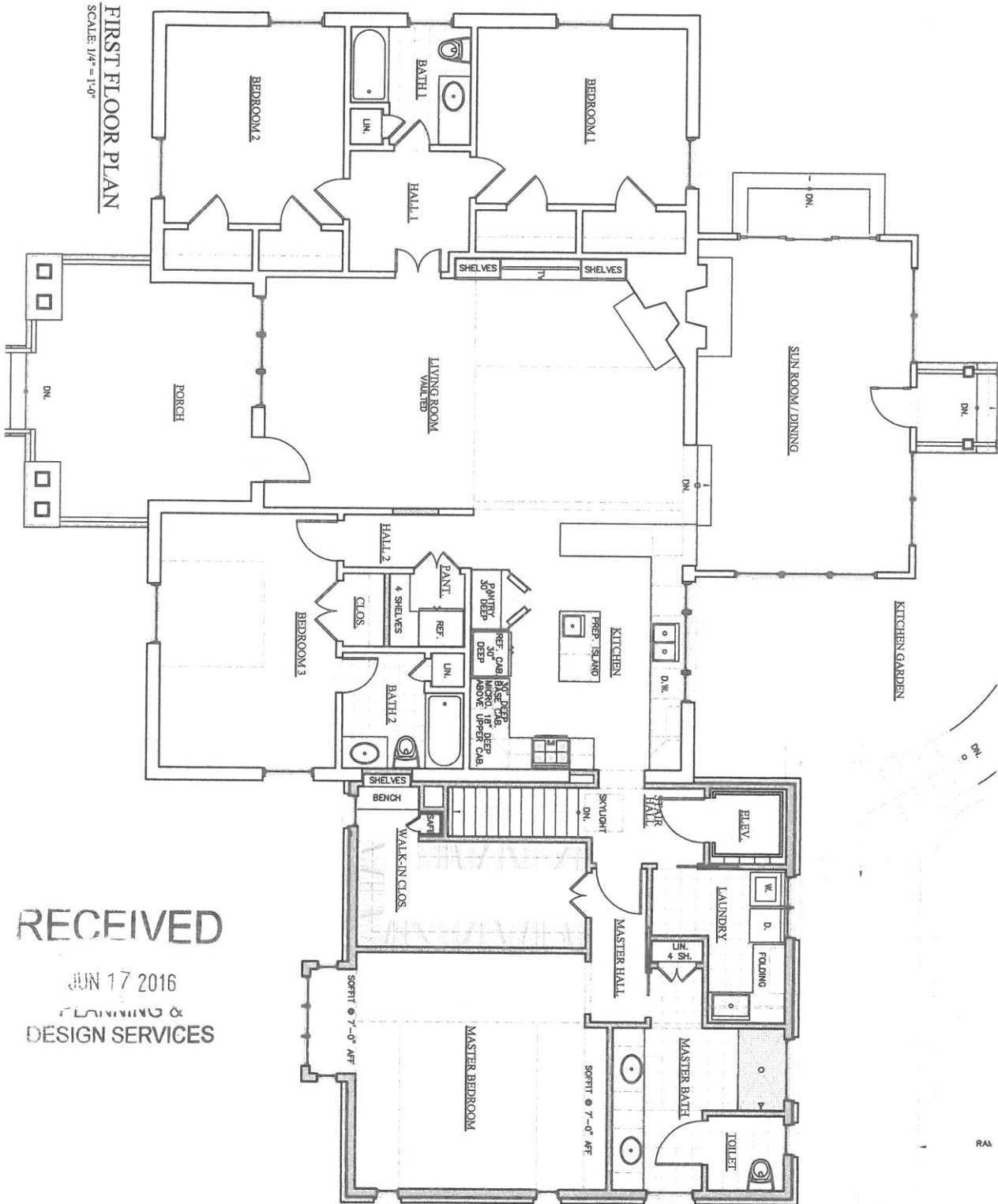
8. West Elevation



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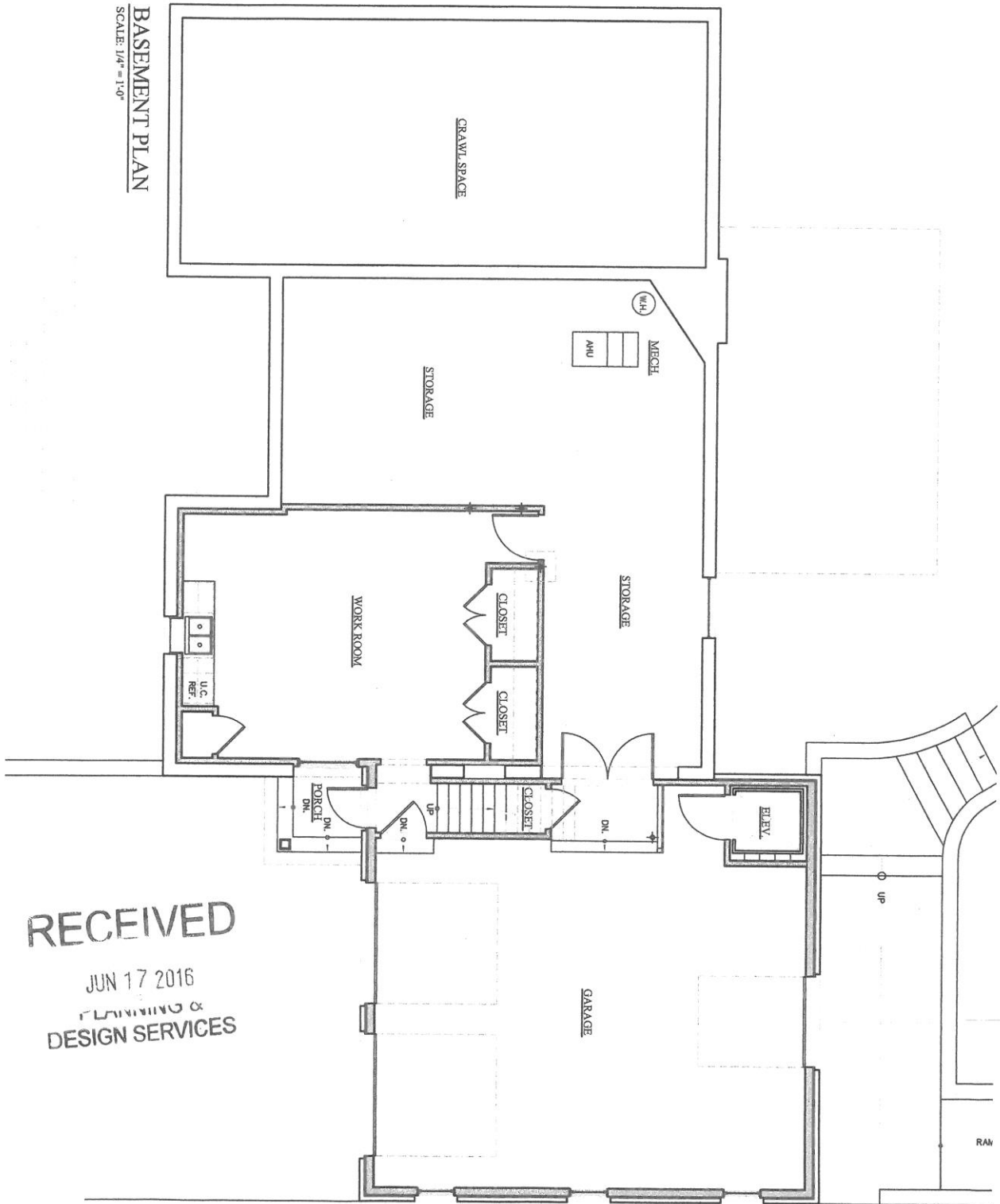
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9. **First Floor Plan**



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10. Basement Floor Plan



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