

Board of Zoning Adjustment

Staff Report

December 17, 2018



Case No:	18VARIANCE1108
Project Name:	Country Club Road Subdivision
Location:	627 & 617 Country Club Road
Owner(s):	Flippin Sweet Realty LLC
Applicant:	Megan Quigley
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Molly Clark, Associate Planner
Presented By:	Jay Lockett, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Rear Yard	25 ft.	6.1-6.2 ft.	18.8 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Brownboro Zorn neighborhood, and currently contains a one-story single-family residence. This case is related to a minor subdivision plat under case number 18MINORPLAT1185, where the applicant proposes to create 2 lots from 3 while leaving the existing principal structure on 1 lot and proposes to build a single family home on the other lot. The subject properties are located on a corner lot. The existing structure is set back 6.1 to 6.2 feet from the proposed rear property line, encroaching into the required 25 foot rear yard on the proposed 8,505 SF lot. The applicant requests a variance to allow existing single family home to encroach into the rear yard to allow a 6,002 SF lot to be created.

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, 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 table 5.2.2 to allow a structure to encroach into the required rear yard setback.

TECHNICAL REVIEW

- No technical review was undertaken

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 structure will have to be constructed according to building code, including all fire codes.

- (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 reduced setbacks are common in the general vicinity as well as smaller lot sizes.

- (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 all building codes must be followed in any new construction on the proposed lot.

- (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 the current lots are too narrow to build a home and this variance would allow a lot pattern that would allow construction of another home.

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 currently the property lines run through the principle structure which needs to be adjusted.

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 because there is currently a vacant lot that is not buildable with its current configuration.

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.

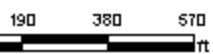
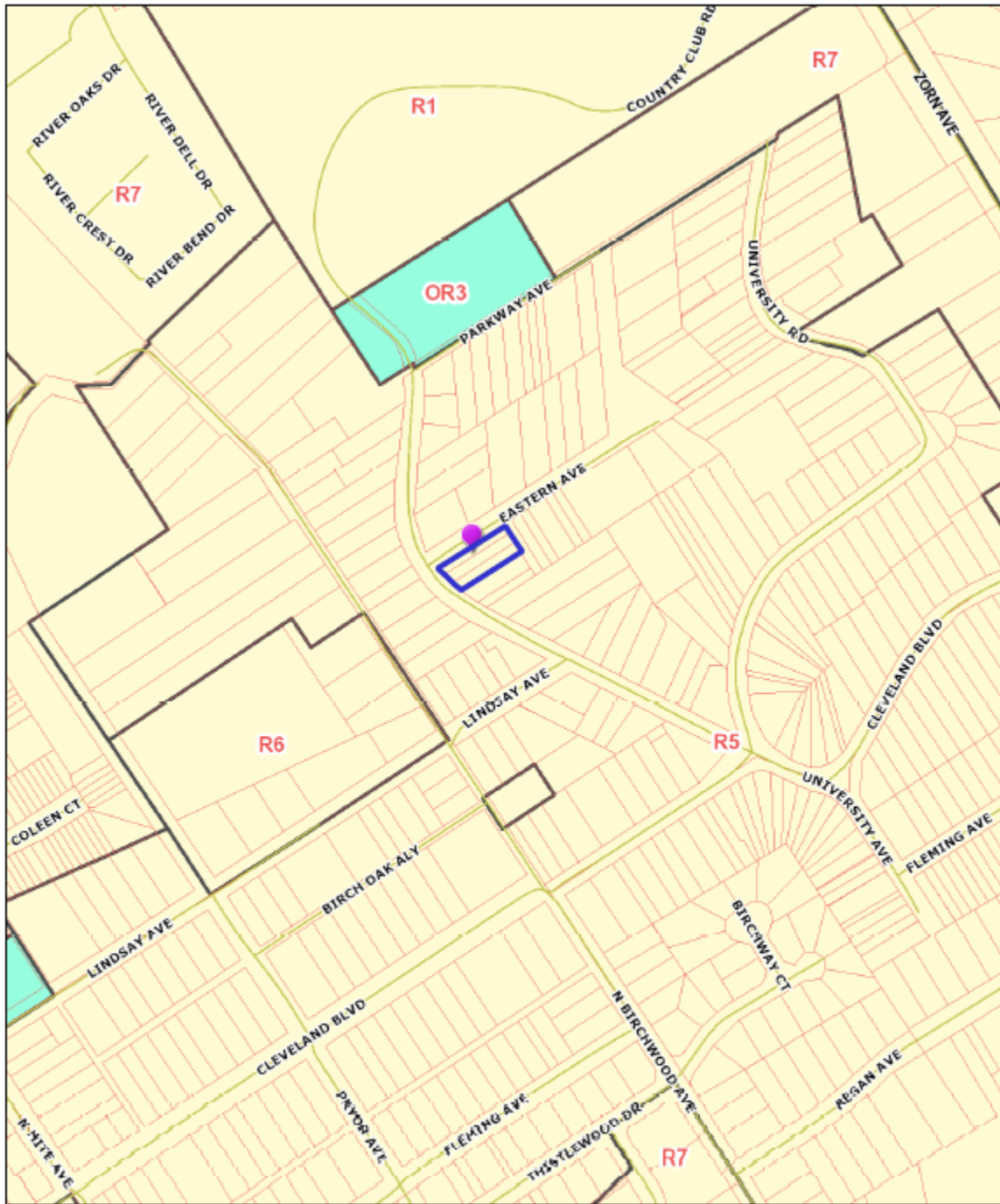
NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/2018	Hearing before BOZA	1 st tier adjoining property owners
11/30/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. **Zoning Map**



627 & 617 Country Club Road

Monday, December 10, 2018 | 12:32:17 PM

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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



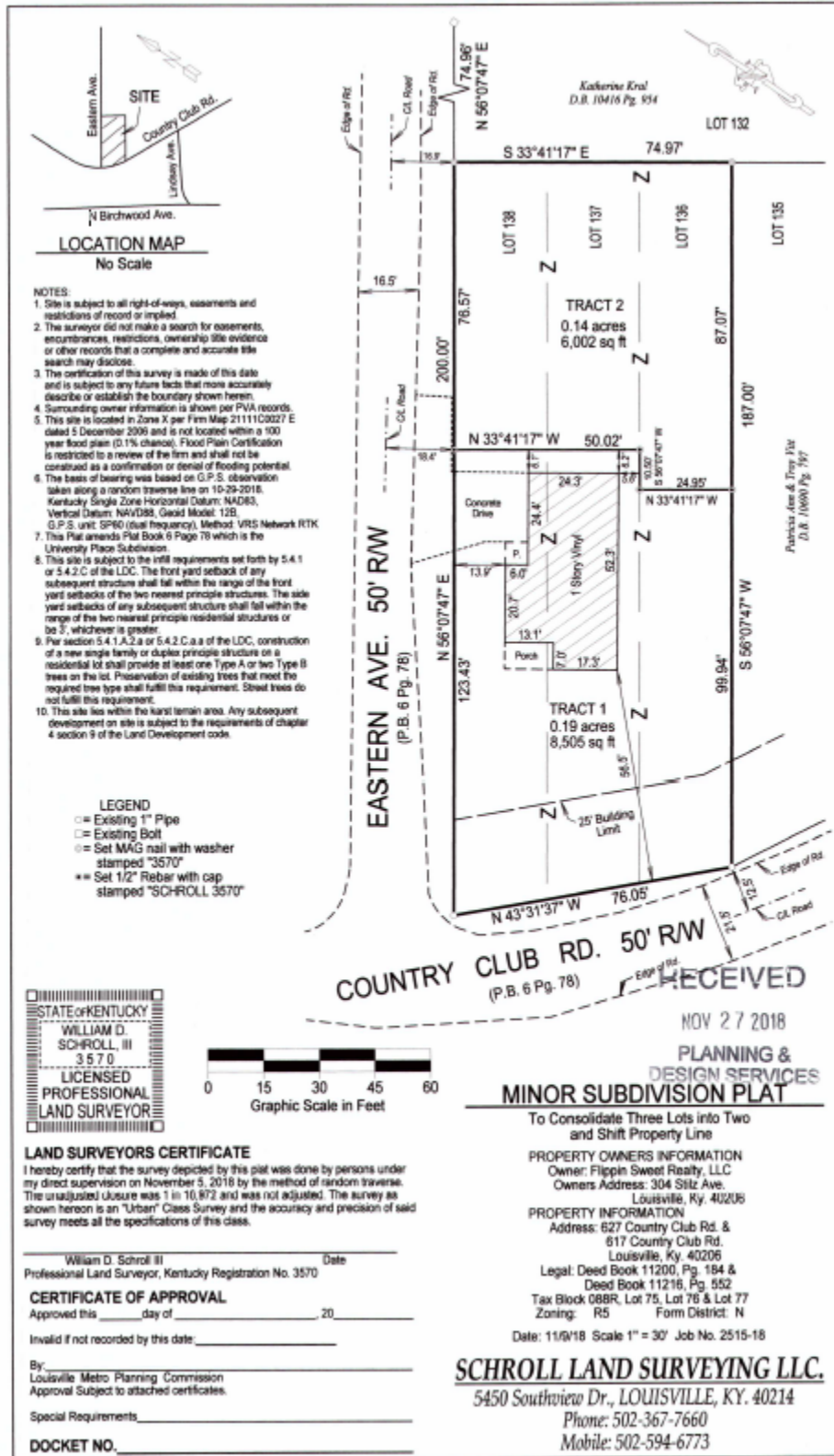
627 & 617 Country Club Road  **LOJIC**

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3. Site Plan



4. Site Photos



The front of the subject property.



The property to the right of the subject property.



To the left of the subject property (Eastern Avenue).



The properties across Country Club Road.



The properties across Eastern Avenue.



The location of the requested variance.



The rear of the subject property.