

Board of Zoning Adjustment

Staff Report

September 9, 2019



Case No:	19-VARIANCE-0043
Project Name:	Big Springs Country Club
Location:	5901 Dutchmans Ln
Owner(s):	Big Springs Country Club
Applicant:	Big Springs Country Club
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Variances:
 1. Variance from Section 5.5.1.C.5 and Table 5.3.2 (19-Variance-0043) to exceed the maximum 80 foot front yard setback by approximately 1145 feet and the maximum 80 foot street side yard setback by up to 1560 feet.
- Waivers:
 1. Waiver from Section 5.9.2.A.1.b.i (19-Waiver-0050) to not provide a pedestrian connection to adjacent rights-of-way.

CASE SUMMARY/BACKGROUND

The applicant is proposing to demolish and replace a portion of the clubhouse for the Big Springs Country Club. The development proposal is being reviewed under docket 19-CAT2-0017 as a Category 2B development plan. The existing structure is set back approximately 1225 feet from Dutchmans Ln and 1640 feet from Cannons Ln. The subject site is located in the Neighborhood form district, and is approximately 152.6 acres in area.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The maximum setback standards for the Neighborhood form district cannot reasonably be met for the subject site, and the use is a private country club that does not generate significant pedestrian traffic that would be served by a pedestrian connection.

TECHNICAL REVIEW

There are no outstanding technical 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 requested variance will not adversely affect the public health, safety or welfare since the building will be buffered where it is adjacent to residential.

- (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 the site and structure have been utilized the same way with similar setbacks since it was constructed.

- (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 building will be buffered where it is adjacent to residential.

- (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 the building already exists at the requested setbacks.

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 nature of the use of a country club with golf course, and the large size of the property make it unreasonable to comply with the setback requirements.

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 deprive the applicant of the reasonable sue of the land as they would not be able to reconstruct their existing clubhouse in a reasonable manner.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

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 there is unlikely to be significant pedestrian traffic generated by the existing use.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate the Comprehensive Plan as the nature of the use on the subject site is unlikely to generate significant pedestrian traffic. The applicant will comply with sidewalk construction requirements of the Land Development Code in consultation with Public Works.

- (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, as all other Land Development Code provisions with respect to pedestrian and vehicular circulation will be met on and around the subject site.

- (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 provisions of the regulation would create an unnecessary hardship on the applicant, as the nature of the use and the size of the site is not conducive to constructing a reasonable path from adjacent rights-of-way to building entrances.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**
- **APPROVED** or **DENY** the **Waiver**

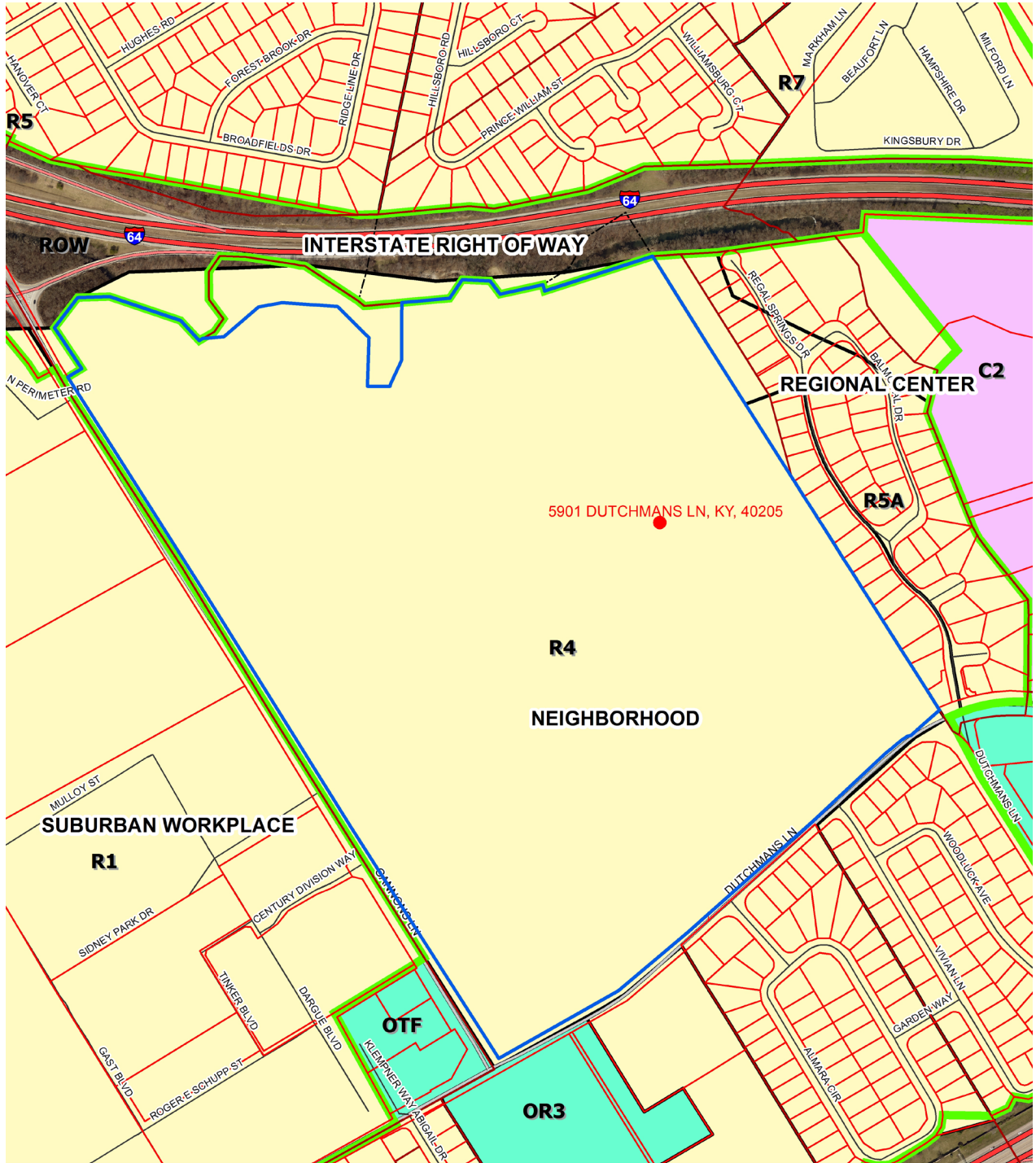
NOTIFICATION

Date	Purpose of Notice	Recipients
8-30-19	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 26

ATTACHMENTS

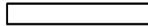
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



19-VARIANCE-0043

feet



490

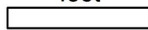
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2. Aerial Photograph



19-VARIANCE-0043

feet



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