

**Board of Zoning Adjustment
Staff Report**
March 3, 2014



Case No:	14Variance1004
Project Name:	Single-Family Residence
Location:	8409 Saurel Dr.
Owner(s):	Paul Robertson
Applicant:	Same
Representative(s):	Same
Project Area/Size:	.65 Ac. (lot)
Jurisdiction:	Louisville Metro (Plantation)
Council District:	7 – Ken Fleming
Case Manager:	Latondra Yates, Planner II

REQUEST

- Variance of Sec. 5.3.1.C.1.a.ii of the Land Development Code (LDC) to allow a proposed house to exceed the front setback. The requested setback is 108.37 ft., a variance of 78.37 ft.

Variance

Location	Requirement	Request	Variance
Front yard	30 ft.	108.37 ft.	78.37 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The variance is for construction of a single-family residence.

There is a creek and sewer and drainage easements on the lot that appear to limit the location of the house. There are also recorded front and rear setbacks.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood Form District (NFD). It is surrounded by property zoned R-4 in the NFD.

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-4	NFD
Proposed	Single-family residential	R-4	NFD
<i>Surrounding Properties</i>			
North	Single-family residential	R-4	NFD
South	Single-family residential	R-4	NFD
East	Single-family residential	R-4	NFD
West	Single-family residential	R-4	NFD

PREVIOUS CASES ON SITE

The site is Lot 4 of Plantation Hills Subdivision, Sec. 2 (docket No. 10-48-06), recorded in Plat Book 53, Page 32.

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Cornerstone 2020 – See checklist attached
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 variance will not adversely affect the public health, safety or welfare because the proposed placement of the house will preserve the intermittent stream channel that runs along the front of the lot. The applicant states that the house will be screened by plantings/trees along the creek.

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

STAFF: The variance will not alter the essential character of the general vicinity because the proposed house appears to be compatible in design and scale with the other homes in the area.

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

STAFF: The variance will not cause a hazard or nuisance to the public because the house will be set back in a manner that preserves the creek as well as avoid the sanitary sewer easements on the 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 because of the creek and easements on the lot that impact placement of a house.

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 variance arises from the creek, sewer and drainage easements and recorded setbacks 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 provision of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because of the unique constraints that exist on the lot.

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 the result of the request for construction of a house.

TECHNICAL REVIEW

1. Per Transportation Planning Review comments, the City of Plantation will need to review the plan for access.
2. MSD has reviewed and has no issues with the variance.

STAFF CONCLUSIONS

The variance to allow the proposed house to exceed the front setback meets 7 of the applicable guidelines of the Comprehensive Plan.

Three of the guidelines can be addressed during construction review.

Staff's analysis of the standards of review supports the granting of the variance.

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 as established in the Land Development Code.

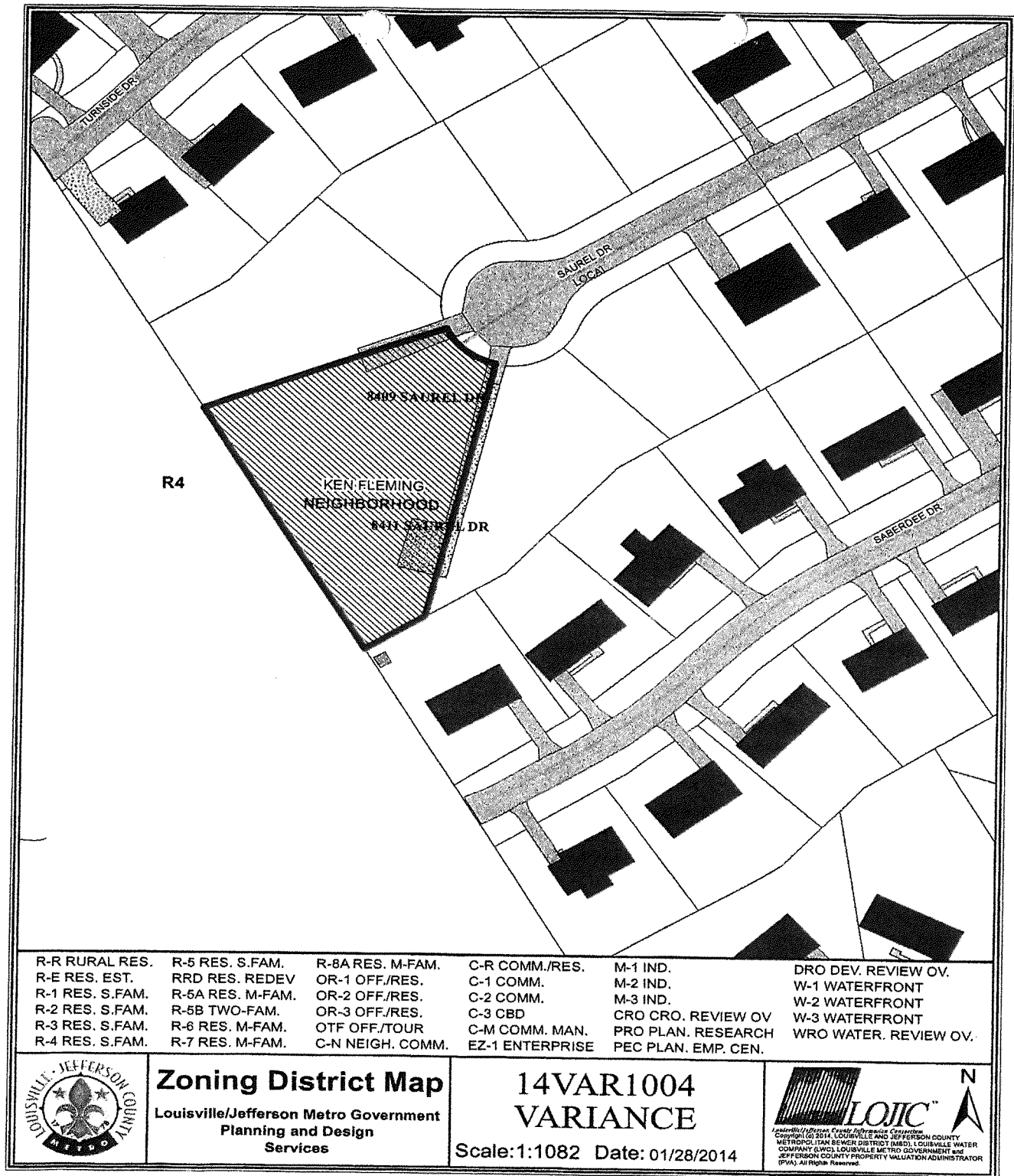
NOTIFICATION

Date	Purpose of Notice	Recipients
2/14/2014	BOZA Hearing	1 st and 2 nd tier adjoining property owners

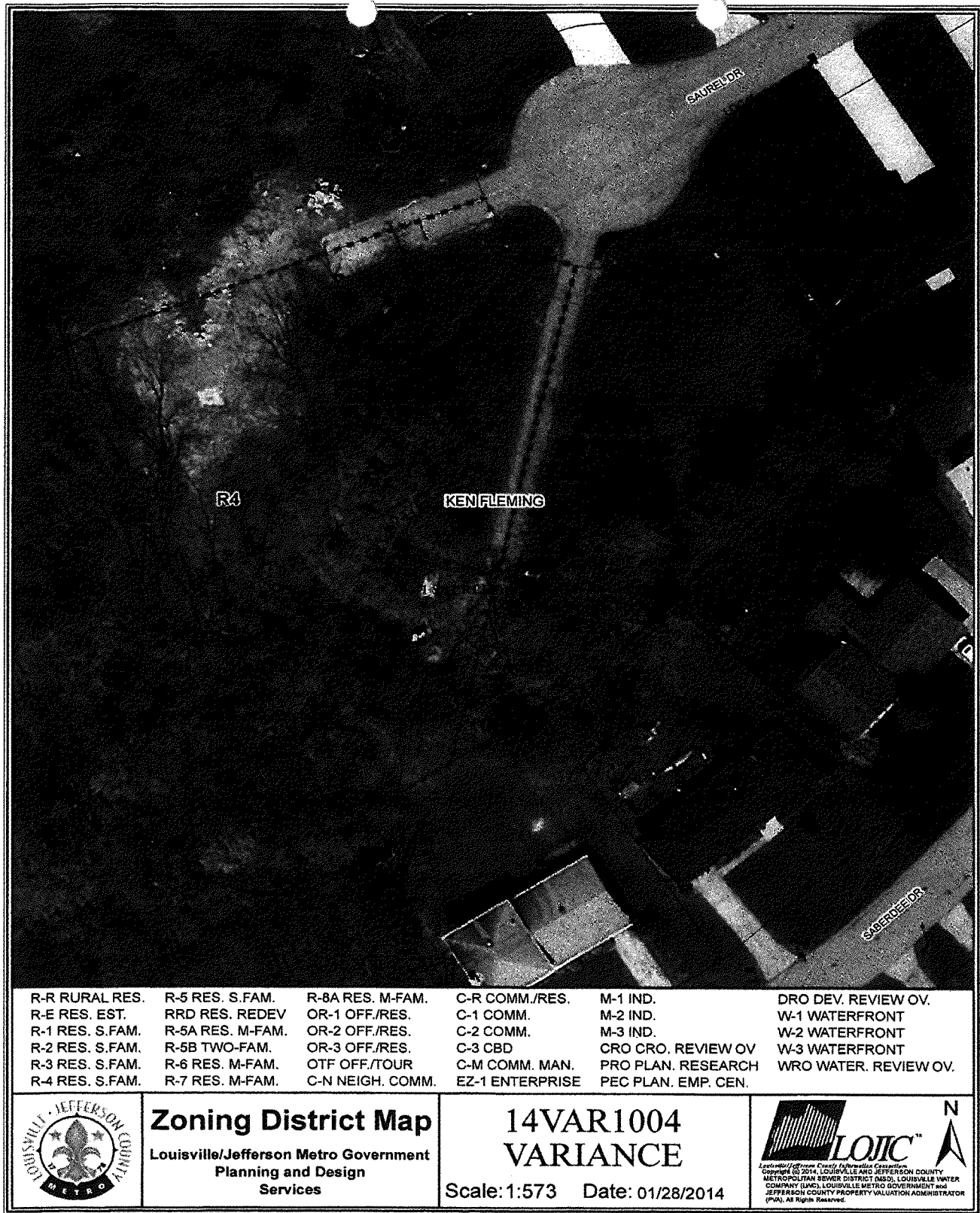
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Cornerstone 2020 Staff Checklist
6. Applicant's Justification Statement

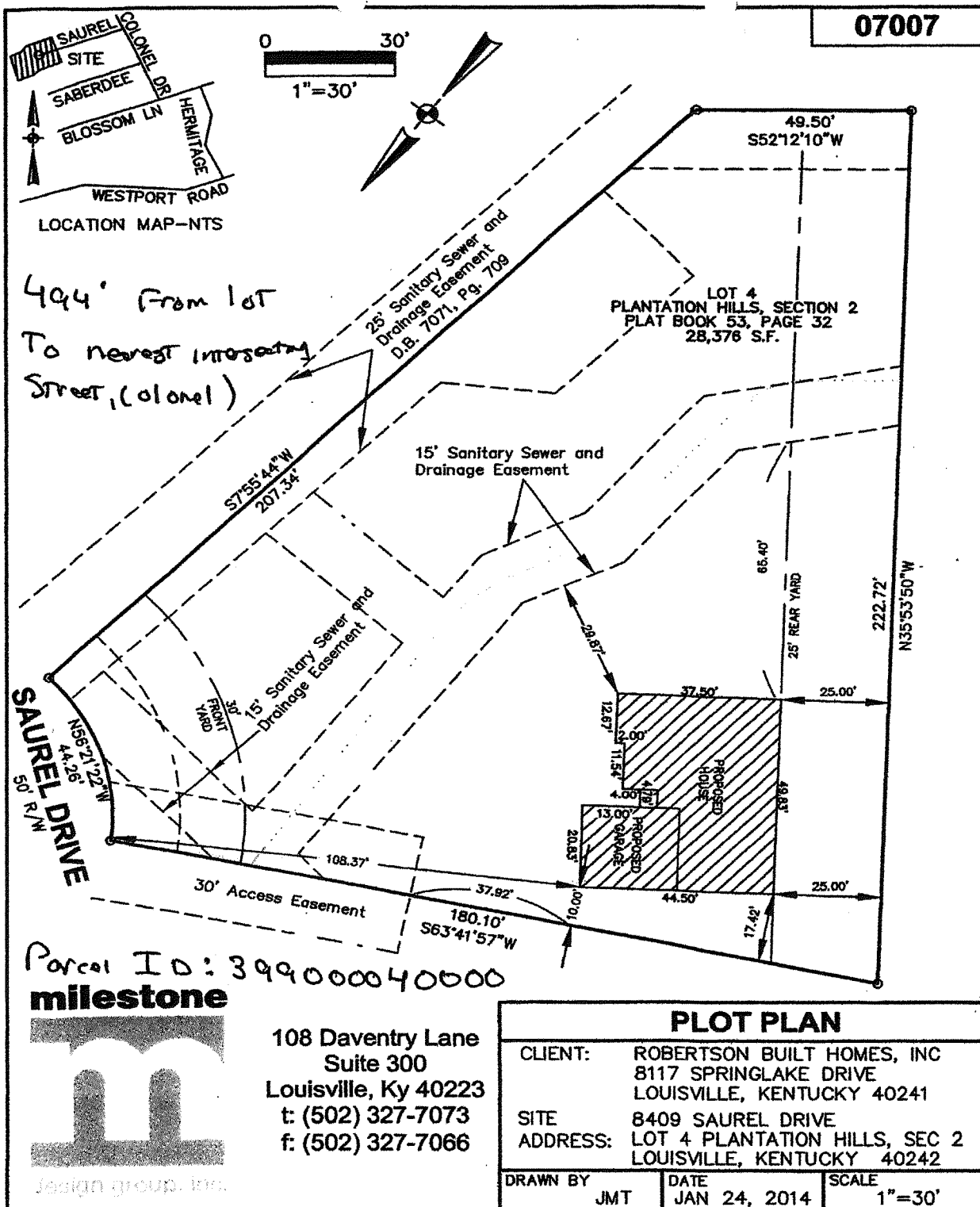
1. **Zoning Map**



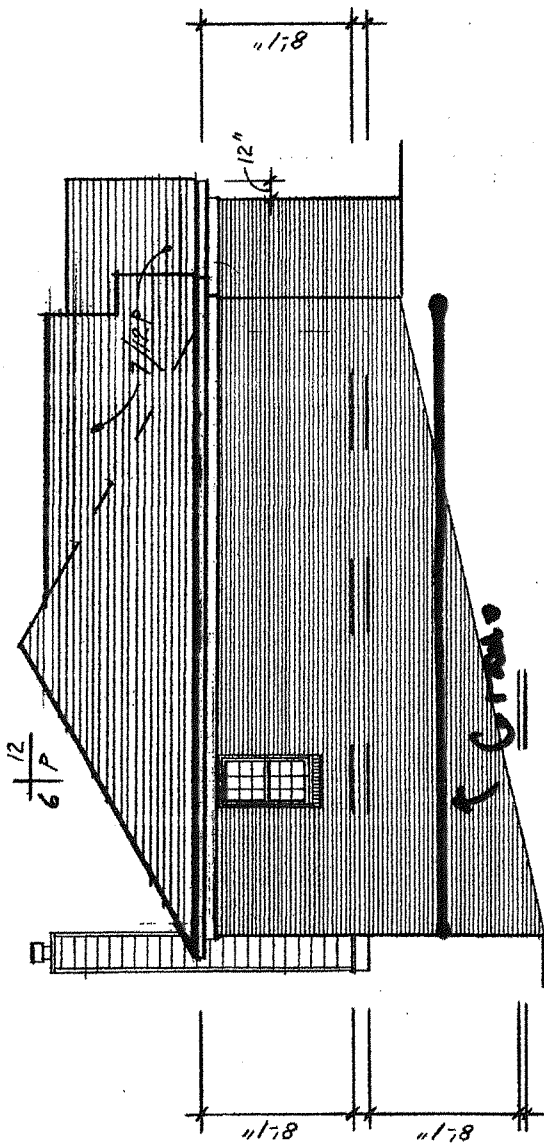
2. Aerial Photo



3. Site Plan



4. Elevations

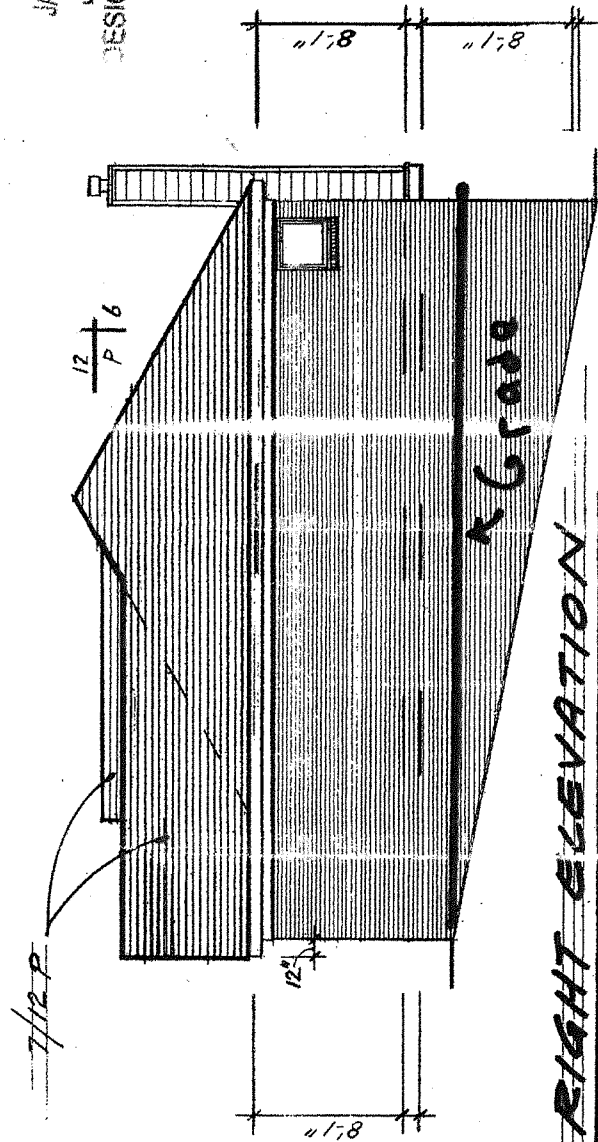


LEFT ELEVATION

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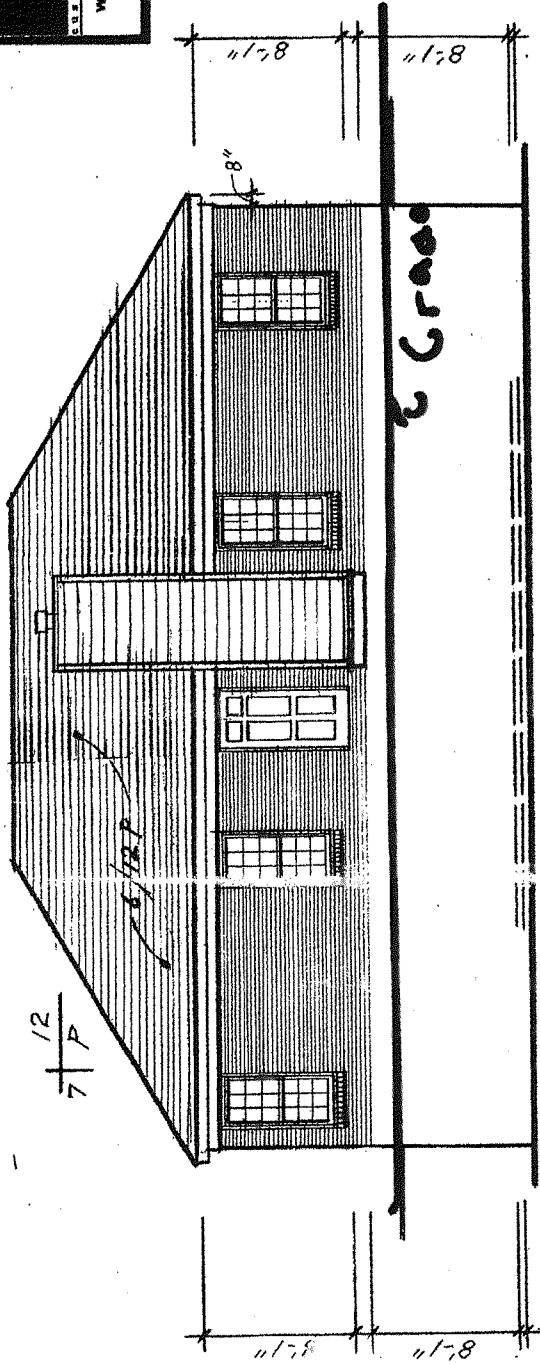
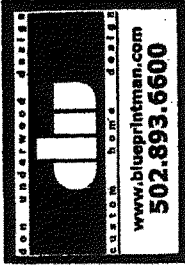
JAN 27 2014

LEARNING &
DESIGN SERVICES



RIGHT ELEVATION

4

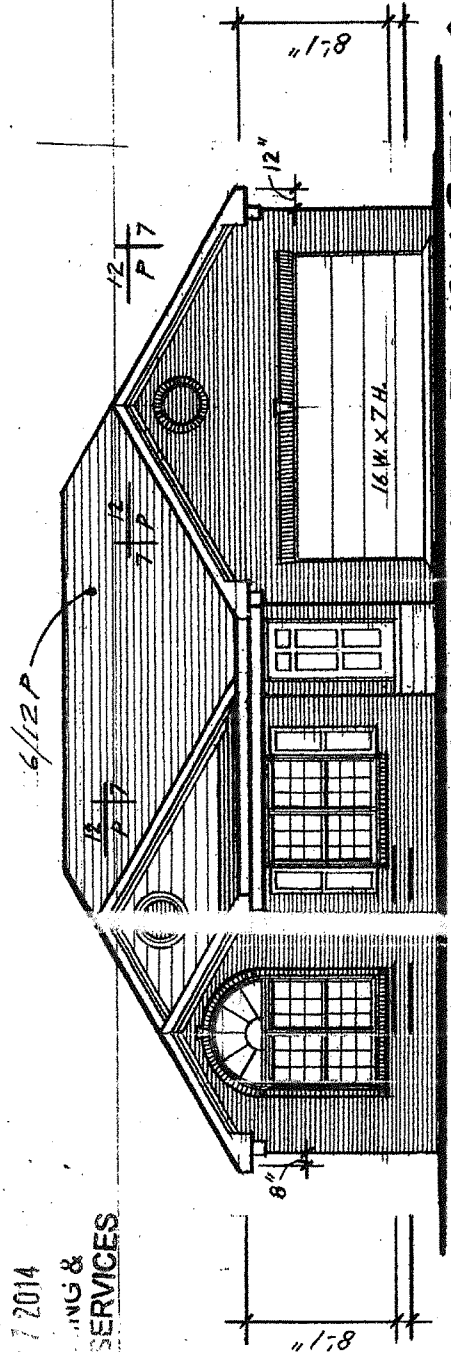


REAR ELEVATION

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6/17/2014

PLANNING &
DESIGN SERVICES



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R-145-50: FRONT ELEVATION

R-1445-50 49-10
R-1445-50

14 VARIANCE 1004

5. Cornerstone 2020 Comprehensive Plan Checklist

18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	√	The orientation, design and materials of the proposed house appear to be compatible with that of surrounding.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	√	The proposed building materials appear to be compatible with surrounding houses.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	√	The proposed house is compatible in scale and design with surrounding houses.
29	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The lot dimensions and height of the house appear to be compatible with that of surrounding houses.
32	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The creek along the front of the lot is being preserved.
33	Livability Goals E1-E4, all related Objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	√	The house will avoid the sewer and drainage easements on site, and will preserve the creek running along the front of the lot.
45	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Site served by existing utilities.
43	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	Subject to construction review.
46	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	+/-	Subject to construction review.

47	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	Subject to construction review.
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6. **Applicant's Justification Statement**

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Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Explain how the variance will not adversely affect the public health, safety or welfare.**

The proposed setback is due to a creek along front of lot. Placing the house in our desired location enhances the beauty of this lot and preserves the trees, shrubs and natural setting of this creek area. An approved and safe creek crossing has already been installed per approved subdivision plans.

2. **Explain how the variance will not alter the essential character of the general vicinity.**

This lot is located at the end of Saurel. Therefore, the setback will not appear different or substandard in any way as the unaltered creek enhances the appeal of the area. As you approach this lot, the house will appear well placed nestled beyond the natural setting of the creek and trees.

3. **Explain how the variance will not cause a hazard or a nuisance to the public.**

Given the location of the creek, the proposed setback provides safe distance from slopes to creek for this house. The preservation of the creek area enhances the lot, surrounding area and landscapes. There is no possibility of hazard or nuisance.

4. **Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The setback places the house in the only location on the lot that will allow a usable and safe lawn around the front and sides of this house. A shorter setback is not possible given the location of creek and edge of creek banks. It is reasonable to position the house further back on lot as proposed.

Additional consideration:

1. **Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

Most other homes have a setback of less than ours. However, other homes do not have a creek that passes along the front of the lot and building area. The setback on our plat is directly due to the location of creek and creek banks which is a very unique circumstance.

2. **Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

The plat as submitted places the house in the only building area on the lot. Without approval this lot become useless. As a builder, I have invested in this lot in order to build a home. Further, I have already had great interest in buyers purchasing the home once it is complete.

3. **Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

When this 8 lot development was created (that includes this lot), the lot design took into account the regulations as well as the topography onsite. There is no limit to the setback only a minimum. Therefore, placing the house as proposed was always the plan and has been approved by P&D.