

18APPEAL1006

Appeal of a Staff Determination

4301 Mud Lane



Board of Zoning Adjustment Public Hearing

Chris French, AICP, Planning & Design Supervisor

February 4, 2019

Request

Appeal of a staff determination issued by the Planning Director concerning a request for an agricultural use determination at 4301 Mud Lane.

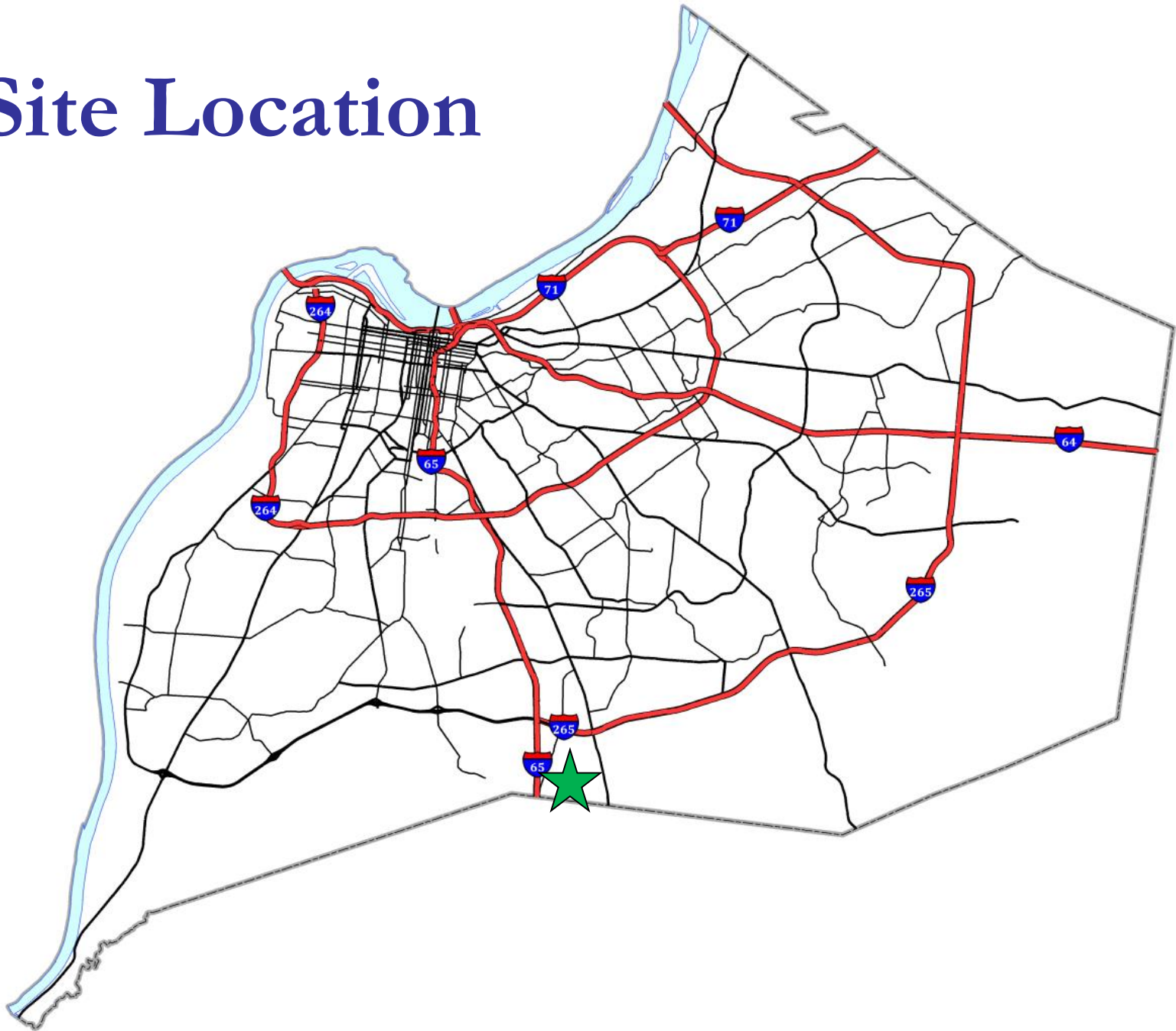
Case Summary/Background

- The attorney for the property owners of 3401 Mud Lane requested an agricultural use determination for the property.
- On September 14, 2018, the Planning Director issued an agricultural use determination on the property, which stated that agricultural uses did exist on the property and that the large accessory structure was associated with those agricultural uses.
- This determination was submitted to the property owners and to adjacent property owners, which included the Doyles. Based on evidence (previous survey) provided by the Doyles the Planning Director informed the property owner's that the lot size issue needed to be addressed.

Case Summary/Background

- The property owner's attorney informed the Planning Director that a new survey would be conducted.
- A new survey was provided by the property owner on November 12, 2018.
- An addendum to the previous letter was completed on November 20, 2018, reaffirming the previous decision with the effective date established as the date of the letter.
- An appeal by the Doyles was filed on December 19, 2018, in a timely manner.
- A waiver for the size of the accessory structure was denied in 2017. A reversal of the Planning Director's decision would mean that the large accessory structure would need to be altered to be smaller than the footprint of the house.

Site Location



Zoning/Form Districts

Subject Property: R4/SW

North: R4/SW

South: R4/N

East: R4/SW

West: R4/SW



N
1 inch = 197 feet

18APPEAL1006
4301 Mud Lane



Aerial Photo/Land Use



N
1 inch = 318 feet

18APPEAL1006
4301 Mud Lane



18APPEAL1006

May 4, 2018 Photos



05/04/2018 13:08



05/04/2018 13:09



05/04/2018 13:10



05/04/2018 13:09



05/04/2018 13:11

June 11, 2018 Photos



Staff Analysis

- As set forth in Louisville Metro Land Development Code (LDC) Sec. 11.7.3, pursuant to Kentucky Revised Statutes (KRS) 100.257 and 100.261, the Board shall hear an appeal of a decision of an administrative official.
- As part of an appeal case it is the Appellant that must prove that an error was made
- A full analysis by staff of the Appellant's basis of appeal and submitted evidence is provided within the staff report
- Staff does not believe that the Appellant has provided sufficient evidence that the Planning Director erred in the agricultural determination for the property and the large accessory structure located at 4301 Mud Lane provided in a letter dated September 14, 2018 and reaffirmed in a letter date November 20, 2018

Standards of Review

KRS 100.257 - The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

Based upon the file of this case, this staff report, and the evidence and testimony submitted at the public hearing, the Board must determine:

- Was the Planning Director's decision on the agricultural interpretation related to the property and in particular the large accessory structure made in error?
 - If yes, the Board would vote to approve the appeal, which would overturn the Planning Director's decision regarding agricultural use on the property and in particular within the accessory structure.
 - If no, the Board would vote to deny the appeal, which would affirm the Planning Director's decision regarding agricultural use on the property and in particular within the accessory structure.