

Board of Zoning Adjustment

Staff Report

October 21, 2019



| | |
|--------------------------|--------------------------|
| Case No: | 19-VARIANCE-0040 |
| Project Name: | Wickfield Drive Variance |
| Location: | 702 Wickfield Drive |
| Owner/Applicant: | David & Mary Barker |
| Jurisdiction: | Louisville Metro |
| Council District: | 20 – Stuart Benson |
| Case Manager: | Zach Schwager, Planner I |

REQUEST

- **Variance** from Land Development Code table 5.3.1 and section 5.4.2.C.2 to allow a detached garage to encroach into the front yard setback on a double frontage lot.

| Location | Requirement | Request | Variance |
|------------|-------------|---------|----------|
| Front Yard | 30 ft. | 17 ft. | 13 ft. |

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 in the Neighborhood Form District. It is located on the west side of Wickfield Drive in the Cooperfield subdivision and contains a two-story single-family residence. The property also fronts on S. Beckley Station Road, which requires the same front yard setback as established in Land Development Code table 5.3.1. The applicant is proposing to construct a detached two-car garage at the rear of the property that would encroach into the required front yard setback for S. Beckley Station Road.

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 standard of granting a variance established in the Land Development Code from table 5.3.1 and section 5.4.2.C.2 to allow a detached garage to encroach into the required front yard setback on a double frontage lot.

CONDITION OF APPROVAL

#1) The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 30 ft. building limit line along S. Beckley Station Road. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 need to be constructed to comply with all building codes, including 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 the garage will be mostly screened from both Wickfield Drive and S. Beckley Station Road rights-of-way.

- (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 the garage will be built to comply with building and fire codes.

- (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 as the lot is a double-frontage lot, and a variance would not be required if the proposed structure were in a rear yard setback in the same form district.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the subject property is a double frontage 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 application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposed garage would not need a variance if it were in a rear yard.

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.

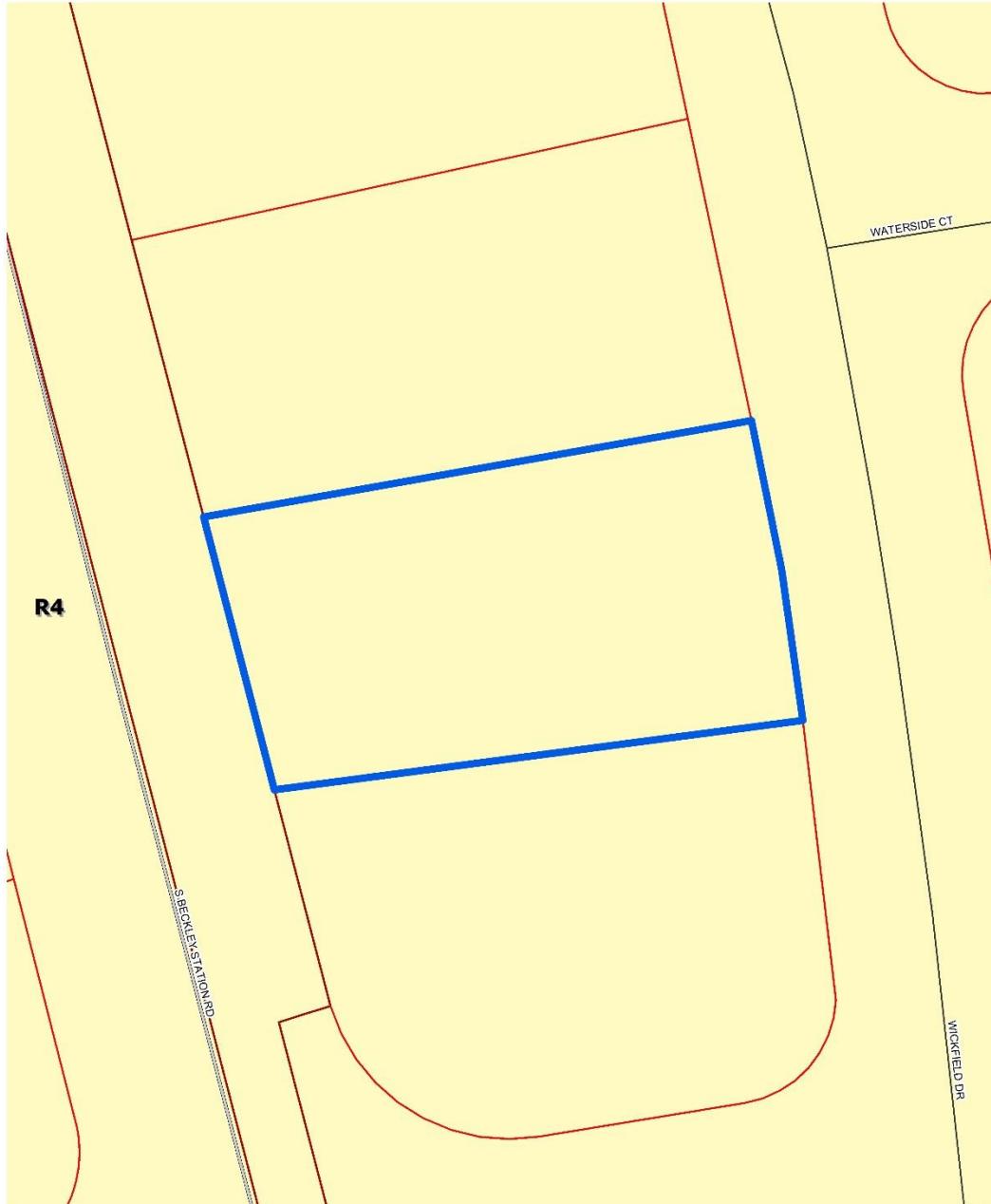
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------------|--------------------------|---|
| 09/30/2019 | Hearing before BOZA | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 20 |
| 10/4/2019 | Hearing before BOZA | Notice posted on property |

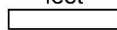
ATTACHMENTS

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

1. **Zoning Map**



702 Wickfield Drive
feet



30

Map Created: 10/16/2019

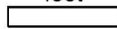


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2. Aerial Photograph



702 Wickfield Drive
feet



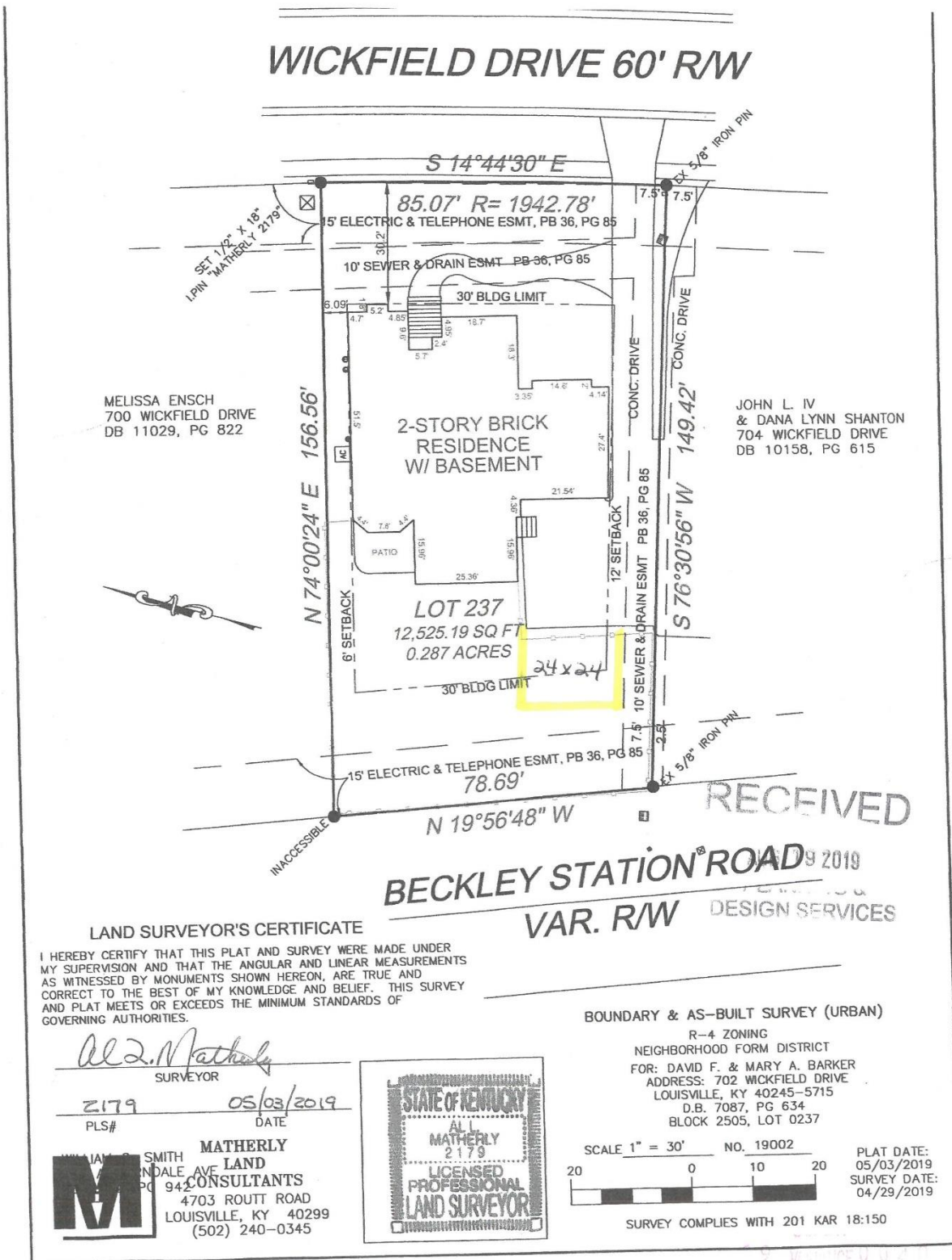
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Map Created: 10/16/2019



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3. Site Plan



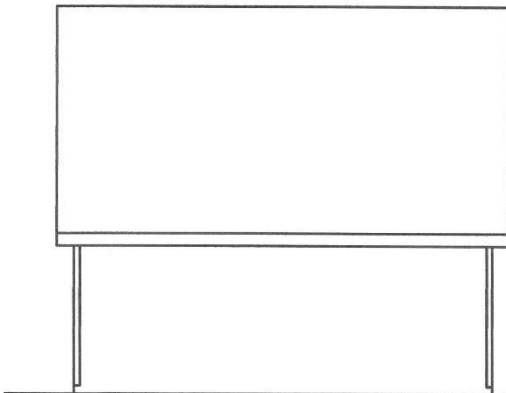
4. **Elevations**

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RIGHT ELEVATION

1/4" = 1'-0"



LEFT ELEVATION

1/8" = 1'-0"

RECEIVED
AUG 19 2019
CUSTOM HOME DESIGN SERVICES

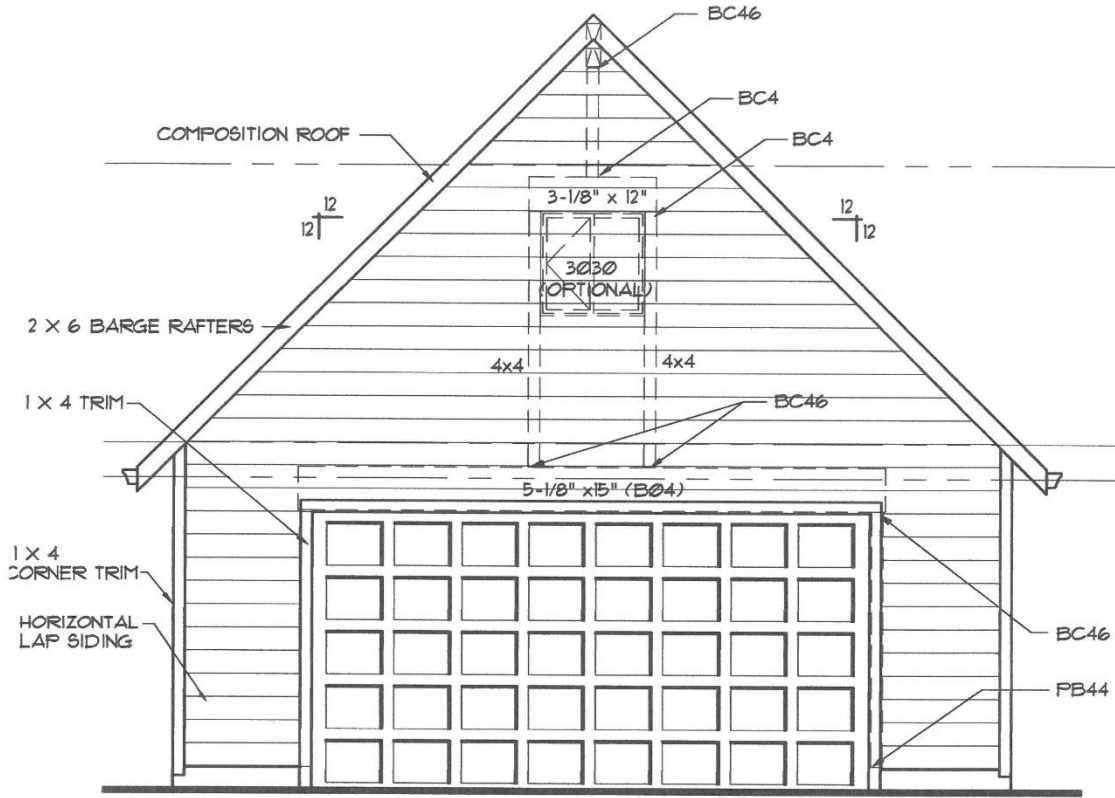
CAD NORTHWEST IS NOT RESPONSIBLE FOR ANY COSTS OR CHARGES DUE TO ERRORS OR OMISSIONS ON THESE PLANS. YOU ARE ENCOURAGED TO HAVE THESE PLANS EVALUATED FOR YOUR AREA BY A PROFESSIONAL ENGINEER.

SHEET 2 of 11 24' X 24' TWO CAR GARAGE WITH LOFT

(503) 625-6330
Email Cadnw@zzz.com

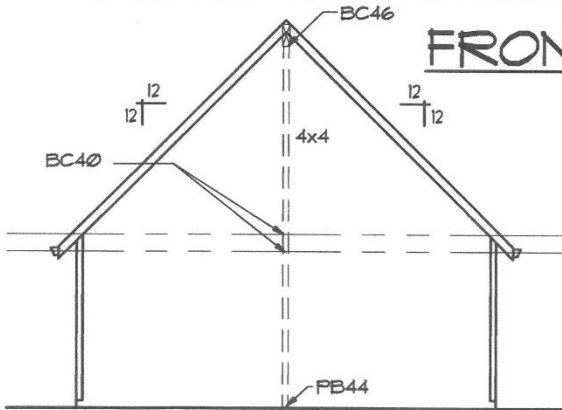


22685 SW Conifer Dr.
Sherwood, OR. 97140
cadnw.COM



FRONT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"

RECEIVED

AUG 19 2019

PLANNING &
DESIGN SERVICES

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SHEET 1 of 11 24' X 24' TWO CAR GARAGE WITH LOFT

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Email cadnw@zzz.com



22885 SW Conifer Dr.
Sherwood, OR. 97140
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5. Site Photos



The front of the subject property.



Property to the right.



Property to the left.



Property across Wickfield Drive.



Location of the proposed garage.