

Board of Zoning Adjustment

Staff Report

October 21, 2019



Case No:	19-VARIANCE-0037
Project Name:	Dominion Variance
Location:	6000 Hunting Road
Owner(s):	Dominion Louisville, LLC
Applicant:	Dominion Louisville, LLC
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Jon Crumbie, Planning Coordinator

REQUESTS:

Variance from Land Development Code section 4.4.3 to allow a fence greater than 4 feet to be located in the front yard and greater than 8 feet to be located in the side yard.

Location	Requirement	Request	Variance
Northeast Side Yard Front Yard	8 ft. 4 ft.	7 ft. - 10 ft. 10 ft.	1 ft. to 2 ft. 6 ft.

CASE SUMMARY/BACKGROUND

The subject site is zoned R-3 Single Family Residential in the Neighborhood Form District. It is an Independent Living Facility located in the City of Northfield. The applicant is proposing to install a privacy fence varying in height from 7 ft. to 10 ft. along the northeast property line.

STAFF FINDINGS

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 from section 4.4.3 to allow a principal structure to encroach into the required side yard setbacks.

TECHNICAL REVIEW

Staff has received no comments from other agencies.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

RELATED CASES

B-8-97, 18CUP1031, 18DEVPLAN1025

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 fence will need to comply with all building codes, including fire codes. Additionally the fence will provide screening between different land uses and will help mitigate any nuisances.

- (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 fence will provide screening between different land uses and helps to mitigate any nuisances.

- (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 because the fence 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 fence will provide screening between different land uses.

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 as the land use on this parcel differs from the general vicinity and the fence will provided screening between the different land uses.

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 not permit the property owner to provide screening which would mitigate nuisances to the single family use of the adjoining properties.

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 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
10/04/2019	Hearing before BOZA	1 st tier adjoining property owners
10/01/2019		Registered Neighborhood Groups in Council District 4
10/04/2019	Hearing before BOZA	Notice posted on property

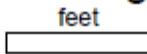
ATTACHMENTS

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

1. Zoning Map



6000 Hunting Road



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Map Created: 1/9/2019



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2. Aerial Photograph



6000 Hunting Road
feet



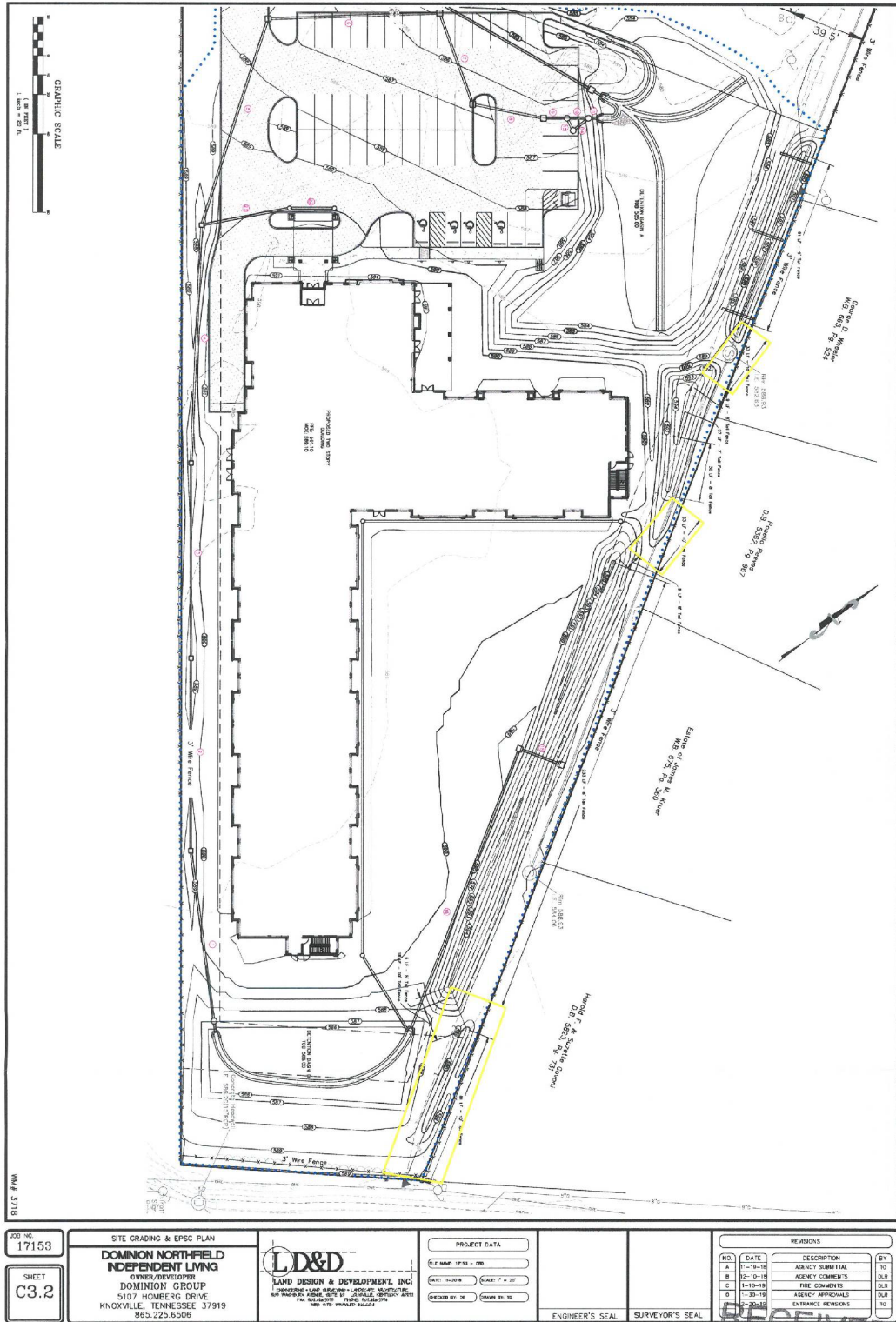
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3. Site Plan



JOB NO. 17153	SHEET C3.2	SITE GRADING & EPSC PLAN DOMINION NORTH-FIELD INDEPENDENT LIVING OWNER/DEVELOPER DOMINION GROUP 5107 HOMBURG DRIVE KNOXVILLE, TENNESSEE 37919 865.225.6506	LD&D LAND DESIGN & DEVELOPMENT, INC. <small>LAND DESIGN & DEVELOPMENT, INC. IS AN EQUAL OPPORTUNITY FIRM. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, GENDER, RELIGION, NATIONAL ORIGIN, ANCESTRY, COLOR, SEX, OR HANDICAP.</small>	PROJECT DATA		ENGINEER'S SEAL SURVEYOR'S SEAL	REVISIONS																			
				DATE: 11-20-18 DRAWN BY: JH CHECKED BY: JH	P.L. NAME: JF/SJ - 200 DATE: 11-20-18 SCALE: 1" = 20' DRAWN BY: JH CHECKED BY: JH			<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>11-20-18</td> <td>AGENCY SUBMITTAL</td> <td>JF</td> </tr> <tr> <td>B</td> <td>12-10-18</td> <td>AGENCY COMMENTS</td> <td>DLR</td> </tr> <tr> <td>C</td> <td>11-10-19</td> <td>FINAL COMMENTS</td> <td>DLR</td> </tr> <tr> <td>D</td> <td>12-10-19</td> <td>AGENCY APPROVALS</td> <td>DLR</td> </tr> <tr> <td>E</td> <td>12-20-19</td> <td>ENTRANCE REVISIONS</td> <td>JF</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	A	11-20-18	AGENCY SUBMITTAL	JF	B	12-10-18	AGENCY COMMENTS	DLR	C	11-10-19	FINAL COMMENTS	DLR	D	12-10-19
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RECEIVED

4. Site Photos















