

**Board of Zoning Adjustment
Staff Report**
March 16, 2015



Case No:	15VARIANCE1000
Project Name:	Locust Creek, Section 10B
Location:	Sturbridge Circle
Owner(s):	Creek Capital, Inc.
Applicant(s):	Creek Partners, LLC
Representative(s):	Sabak, Wilson & Lingo, Inc.
Project Area/Size:	7.59 acres
Existing Zoning District:	R-4, Single Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Matthew Doyle, Planner I

This case was rescheduled from the March 2, 2015 docket.

REQUESTS

- Variances from section 5.3.1.C, Table 5.3.1 of the Land Development Code to allow reductions in the required front and street side yards on lots 373-385 along Sturbridge Circle and Sturbridge as shown on the Preliminary Subdivision Plan.

Location	Requirement	Request	Variance
Lots 373-385	30'	20'	10'

CASE SUMMARY

The applicant revised the Preliminary Subdivision Plan for Locust Creek, Section 10B at the Land Development & Transportation Meeting on February 26, 2015. The applicant reduced the number of buildable lots from 18 to 13 and only has buildable lots on the eastern side of Sturbridge Circle in an effort to reduce the impact on an existing intermittent stream on the subject site as delineated by Redwing Environmental Services, Inc. The applicant requests a variance to reduce the front yard setbacks from 30 ft. to 20 ft. on Lots 373-385, as well as the street side yard setback of Lot 380 to further protect the existing stream and maintain an appropriate setback for the subdivision.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family residential	R-4	N
Proposed	Single family residential	R-4	N
Surrounding Properties			
North	Single family residential	R-4	N
South	Single family residential	R-4	N
East	Single family residential	R-5, R-4	N
West	Single family residential	R-4	N

PREVIOUS CASES ON SITE

10-35-98: Approval of the Major Preliminary Subdivision Plan for the Locust Creek Subdivision.

INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Land Development Code

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 variance is internal to the subdivision and maintains an appropriate setback for a single family residential subdivision.

(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 variance maintains an appropriate setback for a single family residential subdivision.

(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 variance is internal to the subdivision, maintains an appropriate setback for a single family residential subdivision, and lessens the impact on an intermittent stream.

(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 variance maintains an appropriate setback for a single family residential subdivision and lessens the impact on an intermittent stream.

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 special circumstances which do not generally apply to land in the general vicinity or the same zone since there is an existing intermittent stream in the rear of the lots.

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 since maintaining the required setbacks would locate the structures closer to the existing intermittent stream that the applicant is trying to protect.

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.

TECHNICAL REVIEW

All technical comments have been addressed.

STAFF CONCLUSIONS

The variance requests appear to be adequately justified by the applicant and meet the standard of review. 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 standard for granting variances established in the Land Development Code.

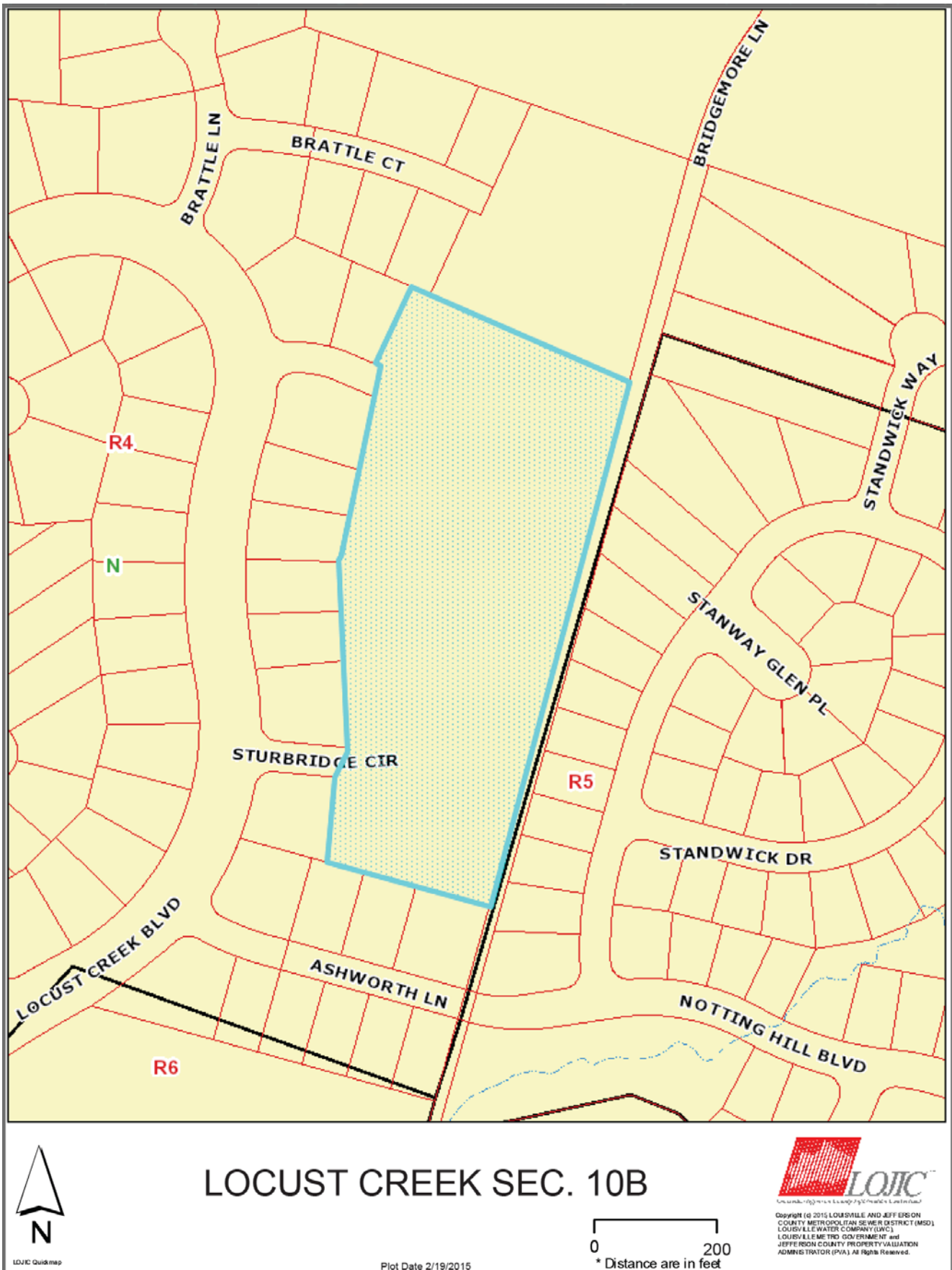
NOTIFICATION

Date	Purpose of Notice	Recipients
2/12/15	BOZA	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

