

Board of Zoning Adjustment Staff Report

March 3, 2014



Case No:	14Variance1008
Project Name:	None (Residence)
Location:	1595 Raydale Drive
Owner(s):	Jason and Crystal Voll
Applicant(s):	Dennis Atkinson
Representative(s):	Dennis Atkinson
Project Area/Size:	22,620 square feet
Existing Zoning District:	R-4, Residential Single Family
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	24– Madonna Flood
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variance from the Land Development Code to allow a proposed structure to encroach into the required front yard setback using the infill standards

Location	Requirement	Request	Variance
Front Yard	70'	55'	15'

CASE SUMMARY/BACKGROUND

The applicants are proposing to build a new residence on a vacant lot in an established neighborhood. The structure will be located in an area that requires infill standards to be met. The two nearest structures are located approximately 70 feet and 80 feet from the front property line. The proposed structure should be at least 70 feet from the front property line.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	N
Proposed	Residential Single Family	R-4	N
Surrounding Properties			
North	Residential Single Family	R-4	N
South	Residential Single Family	R-4	N
East	Residential Single Family	R-4	N
West	Residential Single Family	R-4	N

PREVIOUS CASES ON SITE

There are no previous cases on the site.

SITE CONTEXT

The site is irregular in shape and located on the north side of Raydale Drive near Shepherdsville Road. The site does not have the depth of the adjacent property to the west. The property is surrounded by residential uses to the north, south, east, and west.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
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 because the structure will be new construction and code compliant.

(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 because the lots at 1587 and 1591 Raydale Drive are bigger and have greater setbacks than the rest of the neighborhood. The proposal will be compatible with the existing surrounding residential neighborhood.

(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 encroachment will allow a similar front yard setback as the surrounding neighborhood.

(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 there are several encroachments of this type in the general area.

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 does not arise from special circumstances. The lots at 1587 and 1591 Raydale Drive are bigger and have greater setbacks than the rest of the neighborhood.

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 because the rear yard will be reduced further.

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 owner is not responsible for the size and shape of the lot, but is responsible for the location of the structure on site.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

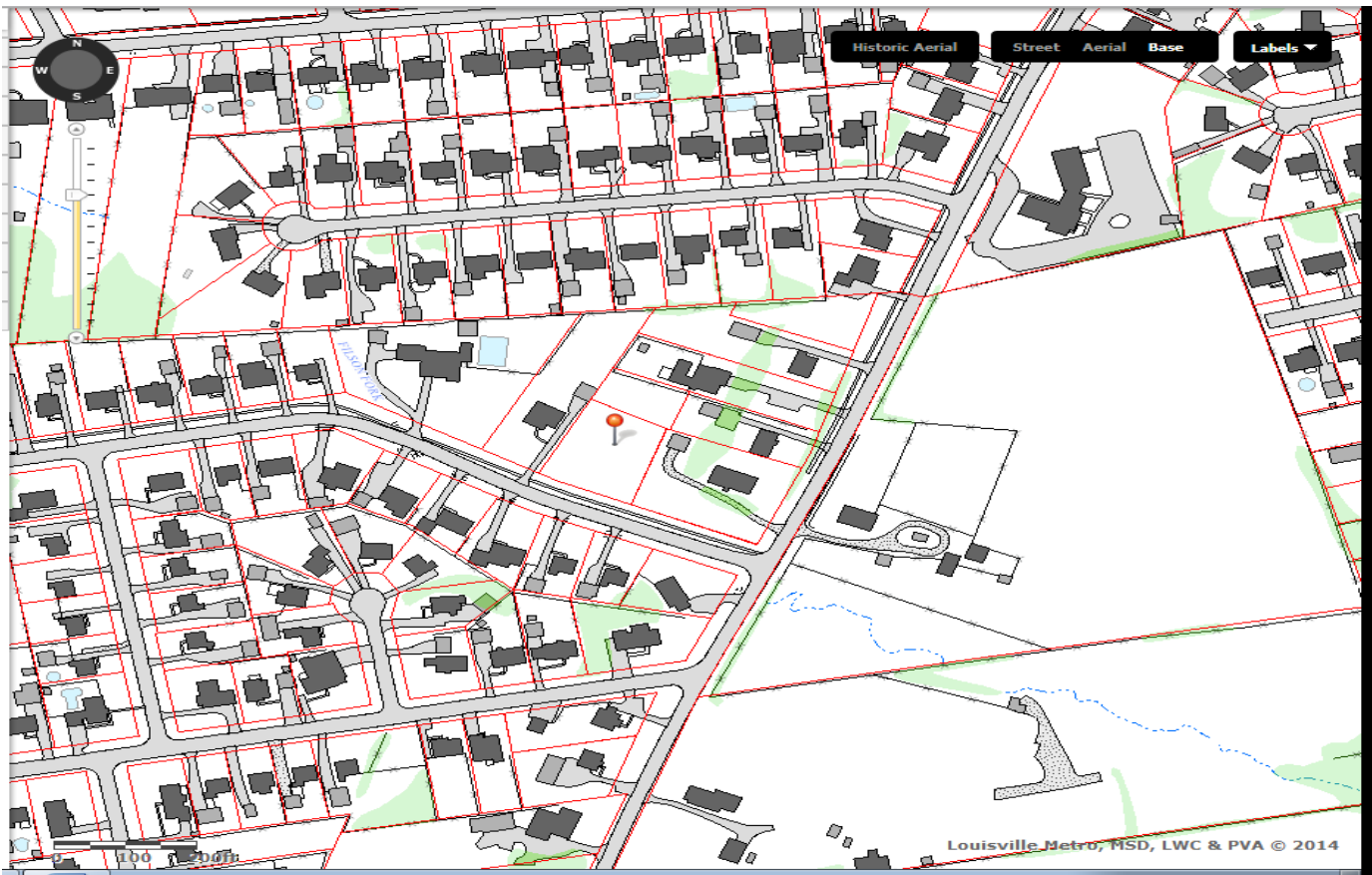
The structure will be compatible with the surrounding residential uses and will need to be building code compliant. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
02/14/2014	APO Notice	First tier adjoining property owners Neighborhood notification recipients
02/18/2014	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
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.	√	This proposal is in an existing Neighborhood that has similar setbacks and lot dimensions for most of the surrounding neighborhood.

4. Applicants justification and findings of fact

ce Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of 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.

Wanting a variance on set back of ^{New} home

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

Variance will allow me to have my home comply with 95% of neighbors set backs

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

Applying for a variance set back to allow new ^{NEW} home 55' from front property line

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

Do Because wanting to be in line with 95% of the neighbors - 1573(~~to~~)1585 Addresses

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).

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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.

Setting home back to comply with PLANNING + ZONING would give me a back yard of 30ft. and a front YARD OF 86 ft.

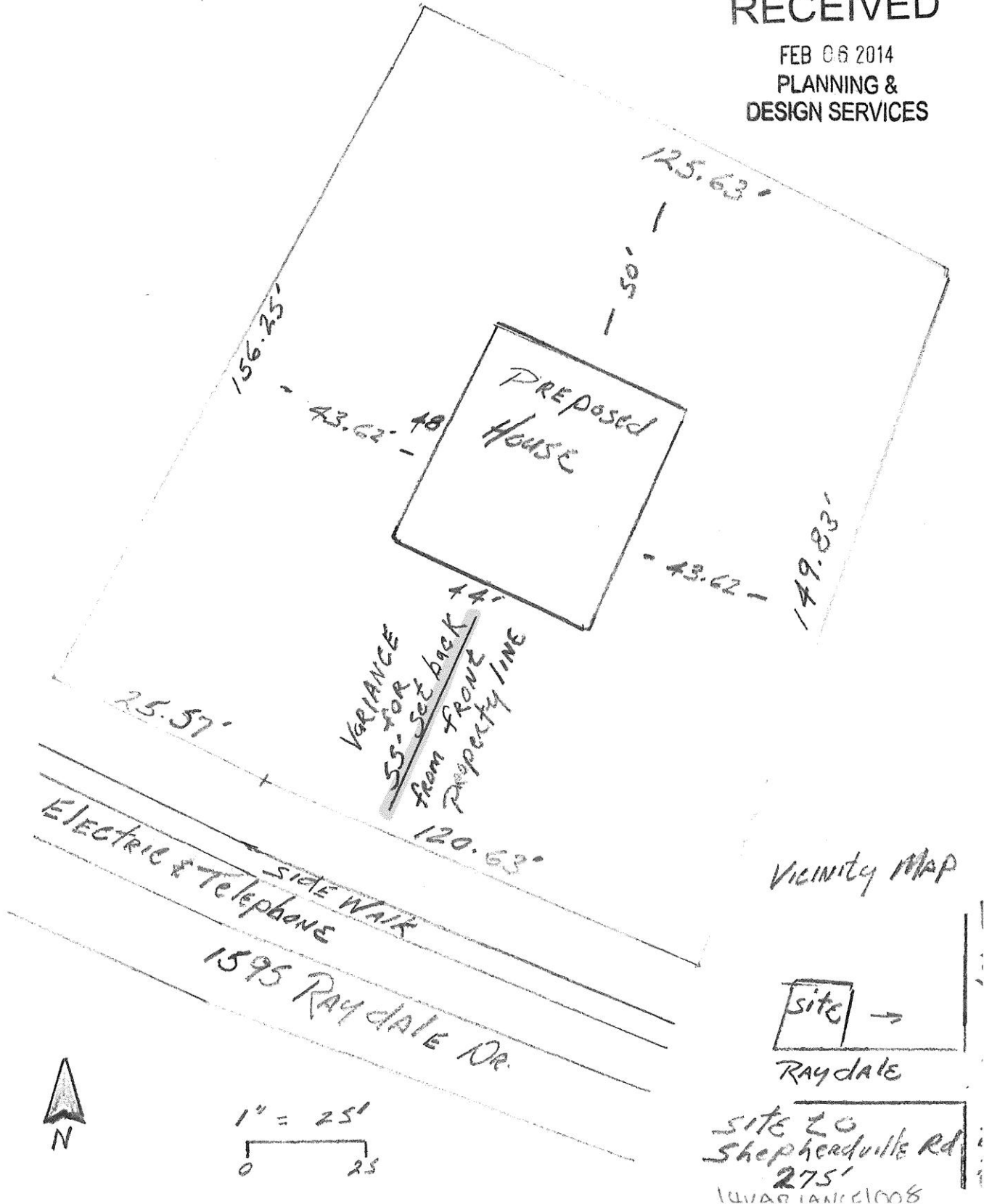
3. Are the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought?

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Parcel 10
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VICINITY MAP



site 20
Shepherdville Rd
275'
14VAR1008