

Board of Zoning Adjustment
Staff Report
 October 29, 2018



Case No:	18VARIANCE1091
Project Name:	Meremont Variance
Location:	1600 Long Run Road
Owner:	Boland Maloney Realty Co.
Representative:	Kathy Linares, Mindel Scott & Associates Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow structures on lots to encroach into the required front yard setback along “Street A.”

Location	Requirement	Request	Variance
Front Yard	30 ft.	25 ft.	5 ft.

CASE SUMMARY/BACKGROUND

The subject properties are located in the Meremont at Long Run subdivision. The subdivision was approved in 2017. The applicant requests a variance to permit the principal structures on 12 lots to encroach into the front yard setback.

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 standards for granting a variance established in the Land Development Code from table 5.3.1.

TECHNICAL REVIEW

- No technical review was undertaken.

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 lots for which the variance is requested will not affect sight lines for drivers.

- (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 development is currently unbuilt and the essential character of the general vicinity will be defined in the future.

- (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 proposed reduced setbacks are not located at street corners.

- (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 lots in question have unique topography as the rear portions have a steep grade.

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 which do not generally apply to land in the general vicinity or the same zone because the subject lots have a steep grade in the rear.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to construct the principal structures on steep terrain.

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.

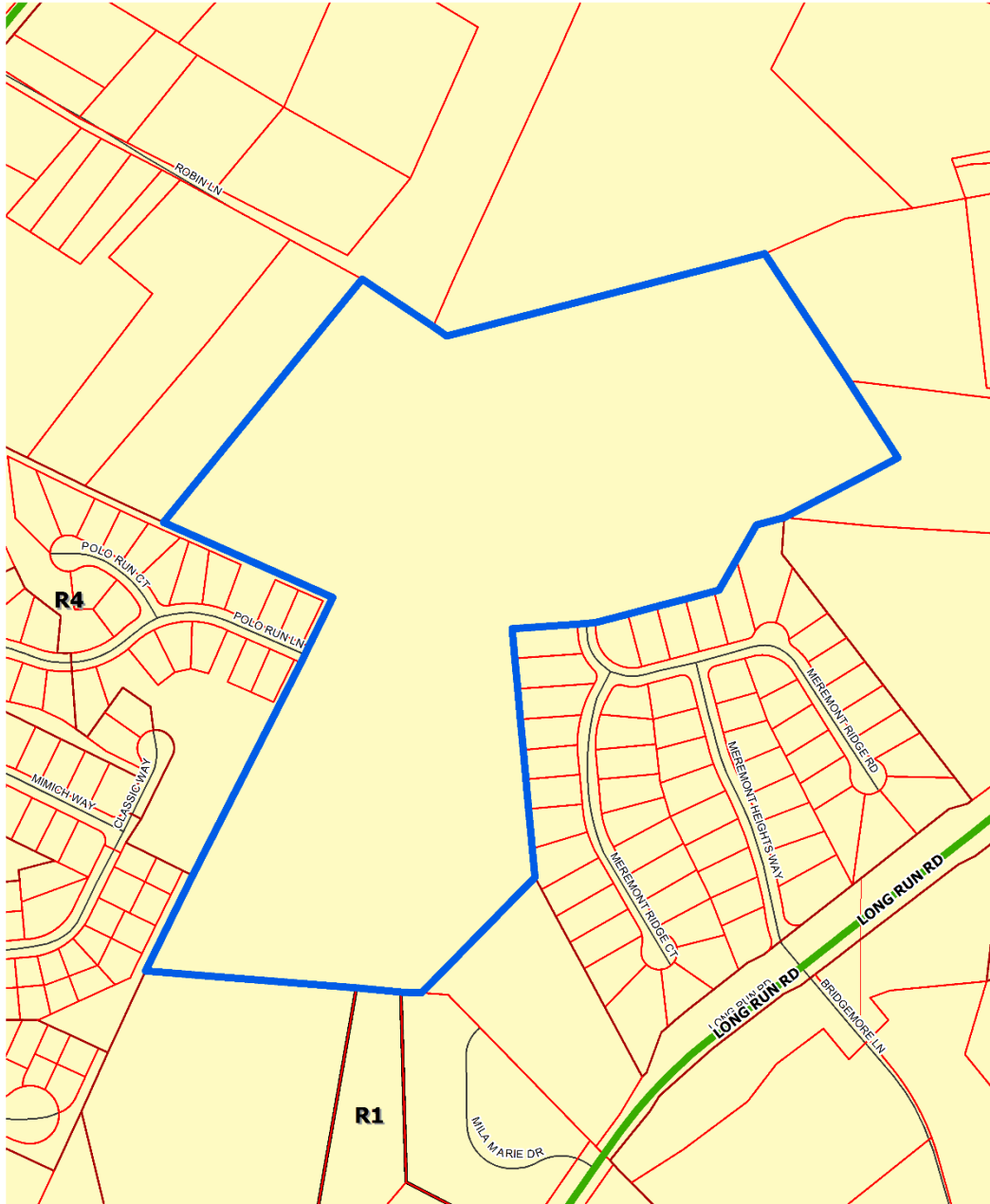
NOTIFICATION

Date	Purpose of Notice	Recipients
08/21/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 17
09/05/2018	Hearing before BOZA	Notice posted on property

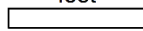
ATTACHMENTS

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

1. **Zoning Map**



1600 Long Run Road
feet



360

Map Created: 10/18/2018

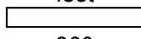


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2. Aerial Photograph



1600 Long Run Road
feet



360

Map Created: 10/18/2018



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4. Site Photos



Looking at lots 38 and 39.



Looking at lots 40, 41, and 42.



Looking at lots 43, 44, and 45.



Rear portion of lots 38, 39, and 40.



Rear portion of lots 41 and 42.



Rear portion of lots 43, 44, and 45.



Looking at lots 51 and 52.



Looking at lots 66 and 67.



Rear portion of lots 51 and 52.



Rear portion of lots 66 and 67.



Proposed ditch/swale in between lots 52 and 66.



BOZA public hearing notice sign #1 (Meremont Ridge Road).



BOZA public hearing notice sign #2 (Polo Run Lane).