

Board of Zoning Adjustment
Staff Report
 March 1, 2021



Case No:	21-VARIANCE-0010
Project Name:	Stone Wynde Drive Variance
Location:	4416 Stone Wynde Drive
Owner:	Tracey Millner
Applicant:	Kathy Matheny – Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	25 – Amy Holton Stewart
Case Manager:	Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code table 5.3.1 to allow a principal structure to encroach into the required side yard setbacks

Location	Requirement	Request	Variance
Side Yards	6 ft. (18 ft. total)	5 ft. (10 ft. total)	1 ft. (8 ft. total)

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Residential Single-Family in the Neighborhood Form District. It is in the Stoneridge Landing subdivision on the east side of Stone Wynde Drive off E. Pages Lane. The site is currently undeveloped and the applicant is proposing to construct a single-family residence. The Land Development Code requires the side yards for this property to be a minimum of 6 ft. and a total of 18 ft. The proposed structure would be setback 5 ft. from both side property lines; therefore, a variance is required.

STAFF FINDINGS

Staff finds that the requested variances are adequately justified and meet the standards 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 table 5.3.1 to allow a principal structure to encroach into the required side yard setbacks.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

None.

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, because the proposed structure must 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 other structures in the area encroach a similar distance into side yard setbacks.

- (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 structure must be constructed to comply with all building 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 proposed structure will be a similar distance to side property lines as other structures in the 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 which do generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape as the surrounding properties.

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 create an unnecessary hardship on the applicant as the proposed structure could be constructed to comply with the side yard setback requirements.

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 has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

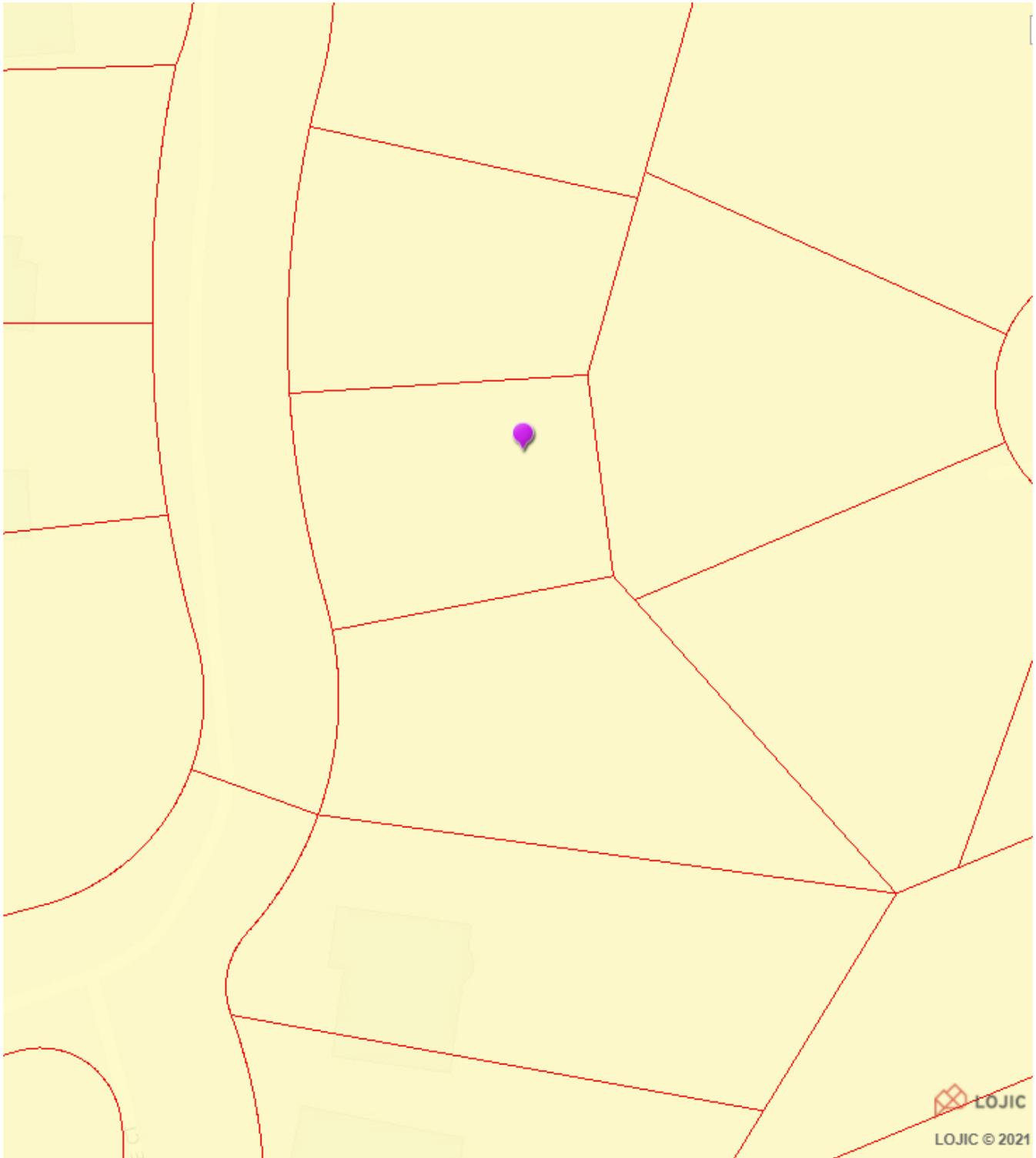
NOTIFICATION

Date	Purpose of Notice	Recipients
2/10/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 25
2/17/2021	Hearing before BOZA	Notice posted on property

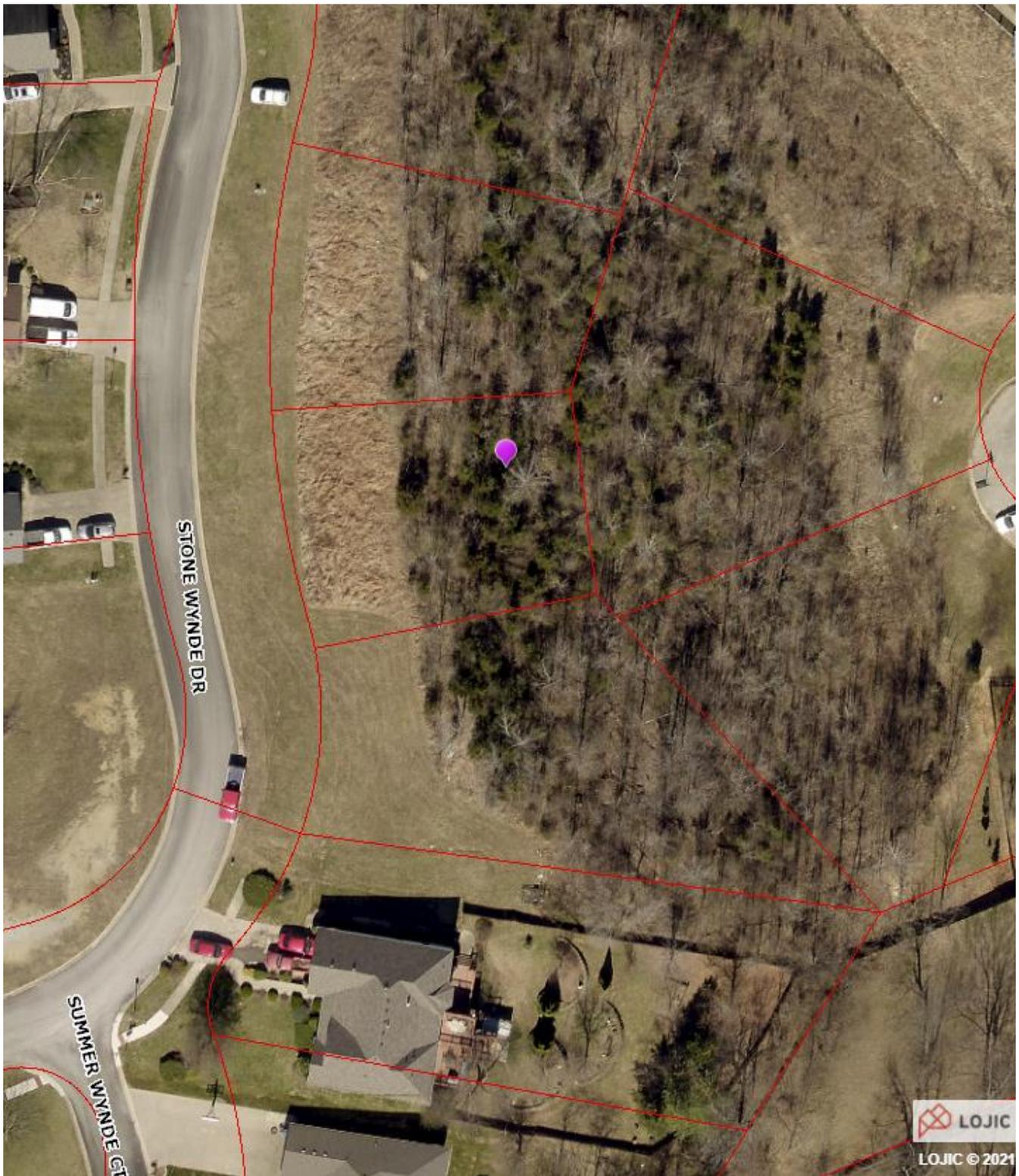
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



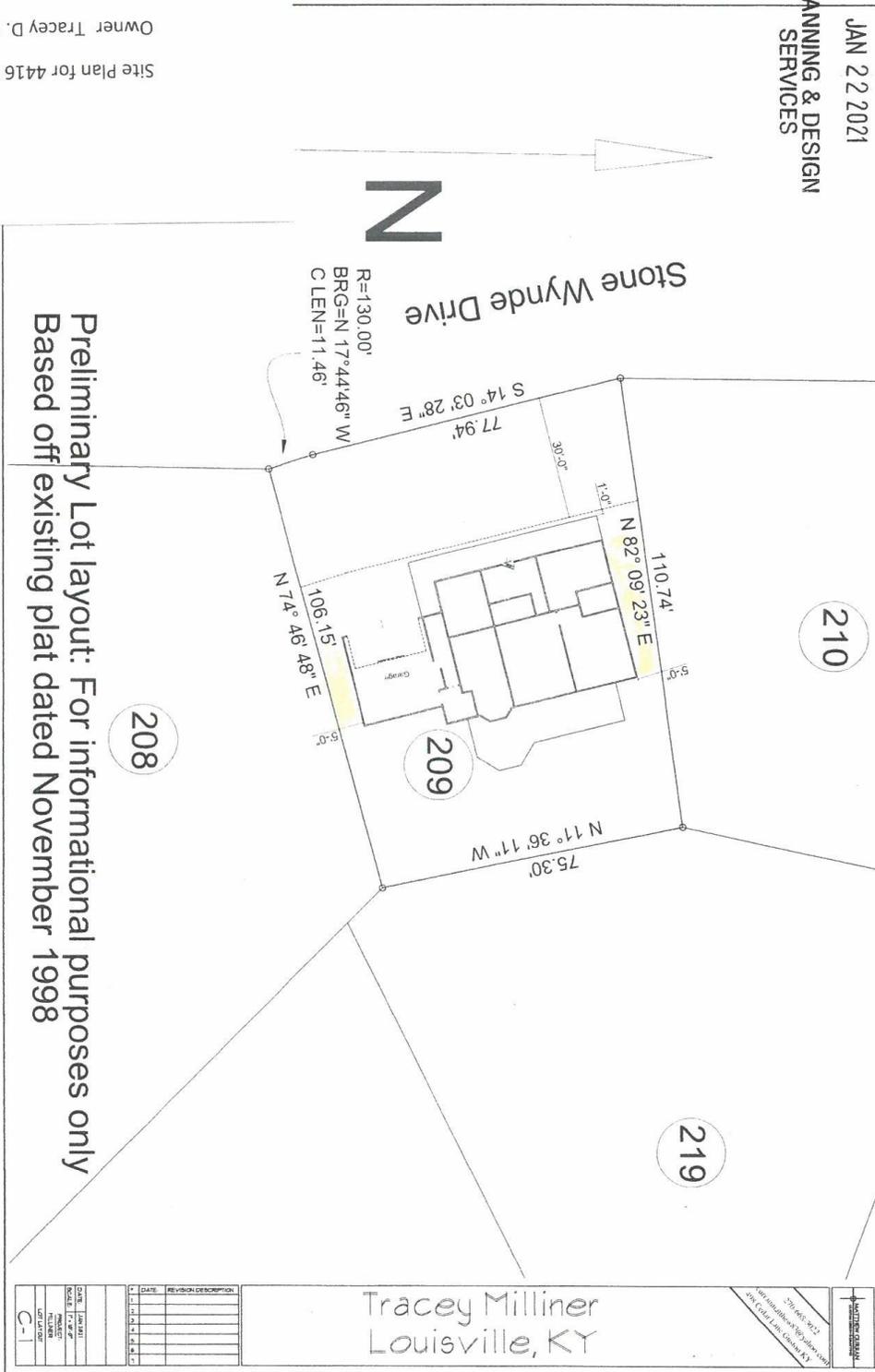
RECEIVED

JAN 22 2021

PLANNING & DESIGN SERVICES

3. Site Plan

Site Plan for 4416 Stone Wynde Drive
Owner Tracey D. Milliner
21 BOZA



Preliminary Lot layout: For informational purposes only
Based off existing plat dated November 1998

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4. Site Photos



Front of subject property.

February 17, 2021 at 11:05:22 AM



Property to the left.

February 17, 2021 at 11:05:27 AM



Property to the right.

February 17, 2021 at 11:05:43 AM



Properties across Stone Wynde Drive.

February 17, 2021 at 11:05:48 AM



Properties across Stone Wynde Drive.