

**Board of Zoning Adjustment  
Staff Report**  
August 1, 2016



<b>Case No:</b>	16VARIANCE1042
<b>Request:</b>	To allow a proposed home to encroach into the minimum side yard setback.
<b>Project Name:</b>	4800 Lake Louisville Drive
<b>Location:</b>	4800 Lake Louisville Drive
<b>Area:</b>	.09330 acres
<b>Owner:</b>	Clyde and Caroline Proctor
<b>Applicant:</b>	Clyde and Caroline Proctor
<b>Representative:</b>	David Garber – Garber and Chilton
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	16 – Kelly Downard
<b>Case Manager:</b>	Ross Allen, Planner I

**REQUEST**

- Variance from the Land Development Code section 5.3.1, table 5.3.1 to allow a proposed home to encroach into the side yard setback.

Location	Requirement	Request	Variance
<b>Side Yard Setback</b>	<b>6 feet</b>	<b>2 feet</b>	<b>4 feet</b>

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is proposing to construct a home measuring 32 feet wide by 50 feet long (total area = 1,824 sf. as shown on the floor plan) on an R-4 zoned parcel within a Neighborhood Form District. The house will be a two story Craftsman Style home with a first floor of approximately 1,283 sf. and a second floor with approximately 541 sf. The estimated height as stated by the applicant is approximately 20 feet, under the 35 foot required height within the form district.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Single Family	R-4	Neighborhood Form District
<b>Proposed</b>	Residential Single Family	R-4	Neighborhood Form District
<b>Surrounding Properties</b>			
<b>North</b>	Residential Single Family	R-4	Neighborhood Form District
<b>South</b>	Residential Single Family	R-4	Neighborhood Form District
<b>East</b>	Residential Single Family	R-4	Neighborhood Form District
<b>West</b>	Residential Estate	R-5	Neighborhood Form District

## PREVIOUS CASES ON SITE

No related cases associated with the subject property.

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (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 parcel is 40 feet wide and the applicant is proposing a 32' ft. wide residence. The home will be adjacent to parcels that have overgrowth on the northern, southern, and eastern sides, while the rear of the property (lying to the west) is adjacent to the front yard of 4806 Lake Louisville Drive which has a small garage that is approximately 42' ft. from the rear property line of the subject site.

- (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 many of the parcels in the general vicinity are undeveloped and the closest homes are either to the rear of the subject site or approximately 100 ft. north of the subject site. Applicant states that the home "will blend in well with other houses in the general vicinity".

- (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 proposed residence will be contained on the two lots (which have been consolidated). The adjacent property on the southern side will remain vacant since a small stream runs through the lot.

- (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 adjacent parcel on the southern side will remain unbuildable, as the result of a small stream running through the property, providing for the appearance of a larger side yard setback.

### 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 since many lots in the general vicinity have frontages that are larger (more than 40' ft.).

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 deprive the applicant of the reasonable use of the land since the frontage of the lot is 40' feet the applicant would not be able to construct the residence without the requested variance.

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 lots along Lake Louisvilla Drive were available for purchase with 20' feet of road frontage per lot. As a result the applicant consolidated two lots into one and the 40' ft. width of the lot along the road frontage is still not sufficient for the proposed residence.

### TECHNICAL REVIEW

- No technical review was conducted.

### STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets 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 standards for granting a variance established in the Land Development Code from section 5.3.1, table 5.3.1 to allow the proposed home to have a side yard setback of two feet along the southern property line with bearing N 77°02'55" W.

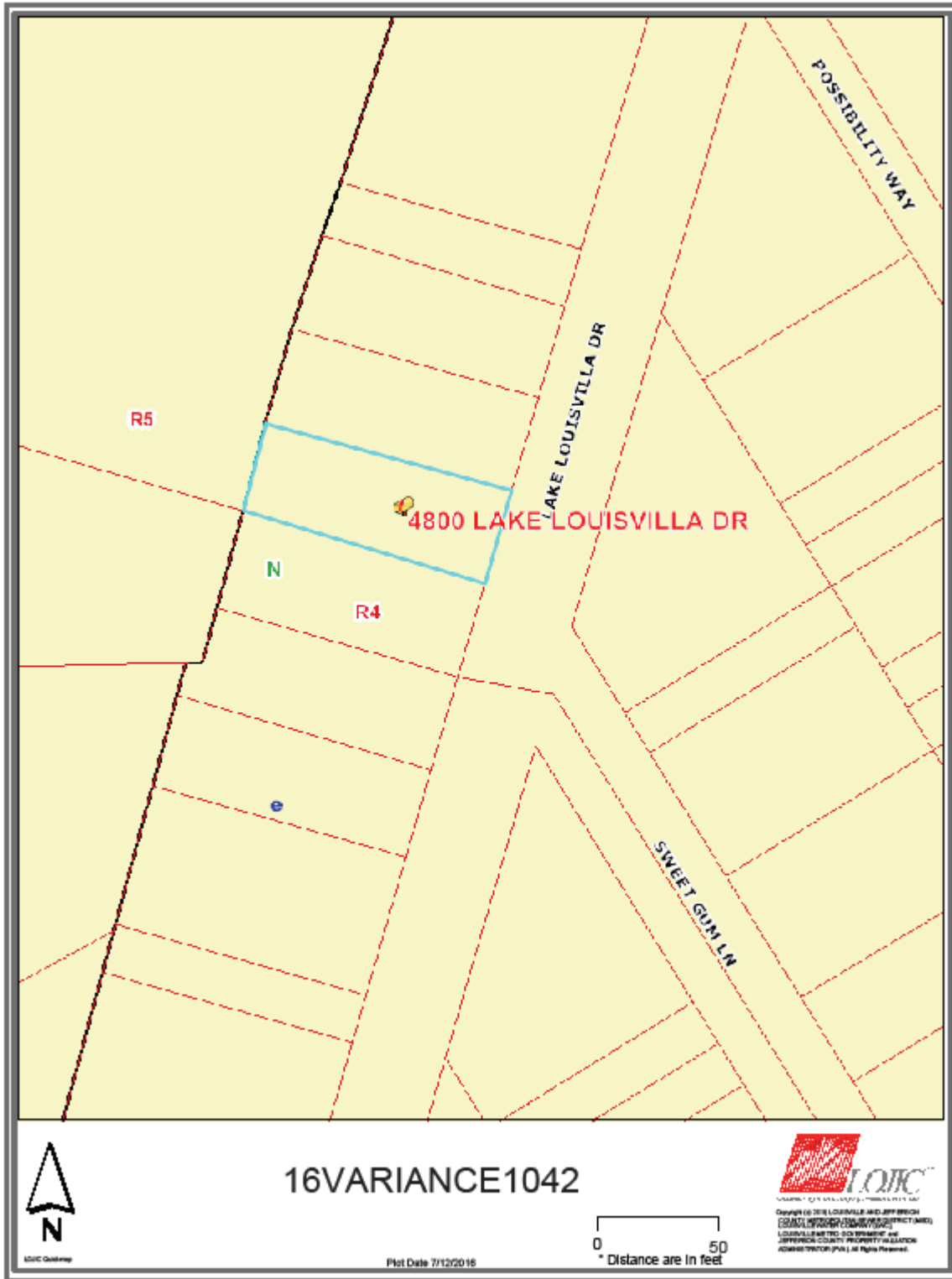
### NOTIFICATION

Date	Purpose of Notice	Recipients
July 15, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 16 Notification of Development Proposals
July 15, 2016	Sign Posting for BOZA	Sign Posting on property

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

