

Board of Zoning Adjustment Staff Report

June 05, 2023



Case No:	22-VARIANCE-0170
Project Name:	Blue Wing Drive Variance
Location:	7502 Blue Wing Drive
Owner:	Kimberly & Steven Brock
Applicant:	Kimberly Brock
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Heather Pollock, Planner I

REQUESTS

- **Variance** from Land Development Code section 5.1.12.B.1.a to allow a structure to encroach into the infill front yard setback.

Location	Requirement range	Request	Variance
Front Yard Infill Setback	30 ft. to 16 ft.	9 ft.	7 ft.

CASE SUMMARY/BACKGROUND

The subject site is .2126 acres and is zoned R-4 multi-family in the Neighborhood Form District. The subject site currently has a 1 story single family home with an attached garage. The applicant is proposing to construct a 420 sq. ft. detached carport in front of the primary residence.

Land Development Code section 5.1.10.B.1.a states the front yard setback line shall fall within the range of the front yard setbacks of the two nearest lots containing principal structures within the same block face.

STAFF FINDING

Staff finds that the requested front yard variance meet standards (a), (c), and (d). Staff is concerned that it may not meet standard (b) as there are no similar structures in the front yard setbacks in the area.

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.

TECHNICAL REVIEW

There are no outstanding technical issues with this request.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

None.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.1.a

- (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 must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The proposed structure may alter the essential character of the general vicinity as there are no other accessory structures similar to this in the front yard setbacks.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The structure will not cause a hazard or nuisance to the public as it is required to meet all applicable requirements of the building code. The proposed structure will not obstruct any views as it is a sufficient distance from the right of way.

- (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 carport will be in the existing vehicle use area. Additionally, the infill front yard setback is not consistent along the block face.

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 land in the general vicinity or the same zone as the lot is the same size and shape in comparison to 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 create an unnecessary hardship on the applicant as the only other location the carport could be placed is behind the primary residence which would require the removal of large trees to access.

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 has not begun construction.

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
05/22/2023	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 12
05/22/2023	Hearing before BOZA	Sign Posting

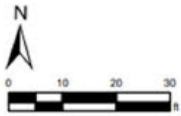
ATTACHMENTS

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

2. Aerial Photograph



3. Site Plan



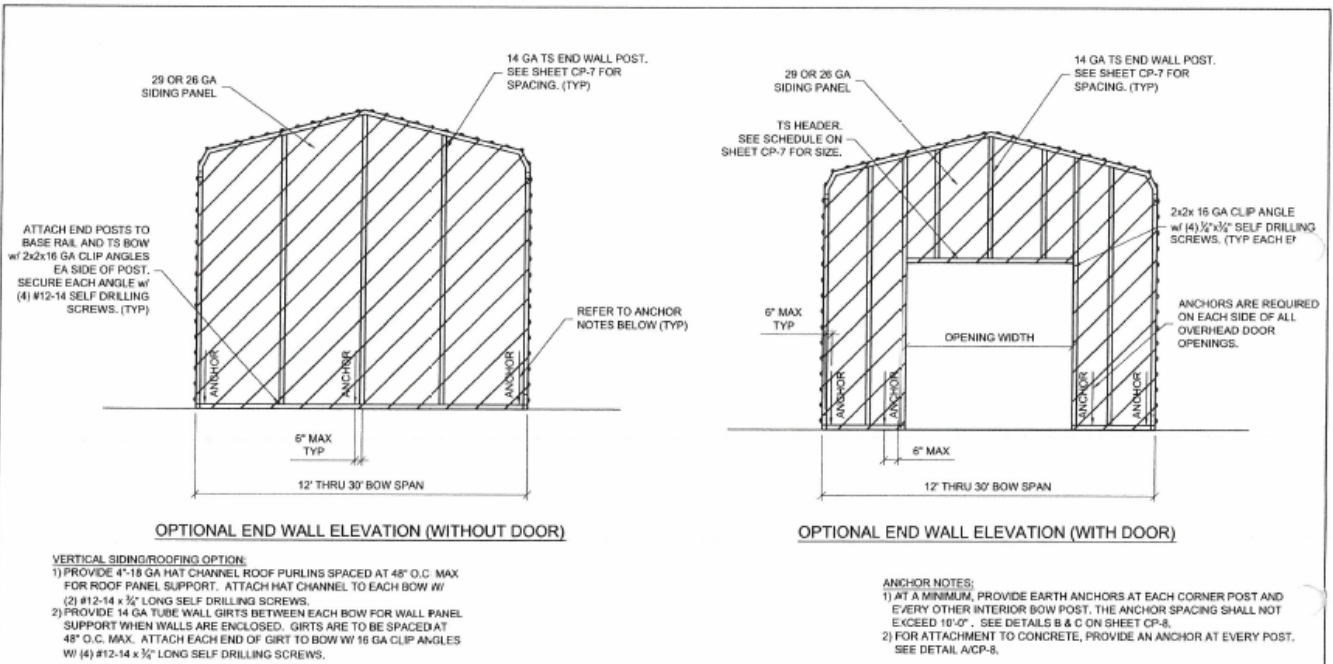
7502 Blue Wing Drive

Tuesday, April 4, 2023 | 1:26:37 PM

 LOJIC
LOJIC © 2023

This map is not a legal document and should only be used for general reference and identification.

4. **Renderings**

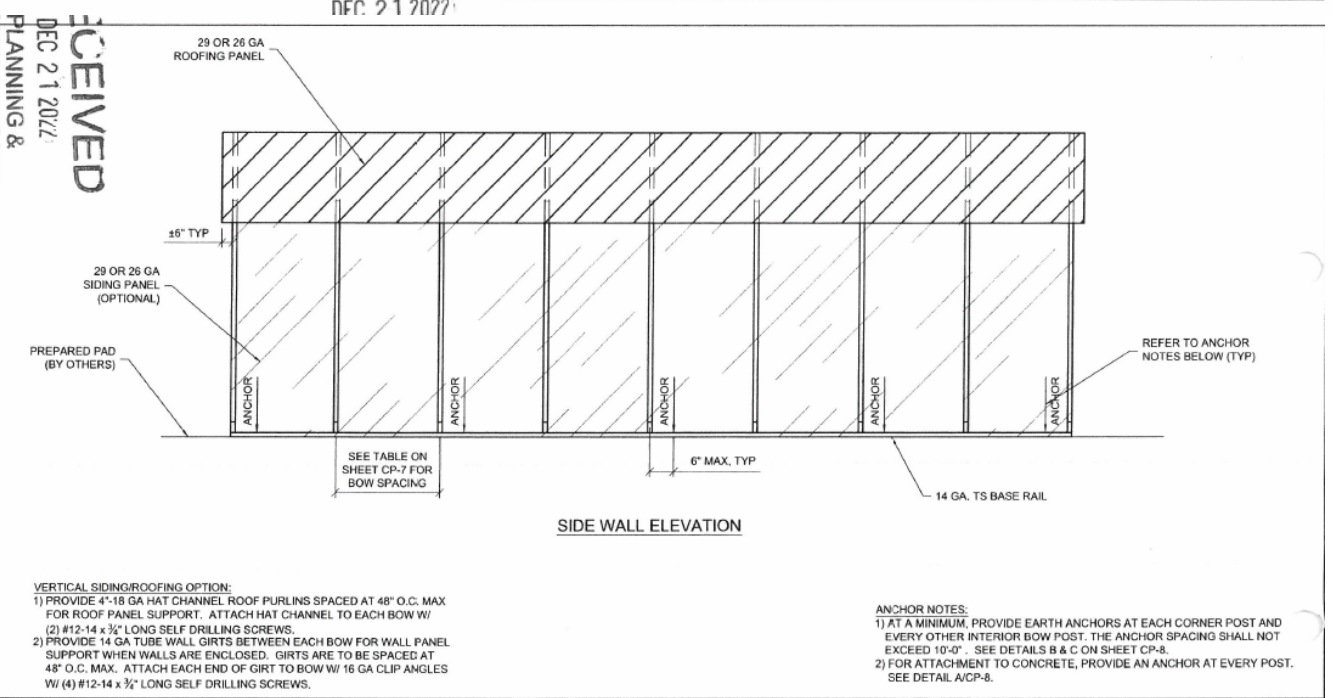


VERTICAL SIDING/ROOFING OPTION:
 1) PROVIDE 4"-18 GA HAT CHANNEL ROOF PURLINS SPACED AT 48" O.C. MAX FOR ROOF PANEL SUPPORT. ATTACH HAT CHANNEL TO EACH BOW W/ (2) #12-14 x 3/4" LONG SELF DRILLING SCREWS.
 2) PROVIDE 14 GA TUBE WALL GIRTS BETWEEN EACH BOW FOR WALL PANEL SUPPORT WHEN WALLS ARE ENCLOSED. GIRTS ARE TO BE SPACED AT 48" O.C. MAX. ATTACH EACH END OF GIRT TO BOW W/ 16 GA CLIP ANGLES W/ (4) #12-14 x 3/4" LONG SELF DRILLING SCREWS.

ANCHOR NOTES:
 1) AT A MINIMUM, PROVIDE EARTH ANCHORS AT EACH CORNER POST AND EVERY OTHER INTERIOR BOW POST. THE ANCHOR SPACING SHALL NOT EXCEED 10'-0". SEE DETAILS B & C ON SHEET CP-8.
 2) FOR ATTACHMENT TO CONCRETE, PROVIDE AN ANCHOR AT EVERY POST. SEE DETAIL A/CP-8.

	METAL CARPORT--KENTUCKY--IBC 2015		PROJECT NO:	SHEET NUMBER
	RECEIVED		DATE: 10-03-2022	CP-3
			DRAWN BY: KLN	SCALE: NOT TO SCALE
			CHECKED BY: KLN	
			REVISION:	

RECEIVED
 DEC 21 2022
 PLANNING &
 SIGN SERVICES



VERTICAL SIDING/ROOFING OPTION:
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	METAL CARPORT--KENTUCKY--IBC 2015		PROJECT NO:	SHEET NUMBER
	RECEIVED		DATE: 10-03-2022	CP-2
			DRAWN BY: KLN	SCALE: NOT TO SCALE
			CHECKED BY: KLN	
			REVISION:	

5. Site Photos



Front of Property



To the right of subject property



To the left of subject property



Across the street.



Variance area.



View of variance area looking south.