

# Board of Zoning Adjustment

## Staff Report

July 12, 2021



<b>Case No:</b>	21-VARIANCE-0080
<b>Project Name:</b>	Rock Ridge Place Variance
<b>Location:</b>	10901 Rock Ridge Place
<b>Owner:</b>	Claire & Deryl Sweeney
<b>Applicant:</b>	Doug Parker – Inland Pools and Construction
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	16 – Scott Reed
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUESTS:**

**Variance** from Land Development Code table 5.3.1 to allow a pool to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	20 ft.	10 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is zoned R-4 Residential Single Family in the Neighborhood Form District. It is located on the corner of Rock Ridge Place and Rock Ridge Drive in the Rock Springs Farm subdivision. The applicant received building permits for a pool and started construction and then a stop work order was given due to the need for a variance.

**STAFF FINDINGS**

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 table 5.3.1 to allow a pool to encroach into the required street side yard setback.

**TECHNICAL REVIEW**

No technical review required.

**INTERESTED PARTY COMMENTS**

Staff received five emails in support of the requested variance and one in opposition. These have been attached to the agenda item.

## **RELATED CASES**

No related cases.

## **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 pool must be enclosed by a fence in accordance with section 4.4.10 and the applicant is proposing landscaping as well.

- (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 pool will be buffered by landscaping.

- (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 pool must be enclosed by a fence in accordance with section 4.4.10 and the applicant is proposing landscaping as well.

- (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 pool is still a significant distance from the street side property line.

## **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 arise from special circumstances which do not generally apply to the land in the generally vicinity or the same zone as the applicant applied for and received building permits for the pool.

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 applicant applied for and received building permits.

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 applied for and received building permits.

**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.

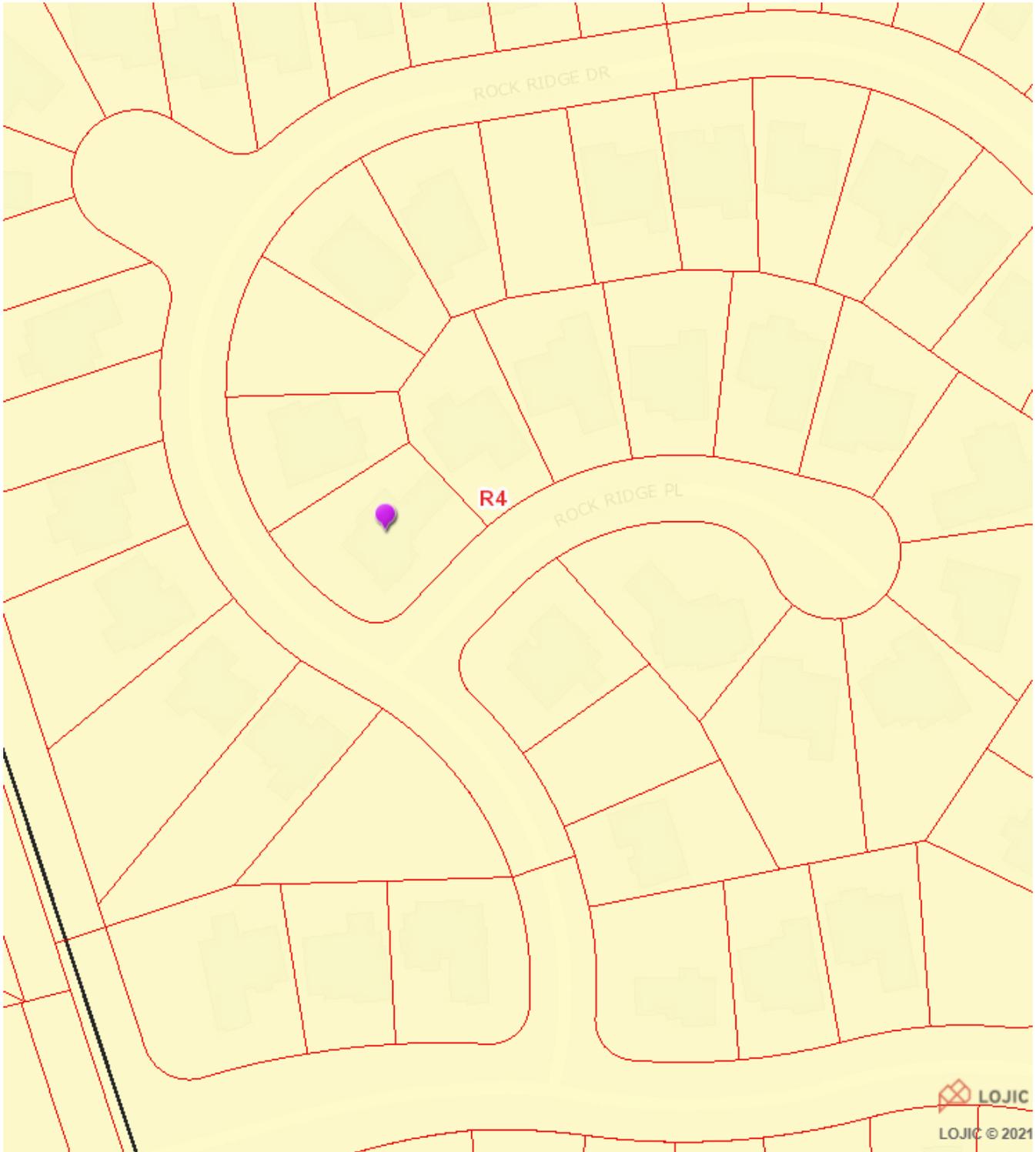
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>6/25/2021</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 16
<b>6/25/2021</b>	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

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

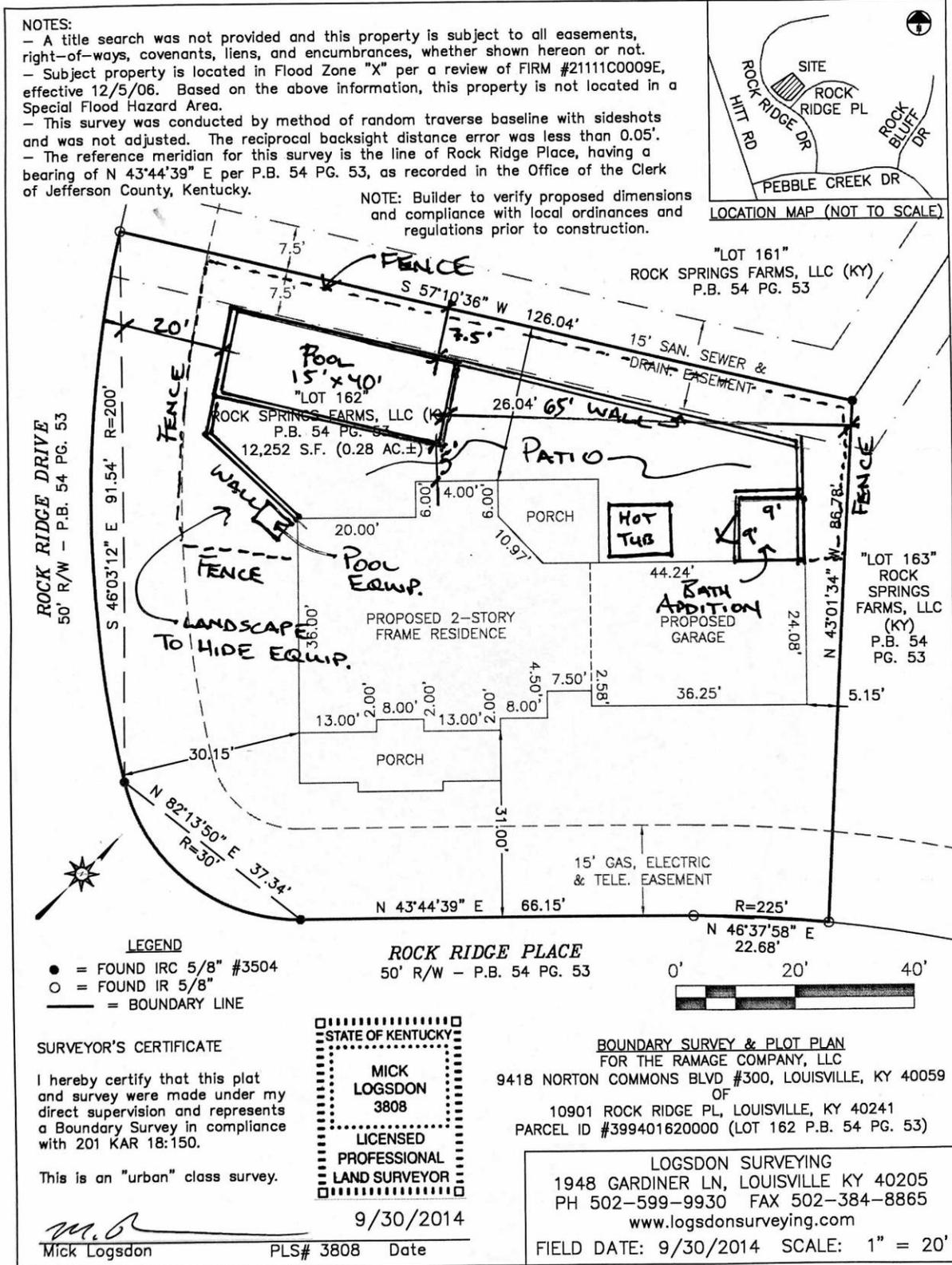
1. Zoning Map



2. Aerial Photograph



### 3. Site Plan



**4. Site Photos**



Front of subject property.



Variance location.



Pool location.



Variance area.