

Board of Zoning Adjustment

Staff Report

July 16, 2018



Case No:	18VARIANCE1059
Project Name:	Beechspring Farm Boulevard Variance
Location:	7523 Beechspring Farm Boulevard
Owner(s):	Andrew R. Pyles & Lauren Hodges
Applicant:	Lynn Ashkettle, Ashkettle Home Builders
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required front yard setback.

Location	Requirement	Request	Variance
Front Yard	15 ft.	14.4 ft.	0.6 ft.

CASE SUMMARY/BACKGROUND

The subject property is located on the north side of Beechspring Farm Boulevard in the Beech Spring Farm subdivision, recorded in 2008 in plat book 52, page 85. The site currently has a single-family residence with an attached garage. A portion of the garage footprint encroaches into the front yard setback by 0.6 feet. The applicant requests a variance to allow the encroachment.

The subdivision was approved under docket 10-23-04 and revised under docket 10-19211-13. These cases originally approved a 30 ft. front yard setback; however, the Board of Zoning Adjustment approved a variance to reduce the front yard setback to 15 ft. for lots 161-187 on Tax Block 3950 and lot 5 of Tax Block 3711 under docket B-10994-08. The subject property is lot 186 on Tax Block 3950.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

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 table 5.3.1 to allow a structure to encroach into the required front yard setback.

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 proposed encroachment is relatively small and will not affect the public.

- (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 proposed encroachment is similar to other structures on the street.

- (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 encroachment will not restrict the public from using 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 topography of the lot is steep, which was the reasoning for approving the previous variance.

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 topography of the lot is unique to most other land in the area.

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 a much smaller home on the lot.

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 the request is extremely minor.

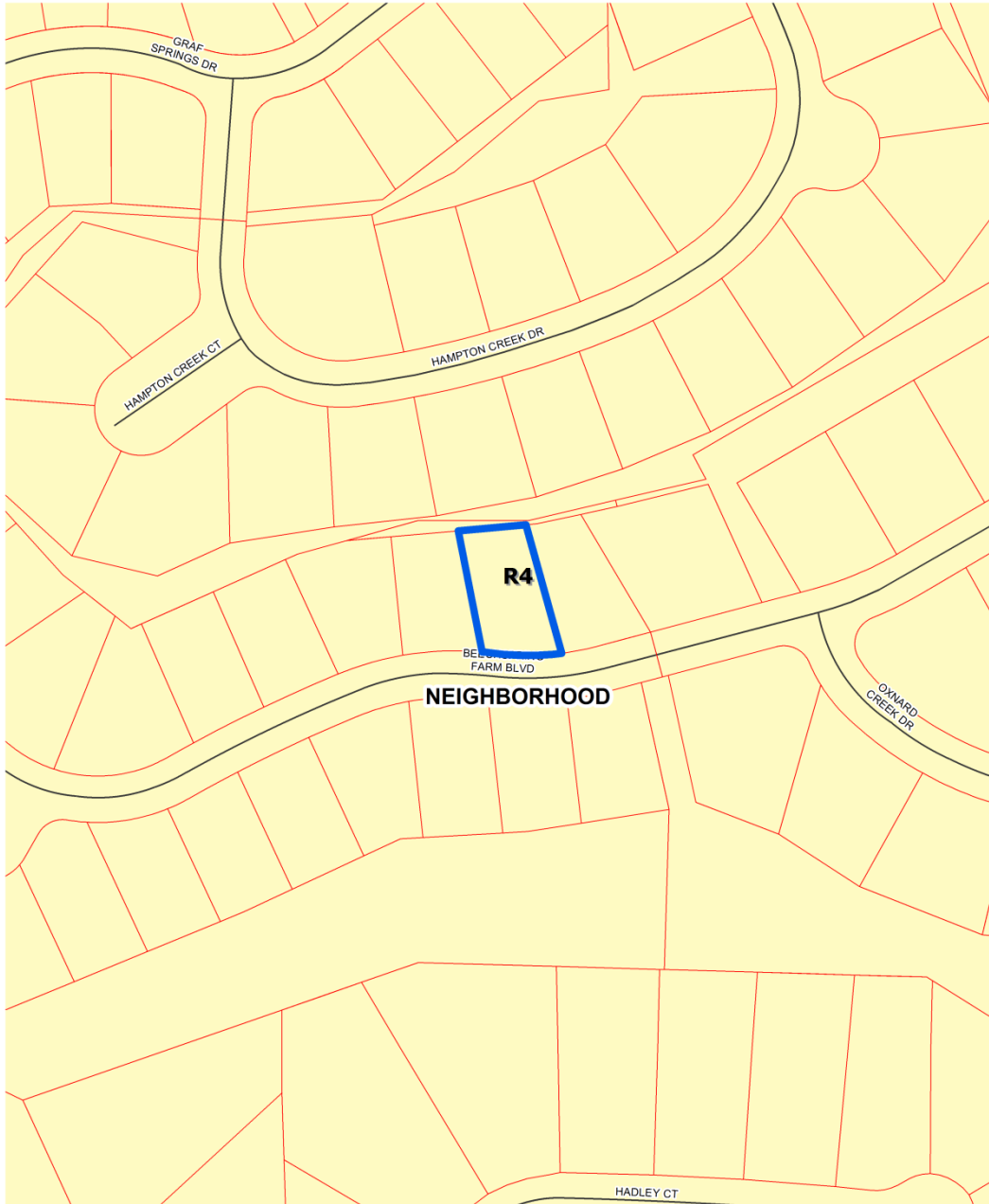
NOTIFICATION

Date	Purpose of Notice	Recipients
06/29/2018	Hearing before BOZA	Not required for Business Session Item

ATTACHMENTS

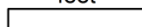
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

1. Zoning Map



7523 Beechspring Farm Boulevard

feet



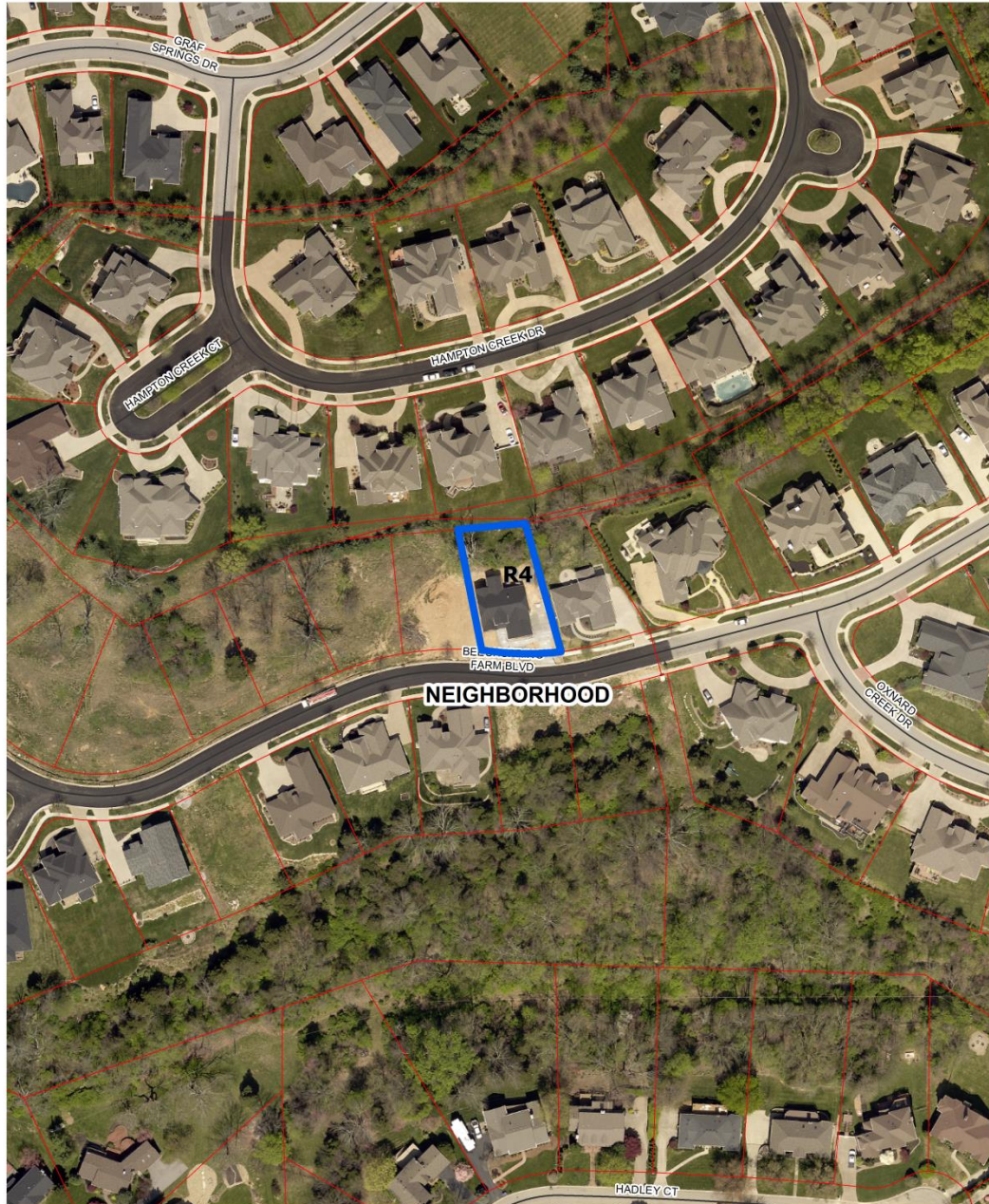
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Map Created: 7/9/2018

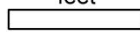


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2. Aerial Photograph



7523 Beechspring Farm Boulevard
feet



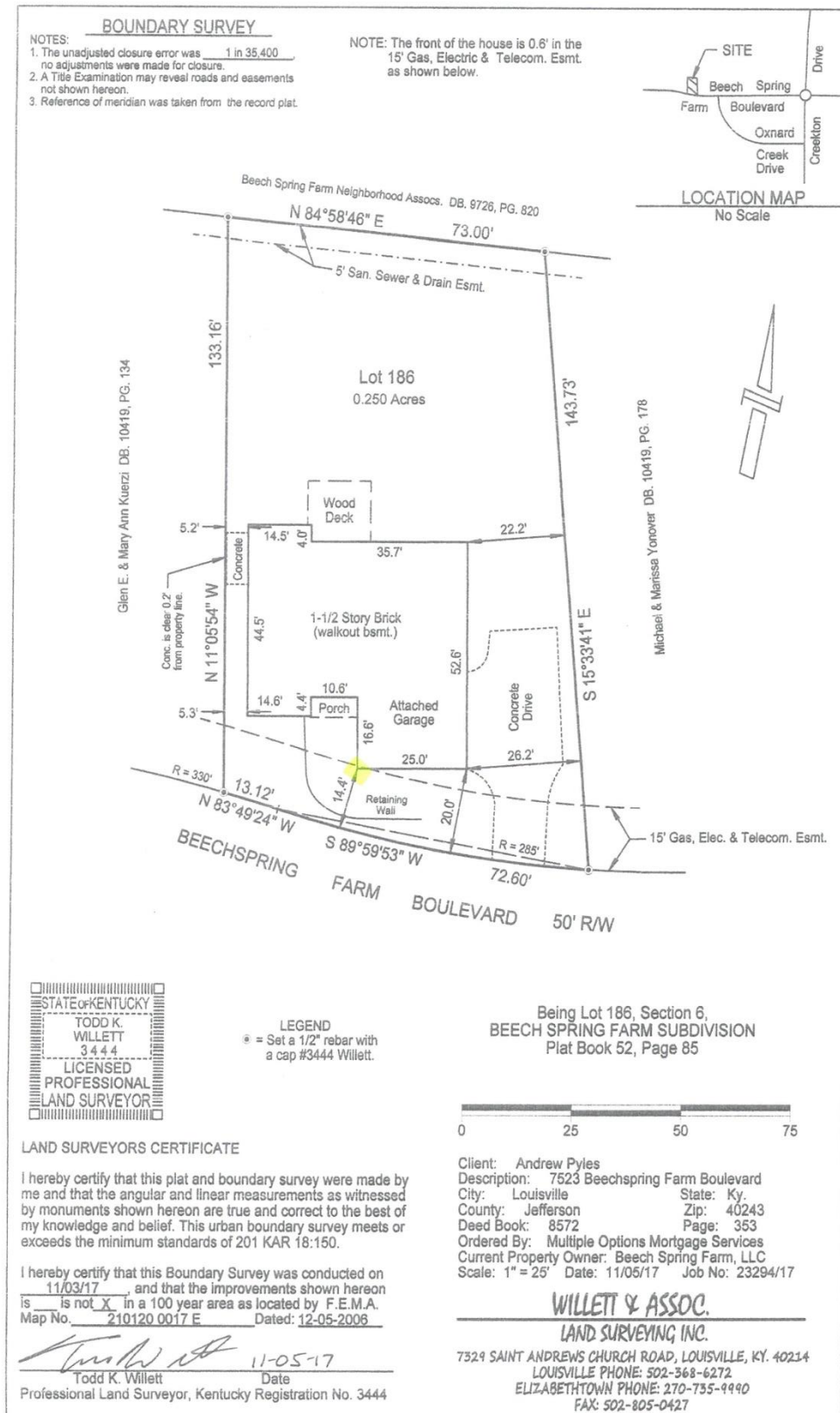
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Map Created: 7/9/2018

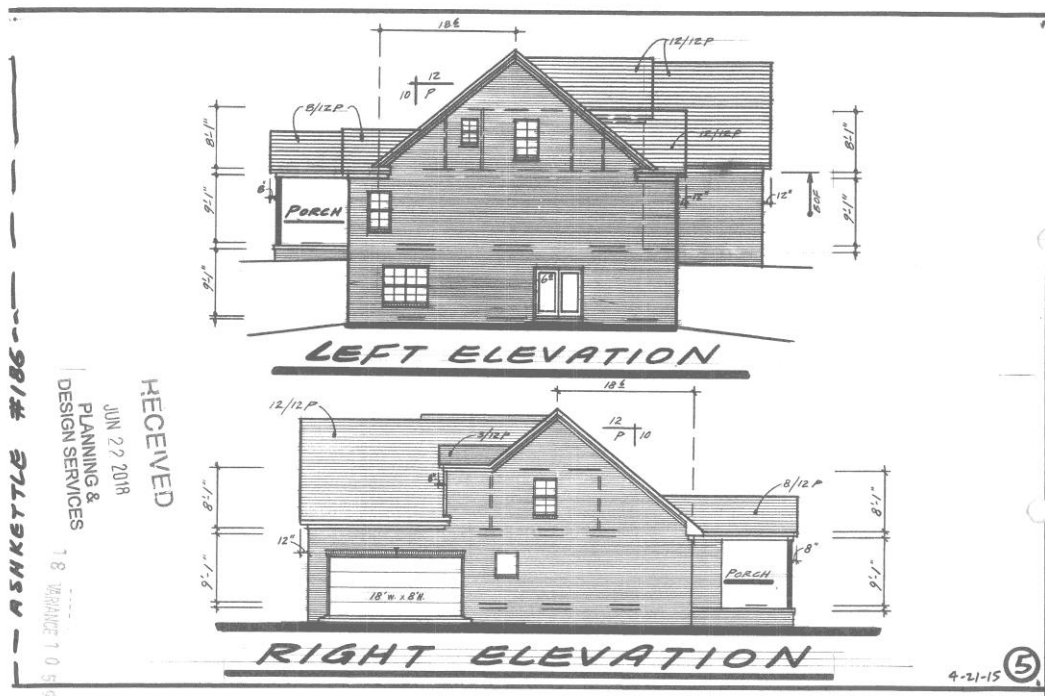
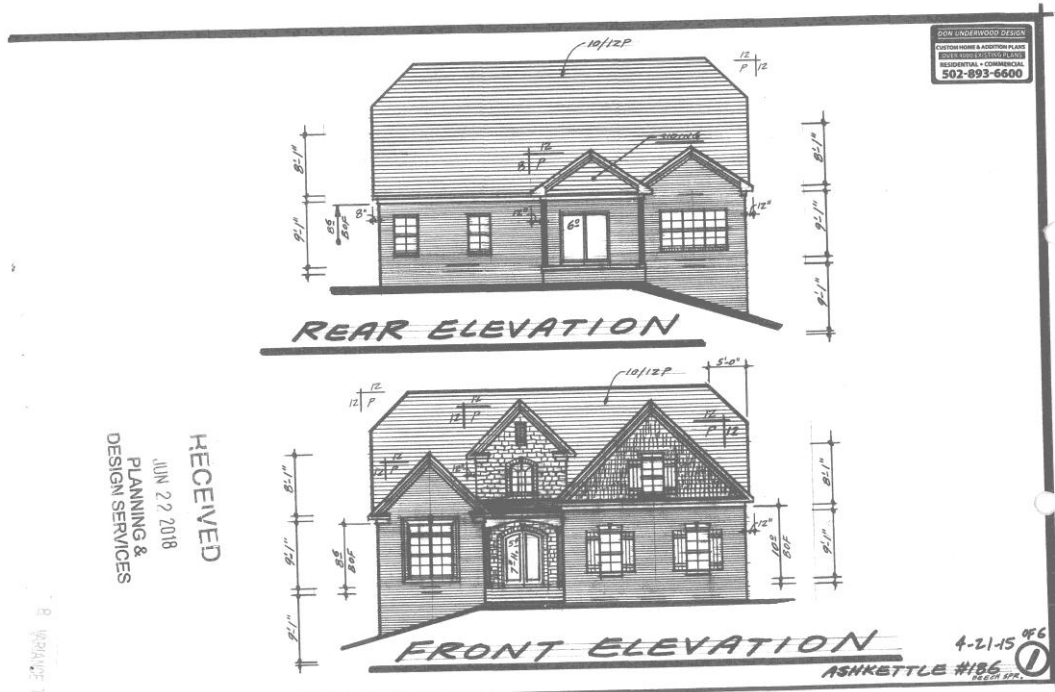


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3. Site Plan



4. Elevations



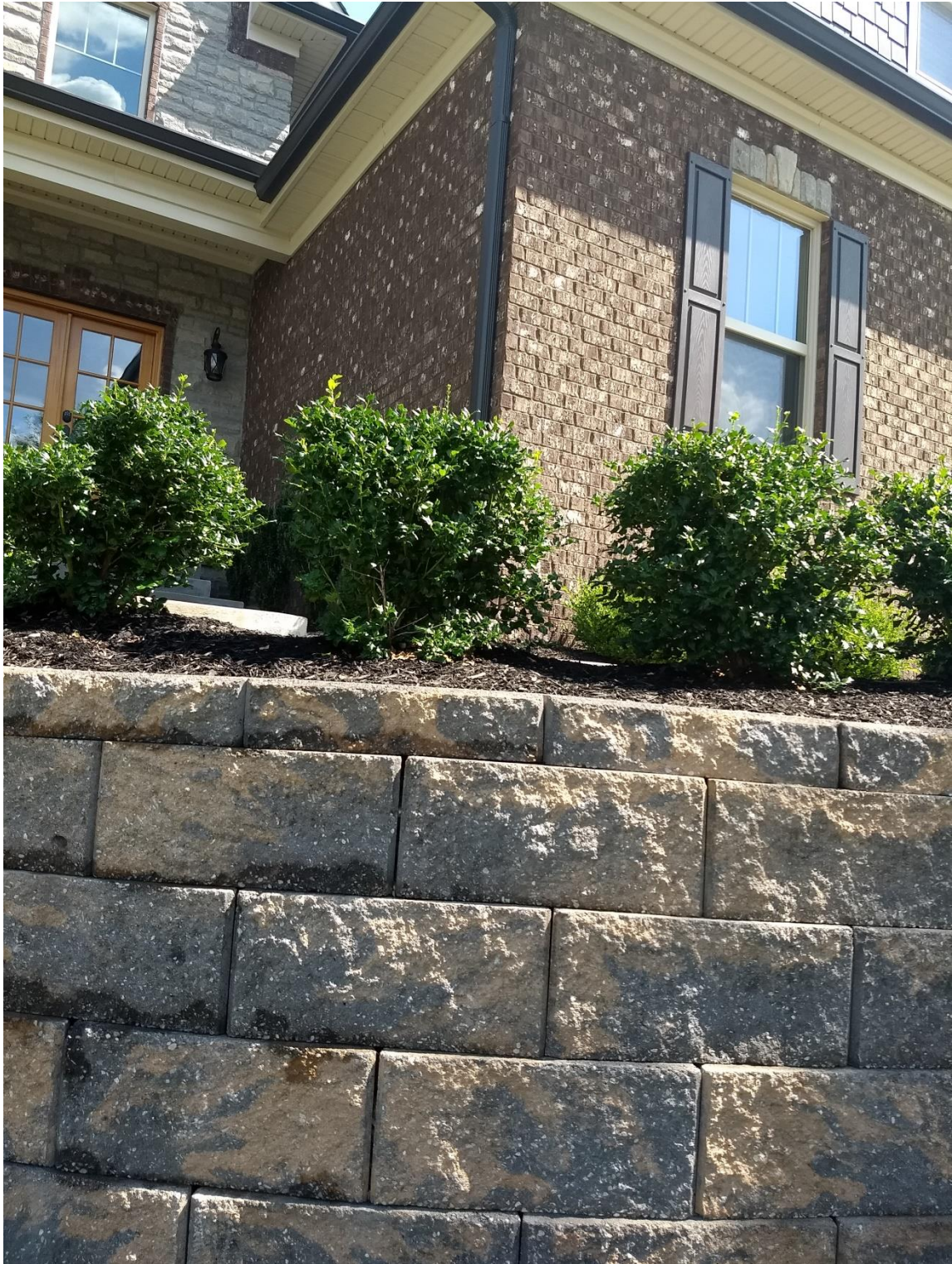
5. **Site Photos**



The front of the subject property and the location of the requested variance.



The corner of the attached garage is the location of the encroachment.



Different angle of the encroachment.