

Board of Zoning Adjustment Staff Report

June 5, 2017



Case No:	17VARIANCE1025
Request:	Variations from the required 30' street side yard setback and to allow an accessory structure to exceed the footprint of the principal structure
Project Name:	1612 Rangeland Road Pole Barn
Location:	1612 Rangeland Road
Area:	.33 Acres
Owner:	Bradley Grace
Applicant:	Bradley Grace
Representative:	Bradley Grace
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
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 street side yard setback
- Variance from Land Development Code section 5.4.2.C.1 to allow an accessory structure to exceed the footprint of the principal structure

Location	Requirement	Request	Variance
Street Side Yard Setback	30 ft.	5 ft.	25 ft.
Footprint of Accessory Structure	877 sq. ft.	1,200 sq. ft.	323 sq. ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes a 30' x 40' pole barn on the subject property. The pole barn has been partially constructed, including footings and partial framing. A 1 ½ story residence and detached garage currently exist on the property. The existing detached garage is to be removed. The applicant proposes to use the pole barn for storage of lawn equipment, vehicles, and household goods. The footprint of the principal structure is 877 square feet, while the footprint of the pole barn is 1,200 square feet. The applicant requests a variance from Land Development Code section 5.4.2.C.1 to allow the accessory structure to exceed the footprint of the principal structure. The location of the pole barn encroaches into the required street side yard setback by 25 feet. The applicant further requests a variance from Land Development Code table 5.3.1 to permit the encroachment. The encroachment will take place along the Daleray Drive frontage. Daleray Drive is a local-class road with a 60 foot right-of-way.

Prior to beginning construction, the applicant requested a building permit from Louisville Metro. The permit was issued in error without the required variances under permit number BL1018291, on 04-07-2017. A stop-work order was issued when the error was discovered during an inspection, on 05-09-2017, and the applicant was referred to the Office of Planning and Design Services to apply for the required variances.

Should the Board of Zoning Adjustment choose to approve the variances, staff recommends the following conditions of approval:

1. The pole barn is to be restricted to accessory uses related to the principal residential use of the property. No commercial uses are permitted in the pole barn except for a registered home occupation as allowed by the Land Development Code.
2. The approved variances apply only to the pole barn under construction as of the June 5, 2017 hearing date. Any variance required for any other structure, including any future replacement of the pole barn under construction as of the June 5, 2017 hearing date, must be requested separately.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

BL1018291 Building permit for pole barn issued 04-07-2017.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

**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 pole barn will not obstruct the sight triangle at the corner.

- (b) The requested variance will alter the essential character of the general vicinity.

STAFF: The requested variance will alter the essential character of the general vicinity as the location of the structure in the street side yard is out of character for the neighborhood.

- (c) The requested variance will cause a hazard or nuisance to the public.

STAFF: The requested variance will cause a hazard or nuisance to the public as the location in the street side yard will obstruct views down Daleray Drive and become a visual nuisance.

- (d) The requested variance will allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as the pole barn will be located almost entirely within the street side yard setback, and could have been located where the existing garage is to be removed.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone as the lot is regular in shape with no known topological constraints and very little constraint from a sanitary sewer easement at the rear of the lot.

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 because the pole barn has been partially constructed after receiving a building permit from Louisville Metro.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the construction is new and was initiated after the adoption of the zoning regulation.

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR VARIANCE FROM SECTION 5.4.2.C.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 pole barn will not obstruct the sight triangle at the corner.

- (b) The requested variance will alter the essential character of the general vicinity.

STAFF: The requested variance will alter the essential character of the general vicinity as the scale and massing of the structure are out of character for the neighborhood.

- (c) The requested variance will cause a hazard or nuisance to the public.

STAFF: The requested variance will cause a hazard or nuisance to the public as the pole barn is out of scale for the neighborhood, creating a visual nuisance.

- (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 Land Development Code contains a mechanism for non-variance approval of an accessory structure with a footprint in excess of 100%, but less than 150%, of the footprint of a principal structure.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 not generally apply to land in the general vicinity or the same zone as the other houses in the neighborhood are similar in size to the house on the subject property.

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 because the pole barn has been partially constructed.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the construction is new and was initiated after the adoption of the zoning regulation.

TECHNICAL REVIEW

- No technical review undertaken.

STAFF CONCLUSIONS

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 table 5.3.1 allowing an accessory structure to encroach into the required 30' side yard setback, and a variance from section 5.4.2.C.1 to allow an accessory structure to exceed the footprint of the principal structure.

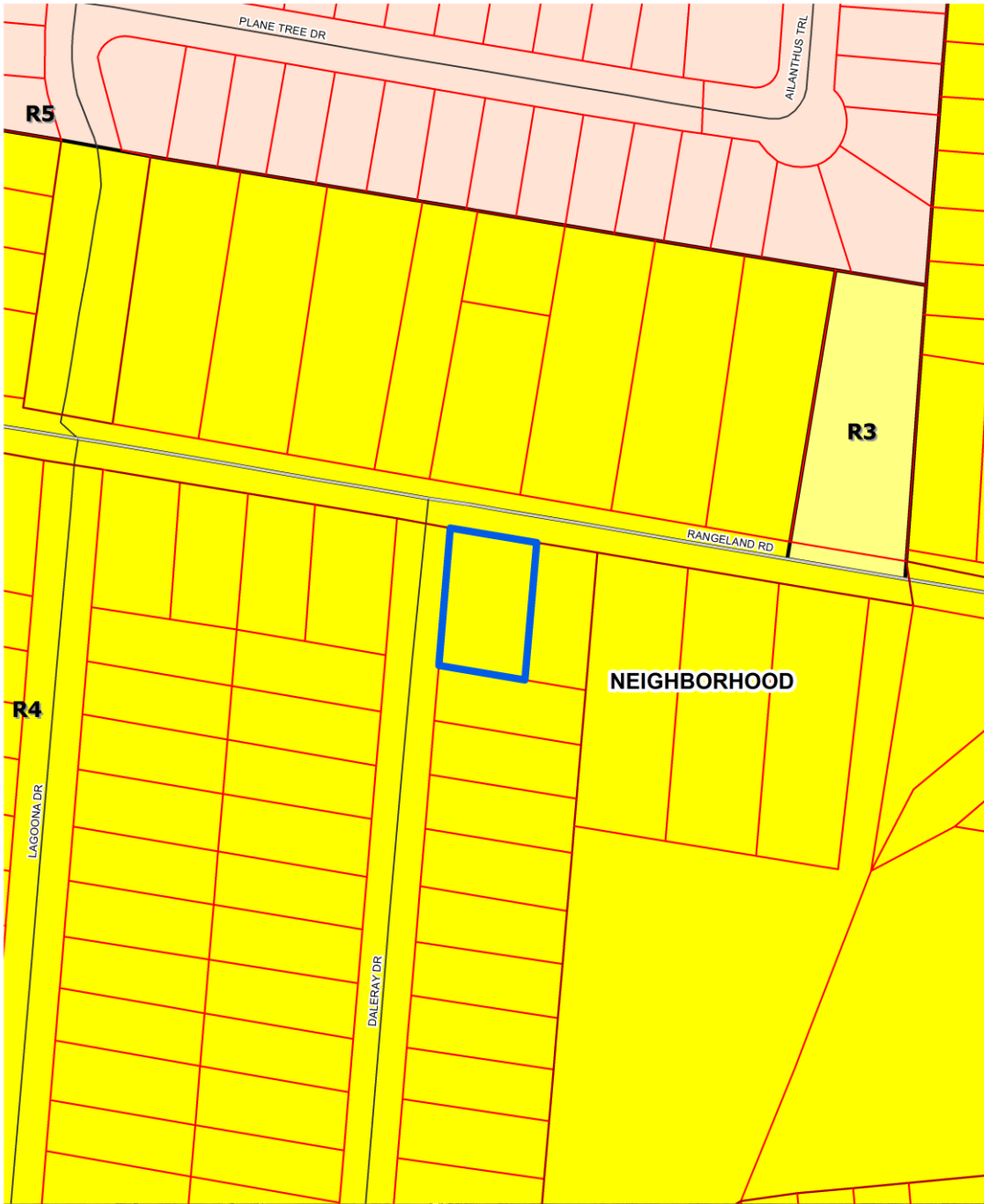
NOTIFICATION

Date	Purpose of Notice	Recipients
05-22-2017	Public Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 2 Notification of Development Proposals
05-22-2017		Sign posted on property

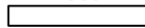
ATTACHMENTS

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

1. **Zoning Map**



1612 Rangeland Road
feet



140

Map Created: 5/25/2017

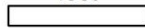


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2. Aerial



1612 Rangeland Road
feet



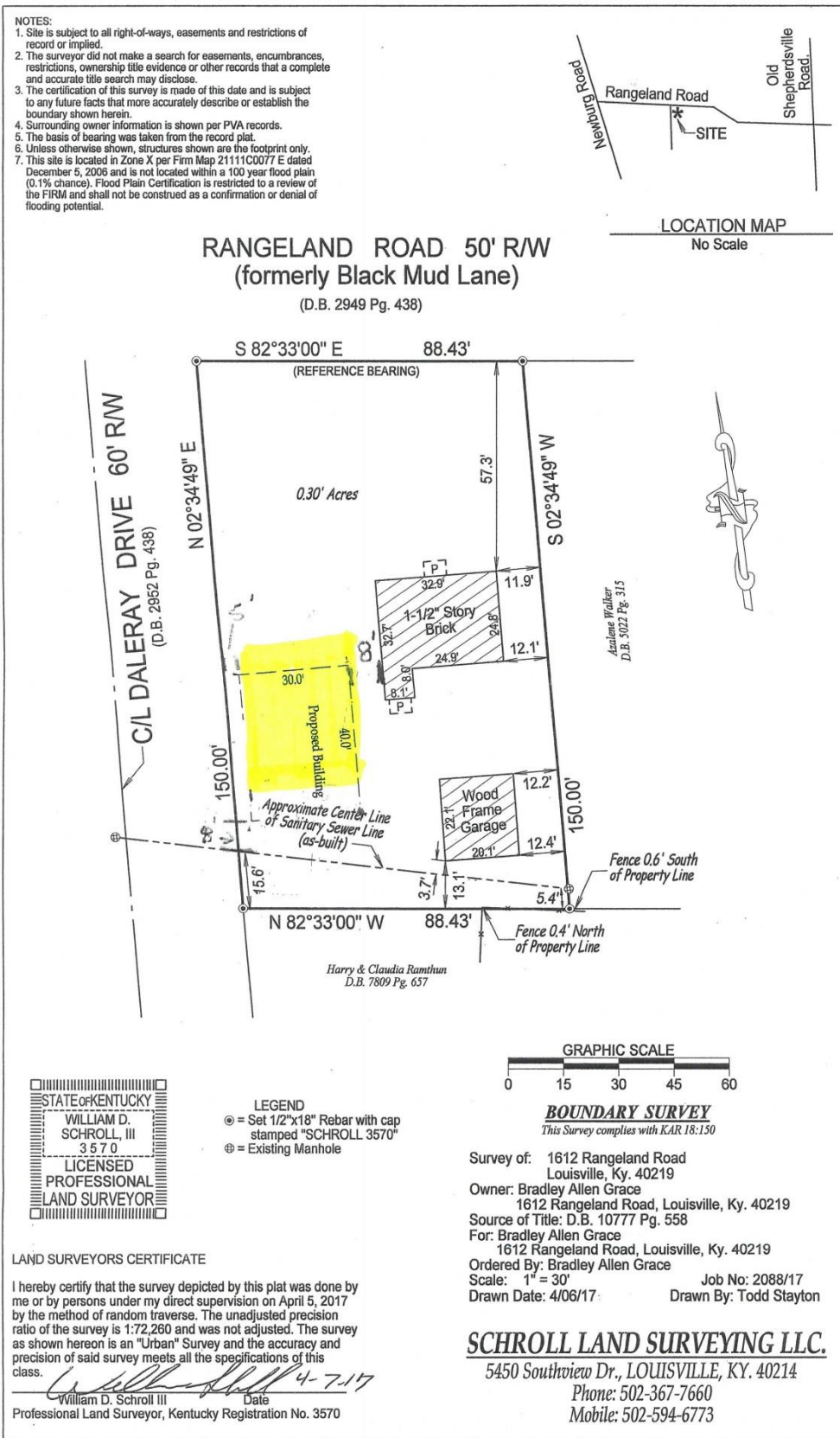
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Map Created: 5/25/2017

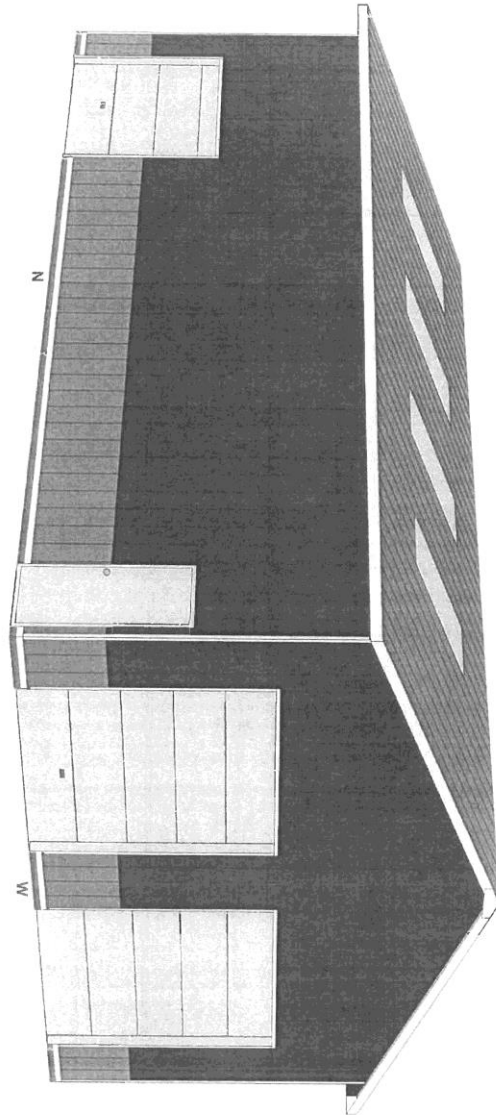


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3. **Site Plan**



4. Elevations



5. Site Photos



The subject property from the front, with the residence and the partially constructed pole barn.



The residence to the east of the subject property.



The residence across Daleray Drive.



The front of the property looking south.



The front of the property looking south.



Looking south at the front of the pole barn.



The partially constructed pole barn.



The partially constructed pole barn as seen from across Daleray Drive.



The south-west corner of the partially constructed pole barn.



The south-west corner of the partially constructed pole barn.



Looking north along the western side of the pole barn.



The circled bottle is at the approximate location of the property line.



The circled bottle is at the approximate location of the property line.