

Board of Zoning Adjustment Staff Report

April 7, 2014



Case No:	14Variance1018
Project Name:	Proposed House
Location:	15001 Timeless Ln.
Owner(s):	Keith Eberenz, River Glen Landis, LLC.
Applicant:	Gary Dukes, PLS
Representative(s):	Same
Project Area/Size:	.278 Ac. (lot)
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Latondra Yates, Planner II

REQUEST

- Variance of Table 5.3.1. of the Land Development Code (LDC) to allow a proposed house to encroach into the required street side yard. The requested setback is 23 feet, a variance of 7 feet.

Variance

Location	Requirement	Request	Variance
Street side yard (Timeless Ln.)	30 ft.	23 ft.	7 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The variance is for construction of an approximately 2,937 sf. single-family house.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood Form District (NFD). It is surrounded by residential property zoned R-4 in the NFD.

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-4	NFD
Proposed	Single-family residential	R-4	NFD
<i>Surrounding Properties</i>			
North	Single-family residential	R-4	NFD
South	Single-family residential	R-4	NFD
East	Single-family residential	R-4	NFD
West	Single-family residential	R-4	NFD

PREVIOUS CASES ON SITE

The site is Lot 30 of Fossil Creek (now Landis Springs) Subdivision, Section 1, recorded in Plat Book 51, Page 91.

INTERESTED PARTY COMMENTS

Staff received a phone call of inquiry from an adjoining property owner who expressed no issues with the proposed development.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020 – See checklist attached
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed house appears to be situated in a manner that will not impede sight distance or negatively affect the view of neighboring properties.

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

STAFF: The variance will not alter the essential character of the general vicinity because there appear to be houses of similar setbacks in the neighborhood. There was at least one variance granted for the same encroachment on a corner lot within the subdivision.

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

STAFF: The variance will not cause a hazard or nuisance to the public because the proposed house appears to be situated in a manner that will not impede sight distance or negatively affect the view of neighboring properties.

- (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 because there appear to be other houses in the neighborhood with similar setbacks. Also, the majority of the street side setback will be observed.

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 variance arises from the request to construct the house.

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 provision of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because it would appear that the house could be designed to observe the setback.

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 the request for construction of the house.

TECHNICAL REVIEW

No outstanding technical review items.

STAFF CONCLUSIONS

The variance to allow the proposed house to encroach into the required street side yard meets 5 of the applicable guidelines of the Comprehensive Plan. The proposed house appears to be compatible in that there appear to be houses with similar setbacks, scale and design in the neighborhood. There is another corner lot in the subdivision that had the same variance approved. The house is situated in a manner that does not appear to impede sight distance or negatively affect the views of adjacent properties.

Three of the guidelines can be addressed during construction review.

Staff's analysis of the standards of review supports the granting of the variance.

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 as established in the Land Development Code.

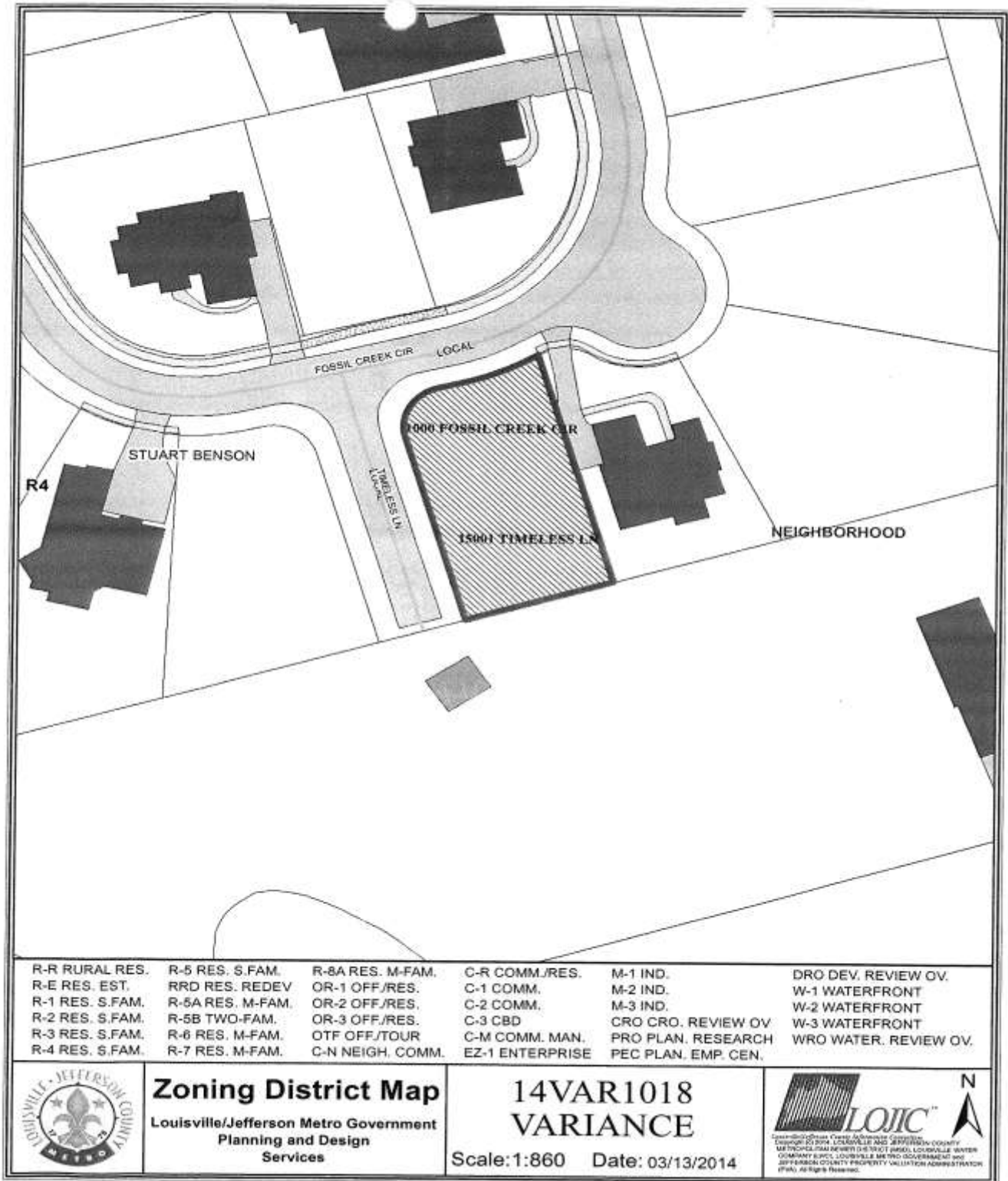
NOTIFICATION

Date	Purpose of Notice	Recipients
3/21/2014	BOZA Hearing	1 st and 2 nd tier adjoining property owners
3/21/2014	Sign Posting	On property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation
5. Cornerstone 2020 Staff Checklist
6. Applicant's Justification Statement

1. **Zoning Map**



2. Aerial Photo



R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	

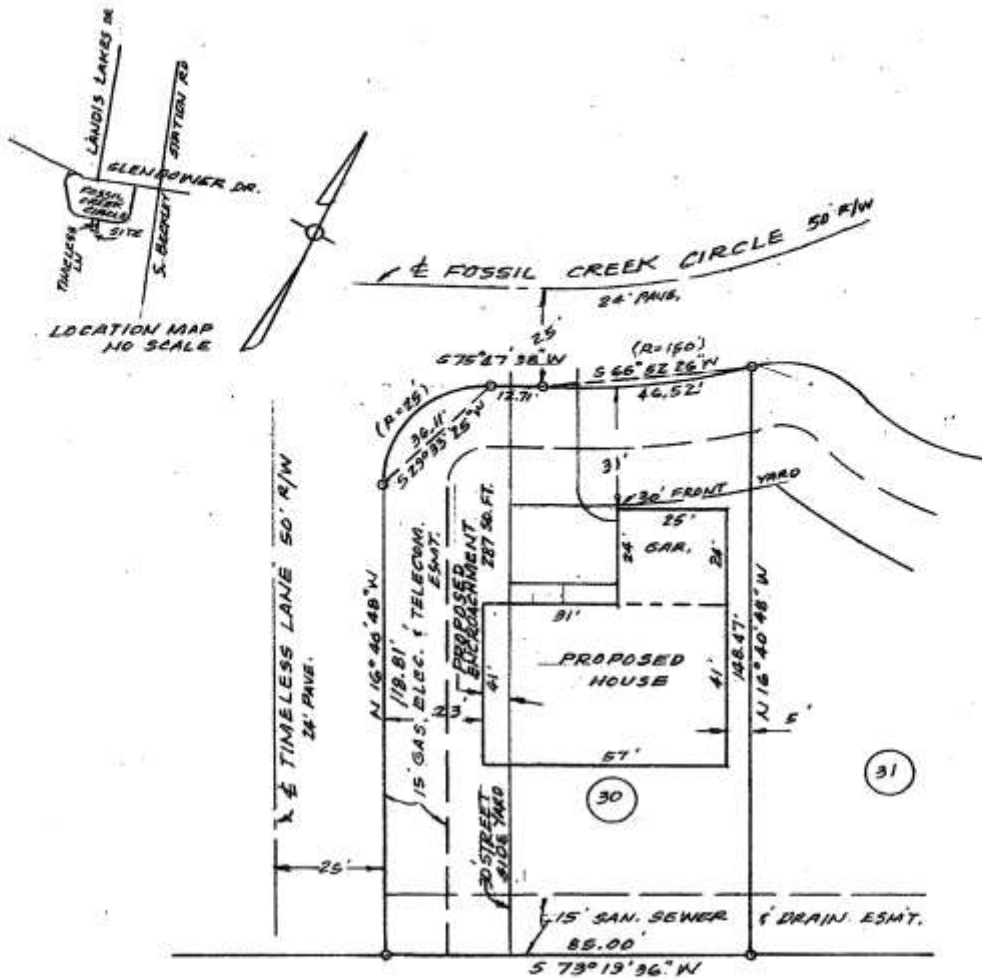


Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

**14VAR1018
 VARIANCE**
 Scale: 1:405 Date: 03/13/2014



3. Site Plan



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GARY DUKES PLS
 LAND SURVEYOR
 3602 Briarglen Lane
 Louisville, Kentucky 40220
 502-553-4912

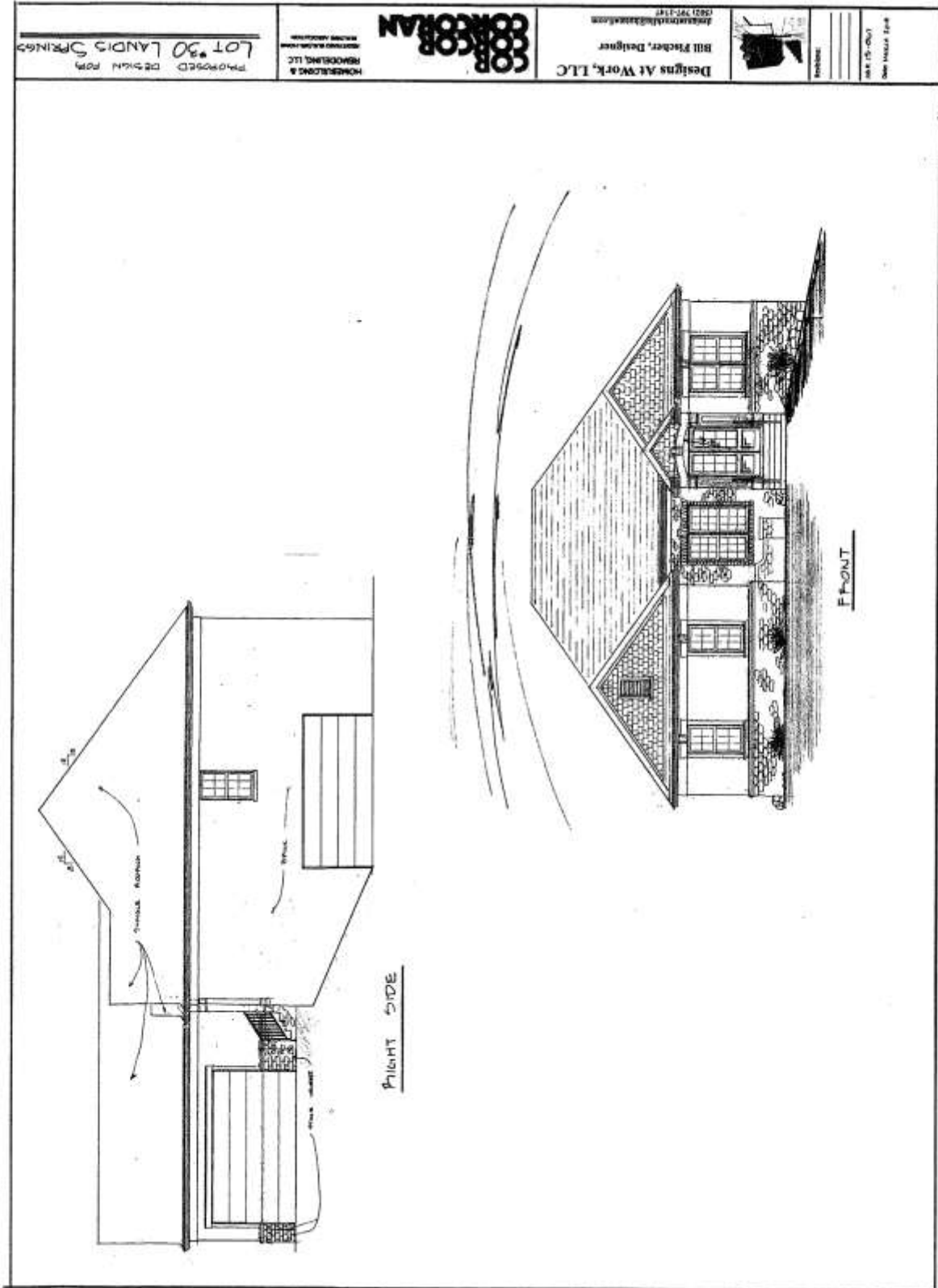
VARIANCE OF STREET SIDE YARD.

Location: 15001 TIMELESS LANE
LANDIS SPRINGS
 Description: LOT 30, FOSSIL CREEK
SLIBD. SEC. 1, P.B. 31 P. 91
 For: RIVER GLEN LANDIS LLC.

Scale: 1" = 30' Date: 3-4-14 By: G.J.O.
J.M.D.



4. Elevation



PHASED DESIGN FOR LOT #30 LANDS SPRINGS	HOUSING & REMODELING, LLC 10000 W. WILLOW SPRING, ARIZONA	CONCORAN	Designs At Work, LLC Bill Fischer, Designer 10000 W. WILLOW SPRING, ARIZONA	DATE: 12-15-13 DRAWN BY: [Signature]
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5. **Cornerstone 2020 Comprehensive Plan Checklist**

18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	√	The proposed setback appears to be compatible with that of others in the subdivision. There is at least one other corner lot in the subdivision that has the same variance approved.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	√	The proposed building materials appear to be compatible with other houses in the subdivision.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	√	The proposed house appears to be compatible within the surrounding residential area with respect to its design, scale, height and setbacks.
29	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	The proposed setbacks appear to be compatible with other lots in the subdivision.
43	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	Subject to construction review.
45	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Site served by existing utilities.

46	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	+/-	Subject to construction review.
47	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	Subject to construction review.

6. **Applicant's Justification Statement**

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Explain how the variance will not adversely affect the public health, safety or welfare.**

The encroachment we not hinder or block view of any obstacle

2. **Explain how the variance will not alter the essential character of the general vicinity.**

The structure will be comparable to the existing neighborhood achitecture

3. **Explain how the variance will not cause a hazard or a nuisance to the public.**

The encroachment will not be noticeable to the street side view

4. **Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The encroachment is a small percentage of the required side yard

Additional consideration:

1. **Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

Because of the lot size, configuration and 30 foot building line

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2. **Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

The design of the house makes it necessary to face Fossil Creek Circle due to the topography of the lot.

DESIGN SERVICES

3. **Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

Yes, the developer purchased the remainder of the existing vacant subdivision

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