

Development Review Committee

Staff Report

April 4, 2018



Case No:	18WAIVER1009
Project Name:	4620 Spen Lea Road Garage
Location:	4620 Spen Lea Road
Owner(s):	Stephen & Vickie Fetter
Applicant:	Stephen Fetter
Jurisdiction:	City of Shively
Council District:	3 – Mary Woolridge
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Waiver** from City of Shively Land Development Code section 5.4.2.D.1 to allow the footprint of an accessory structure to exceed the footprint of the principal structure on a lot

CASE SUMMARY/BACKGROUND

The subject property is located in the City of Shively, near the crossing of Spen Lea Road over Upper Mill Creek. The property currently contains a one-story single-family residence with a one-car detached garage. The applicant proposes to demolish the existing garage and construct a new, 1,800 square foot four-car detached garage behind the principal structure. The principal structure has a footprint of approximately 1,440 square feet. The applicant requests a waiver to allow the construction of an accessory structure with a footprint that exceeds the footprint of the principal structure.

The Development Review Committee will make a recommendation of approval or denial of the waiver request to the City of Shively.

STAFF FINDING

Staff finds that the requested waiver 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 Development Review Committee must determine if the proposal meets the standards for granting a waiver established in the City of Shively Land Development Code from section 5.4.2.D.1 to allow the footprint of an accessory structure to exceed the footprint of the principal structure.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.4.2.D.1

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the proposed garage will not be visible from the right-of-way and will be surrounded by an existing privacy fence which will limit its visibility to neighboring properties.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 does not address accessory structures except for accessory dwelling units. The proposed garage will be used to store collectable cars and a boat, and not as a dwelling unit.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant needs a large garage to store a number of vehicles.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by constructing a privacy fence that encloses the rear yard, and which will screen the garage and reduce its apparent mass and scale to neighboring properties.

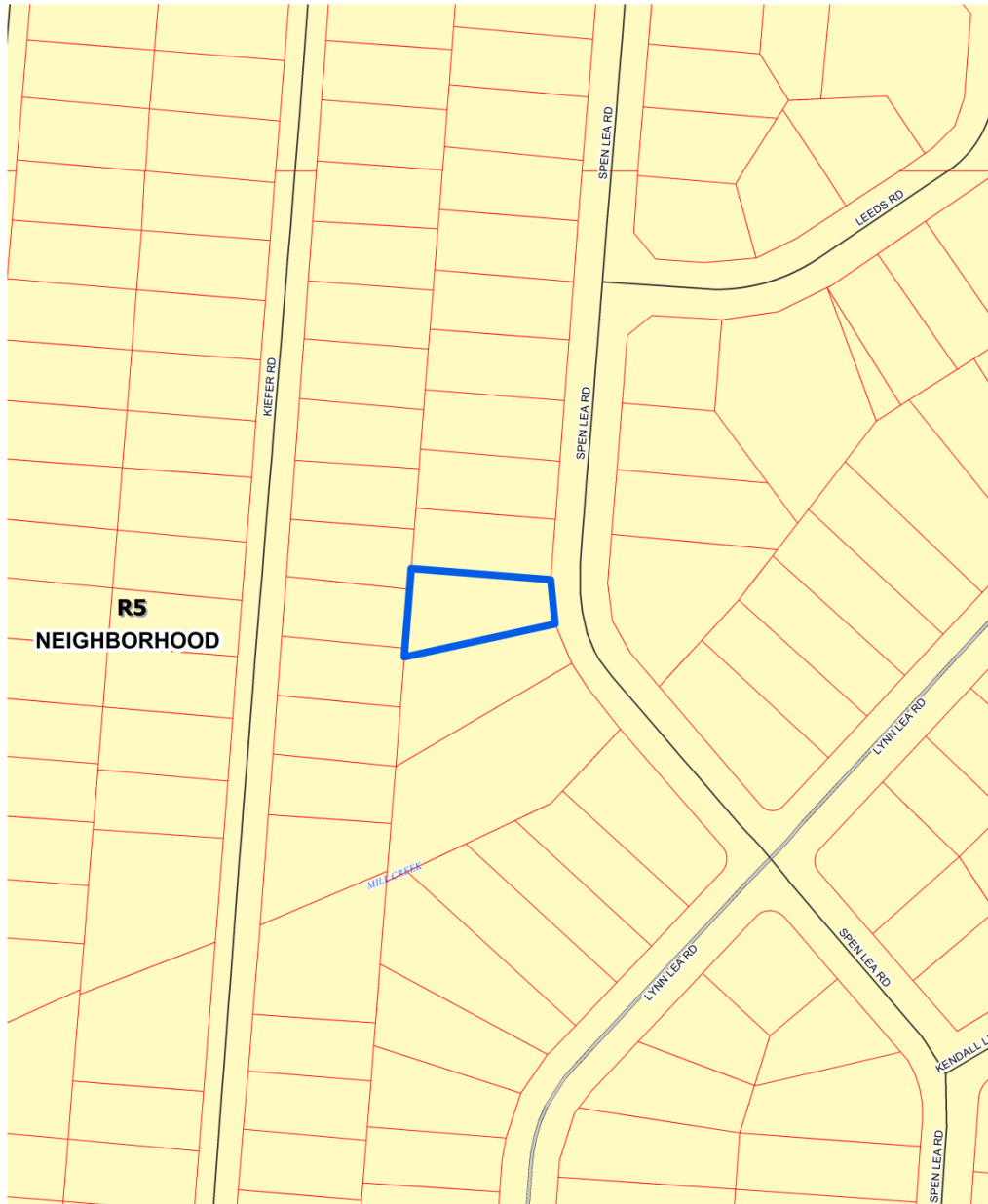
NOTIFICATION

Date	Purpose of Notice	Recipients
03/14/2018	DRC Public Meeting	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 3

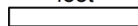
ATTACHMENTS

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

1. **Zoning Map**



4620 Spen Lea Road
feet

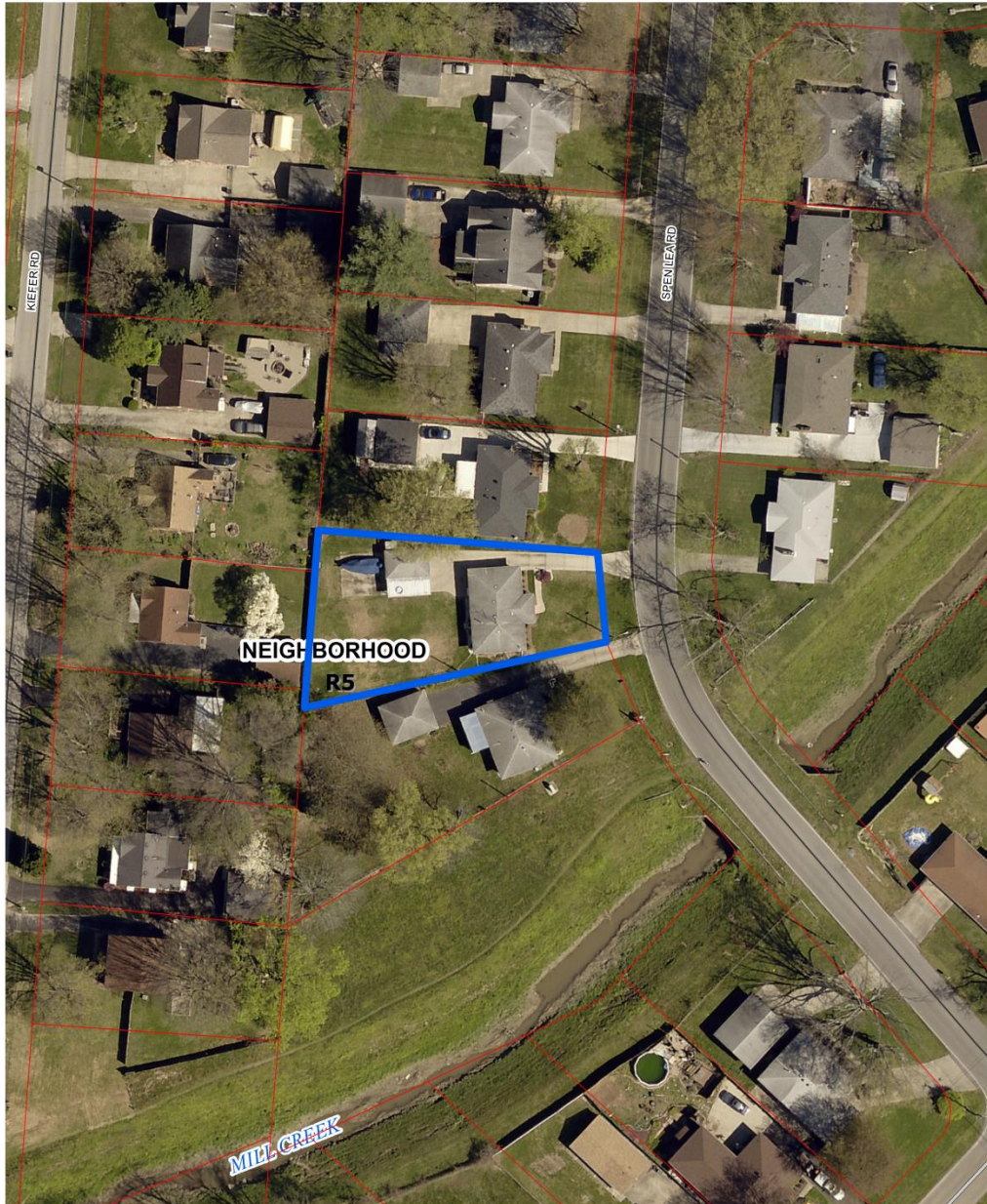


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Map Created: 3/21/2018

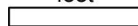


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2. Aerial Photograph



4620 Spen Lea Road
feet



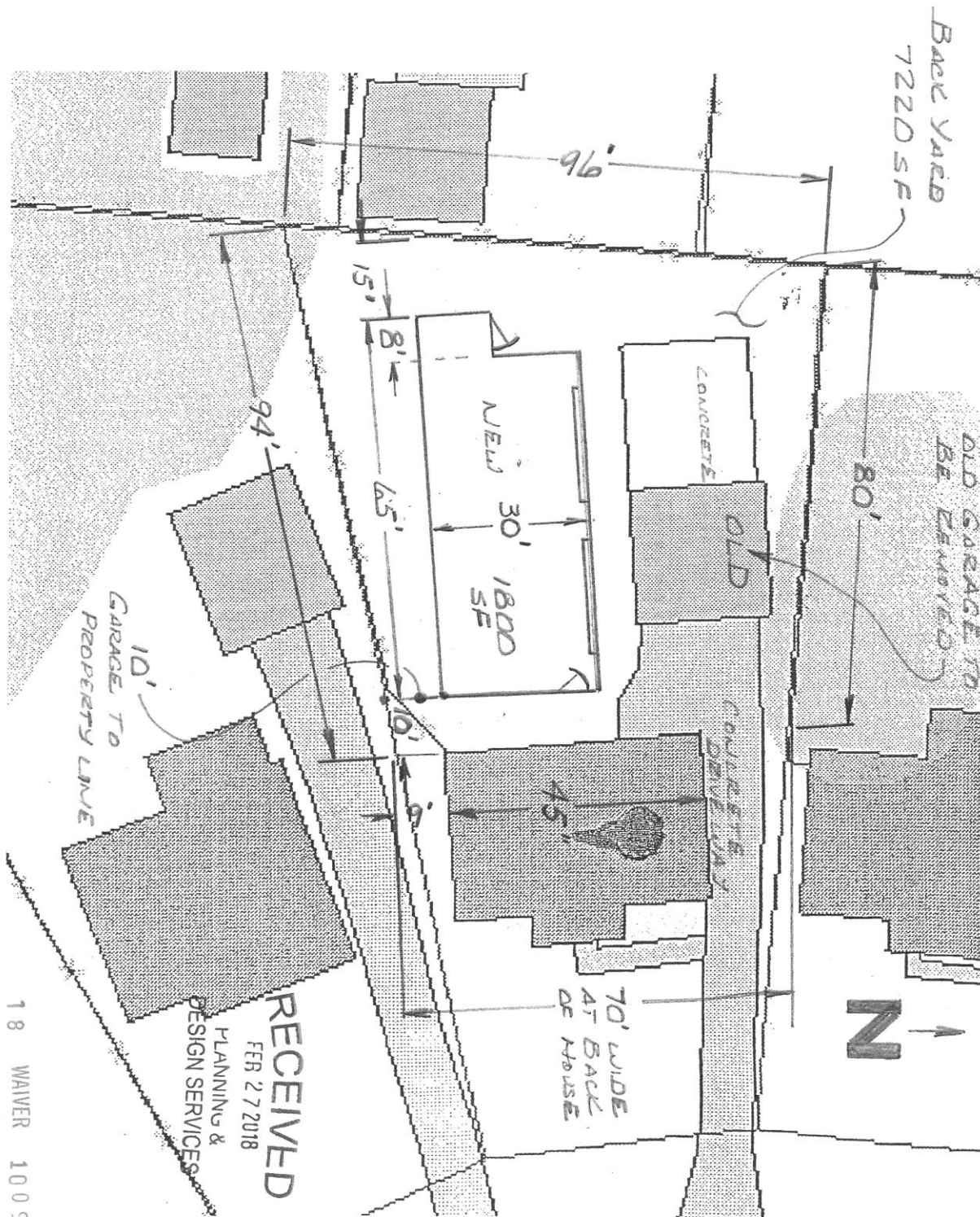
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Map Created: 3/21/2018

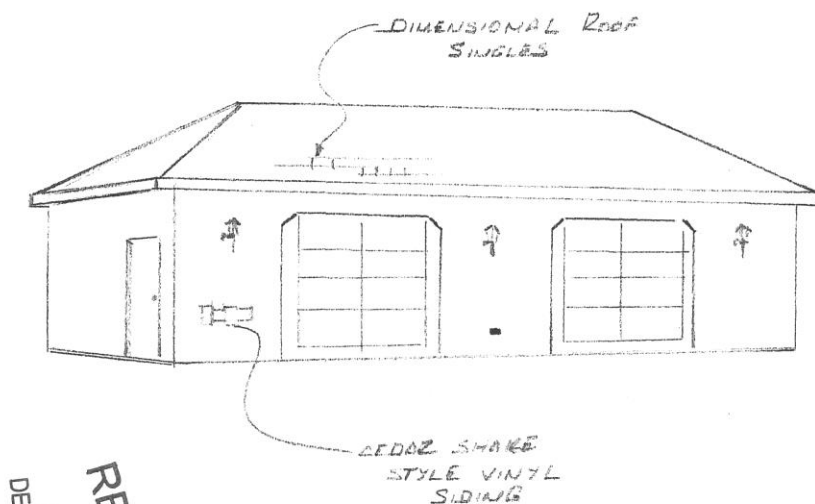


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3. Site Plan



4. Elevation



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FEB 27 2018
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