

**Board of Zoning Adjustment**  
**Staff Report**  
November 4, 2019



<b>Case No:</b>	19-MVARIANCE-0002
<b>Project Name:</b>	Kenlie Place
<b>Location:</b>	4229 Taylorsville Rd
<b>Owner(s):</b>	Steve H. Scott, 4229 SMS, LLC
<b>Applicant:</b>	Steve H. Scott, 4229 SMS, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

**REQUEST:**

1. **Modified Variance** of Land Development Code 5.3.1.D.1.b and 5.3.1.D.1.c to allow parking to encroach into the front and rear yards

**CASE SUMMARY/BACKGROUND**

The subject site is zoned PRD Planned Residential Development and OR-2 Office/Residential in the Neighborhood form district. It is located on the north side of Taylorsville Road equidistant between the intersections with Lowe Road and McMahan Boulevard. The subject site is surrounded on all sides by R-4 Residential Single Family parcels.

The subject site is currently developed with a single family residence, which the applicant is proposing to relocate and reuse as the office building portion of the development. The applicant is proposing to construct 28, 3 bedroom patio homes, plus the relocated 2,025 square foot two-story office building. The previously approved plan, 18ZONE1068, proposed a total of 34 buildable residential lots, one office building lot and two open space lots, whereas the current plan proposes 28 buildable residential lots, one office lot and two open space lots. The reduction in units is due to the increased unit size, from 2 bedroom to 3 bedroom patio homes.

A related case for a Revised Development Plan, 19-DDP-0040, was heard and approved by the Development Review Committee on October 2, 2019. The Board of Zoning Adjustment does not act on this case.

Previous cases:

- 18ZONE1068: Change in zoning from R-4 Residential and OR-2 Office/Residential to PRD Planned Residential Development and OR-2 for 36 single family attached homes on 4.67 acres; a variance to allow for pavement and parking to encroach into the 15 foot front yard; a waiver to eliminate the 20 foot LBA and planting requirements where the OR-2 zoning is adjacent to the PRD zoning.

Since the OR-2 lot is not changing with the currently proposed plan, the waiver still applies.

Since the layout of other lots changed with the currently proposed plan, a modified variance is required for the lots where the layout has changed (specifically, Lots 11-18 on the currently proposed plan). The applicant is requesting a variance to allow parking to encroach into the front and rear yards of Lots 11-18.

**STAFF FINDINGS**

The variance request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

Public Works and MSD have provided preliminary approval.

**INTERESTED PARTY COMMENTS**

Staff has received no interested party comments in response to this proposal.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.3.1.D.1.b AND 5.3.1.D.1.c TO ALLOW PARKING TO ENCROACH INTO THE FRONT AND REAR YARDS**

- (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 structures are interior to the Kenlie Place development and will not be visible from or affect the aesthetics of the adjacent properties, and the parking will only be utilized by residents and/or their visitors.

- (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 because the proposed structures are interior to the Kenlie Place development and will not be visible from adjacent properties.

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed structures are interior to the Kenlie Place development and will not be visible from or affect the aesthetics of the adjacent properties, and the parking will only be utilized by residents and/or their visitors.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed structures are interior to the Kenlie Place development and will not be visible from or affect the aesthetics of the adjacent properties, and the parking will only be utilized by residents and/or their visitors.

**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 since the proposal is requesting a mix of housing options where the parking and driveways for the lots are oriented differently than standard single family lots.

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 front yards from the proposal are all internal to the site, and the development could not achieve the density and would require a less compact development.

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. Additionally, the previously approved plan received a variance to allow parking to encroach into the front and rear yards, but since the lot configuration has changed, the currently proposed plan requires the variance request.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance**

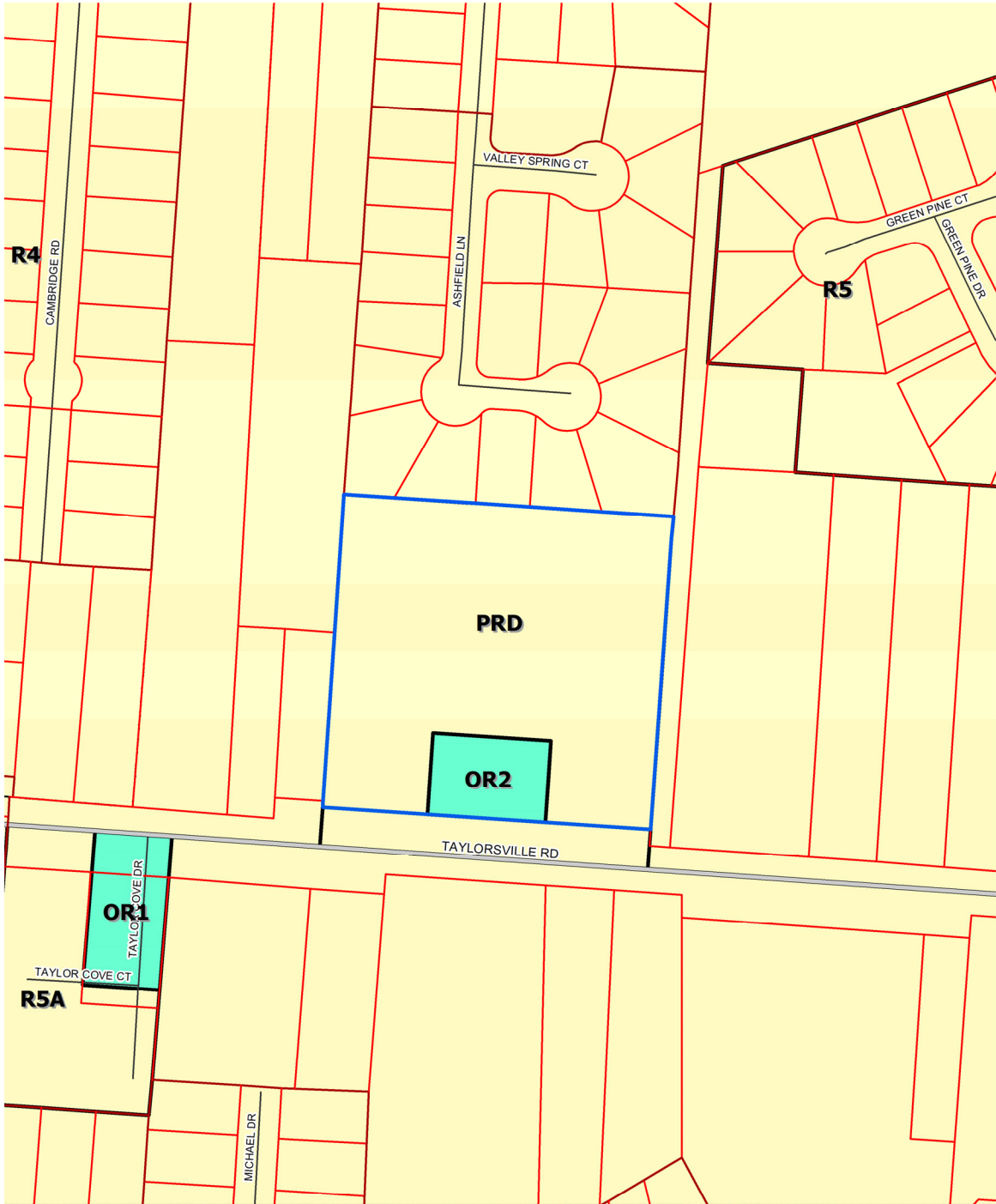
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11-4-19	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 18

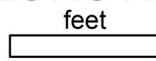
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



**4229 TAYLORSVILLE ROAD**



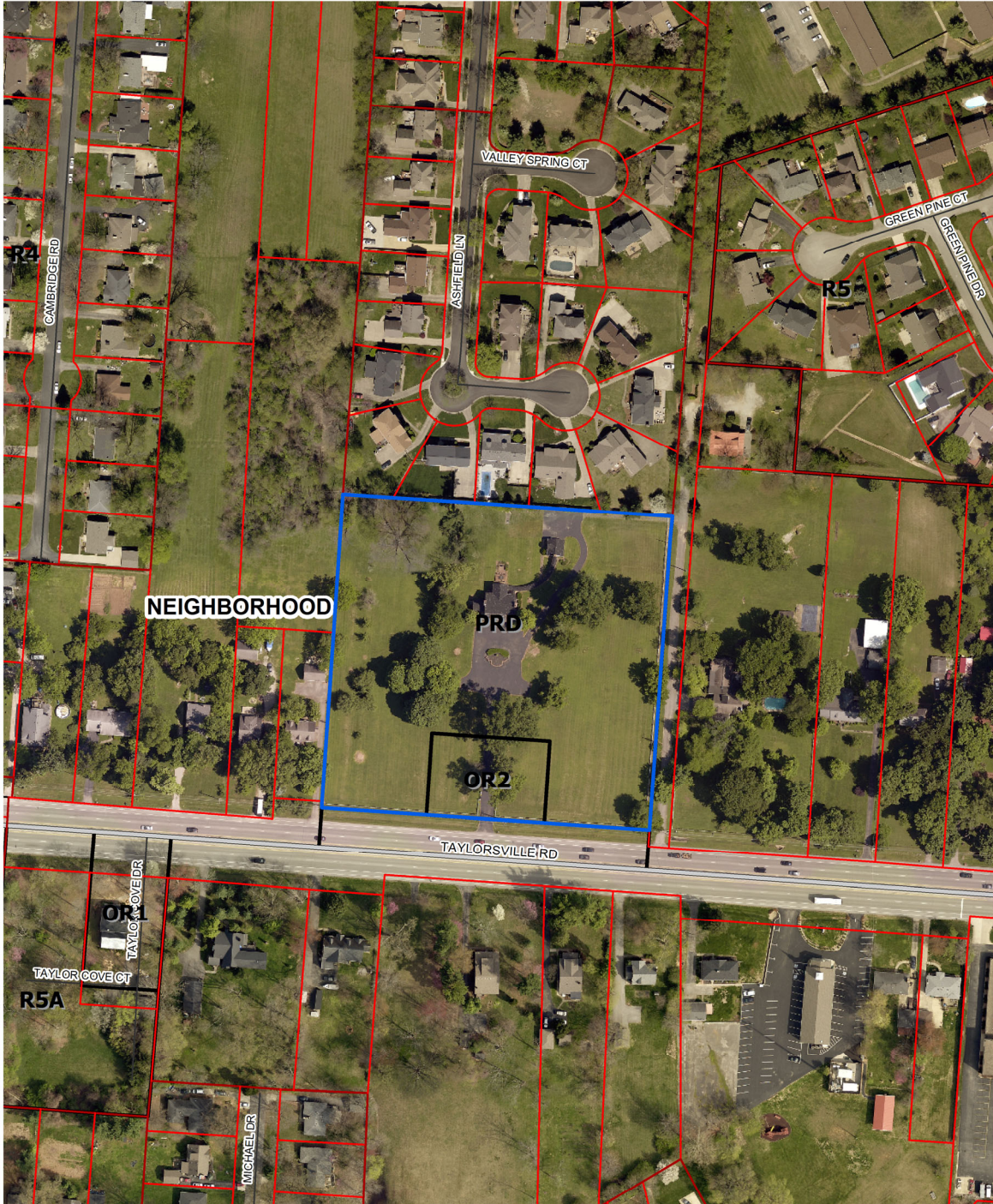
Map Created: 8/19/2019



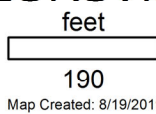
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2. Aerial Photograph



4229 TAYLORSVILLE ROAD



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