

**Board of Zoning Adjustment**  
**Staff Report**  
 June 3, 2019



|                          |   |
|--------------------------|---|
| <b>Case No:</b>          | 19VARIANCE1039                            |
| <b>Project Name:</b>     | Sanctuary Bluff Lane Variance             |
| <b>Location:</b>         | 4119 Sanctuary Bluff Lane                 |
| <b>Owner/Applicant:</b>  | Sham S. Kakar – Sunrise Custom Homes, LLC |
| <b>Jurisdiction:</b>     | Louisville Metro                          |
| <b>Council District:</b> | 16 – Scott Reed                           |
| <b>Case Manager:</b>     | Zach Schwager, 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 | 30 ft.      | 16.11 ft. | 13.89 ft. |

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Sanctuary Bluff subdivision. It contains a 2 ½ story single-family residence. The structure has already been built and is encroaching into the required front yard setback. The property owner obtained an approved construction plan on January 2, 2019 and a building permit on January 4, 2019. The permit was issued in error based upon a faulty survey, which showed the front property line in the incorrect location. The requested variance is to bring the structure into compliance with the Land Development Code.

**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 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**

Staff received a letter of support from the developer of Sanctuary Bluff subdivision on May 23, 2019.

**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 there is an approved construction plan and a building permit has been issued to the property owner.

- (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 there is some variation in front yard setbacks for principal structures in the area.

- (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 there is an approved construction plan and a building permit has been issued to the property owner.

- (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 it is an existing structure and a building permit has been issued to the property owner.

**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 generally apply to land in the general vicinity or the same zone as the property is similarly sized as the surrounding 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 property owner received a building permit and would have to demolish the entire residence.

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 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 after the structure was placed in the current location. However, the applicant went through the correct process and was not told they needed a variance until after the structure was completed.

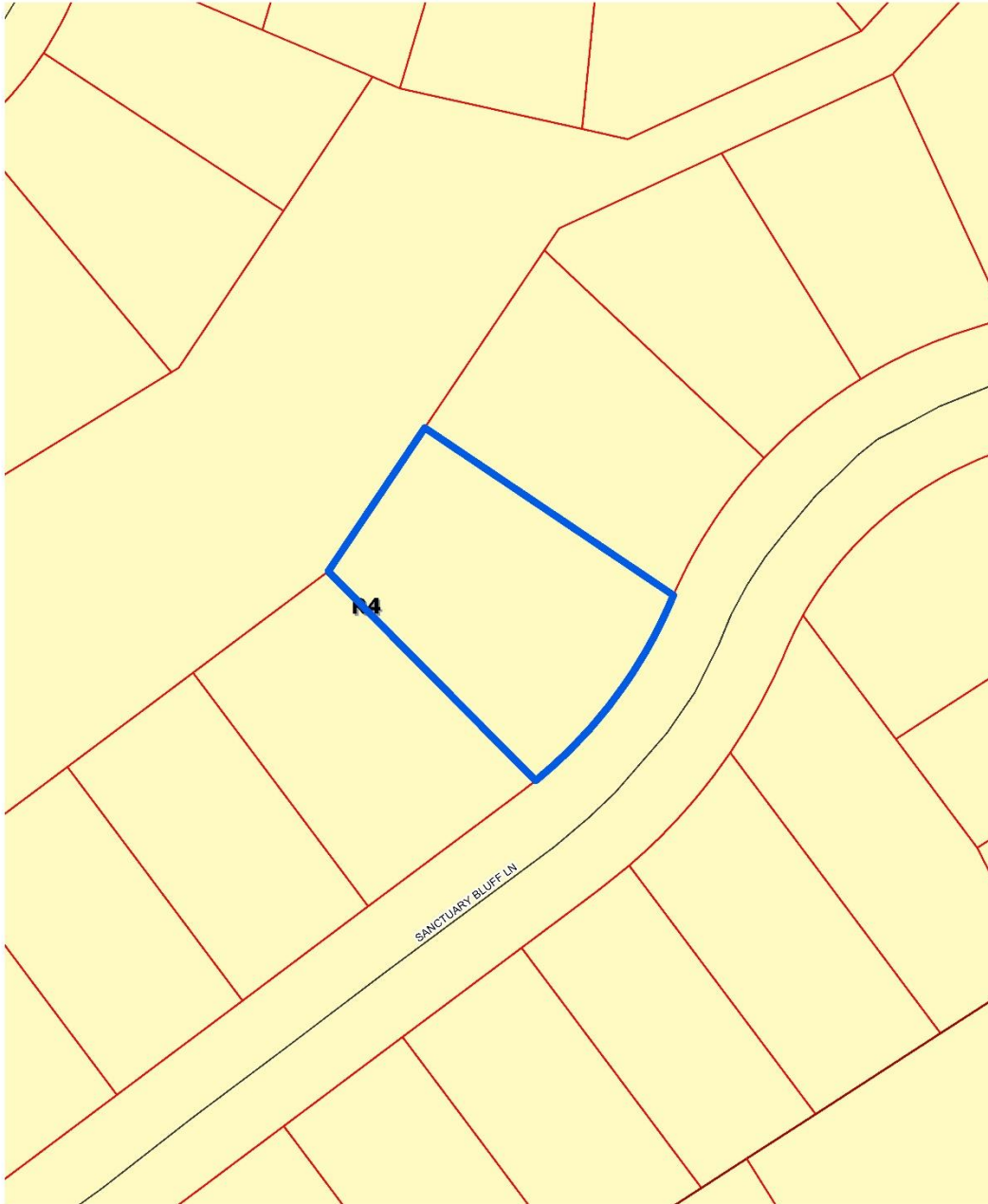
**NOTIFICATION**

| <b>Date</b>       | <b>Purpose of Notice</b> | <b>Recipients</b>   |
|-------------------|--------------------------|---|
| <b>05/07/2019</b> | Hearing before BOZA      | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 16 |
| <b>05/23/2019</b> | Hearing before BOZA      | Notice posted on property   |

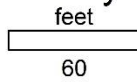
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Approved Construction Plan/Building Permit

1. **Zoning Map**



4119 Sanctuary Bluff Lane



Map Created: 5/23/2019

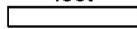


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2. Aerial Photograph



4119 Sanctuary Bluff Lane  
feet



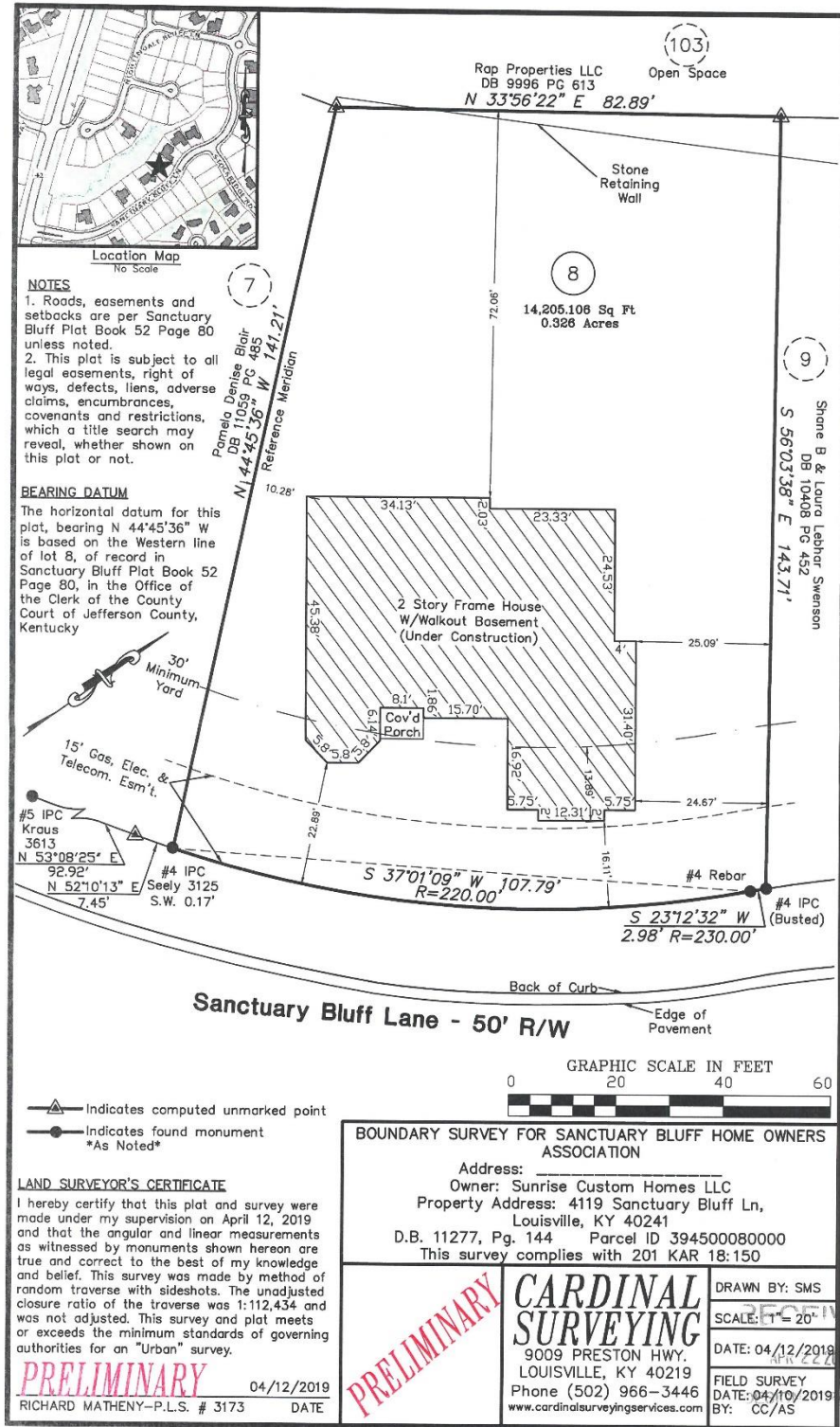
60

Map Created: 5/23/2019



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3. **Site Plan**



4. Site Photos



05/23/2019 08:13

Front of the subject property.



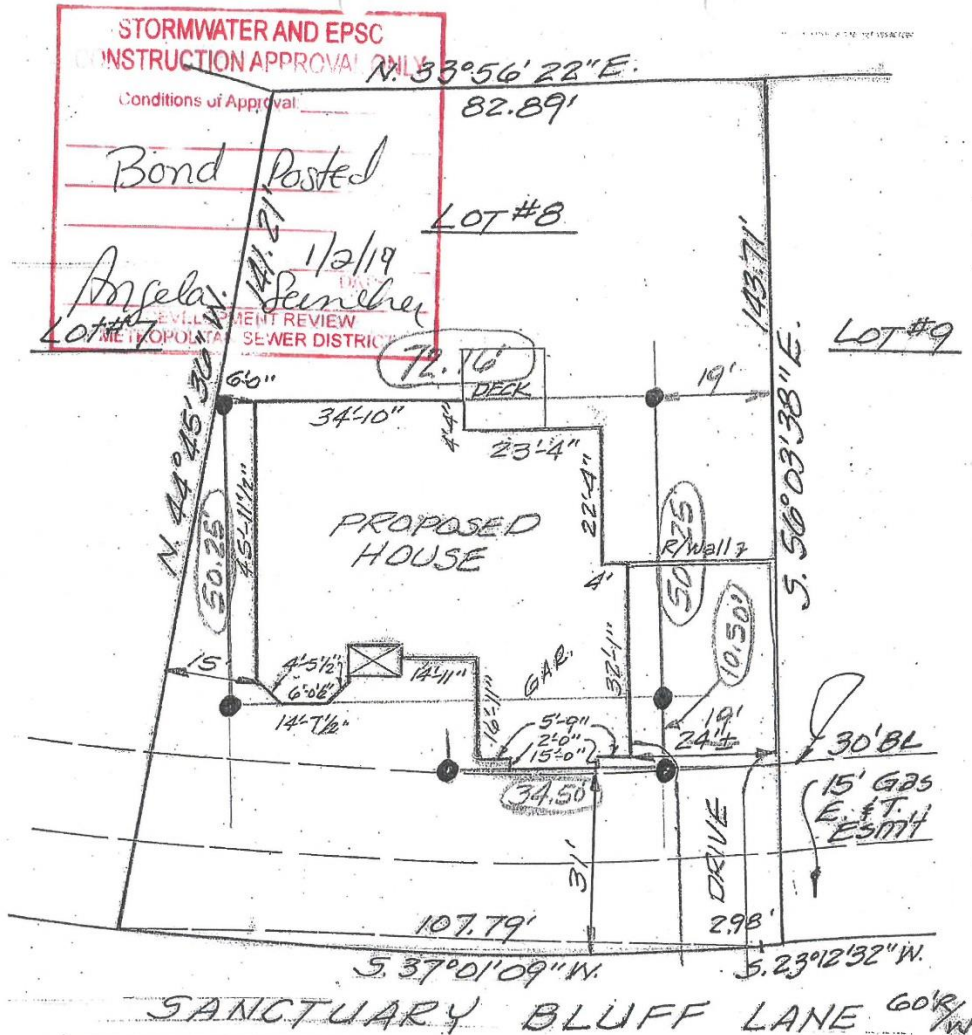
Looking west showing the front yard setback.





Looking east showing the front yard setback.

5. Approved Construction Plan/Building Permit



**PLOT PLAN ONLY**  
**DO NOT SCALE**

Survey For SHAM KAKAR Bldg.  
 Location LOT #8  
SANCTUARY BLUFF  
P.B. 52, Pg. 80  
 Scale: 1" = 20' Date: 12-21-18

**C.R.P. & ASSOC., INC.**  
 7321 New LaGrange Road, Suite 111  
 Louisville, KY 40222  
 (502) 428-8747 • Fax (502) 429-0602

This tract shown on this plat is subject to all easements and right-of-way and restrictions visually apparent and of record



Louisville-Jefferson County Metro Government

# Develop Louisville

Office of Construction Review

444 S. 5th Street, Suite 100 - Louisville, KY 40202

Phone: 502.574.3321 Web Site: www.LouisvilleKY.Gov/Government/Construction-Review

## BUILDING PERMIT

Permit Number: BL1085675

Issue Date: 01/04/2019

Fire District: HARRODS CREEK

Applicant: CUSTOM HOMES LLC SUNRISE  
7404 WYCLIFFE DR  
PROSPECT, KY 40059-8888

### To Request an Inspection

Call: 502.574.4400 or

Email: bldghvacinspection@louisvilleky.gov

Website: Submit request info on our website

See back for more details

Location: 4119 SANCTUARY BLUFF LN

Inspector: MICHAEL MOO YOUNG

Phone: (502)773-2106x

Email: michael.mooyoung@louisvilleky.gov

A/P Name: New Construction 'Sunrise Custom Homes'

### PERMIT DETAILS

Work Type: New

Square Footage: 6,319

Estimated Cost: \$850,000

Occupancy Type: Single Family

No. Stories: 2

Occupancy Load: 0

**Description of Work:** New 3394sqft dwelling unit, 6 Bed; Br vnr; one story w/ 1868sqft finished basement, 45sqft covered front porch, 224sqft covered deck, and 788sqft attached garage. Any retaining walls 4' or higher require KY engineers stamp; all bedrooms in basement shall have emergency egress; basement insulation, KRC N1101.2.1; slab on grade insulation, KRC N1101.2.2. Field Inspector to verify braced wall panels, Continuously Sheathed Portal Frame at Garage, are in compliance, 2012 IRC Section 602.10.6. Truss floors assemblies shall provide draftstopping and fireblocking, Sections R302.11 and R302.12; rafter spans shall not exceed 17'-1". Decks, ends of all deck lag screws thru a combined ledger board and band board shall be visible to the field inspector; shall verify pressure treated ledger board no less than the size of the joists or other approved engineered materials, all ledger flashing, and staggered lag screw/bolt patterns, 2013 KRC Section R507; deck/beam girder shall completely be notched into post and bear onto the 6x6 posts. All engineered LVL, Steel beam, and/or Engineered Truss calculations with sealed approvals shall be provided to field inspector prior to inspection. Enclosed under-stair spaces where accessible shall have all walls, under-stair surfaces, and soffits protected with 1/2" gypsum board, Section R302.7. Carbon monoxide detector required outside each bedroom, Section R315. Baths shall have glazing ventilation, 2012 IRC Section R303.3 or mechanically vented directly to the outside, Section M1507. It is the owner's responsibility to abide by all subdivision rules in the completion of this project. Shall not encroach any easements or required yards. Parcel is for single family use only; no other use is allowed pursuant to this permit. Separate permits required for any additional work.

dewjr

#### Dwelling Unit Information

No. New Dwell Units: 1

Total No. Dwell Units: 1

Total No. Bedrooms: 6

No. New Beds: 6

#### Set Backs

Front Set Back: 31

Rear Set Back: 50

Left Set Back: 6

Right Set Back: 19

#### Other Information

Review Category: Category 2A Zoning District: R4 Form District: NEIGHBORHOOD

Type of Construction: V B (Type V B - Any Materials)

Code Edition: KRC2013

#### Valuation (Fee Calculation)

| USE GRP | MULTIPLIER | FEE       | BLDG AREA | USE SQ FT |
|---------|------------|-----------|-----------|-----------|
| R-3     | \$ 0.085   | \$ 537.12 | 6,319.00  | Y         |

#### Fees