

Board of Zoning Adjustment

Staff Report

August 5, 2019



Case No:	19VARIANCE1058
Project Name:	Cross Meadows Circle Variance
Location:	9333 Cross Meadows Circle
Owner:	Glenmary Village Development, LLC
Applicant:	Ann Richard – Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	5 ft.	4.24 ft.	0.76 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5A in the Neighborhood Form District and is located in the Villas at Glenmary Village subdivision in Fern Creek. The site is currently undeveloped, and the applicant is proposing to construct a single-family residence. The proposed structure will encroach into the required side yard setback.

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 standard of granting a variance established in the Land Development Code from table 5.3.1 to allow a structure to encroach into the required side yard setback.

INTERESTED PARTY COMMENTS

No interested party comments were received.

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 structure will need to be constructed to comply with all building codes, including fire codes.

- (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 the proposed structure will be set back in a similar manner to the existing 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 the proposed structure only slightly encroaches into the required side yard setback.

- (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 only a slight encroachment into the side yard setback.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does 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 subject property is similar in size and shape to surrounding properties.

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 not create an unnecessary hardship on the applicant as the applicant could make a minor adjustment in order to meet the setback requirements.

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 not 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 and has not begun construction.

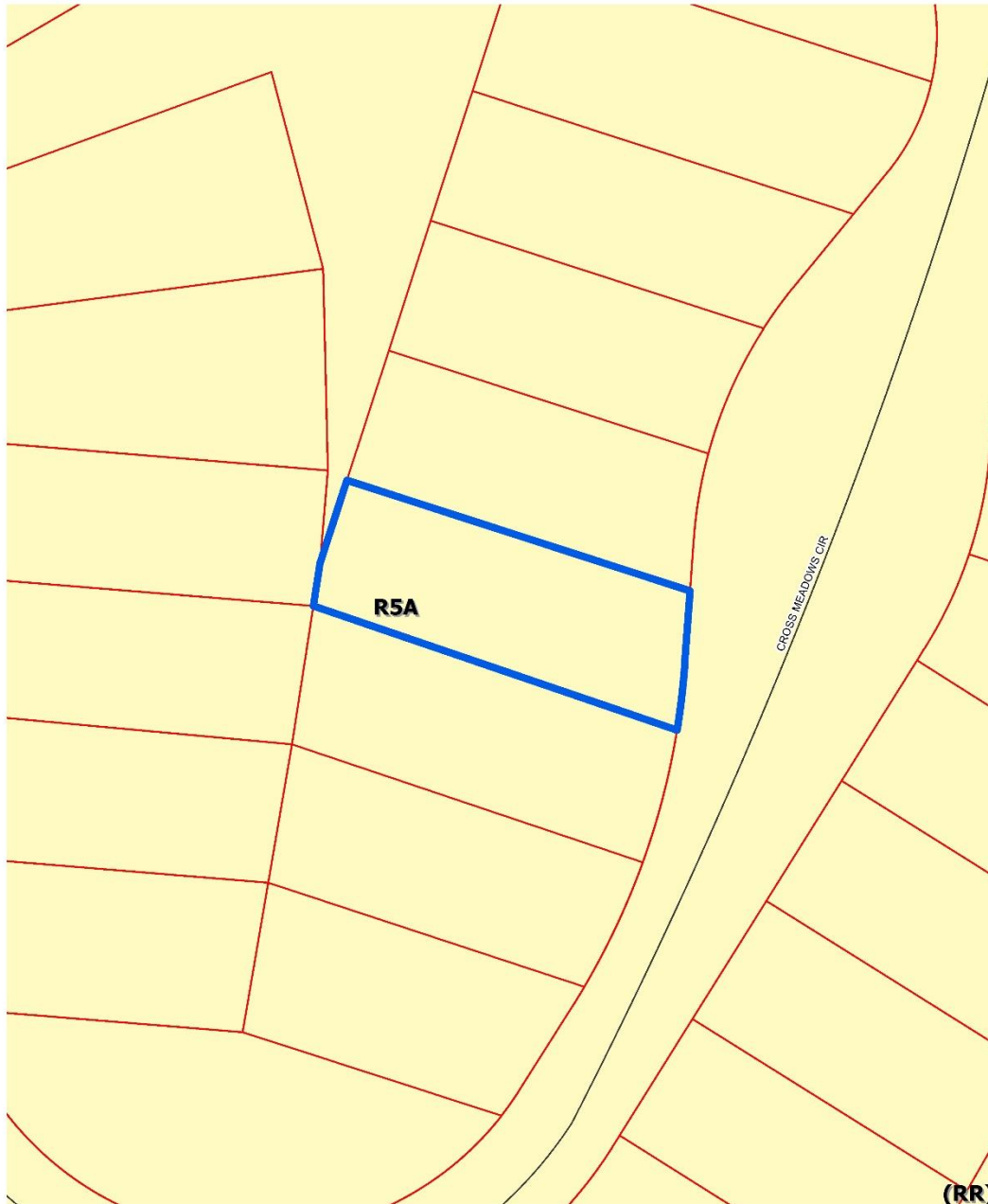
NOTIFICATION

Date	Purpose of Notice	Recipients
06/27/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 20
07/24/2019	Hearing before BOZA	Notice posted on property

ATTACHMENTS

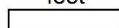
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. **Zoning Map**



9333 Cross Meadows Circle

feet



40

Map Created: 7/26/2019

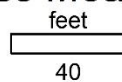


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2. Aerial Photograph



9333 Cross Meadows Circle



Map Created: 7/26/2019



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3. Site Plan



4. Site Photos



The front of the subject property.



Property to the left.



Property to the right.



Properties across Cross Meadows Circle.