

# Board of Zoning Adjustment Staff Report

January 12, 2014



|                                  |  |
|----------------------------------|--|
| <b>Case No:</b>                  | 14Variance1110   |
| <b>Project Name:</b>             | None (Residence)   |
| <b>Location:</b>                 | 1807, 1809, 1811, 1813, 1815, and 1817 Meremont Ridge Road |
| <b>Owner(s):</b>                 | Boland Maloney Realty Co.                                  |
| <b>Applicant(s):</b>             | Boland Maloney Realty Co.                                  |
| <b>Representative(s):</b>        | Kathy M. Linares   |
| <b>Project Area/Size:</b>        | 70,957 square feet   |
| <b>Existing Zoning District:</b> | R-4, Residential Single Family                             |
| <b>Existing Form District:</b>   | Neighborhood   |
| <b>Jurisdiction:</b>             | Louisville Metro   |
| <b>Council District:</b>         | 19– Julie Denton   |
| <b>Case Manager:</b>             | Jon E. Crumbie, Planner II                                 |

## REQUEST

- Variances from the Land Development Code to allow a reduction in the required front yard

| Location                           | Requirement | Request | Variance |
|------------------------------------|-------------|---------|----------|
| 1807 Meremont Ridge Road (lot 149) | 30          | 25'     | 5'       |
| 1809 Meremont Ridge Road (lot 150) | 30'         | 25'     | 5'       |
| 1811 Meremont Ridge Road (lot 151) | 30'         | 25'     | 5'       |
| 1813 Meremont Ridge Road (lot 152) | 30'         | 25'     | 5'       |
| 1815 Meremont Ridge Road (lot 153) | 30'         | 25'     | 5'       |
| 1817 Meremont Ridge Road (lot 154) | 30'         | 25'     | 5'       |

## CASE SUMMARY/BACKGROUND

This subdivision was originally approved in April 2005 for 170 buildable lots. The current plan proposes 171 buildable lots and essentially the same lot configuration as previously. The applicant is seeking to reduce the required front yard due to topography.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

|                               | <b>Land Use</b>                       | <b>Zoning</b> | <b>Form District</b> |
|-------------------------------|---------------------------------------|---------------|----------------------|
| <b>Subject Property</b>       |                                       |               |                      |
| <b>Existing</b>               | Vacant                                | R-4           | Neighborhood         |
| <b>Proposed</b>               | Single-family residential subdivision | R-4           | Neighborhood         |
| <b>Surrounding Properties</b> |                                       |               |                      |
| <b>North</b>                  | Large-lot single-family residential   | R-4           | Neighborhood         |
| <b>South</b>                  | Large-lot single family residential   | R-4           | Neighborhood         |
| <b>East</b>                   | Large-lot single-family residential   | R-4           | Neighborhood         |
| <b>West</b>                   | Large-lot single-family residential   | R-4           | Neighborhood         |

**PREVIOUS CASES ON SITE**

**9456** The applicant requests approval of a waiver of Section 10.3.6 of the Land Development Code (LDC) to reduce the required Scenic Corridor setback from 50’ to 30’ along Long Run Road. The applicant also requests approval of the preliminary subdivision plan.

**SITE CONTEXT**

The site is zoned R-4 and in is the Neighborhood Form District. It is primarily surrounded by large-lot single-family residential with the exception of The Meadows of Polo Fields Subdivision which abuts the property on its northwest side.

**INTERESTED PARTY COMMENTS**

Staff has not received any interested party comments.

**APPLICABLE PLANS AND POLICIES**

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 requested variances will not adversely affect the public health, safety or welfare because there will still be ample front yards.

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

STAFF: The requested variances will not alter the essential character of the general vicinity because the front yard setbacks will be uniform along the 6 lots.

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

STAFF: The requested variances will not cause a hazard or nuisance to the public because the encroachments will not be noticeable from the street and will not create a problem for motorist or pedestrians.

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

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations because the topography of the lots causes the need to reduce the required front yard .

**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 variances arise from special circumstances due to the constraints of the property.

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 size and design of the structures may have to be changed.

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 owner is responsible for the placement of the new structures.

**TECHNICAL REVIEW**

There are no outstanding technical review items.

**STAFF CONCLUSIONS**

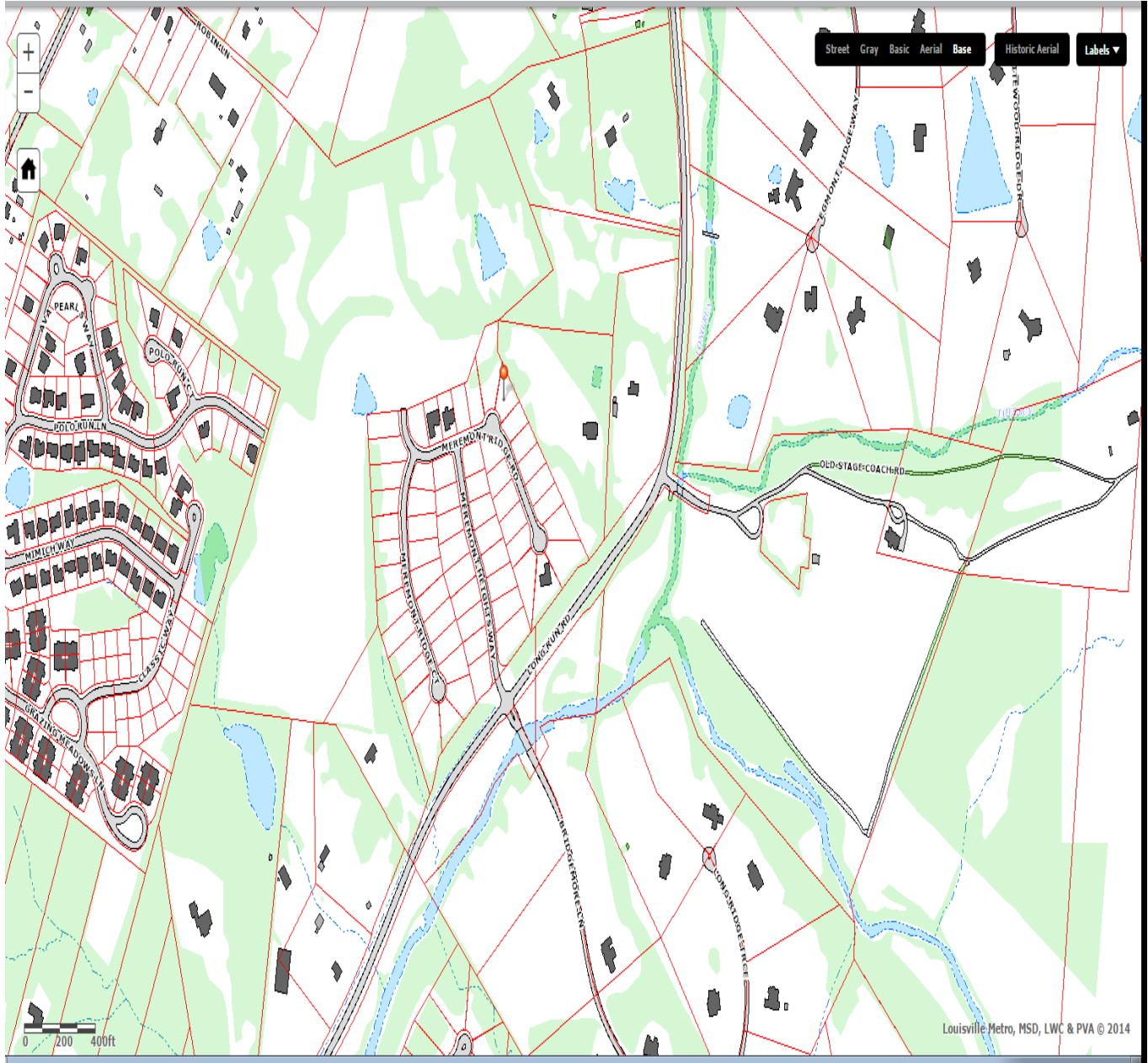
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

**NOTIFICATION**

| Date       | Purpose of Notice | Recipients   |
|------------|-------------------|--|
| 12/22/2014 | APO Notice        | First tier adjoining property owners<br>Neighborhood notification recipients |
| 12/18/2014 | Sign Posting      | Subject Property Owner   |

**ATTACHMENTS**

1. Zoning Map



## 2. Aerial Photograph



3. Applicant's Justification Statement and Proposed Findings of Fact

**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 variance will not effect the public health, safety or welfare, first because the reduction will not be an obvious change, it allows for the provision of utilities in front of the home, but most importantly it is needed due to the existing steep grade to keep the homes from being >2 stories at the rear.

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

A 5' reduction of the front yard will barely be noticeable especially since it will extend across all 6 lots which are located on a court, between the "bulb of the court and a bend in the roadway with an "eyebrow" configuration. As such it will not alter the essential character of the neighborhood.

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

The 5' reduction in the front yard does not negatively impact the ability to provide utilities, will barely be noticeable and will reduce the height of the rear wall of the homes (a 1 story with a lower level walkout) and will therefore enhance the neighborhood rather than cause a hazard or nuisance.

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

Since the request is due to ex. constraints in the steepness of the grade of the property, where the 5' reduction in the front yard allows for the development of a standard walkout without the need for retaining walls & no neg. impact, the request is not an unreasonable circumvention of the requirments.

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*Additional consideration:*

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

The request is due to existing constraints of the site in the steepness of the grade of the land at the back of the lots such that without the additional 5', the homes might have 2 lower levels or at least a much taller rear wall than required for a standard walkout.

**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.**

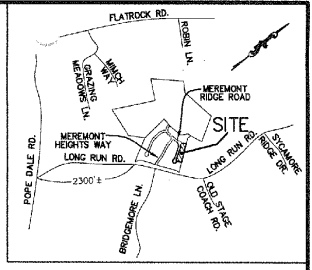
The strict application of the regulation without the reduction in the front yard would create an unnecessary hardship in the construction of the homes on these lots.

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

The topography of the site was existing prior to the adoption of the regulations. The request is specific to this site and not the result of any action by the applicant subsequent to the adoption of the regulations.

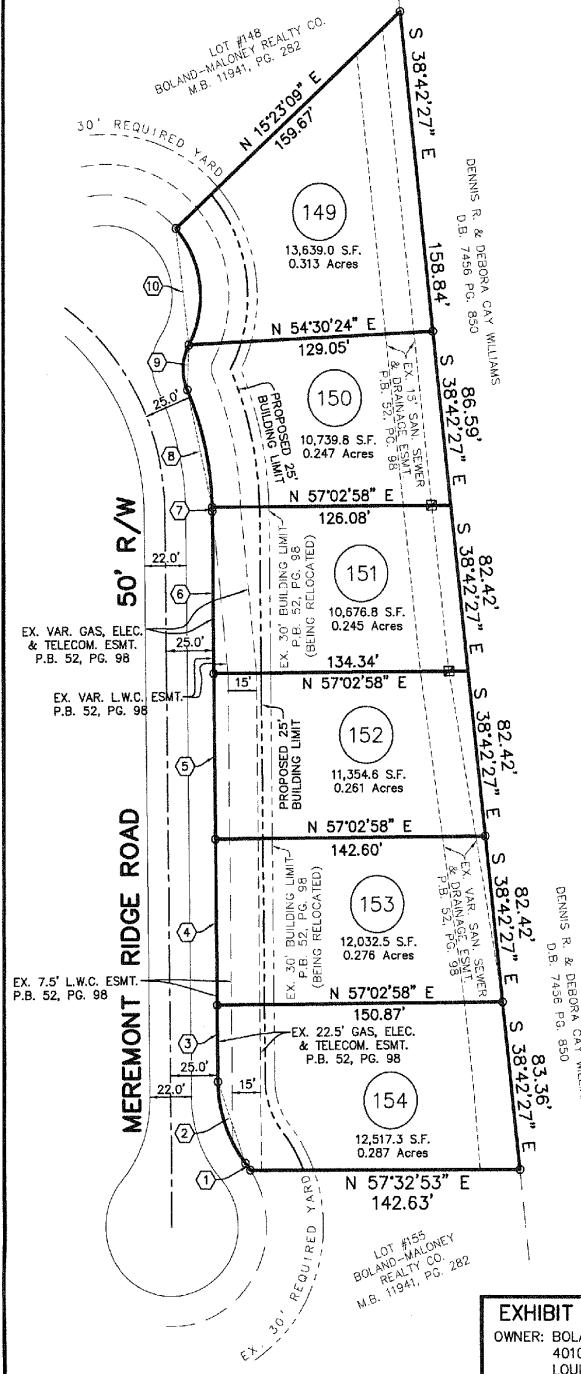
14VARIANCE1110

○ EXISTING 1/2" REBAR WITH CAP #3697.  
 □ EXISTING REFERENCE MONUMENT IS 1/4" REBAR WITH CAP #3697 SET 10.00' ONLINE FROM REAR LOT CORNER UNLESS NOTED.  
 L.W.C. LOUISVILLE WATER COMPANY  
 R/W RIGHT-OF-WAY



LOCATION MAP  
NO SCALE

NORTH AND ALL BEARINGS ARE BASED  
 ON THE CENTERLINE OF THE R/W  
 ON RECORD IN DEED BOOK 32 PAGE 98

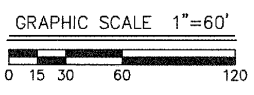


BEARINGS & DISTANCES

|    |               |        |           |
|----|---------------|--------|-----------|
| 1  | N 69°02'06" W | 4.21'  | R=50.00'  |
| 2  | N 52°12'02" W | 42.86' | R=65.00'  |
| 3  | N 32°57'02" W | 37.83' |           |
| 4  | N 32°57'02" W | 82.00' |           |
| 5  | N 32°57'02" W | 82.00' |           |
| 6  | N 32°57'02" W | 80.00' |           |
| 7  | N 33°19'57" W | 2.00'  | R=150.00' |
| 8  | N 45°09'45" W | 59.54' | R=150.00' |
| 9  | N 30°10'56" W | 22.25' | R=25.00'  |
| 10 | N 39°11'03" W | 57.97' | R=50.00'  |

OWNERS INFO

LOTS 149 THROUGH 154:  
 BOLAND MALONEY REALTY CO.  
 DEED BOOK 9538, PAGE 909



**MINDEL, SCOTT & ASSOCIATES, INC.**  
 PLANNING • ENGINEERING • SURVEYING  
 LANDSCAPE ARCHITECTURE  
 5151 Jefferson Boulevard  
 Louisville, Kentucky 40219  
 (502) 485-1508

**EXHIBIT**  
 OWNER: BOLAND MALONEY REALTY CO.  
 4010 COLLINS LANE  
 LOUISVILLE, KENTUCKY 40245  
 DEED BOOK 9538, PAGE 909  
 TAX BLOCK 3964, LOTS 149 THRU 154  
 LOCATION: 1807,1809,1811,1813,1815 & 1817  
 MEREMONT RIDGE ROAD  
 LOUISVILLE, KENTUCKY 40245  
 FORM DIST: NEIGHBORHOOD  
 DATE: 10/27/14  
 ZONED: R-4  
 SCALE: 1"=60"

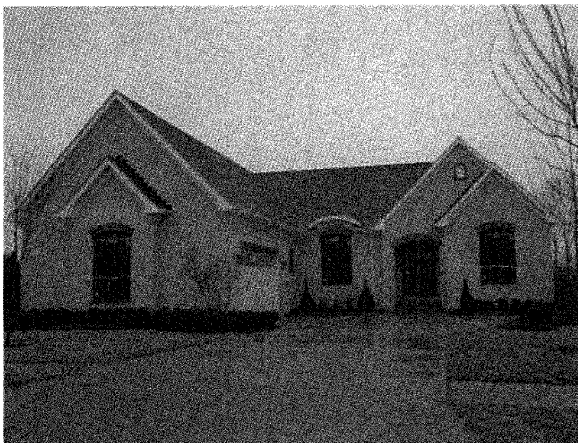
**MEREMONT AT LONG RUN ROAD – VARIANCE REQUEST  
PROPOSED HOMES TO BE SIMILAR TO EXISTING HOMES IN SUBDIVISION**



1709 MEREMONT RIDGE RD



1711 MEREMONT RIDGE RD

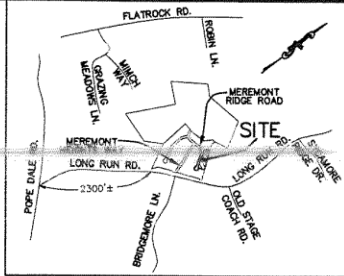
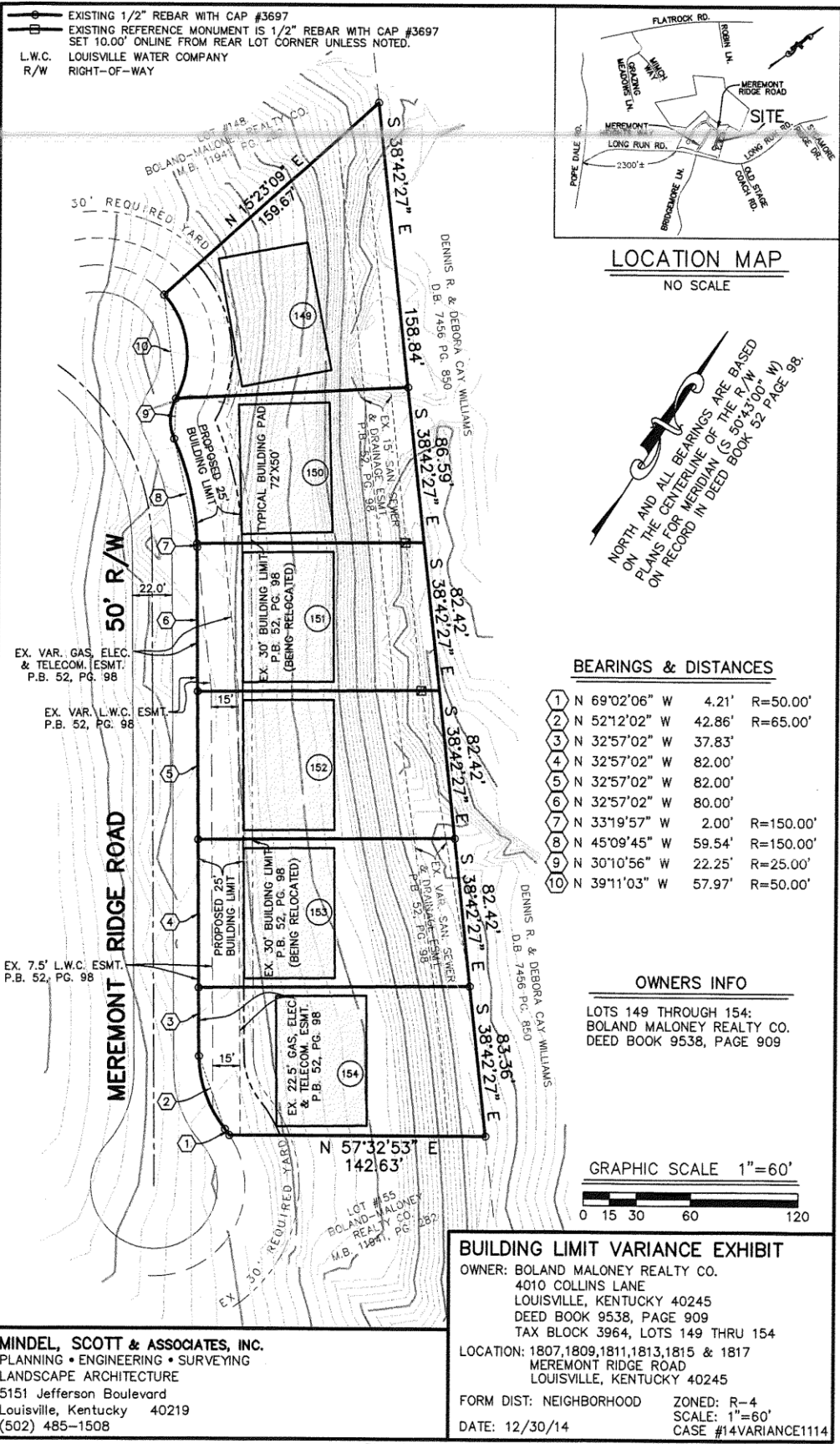


1807 MEREMONT RIDGE RD

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NORTH AND ALL BEARINGS ARE BASED ON THE CENTERLINE OF THE R/W ON RECORD IN DEED BOOK 52, PAGE 98.

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