

Board of Zoning Adjustment Staff Report

January 12, 2015



Case No:	14VARIANCE1112
Project Name:	None (Residence)
Location:	507 Briar Hill Road
Owner(s):	Michael Gold and Shari Polur
Applicant(s):	Michael Gold and Shari Polur
Representative(s):	Mick Logsdon
Project Area/Size:	10,217 square feet
Existing Zoning District:	R-5, Residential Single Family
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jon E. Crumbie, Planner II

REQUESTS

- Variance to allow a proposed addition to encroach into the required front yard.

Location	Requirement	Request	Variance
Briar Hill Road	26' – 29'	13.1'	12.9'

CASE SUMMARY

The applicants are proposing to build an enclosed porch onto an existing structure. The structure is located in an infill area with the setback at 505 Briar Hill Road being 29 feet and 26 feet at 509 Briar Hill Road. The addition should be 26 to 29 feet from the Briar Hill Road front property line. A Minor Subdivision Plat is being reviewed to reduce the building limit line to 13.1 feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	R-5	N
Proposed	Residential	R-5	N
Surrounding Properties			
North	Residential	R-5	N
South	Residential	R-5	N
East	Residential	R-5	N
West	Residential	R-5	N

SITE CONTEXT

The site is irregular in shape and located on the west side of Briar Hill Road near Lexington Avenue. The site is surrounded by residential uses to the north, south, east, and west.

PREVIOUS CASES ON SITE

14Minorplat1149 A request to reduce the building limit line.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

(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 because the proposal will be approximately 30 from the Briar Hill Road edge of pavement.

(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 proposal will be designed in a way to complement the existing structure and surrounding residential neighborhood.

(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 because the proposal will be located behind existing tree canopy along Briar Hill Road.

(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 because the proposal will be mitigated by the existing tree canopy.

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 unusual shape of the lot and location of the existing residence on site may be considered a special circumstance. The residence aligns with the road.

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 porch could not be built as shown.

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 current owners took ownership of the property in 2001, but the residence was built in 1962.

TECHNICAL REVIEW

The applicant has submitted a sheet with adjoin property owners who have reviewed the proposal and have no concerns.

STAFF CONCLUSIONS

The new structure will be compatible with the existing residence and surrounding residential neighborhood. 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 Neighborhood notification recipients
12/19/2014	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

RECEIVED

DEC 19 2014

PLANNING &
DESIGN SERVICES

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.

Proposed addition is small in area and will not adversely affect the public health, safety or welfare.

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

Proposed addition is small in area and will not alter the essential character of the general vicinity.

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

Proposed addition is small in area and will not cause a hazard or a nuisance to the public.

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

Proposed addition is small in area and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Additional consideration:

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

LOT IS UNUSUAL SHAPE, HAVING MUCH MORE WIDTH THAN DEPTH.

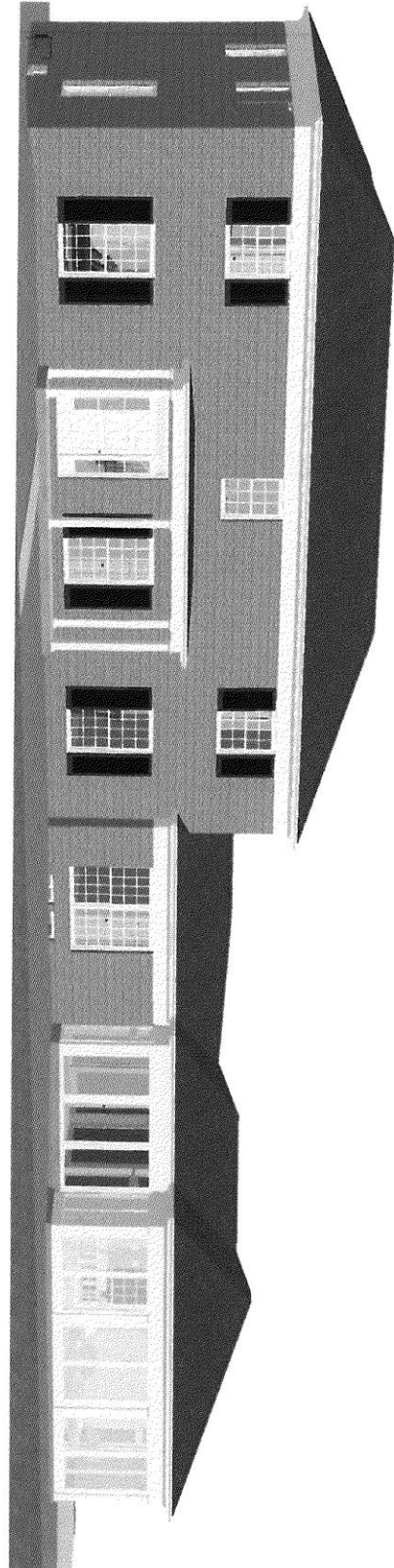
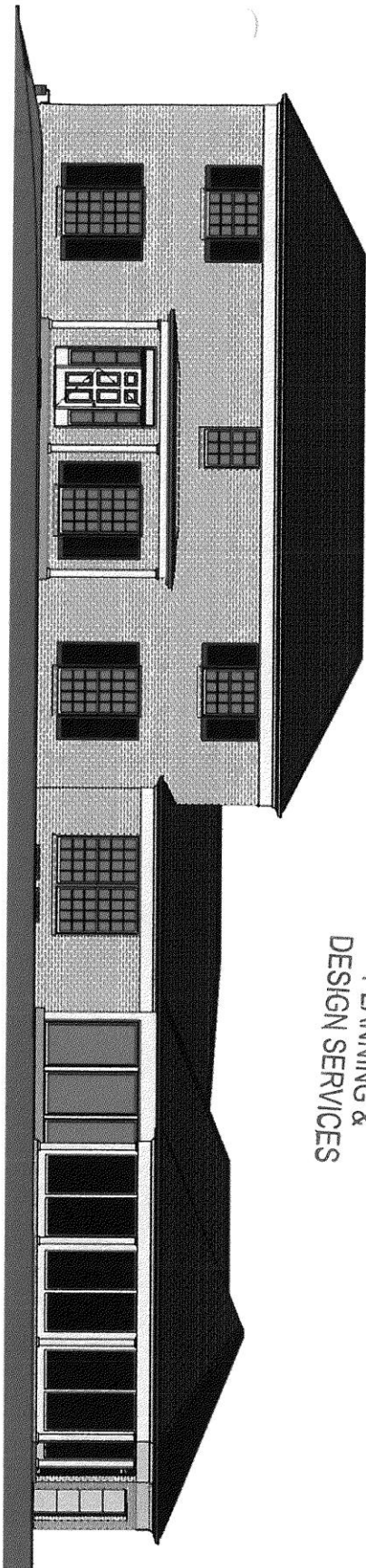
2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

EXISTING SETBACKS RESTRICT HIGH PERCENTAGE OF AREA OF LOT AND WOULD PREVENT ADDITION BEING BUILT.

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

EXISTING HOUSE BUILT IN 1964 PER P.V.A. RECORDS. SUBDIVISION PLAT WAS APPROVED IN 1962 PER RECORD PLAT & SUBDIVISION BOOK 18, PAGE 73.

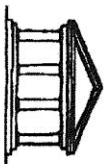
14VARIANCE112

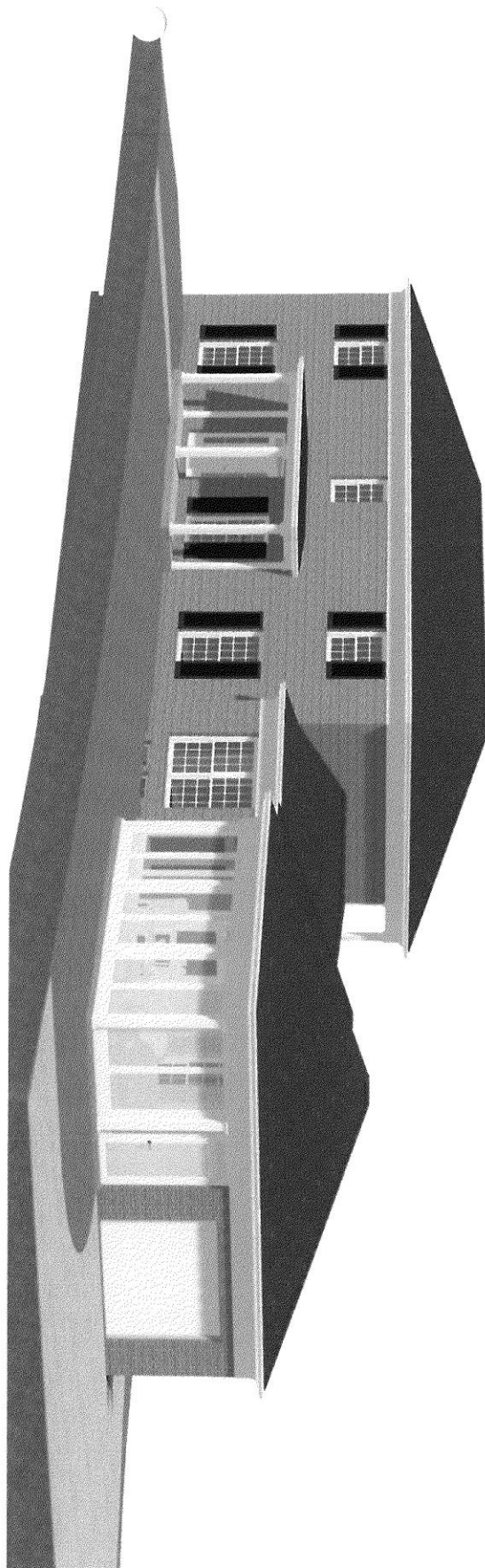


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DEC 19 2011
PLANNING &
DESIGN SERVICES

VARIANCE 1112

CHARLIE WILLIAMS DESIGN, INC.
1626 WINDSOR PLACE
LOUISVILLE, KY 40204
502-459-1810

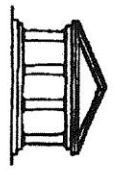




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DESIGN SERVICES

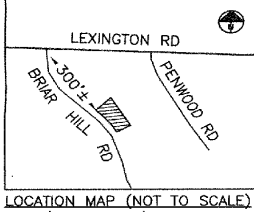
19VAR1116

CHARLIE WILLIAMS DESIGN, INC.
1626 WINDSOR PLACE
LOUISVILLE, KY 40204
502-459-1810

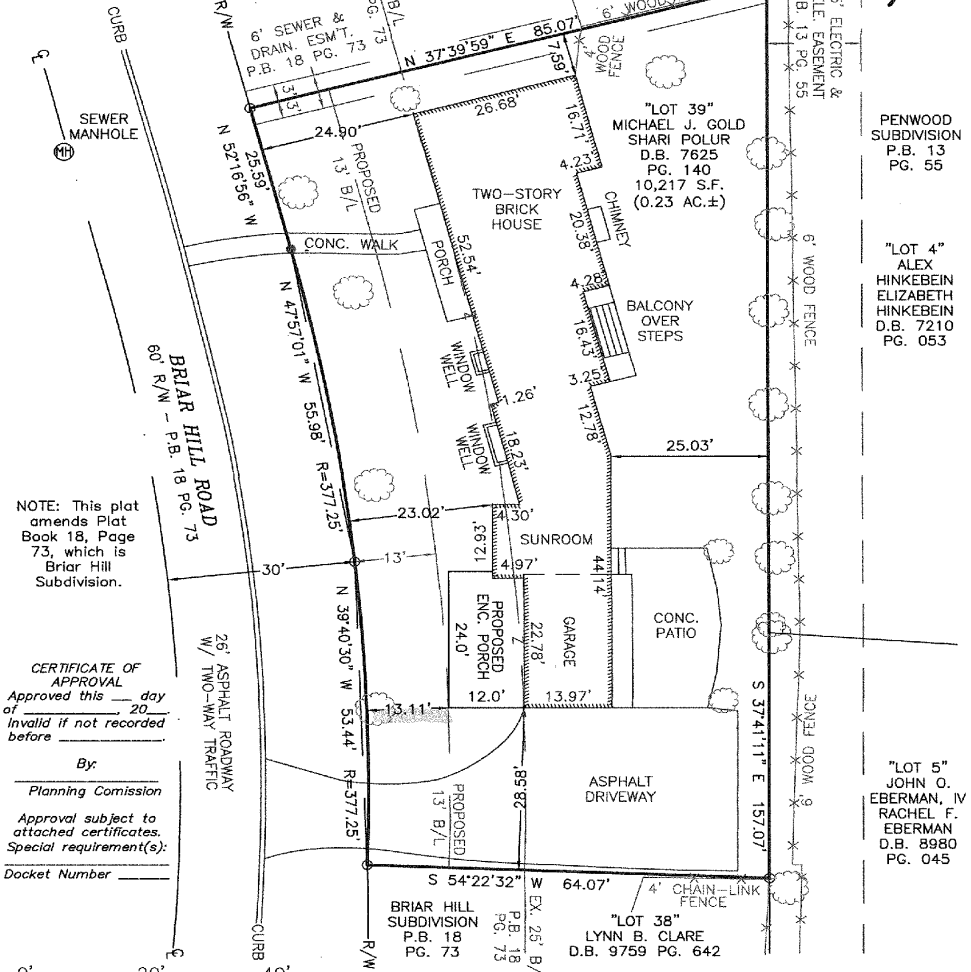


NOTES:

- A title search was not provided and this property is subject to all easements, right-of-ways, covenants, liens, and encumbrances, whether shown hereon or not.
- This survey was conducted by method of random traverse and was not adjusted. The error of closure was less than 0.05'. All lot dimensions are field-measured.
- Subject property is located in Flood Zone "X" per a review of FIRM #21111C0044E, effective 12/5/06. Based on the above information, this property is not located in a Special Flood Hazard Area.
- The reference meridian for this survey is the Northeast line of Briar Hill Subdivision, having a bearing of S 37°41'11" E per Plat Book 18, Page 73, as recorded in the Office of the Clerk of Jefferson County, Kentucky.
- This site lies within the karst terrain area. Any subsequent development on site is subject to the requirements of Chapter 4, Section 9 of the Land Development Code.

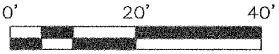


- LEGEND**
- SET X-CUT
 - FOUND IRON PIPE 1/2"
 - FENCE LINE
 - BOUNDARY LINE



NOTE: This plat amends Plat Book 18, Page 73, which is Briar Hill Subdivision.

CERTIFICATE OF APPROVAL
 Approved this ___ day of ___ 20___
 Invalid if not recorded before ___
 By: _____
 Planning Commission
 Approval subject to attached certificates.
 Special requirement(s): _____
 Docket Number _____



SURVEYOR'S CERTIFICATE
 I hereby certify that this plat and survey were made under my direct supervision and represents a Boundary Survey in compliance with 201 KAR 18:150. This is an "urban" class survey.

Mick Logsdon
 Mick Logsdon PLS# 3808 Date 11/6/2014



MINOR SUBDIVISION PLAT
 TO SHIFT BUILDING LIMIT LINE
 FOR MICHAEL J. GOLD & SHARI POLUR
 507 BRIAR HILL RD, LOUISVILLE KY 40206
 PARCEL ID #074H02560000
 D.B. 7625 PG. 140 (LOT 39 P.B. 18 PG. 73)
 CURRENT ZONING: R-5, NEIGHBORHOOD FORM DISTRICT

LOGSDON SURVEYING
 1948 GARDINER LN, LOUISVILLE KY 40205
 PH 502-599-9930 FAX 502-384-8865
 www.logsdonsurveying.com

FIELD DATE: 10/9/2014 SCALE: 1" = 20'

AVARANCELLA