

Board of Zoning Adjustment

Staff Report

October 30, 2017



Case No:	17VARIANCE1054
Project Name:	809 Cannonside Drive Addition
Location:	809 Cannonside Drive
Owner(s):	Jason McCreary and Ashley Distler
Applicant:	Ashley Distler
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, 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	25 ft.	19.91 ft.	5.09 ft.

CASE SUMMARY/BACKGROUND

The subject property is a corner lot located in the Cannonside subdivision, recorded in 1958 in plat book 15, page 81. The lot has frontages on Old Cannons Lane and Cannonside Drive. It currently contains a one-story single-family residence which is oriented toward the street side (Cannonside Drive) rather than the front (Old Cannons Lane) of the property. There is an elevation change in the front yard which allows access to a basement garage. The applicant proposes to construct a new two-story addition on the side of the house, projecting into the front yard, which will replace the existing garage on the basement level and extend the living area of the house on the upper floor. Because this addition is proposed to be 19.91 feet from the front property line, the applicant requests a variance to allow the encroachment.

A minor plat, 17MINORPLAT1117, is currently under review to shift the building limit line in the front yard and permit construction.

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 the Land Development Code from table 5.3.1 to allow a structure to encroach into the required front yard setback.

TECHNICAL REVIEW

- The site plan has received preliminary approval from Transportation Planning.

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, due to the separation between houses, the addition will not be noticeably out of line with the two nearest principal structures.

- (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 house is oriented toward the street side yard, which results in the addition being on the side of the house and not affecting the character of the subdivision.

- (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 addition will not obstruct sight lines or create a hazardous condition at the corner.

- (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 the orientation of the house to the street side of the property provides for no other reasonable location for an addition to be placed.

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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the front of the house is not oriented to the front yard, but instead to the street side yard, an unusual circumstance in this neighborhood.

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 by preventing the applicant from constructing an addition onto the house to expand the living space and improve the garage.

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.

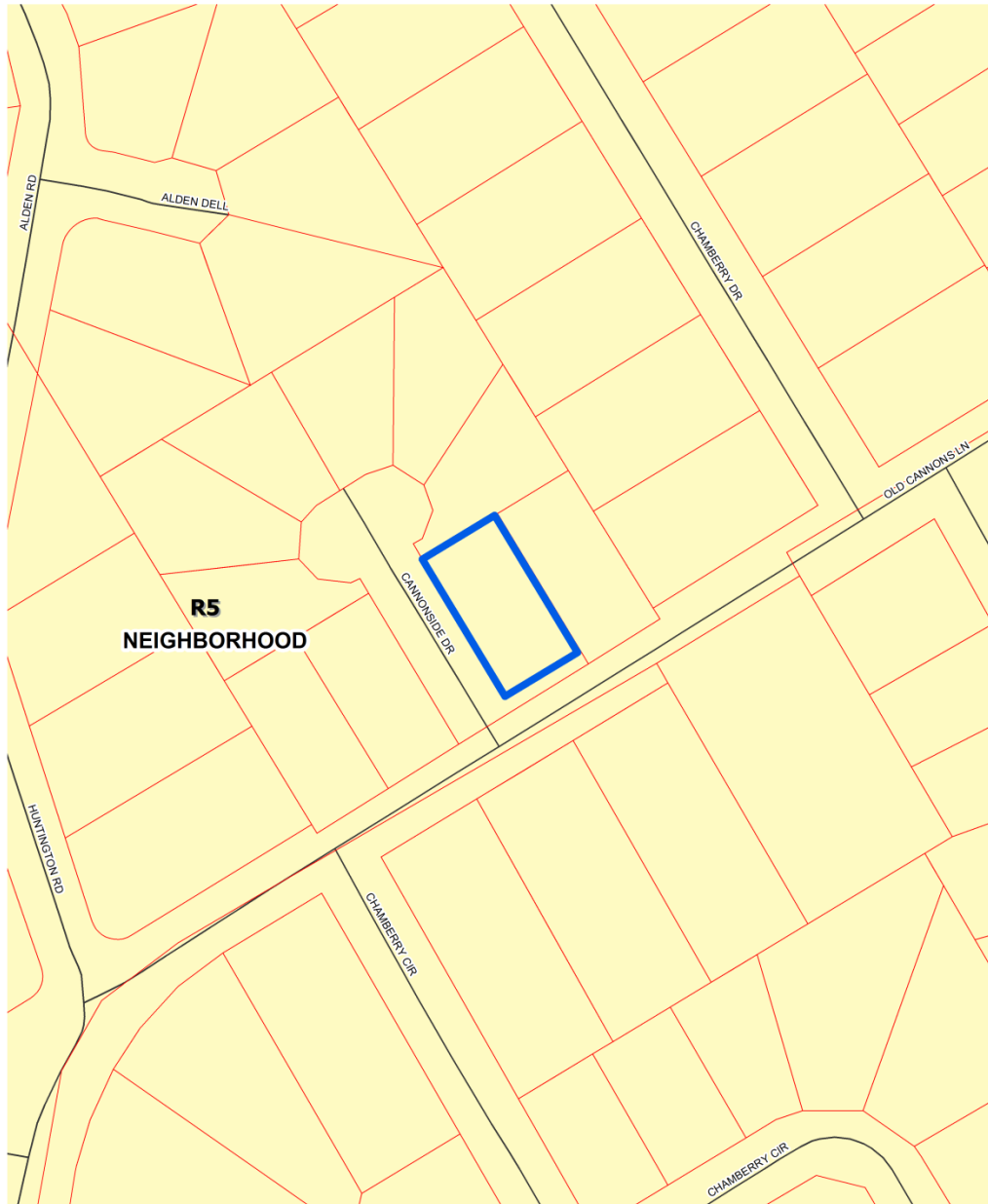
NOTIFICATION

Date	Purpose of Notice	Recipients
10/12/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
10/13/2017	Hearing before BOZA	Notice posted on property

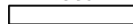
ATTACHMENTS

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

1. **Zoning Map**



809 Cannonside Drive
feet



Map Created: 10/16/2017

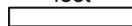


Copyright (c) 2017, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



809 Cannonside Drive
feet



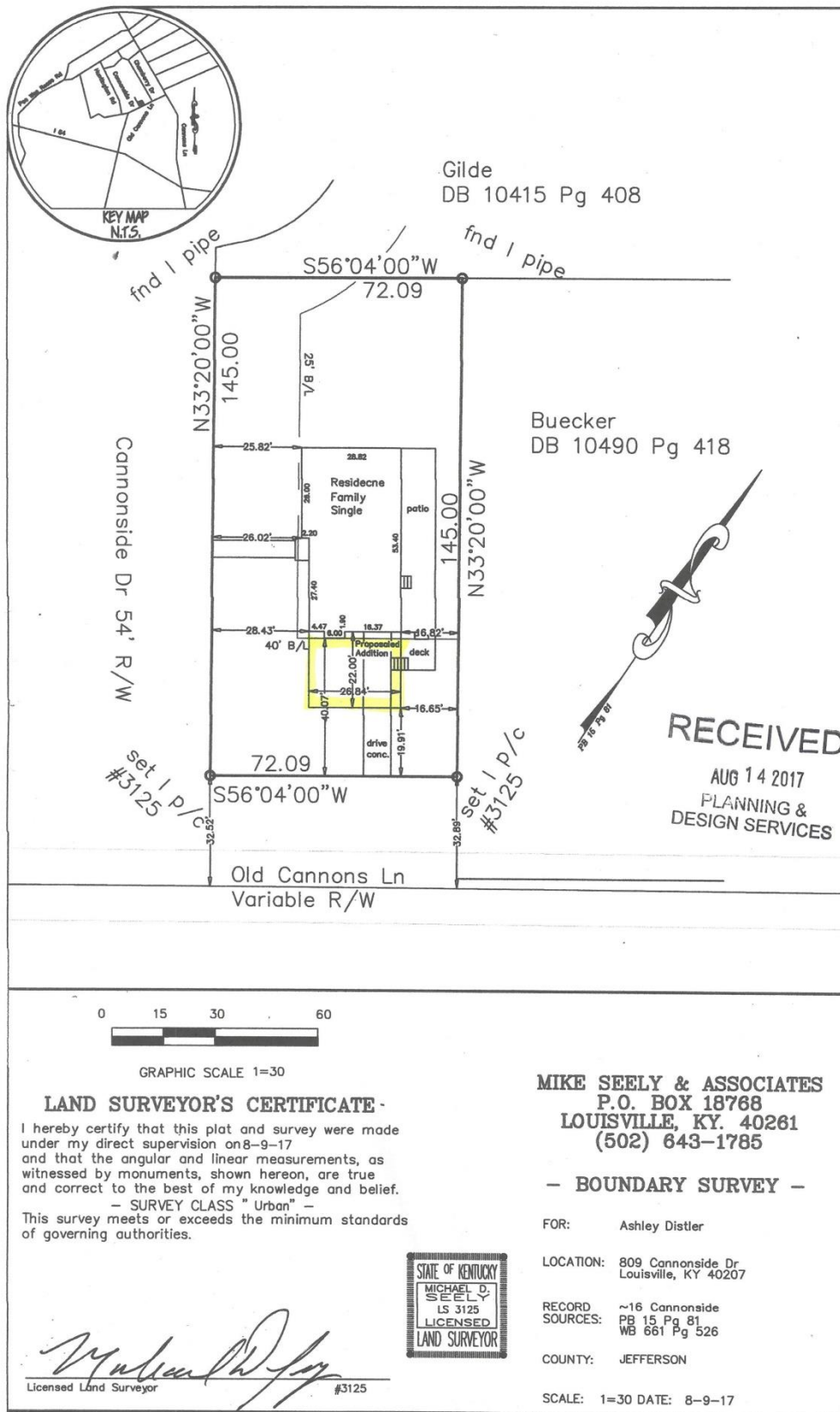
110

Map Created: 10/16/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

3. Site Plan



4. **Site Photos**



The street side of the subject property, and the front of the house.



The property across Old Cannons Lane.



The cul-de-sac to the left of the subject property.



The property across Cannonside Drive.



The front yard of the subject property, at the side of the house. This is the location of the variance request.



The front yard of the subject property with the existing garage in the basement.