

Board of Zoning Adjustment Staff Report

April 7, 2014



Case No:	14Variance1017
Project Name:	(none) Residential
Location:	14018 Glendower Drive
Owner(s):	Keith Eberenz, River Glen Landis, LLC
Applicant:	Gary Dukes, Gary Dukes PLS
Representative:	Gary Dukes
Project Area/Size:	0.335Ac. (lot)
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

- Variance from the Land Development Code, Table 5.3.1, to allow a proposed structure to encroach into the required Glendower Drive street side yard.

Variance

Location	Requirement	Request	Variance
Street Side Yard (Glendower Drive)	30 feet	25 feet	5 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The owner is proposing to build a house on the corner lot of Landis Springs Subdivision (formally known as Fossil Creek Subdivision) and would like to encroach the street side yard of Glendower Drive with the proposed structure. Due to the lot size and configuration, the proposed design of the house makes it necessary to face Fossil Creek Circle with the driveway and garage facing Glendower Drive.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood Form District (NFD). It is surrounded by residential property zoned R-4 in the NFD.

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	NFD
Proposed	Single-family residential	R-4	NFD
Surrounding Properties			
North		R-4	NFD
South	Vacant	R-4	NFD
East	Single-family residential across South Beckley Station Road	R-4	NFD
West	Single-family residential	R-4	NFD

PREVIOUS CASES ON SITE

10-10-05
Plat Book 51 Page 91

The approved subdivision plan (Fossil Creek)
Fossil Creek, Section 1, Subdivision Record Plat

INTERESTED PARTY COMMENTS

Staff received 1 phone call from an adjacent owner. Once they were informed about the request they had no concerns.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020 – See checklist attached
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 variance will not adversely affect the public health, safety or welfare because the proposed structure appears to be situated in a manner that will not hinder or impede sight distance.

- (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 structure will be compatible with the architecture throughout the 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 encroachment will not create a problem for motorists or pedestrians. The encroachment will not be noticeable to the street side view when considering this is the first lot in the subdivision.

- (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 structure will still be 25 feet from the property line and the encroachment is a small portion of the required street side 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 location of the structure on a corner lot may be considered a special circumstance.

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 applicant's home design only works by orienting the home fronting on Fossil Creek.

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 structure.

TECHNICAL REVIEW

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.

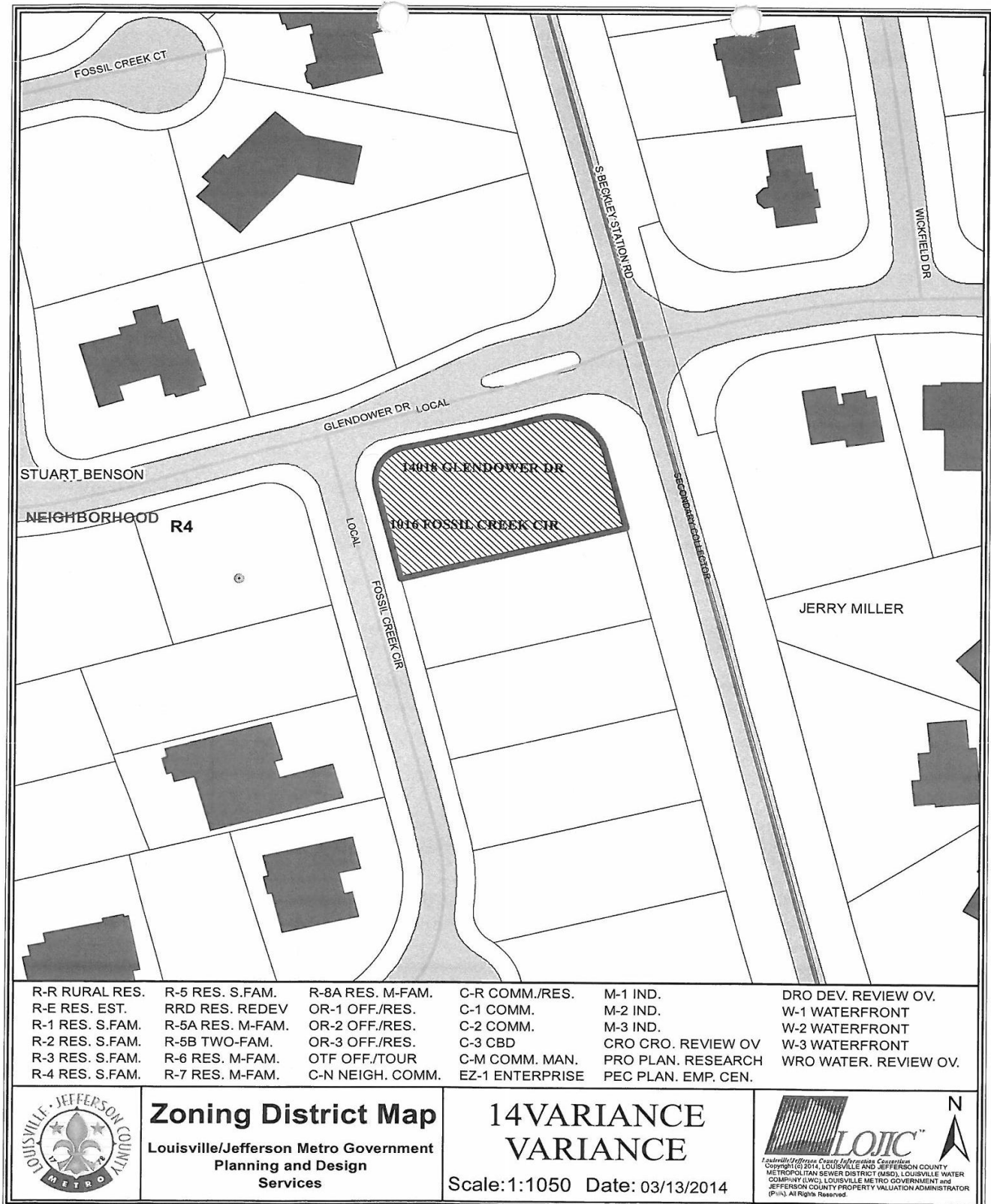
NOTIFICATION

Date	Purpose of Notice	Recipients
3/21/2014	BOZA Hearing	1 st tier adjoining property owners Neighborhood notification recipients
3/28/2014	Sign Posting	Subject property

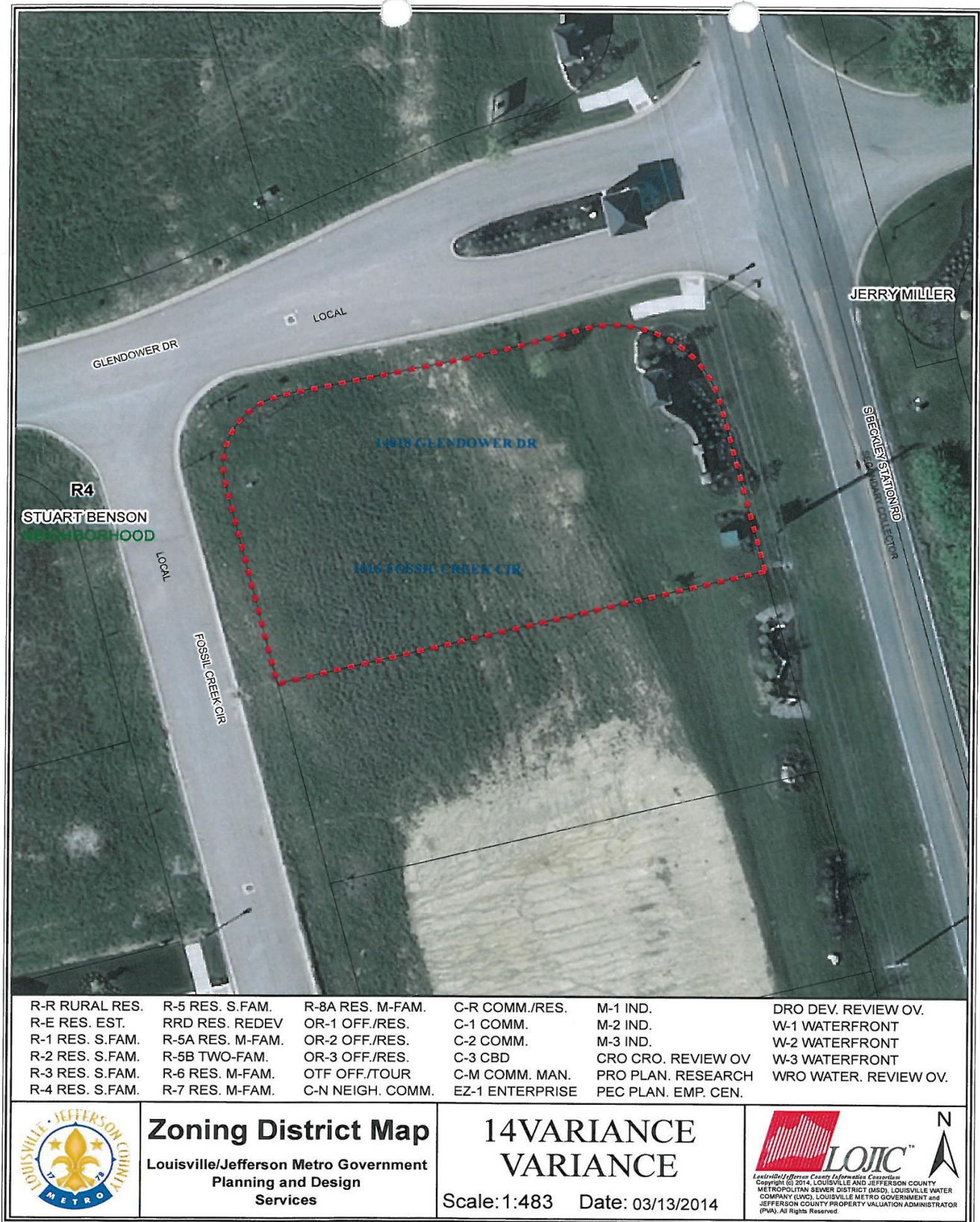
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Building Elevation
5. Cornerstone 2020 Staff Checklist
6. Applicant's Justification Statement

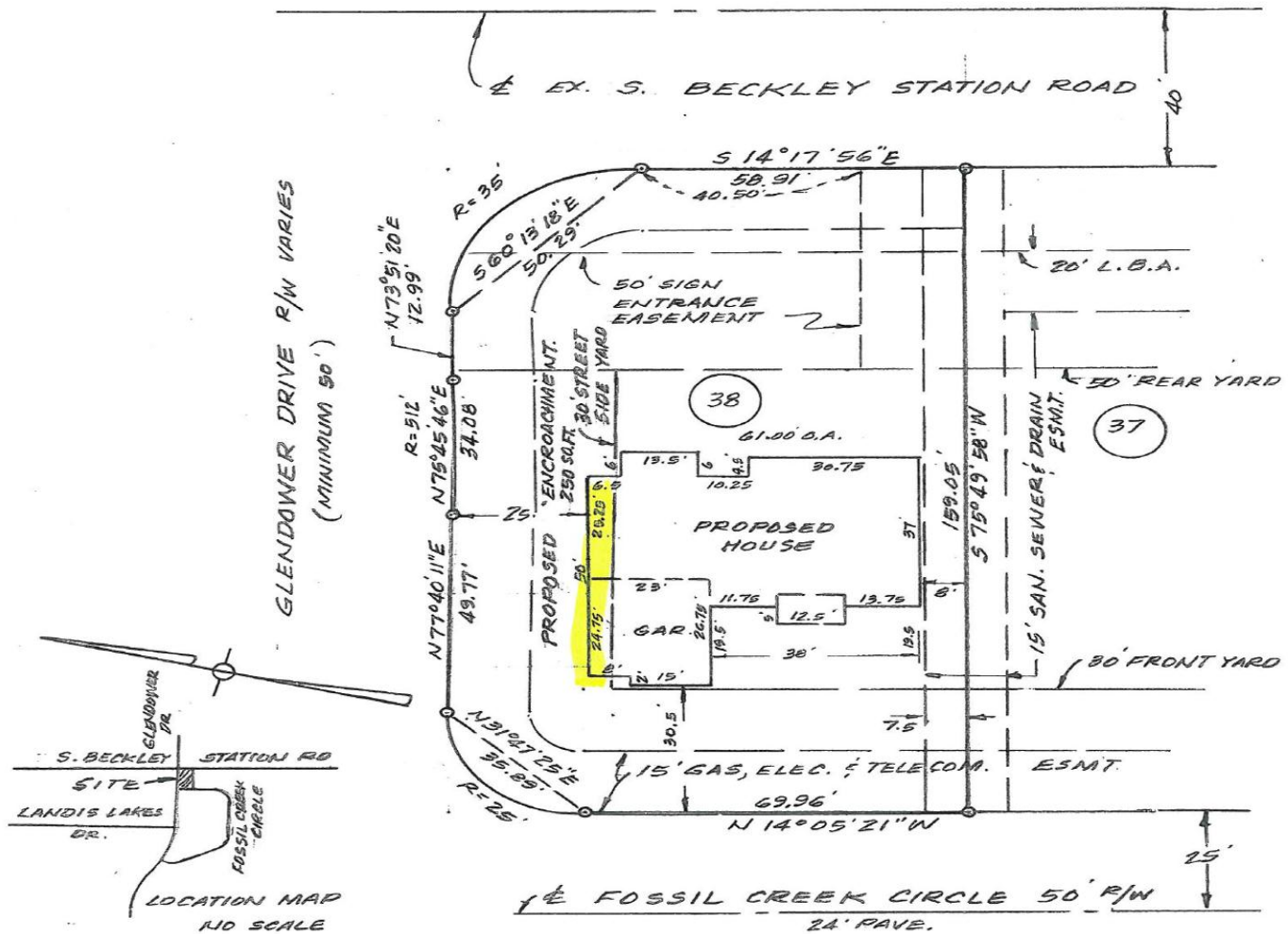
1. **Zoning Map**



2. Aerial Photo



3. Site Plan



RECEIVED

MAR 10 2014
PLANNING &
DESIGN SERVICES

GARY DUKES PLS

LAND SURVEYOR
3602 Briarglen Lane
Louisville, Kentucky 40220
502-553-4912

VARIANCE OF STREET SIDE YARD.

Location: 14018 GLENDOWER DRIVE

Description: LANDIS SPRINGS
LOT 38, FOSSIL CREEK

SUBD. SEC. 1, P.B. 51 P. 91

For: RIVER GLEN LANDIS LLC.

Scale: 1" = 30' Date: 3-4-14 By: G.J.D.



14VARIANCE1017

4. Building Elevations



Fossil Creek Circle Elevation



Glendower Drive Elevation

5. Cornerstone 2020 Comprehensive Plan Checklist

Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1, 3.4-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	This proposal is in a currently developing Neighborhood and has similar setbacks and lot dimensions. There are structures of this type in the general area. The exception of this lot is in it being at the corner.

6. Applicant's Justification Statement

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 encroachment will not hinder or block view of any obstacle

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

The structure will be comparable to the existing neighborhood architecture

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

The encroachment will not be noticeable to the street side view

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

The encroachment is a small percentage of the required side yard

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).

Because of the lot size, configuration and 30 foot building line

RECEIVED
MAR 10 2014
PLANNING &
DESIGN SERVICES

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 design of the house makes it necessary to face Fossil Creek Circle with the drive coming in from Glenower Drive.

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

Yes, the developer purchased the remainder of the existing vacant subdivision