

**Board of Zoning Adjustment
Staff Report**
August 1, 2016



Case No:	16VARIANCE1040
Request:	To allow a proposed home to encroach into the minimum front yard setback.
Project Name:	11801 Woodland Road setback
Location:	11801 Woodland Road
Area:	1.06320 acres
Owner:	Joseph Pepper
Applicant:	Jason Graves
Representative:	Jason Graves
Jurisdiction:	City of Anchorage, KY
Council District:	17 – Glen Stuckel
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from Development Code (2003) section 4.3.C.2 for an encroachment into the minimum front yard requirement in the City of Anchorage, KY along Squires Lane.

Location	Requirement	Request	Variance
Front Yard Setback	75 feet	20 feet	55 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a single family home with a building footprint of 2186 sf. in the City of Anchorage. The proposed home will be situated on a 1.06320 acres lot that is bounded to the north by Squires Lane, the west by Evergreen Road, and the south by Woodland Road. The front of the home will be situated facing Evergreen Road and have a proposed driveway access via Squires Lane.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Residential Single Family	R-1	Village
Proposed	Residential Single Family	R-1	Village
<i>Surrounding Properties</i>			
North	Residential Single Family	R-1	Village
South	Residential Single Family	R-1	Village
East	Residential Single Family	R-1	Village
West	Residential Estate	RE	Village

PREVIOUS CASES ON SITE

14VARIANCE1020-Withdrawn at the May 19, 2014 BOZA docket.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Development Code City of Anchorage (2003): Article 4.3.C.2

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 variance will not adversely affect the public health, safety or welfare since the proposed home will be located approximately 114' feet from Woodland Road, approximately 75' ft. 6" in. from Evergreen Road, approximately 83' feet from edge of pavement on Squire Lane, and approximately 67 feet from the nearest structure to the east.

- (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 since three other homes are located (having access) along Squires Lane each having setbacks less than the required for the front yard setbacks.

- (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 since the proposed home will be set behind the trees lines along Woodland Road and Evergreen Road, and behind the stream and high water risk along Woodland 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 since the proposed home is similar in setback to the homes along Squires Lane. The variance request is related to two factors: 1.) the proposed home will remain out of the flood risk area and 2.) to preserve/save the existing tree line to maintain the character of the neighborhood.

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 does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since the proposed home will be constructed on the higher, more flat elevated portion of the lot which lies outside of the flood risk area, to save trees, and maintain the rolling topography of the lot.

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 deprive the applicant of the reasonable use of the land since the usable area for a rear yard decreases and places the home closer to the stream causing a potential flood risk.

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 circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the home will be situated on the lot in order to prevent risks of flooding, removal of trees, and site placement on a flat elevated area.

TECHNICAL REVIEW

- No technical review was conducted.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. 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 standards for granting a variance established in the Development Code (2003) from section 4.3.C.2 to allow the proposed new home construction to encroach into the 75' ft. minimum front yard setback by 55' feet.

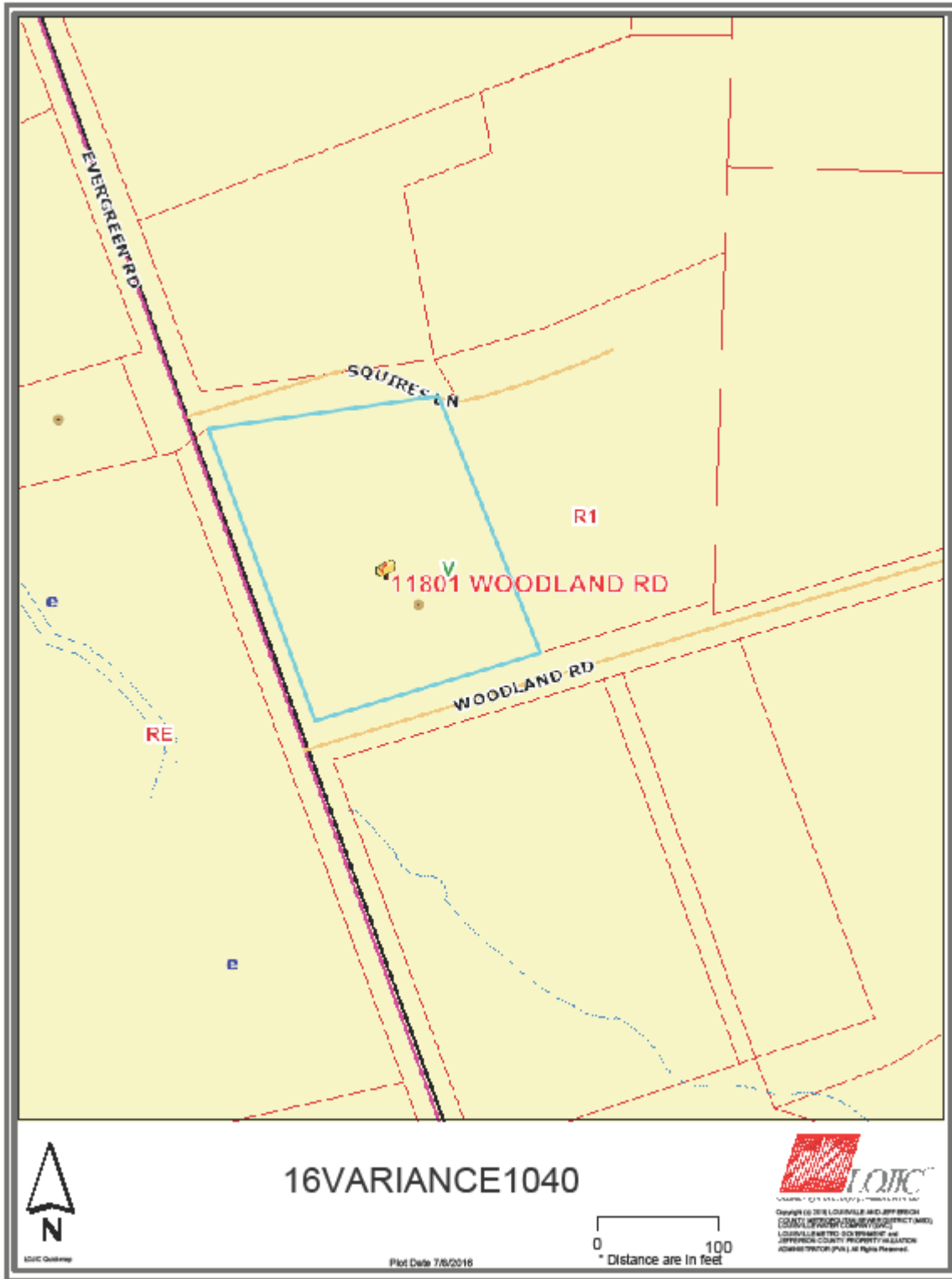
NOTIFICATION

Date	Purpose of Notice	Recipients
July 15, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
July 15, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

