

Board of Zoning Adjustment
Staff Report
August 18, 2014



Case No:	14Variance1070
Project Name:	None (Residence)
Location:	9100, 9101, 9102, & 9104 Blue Boulder Court
Owner(s):	Dominion Homes of Kentucky, LTD
Applicant(s):	Dominion Homes of Kentucky, LTD
Representative(s):	Kathy M. Linares
Project Area/Size:	23,973 square feet
Existing Zoning District:	R-4, Residential Single Family
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	22– Robin Engel

REQUEST

- Variances from the Land Development Code to allow proposed structures to exceed the maximum 25-foot front yard setback.

Location	Requirement	Request	Variance
9101 Blue Boulder Court (lot 52)	25'	30'	5'
9100 Blue Boulder Court (lot 53)	25'	30'	5'
9102 Blue Boulder Court (lot 54)	25'	30'	5'
9104 Blue Boulder Court (lot 55)	25'	30'	5'

CASE SUMMARY/BACKGROUND

The approved conservation subdivision is a revision of the previously approved Creek View Estates Subdivision, comprising Sections 2 and 3. This proposal increases the number of buildable lots from 85 to 105 and also increases the amount of open space from 4.8 acres to 9.26 acres. The applicant is proposing to increase the required front yard by 5 feet. The conservation subdivision was approved with a maximum 25-foot setback.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant/Residential Single Family	R-4	N
Proposed	Residential Single Family	R-4	N
Surrounding Properties			
North	Open Space	R-4	N
South	UC/Residential Single Family	R-4	N
East	Open Space	R-4	N
West	Vacant/Residential Single Family	R-4	N

PREVIOUS CASES ON SITE

18744 A conservation subdivision plan for sections 2 & 3 of Creek View Estates. The proposal was approved by LD&T on April 25, 2013.

10-18-04 Preliminary Major Subdivision Plan approved on February 25, 2005

10-18-04 Revised Preliminary Major Subdivision Plan approved on May 5, 2005

SITE CONTEXT

Cedar Creek runs along the eastern end of the site and is fed by an intermittent tributary on the site that flows from the west to the east. The creek and its tributary are the focal point of the conservation areas which consist of Cedar Creek, most of the 100' stream buffer area, tree canopy protection area, and fields. The site is surrounded by residential uses with recorded subdivisions to the north (Adams Run, Sections 7 & 8) and west (Creek View Estates, Section 1).

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 the structures will be located on four of the biggest lots in the subdivision and all other yard requirements will be met.

(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 structures will be compatible with the surrounding residential neighborhood.

(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 lots will still have ample front and rear yards.

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 conservation subdivision standards require a minimum front yard setback of 15 feet and a maximum front yard setback of 25 feet, otherwise the maximum front yard setback would be 30 feet.

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

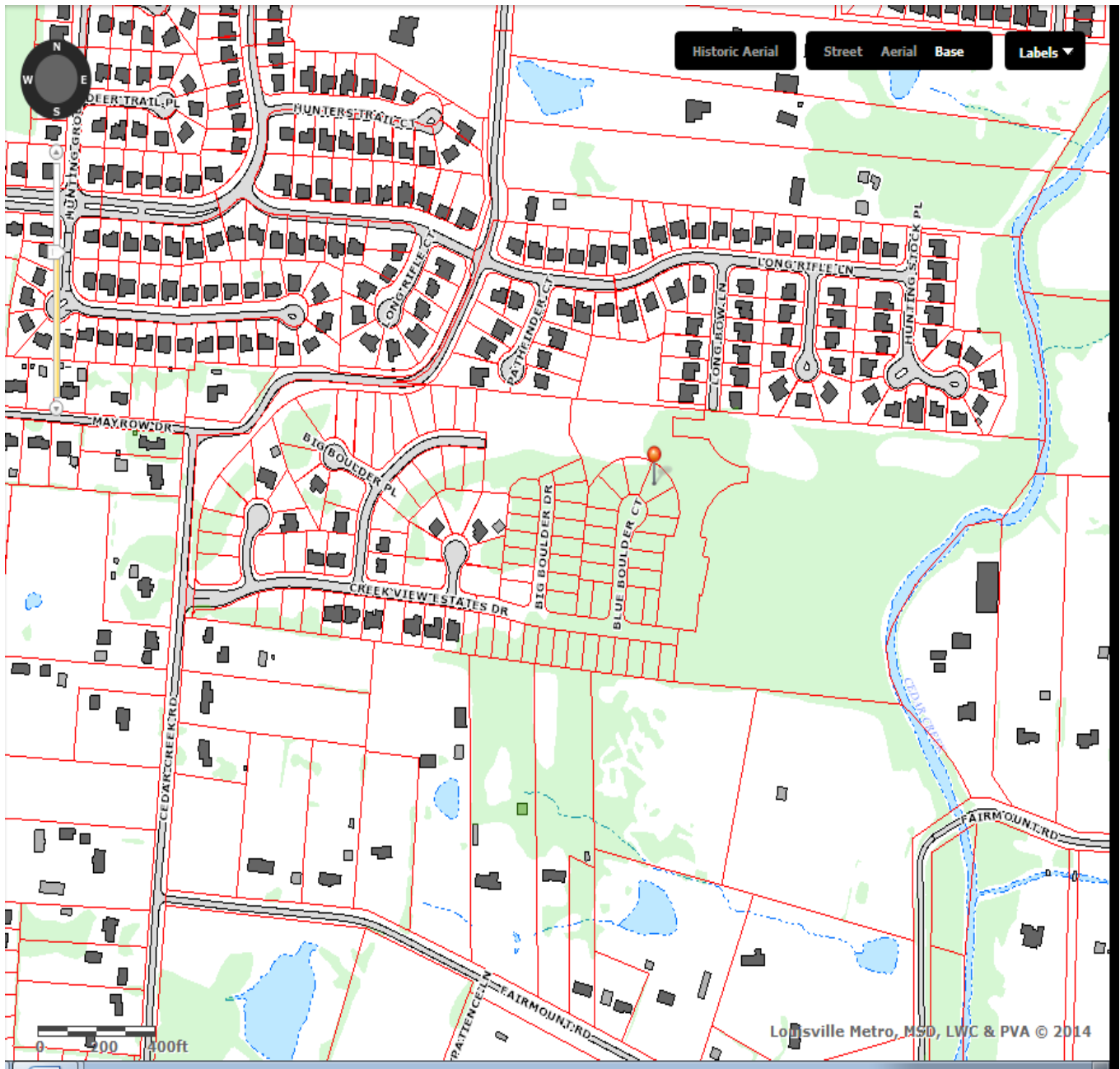
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
08/01/14	APO Notice	First tier adjoining property owners Neighborhood notification recipients
08/07/14	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 additional setback will not adversely affect the public health, safety or welfare since the additional 5' will not be noticeable, since designers often increase this yard on "pie" shaped lots to keep the lots from getting overly large and also since a 30' setback is typically required for a standard R-4 lot.

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

Since this minor increase will not be noticeable to a passerby without measuring the distance this request will therefore 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.

Again, since this minor increase will not be noticeable to a passerby without measuring the distance and does not affect any other requirement, this request will therefore not alter the essential character of the general vicinity.

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

Since there will be no noticeable effect on the overall development with this increase or any resulting safety issue from it, approval of this request will not allow an unreasonable circumvention of the requirements of the zoning regulations.

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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).

This property is zoned R-4 single family residential and for this district the regulations specify a minimum 30' front yard. This development is also a Conservation Subdivision and as such has a specified minimum and maximum building setback that does not generally apply to a standard subd.

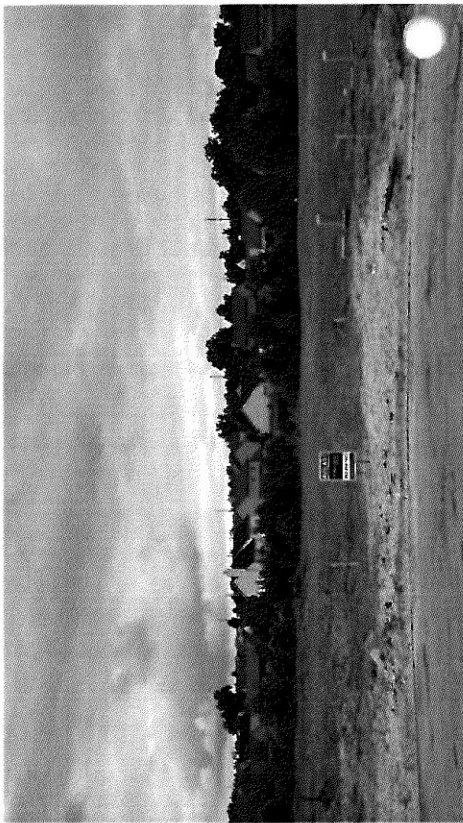
2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The strict application would create an unnecessary hardship since the request is only for an additional 5' on these lots located on a cul-de-sac and since the change wouldn't be noticeable without measuring and is typical practice for similar lots in a standard subdivision due to their shape.

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

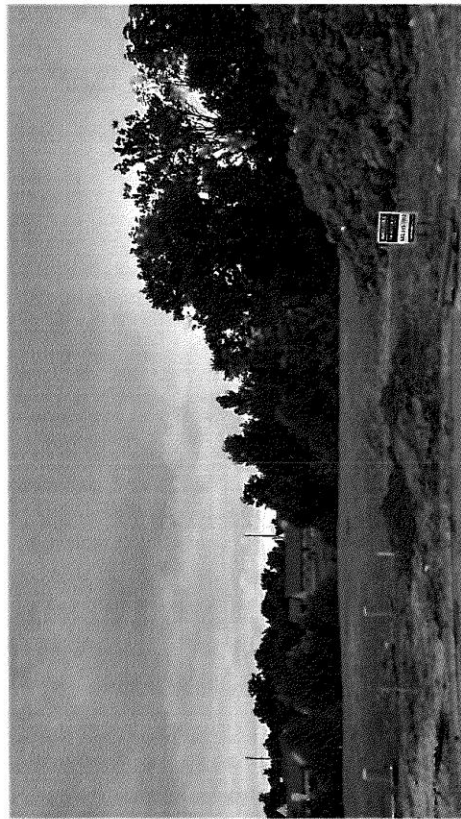
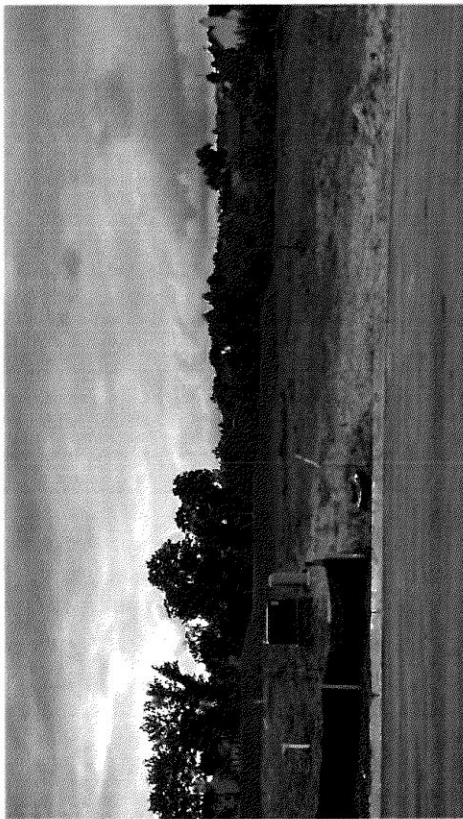
This request is not an action taken subsequent to the adoption of the regulation as the larger building setback on cul-de-sac lots is a practice which pre-existed the regulations.

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