

Board of Zoning Adjustment

Staff Report

September 17, 2018



Case No:	18VARIANCE1078
Project Name:	Park Springs Variance
Location:	Park Springs (formerly Lake Louisville)
Owner(s):	Park Springs LLC
Applicant:	Patrick Dominik – Sabak, Wilson & Lingo
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Dante St. Germain, Planner II

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow structures on two double-frontage lots to encroach into the required front yard setback along Black Gum Lane
- **Variance** from Land Development Code table 5.3.1 to allow structures on fourteen lots to encroach into the required street side yard setback

Location	Requirement	Request	Variance
Front Yard	30 ft.	20 ft.	10 ft.
Street Side Yard	30 ft.	20 ft.	10 ft.

CASE SUMMARY/BACKGROUND

The subject properties are located in the Park Springs subdivision, formerly known as Lake Louisville, located between 500 feet and 1,400 feet from the Jefferson County boundary along Spring Drive. The properties were originally platted in 1924, and were re-platted in 2017 to consolidate some of the 20-foot wide lots into 40-foot and 60-foot wide lots. The applicant requests a variance from the front yard setback to permit the construction of detached accessory structures on two of the longer double-frontage lots. The applicant also requests a variance from the street side yard setback to permit the construction of wider homes than would be otherwise permitted on the corner lots.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet 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.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1 (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 the lots for which the variance is requested are double-frontage lots interior to the block face, with the result that the reduced setback will not affect sight lines for drivers.

- (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 development is currently unbuilt and the essential character of the general vicinity will be defined in the future.

- (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 proposed reduced setback is not located at street corners.

- (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 proposed neighborhood has a unique development history and the lots are consequently substandard.

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 subject development was originally platted in 1924 but was never constructed, resulting in substandard lots even after re-platting.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to construct accessory structures that are very close to the principal structures on two lots, or else prevent the applicant from constructing accessory structures at all.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1 (2)

- (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 there will still be adequate sight distances at the corners with the reduced setback.

- (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 development is currently unbuilt and the essential character of the general vicinity will be defined in the future.

- (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 proposed reduced setback will not obstruct sight distances for drivers.

- (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 proposed neighborhood has a unique development history and the lots are consequently substandard.

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 subject development was originally platted in 1924 but was never constructed, resulting in substandard lots even after re-platting.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to construct very narrow houses on all of the corner lots.

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.

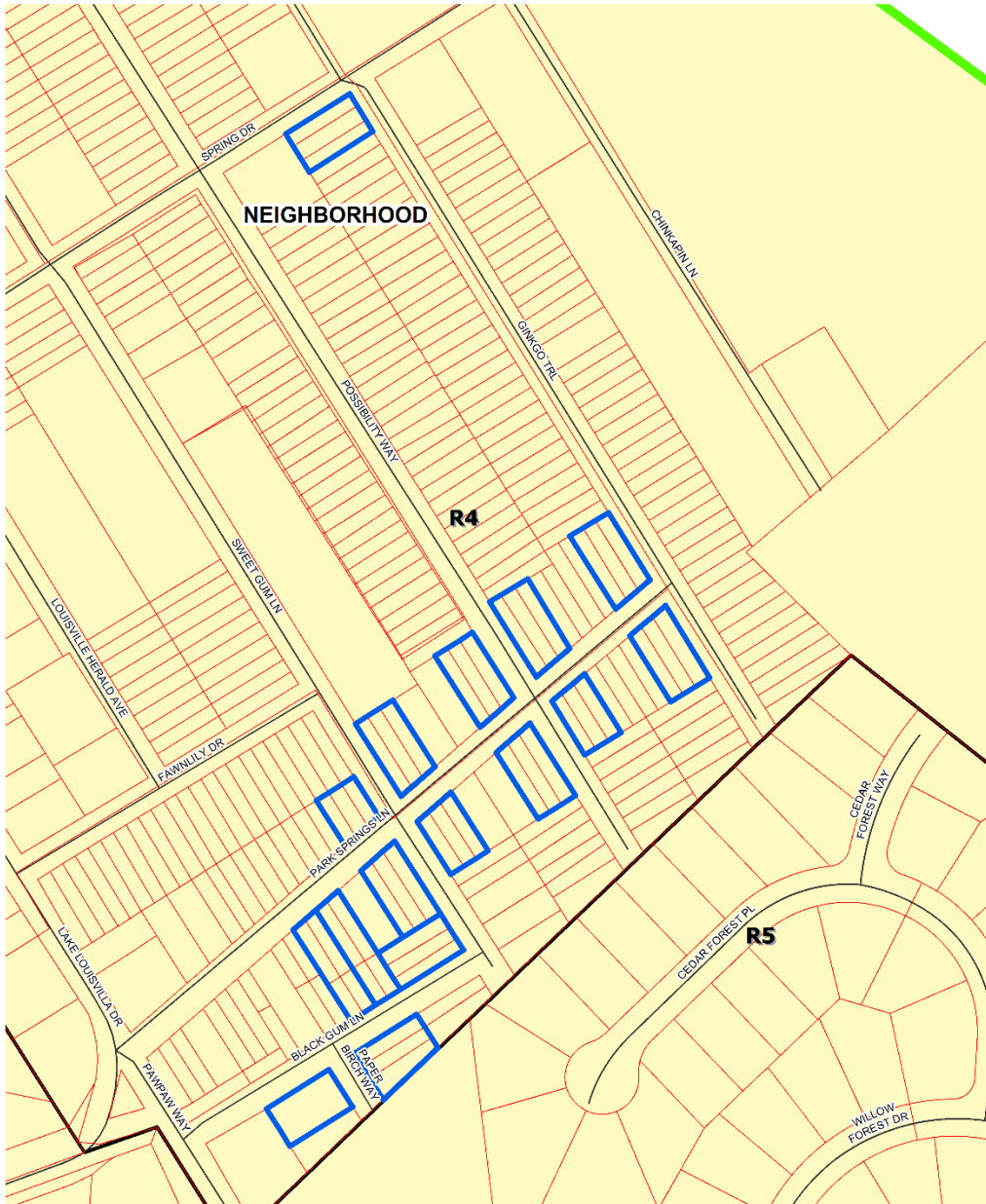
NOTIFICATION

Date	Purpose of Notice	Recipients
08/21/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 17
09/05/2018	Hearing before BOZA	Notice posted on property

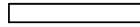
ATTACHMENTS

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

1. **Zoning Map**



Park Springs
feet



175
Map Created: 9/6/2018

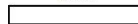


Copyright (c) 2018, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



Park Springs
feet



175
Map Created: 9/6/2018



Copyright (c) 2018, 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



Looking south down Gingko Trail.



Looking into the site.



Looking into the site.



Looking into the site.



Looking north down Ginkgo Trail.