

Board of Zoning Adjustment

Staff Report

May 23, 2022



Case No: 22-VARIANCE-0038
Project Name: Wolf Pen Branch Road Variance
Location: 6300 Wolf Pen Branch Road
Owner/Applicant: Aaron Yarmuth
Representative: Ben Schenck, De Leon & Primmer Architecture
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Heather Pollock, Planner I

REQUESTS:

Variance from the Land Development Code Table 5.3.1 and section 5.3.1.C.4 to allow a structure to encroach into the front yard setback.

Location	Requirement	Request	Variance
Front Yard Setback	90 ft.	72 ft.	18 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-1 Single Family Residential and is in the Neighborhood Form District. It is on the south side of Wolf Pen Branch Rd. in the Nitta Yuma subdivision. The site currently vacant and the applicant is proposing to build a single family home that will encroach into the required front yard setback.

The setback requirements listed in Table 5.3.1 for R-1 in the Land Development Code are 75 ft. Supplemental setbacks from section 5.3.1.C.4 for residential uses abutting collector level streets add an additional 15 ft. Therefore, the front yard setback shall be 90 ft. The applicant is requesting a variance to allow a newly constructed single family home to partially encroach into this front yard setback.

STAFF FINDINGS

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 Code to allow a principal structure to encroach into the front yard setback.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the structure may require alterations to the proposed building plans in order to meet building code requirements.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM Table 5.3.1 and Section 5.3.1.C.4

- (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, because the proposed structure must be constructed to comply with all applicable building regulations and the Land Development Code, except where relief is requested.

- (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 proposed structure and its location on the lot will be in character with the surrounding residential 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 structure must be constructed to comply with all building codes.

- (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 existing karst conditions restrict the ability to comply with the front yard setbacks.

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 as the lot is similar in size and shape as the surrounding properties.

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 as the subject property has multiple sink holes and karst terrain that restrict the ability to comply with the front yard setback.

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 as the applicant has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

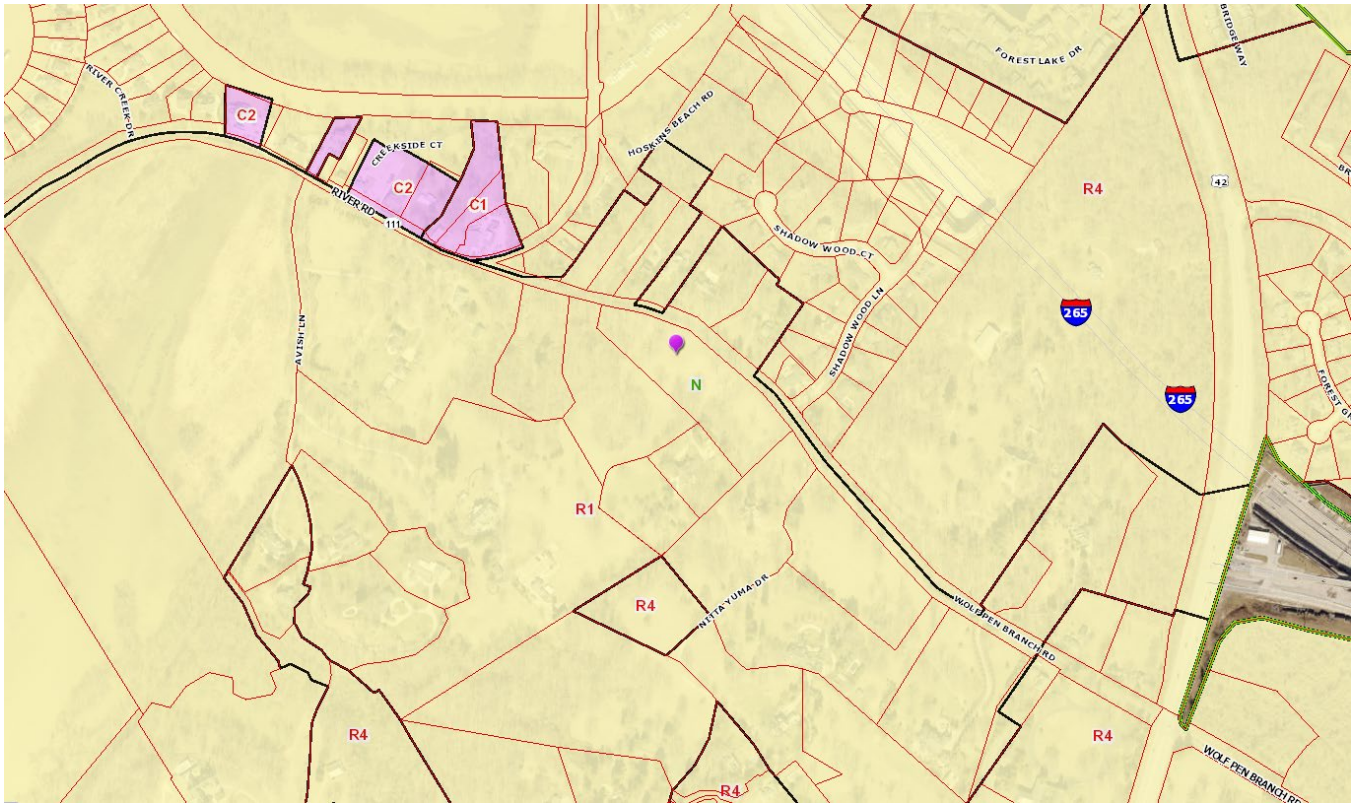
NOTIFICATION

Date	Purpose of Notice	Recipients
05/06/2022	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 16
05/11/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

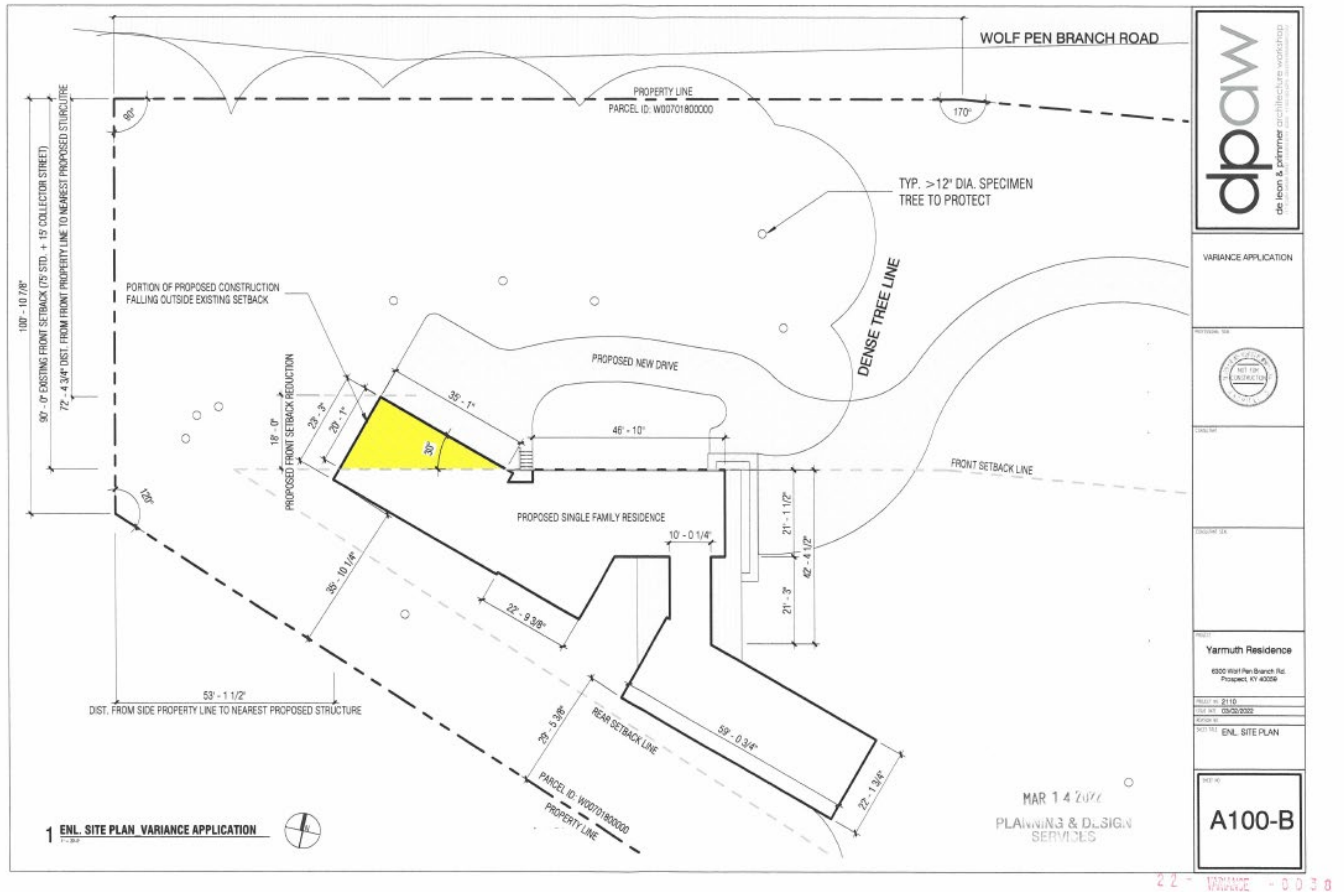
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Elevations



VIEW FROM NORTHWEST ILLUSTRATING PORTION OF PROPOSED RESIDENCE THAT ANGLES INTO FRONT SETBACK

5. Site Photos



Front of subject property from Wolf Pen Branch Rd.



Property to the left, Google 2021.



Across street, Google 2021.



View of variance area from Wolf Pen Branch Rd.



View of Variance area from private drive at the center of the property.