

Board of Zoning Adjustment
Staff Report
August 29, 2016



| | |
|--------------------------|---|
| Case No: | 16VARIANCE1060 |
| Request: | To allow proposed residence to exceed the minimum range allowed for the front yard setback. |
| Project Name: | 12506 Lilly Ave. Variance |
| Location: | 12506 Lilly Ave. |
| Area: | 1.147 acres |
| Owner: | Vanessa J. Lasobek |
| Applicant: | Richeal Thronson-Mabis – Clayton Homes |
| Representative: | Richeal Thronson-Mabis – Clayton Homes |
| Jurisdiction: | Louisville Metro/Audubon Park |
| Council District: | 19 – Julie Denton |
| Case Manager: | Ross Allen, Planner I |

REQUEST

- **Variance:** from the Land Development Code section 5.1.12.a to allow the front yard setback to be greater than the range of the front yard setbacks of the two nearest lots containing principal structures within the same block face.

| Location | Requirement | Request | Variance |
|--------------------|-------------|---------|----------|
| Front Yard Setback | 30-35 feet | 65 feet | 30 feet |

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is a vacant parcel located in an R-5 zoning district within a Neighborhood Form District. The applicant is proposing to construct a 2,000 sf. residence with a 576 sf. attached garage, unenclosed front and rear porches. The applicant is requesting the variance as a result of the pentagonal shape of the lot and the required setback as defined in LDC section 5.1.12.a, infill context. The required front yard setback of the subject property would be based upon the range of setbacks of the two nearest lots principal structures which are 30 feet (12504 Lilly Lane) and 35 feet (12508 Lilly Lane) respectively. The applicant is requesting a 65 foot front yard setback. The applicant's proposed driveway, as shown on the site plan would be connecting to an existing driveway, used by 12508 Lilly Lane, and would traverse atop a sanitary sewer line. The applicant's driveway is not in the public right of way but connects into an existing driveway within the public right of way.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|---------------------------|--------|---------------|
| Subject Property | | | |
| Existing | Residential Single Family | R-5 | Neighborhood |
| Proposed | Residential Single Family | R-5 | Neighborhood |
| Surrounding Properties | | | |
| North | Residential Single Family | R-5 | Neighborhood |
| South | Residential Single Family | R-5 | Neighborhood |
| East | Residential Single Family | R-5 | Neighborhood |
| West | Residential Single Family | R-5 | Neighborhood |

PREVIOUS CASES ON SITE

No other cases were associated with the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 property sets approximately 65 foot from the eastern property line, 130 foot from the western rear property line and 47 feet from the western property line. Only the northwestern and northeastern adjacent properties have a principal structure with the northwestern principal structure being the closest in proximity.

- (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 parcels in the vicinity have varying sizes and are irregularly shaped. The subject parcel is a pentagonal shape (having five sides) and the proposed residence is situated at or near the center of the parcel.

- (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 residence is situated within the confines of the 1.147 acre lot and poses no issue to the public based on distances/proximity to property lines nor existing residential structures.

- (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 intent of LDC section 5.1.12.a is to provide uniformity and given the pentagonal shape of the parcel the applicant has situated the home facing Lilly Lane while providing distance to other structures.

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 since the pentagonal shape of the parcel requires the home to face Lilly Lane and all setbacks would be determined by LDC Table 5.3.1, requiring minimum rear and side yard setbacks of 25 feet, and 5 feet respectively.

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 pentagonal shape of the lot and the applicant would be required to

move the proposed residence closer to Lilly Lane by approximately 30 feet resulting in a small front yard area with a disproportionately large rear yard.

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 applicant is requesting the variance prior to construction of the proposed residence.

TECHNICAL REVIEW

- None

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 standard of review for granting variances as established in the Land Development Code from sections 5.1.12.a to allow a proposed residence to have a front yard setback greater than the ranges of the two nearest principal structures, being 65 feet.

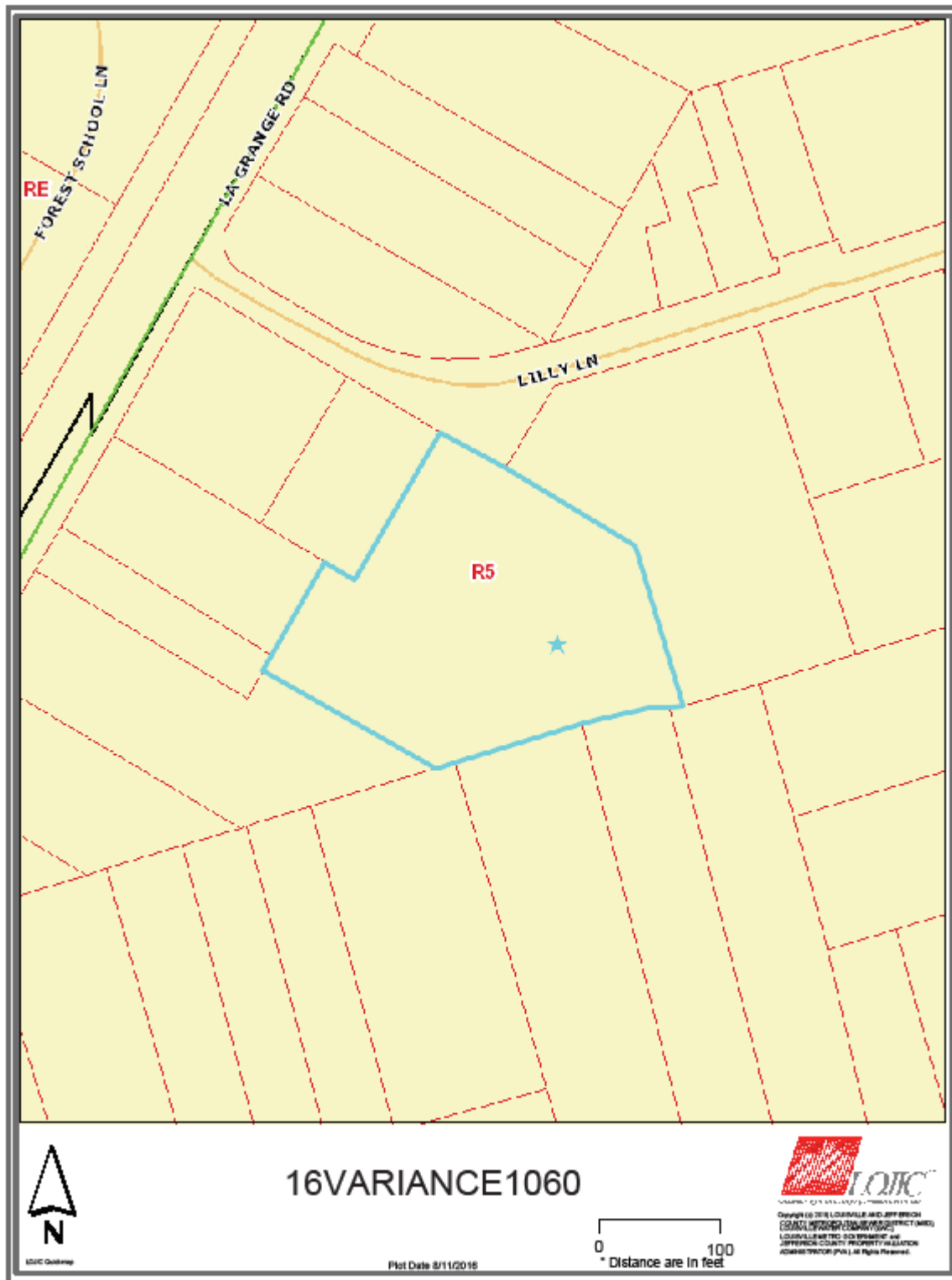
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------------|-----------------------|--|
| August 12, 2016 | Hearing before BOZA | 1 st tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals |
| August 12, 2016 | Sign Posting for BOZA | Sign Posting on property |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2.

