

Board of Zoning Adjustment
Staff Report
October 2, 2017



Case No:	17VARIANCE1046
Project Name:	11101 Chapel Hill Road Addition
Location:	11101 Chapel Hill Road
Owner(s):	Bruce & Janet Ramsey
Applicant:	Steven Neyer
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	24 ft.	6 ft.

CASE SUMMARY/BACKGROUND

The subject property is lot 13 of the Chapel Hill Subdivision, recorded in 1955 in plat book 13, page 53. It is located at the corner of Chapel Hill Road and David Way, and contains a one-story single-family residence. The original plat provided for a 40' build limit line, and the existing structure has a 40' setback on both the Chapel Hill Road (front) and David Way (street side) frontages. The applicant proposes to construct a new addition that will extend into the street side yard on the David Way frontage. The addition is proposed to encroach 6 feet into the street side yard.

This property is the subject of a current minor plat, under case number 17MINORPLAT1081, to shift the building limit line from 40' to 30', except where the addition is proposed, where the building limit is proposed to be further shifted to 24'.

STAFF FINDING

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 the Land Development Code from table 5.3.1 to allow a structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

- The associated minor plat has received preliminary approval from Transportation Planning and MSD.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 encroachment will not obscure sight lines at the corner.

- (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 there are no other structures on this block face of David Way, with the result that the encroachment will not be readily obvious.

- (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 addition will not encroach into the sight triangle at the corner.

- (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 addition is needed in order to accommodate the applicant's family.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 property is rectangular and almost identical to the other lots at the same intersection.

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 by preventing the applicant from adding onto the existing residence.

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.

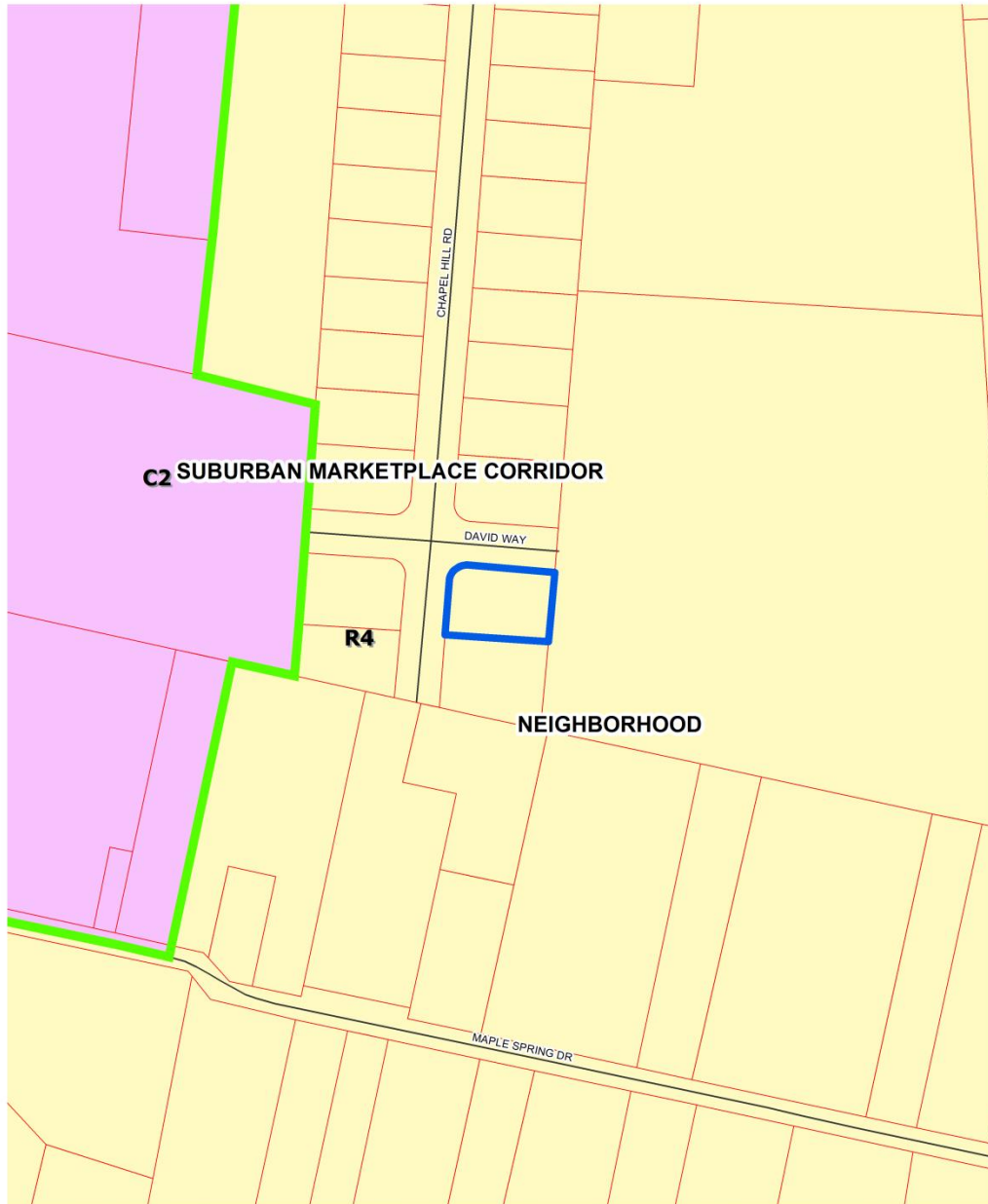
NOTIFICATION

Date	Purpose of Notice	Recipients
09/12/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 23
09/15/2017	Hearing before BOZA	Notice posted on property

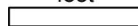
ATTACHMENTS

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

1. **Zoning Map**



11101 Chapel Hill Road
feet



175
Map Created: 9/18/2017



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2. Aerial Photograph



11101 Chapel Hill Road
feet

110

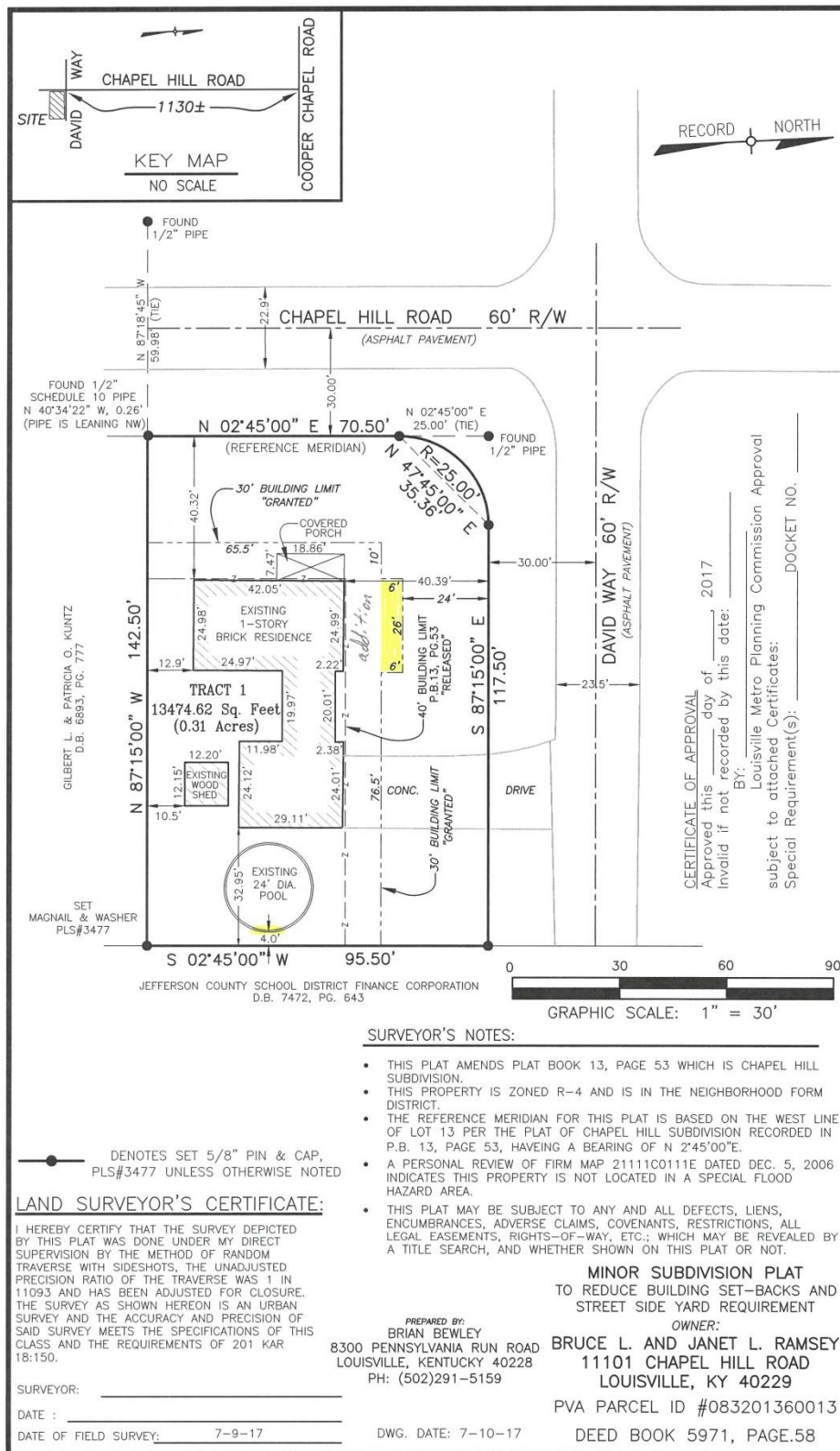
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Published Date: September 27, 2017

Site Plan



4. **Site Photos**



The front of the subject property.



The side of the subject property, where the addition is proposed to extend into the yard.



The residence across Chapel Hill Road.



The residence across David Way.