

# Board of Zoning Adjustment

## Staff Report

December 4, 2017



<b>Case No:</b>	17VARIANCE1087
<b>Project Name:</b>	7101 Fontendleau Way Carport
<b>Location:</b>	7101 Fontendleau Way
<b>Owner(s):</b>	Ronald & Joan Bennett
<b>Applicant:</b>	Ronald Bennett
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

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

Location	Requirement	Request	Variance
Front Yard Setback	30 feet	6 feet	24 feet

### CASE SUMMARY/BACKGROUND

The subject property is a corner lot located at the intersection of McKenna Way and Fontendleau Way, lot 51 of the Shadow Creek Subdivision Section 1B, recorded in plat book 30, page 63 in 1973. The property contains a two-story single-family residence with an attached garage. The property is subject to 30' build limit lines along the front and street side property lines, which the principal structure currently observes. The property has driveways leading to both McKenna Way and Fontendleau Way. The applicant proposes to construct a new 468 square foot detached carport on the driveway leading to McKenna Way. The proposed use of the carport is to shelter a handicapped-accessible vehicle which the applicant has purchased in order to better transport his disabled mother-in-law.

A minor plat, 17MINORPLAT1145, has been submitted to shift the build limit line in the front yard to allow the carport to be constructed. This plat is currently pending a site plan.

### STAFF FINDING

Staff finds that the requested variance is not adequately justified and does not 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 to allow a structure to encroach into the required front yard setback.

## **TECHNICAL REVIEW**

- The site plan has received preliminary approval from Transportation Planning.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

## **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 carport will not be enclosed and will not affect sight lines at the corner.

- (b) The requested variance will alter the essential character of the general vicinity.

STAFF: The requested variance will alter the essential character of the general vicinity as there are no other structures in the front yards or street side yards of other properties in the vicinity, creating a steady line of façades which will be broken by the proposed carport.

- (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 carport will be constructed according to building code.

- (d) The requested variance will allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations as the carport is out of character for the neighborhood, and the carport is not necessary for the applicant to own a handicapped-accessible vehicle.

## **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 because the lot is regular in shape and similar in size to other corner lots in the area.

2. The strict application of the provisions of the regulation would not 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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the applicant can own a handicapped-accessible vehicle without a carport.

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.

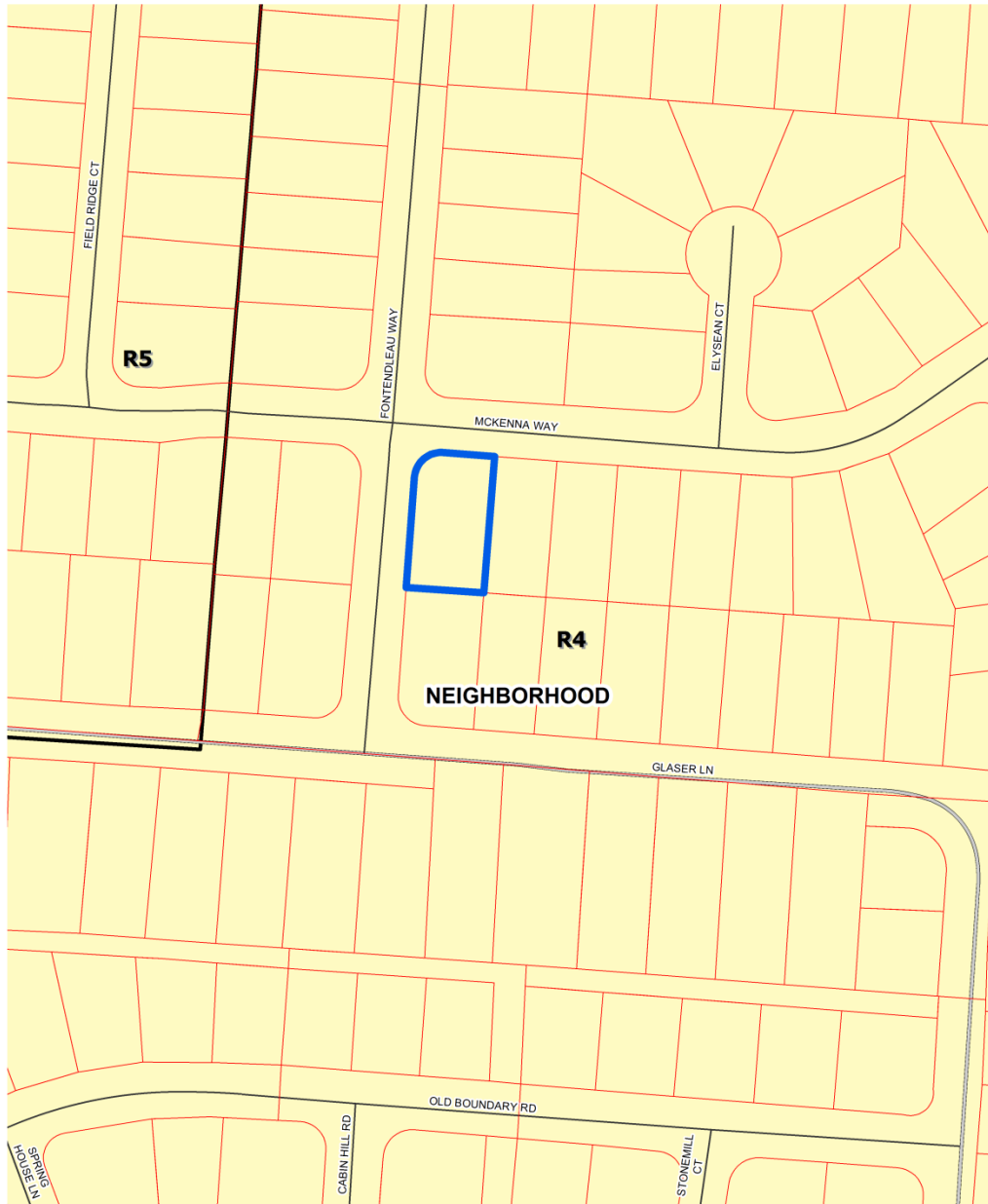
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
11/17/2017	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
11/17/2017	Hearing before BOZA	Notice posted on property

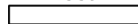
#### **ATTACHMENTS**

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

1. **Zoning Map**



7101 Fontendleau Way  
feet

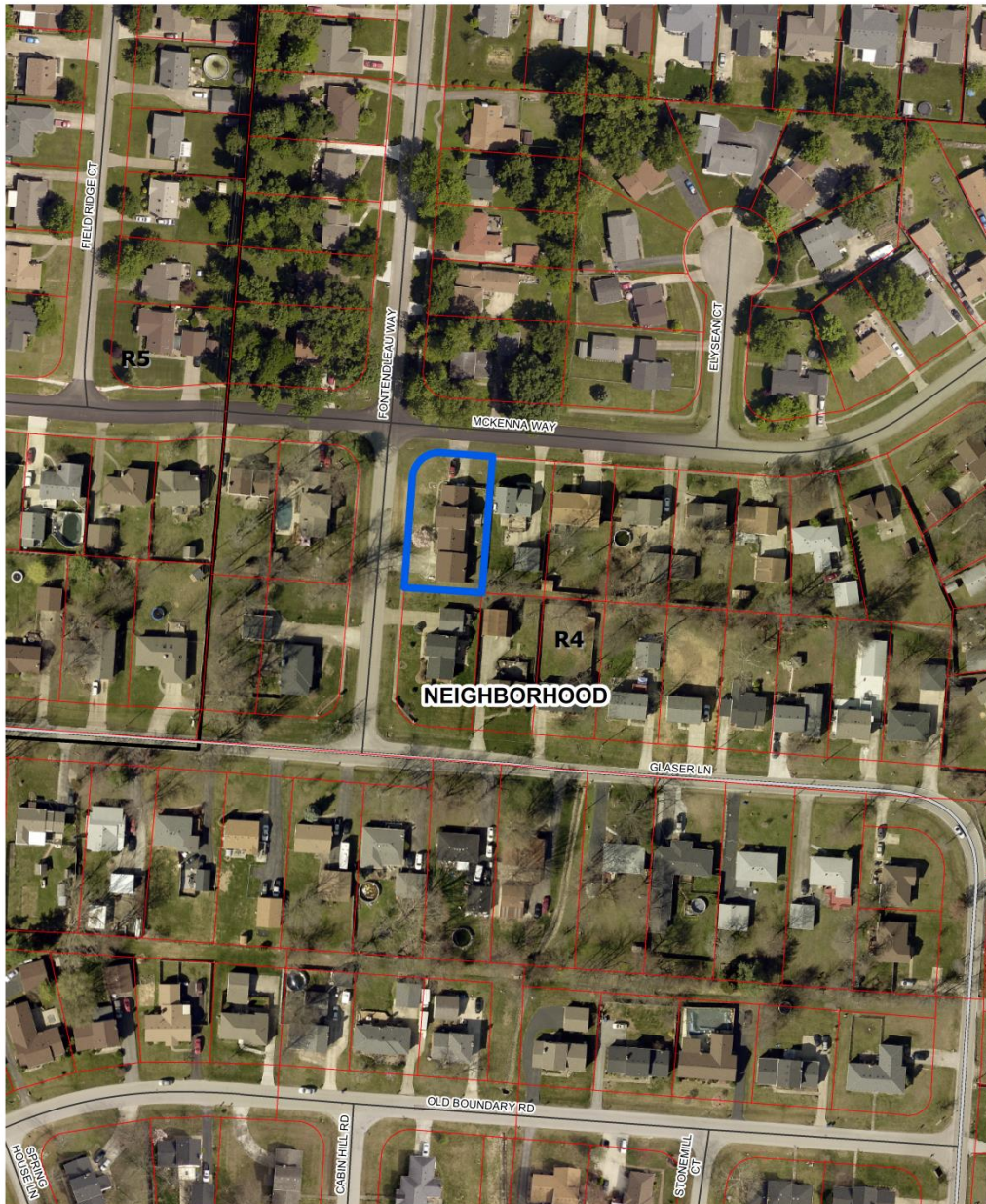


Map Created: 11/20/2017



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## 2. Aerial Photograph



7101 Fontendleau Way  
feet

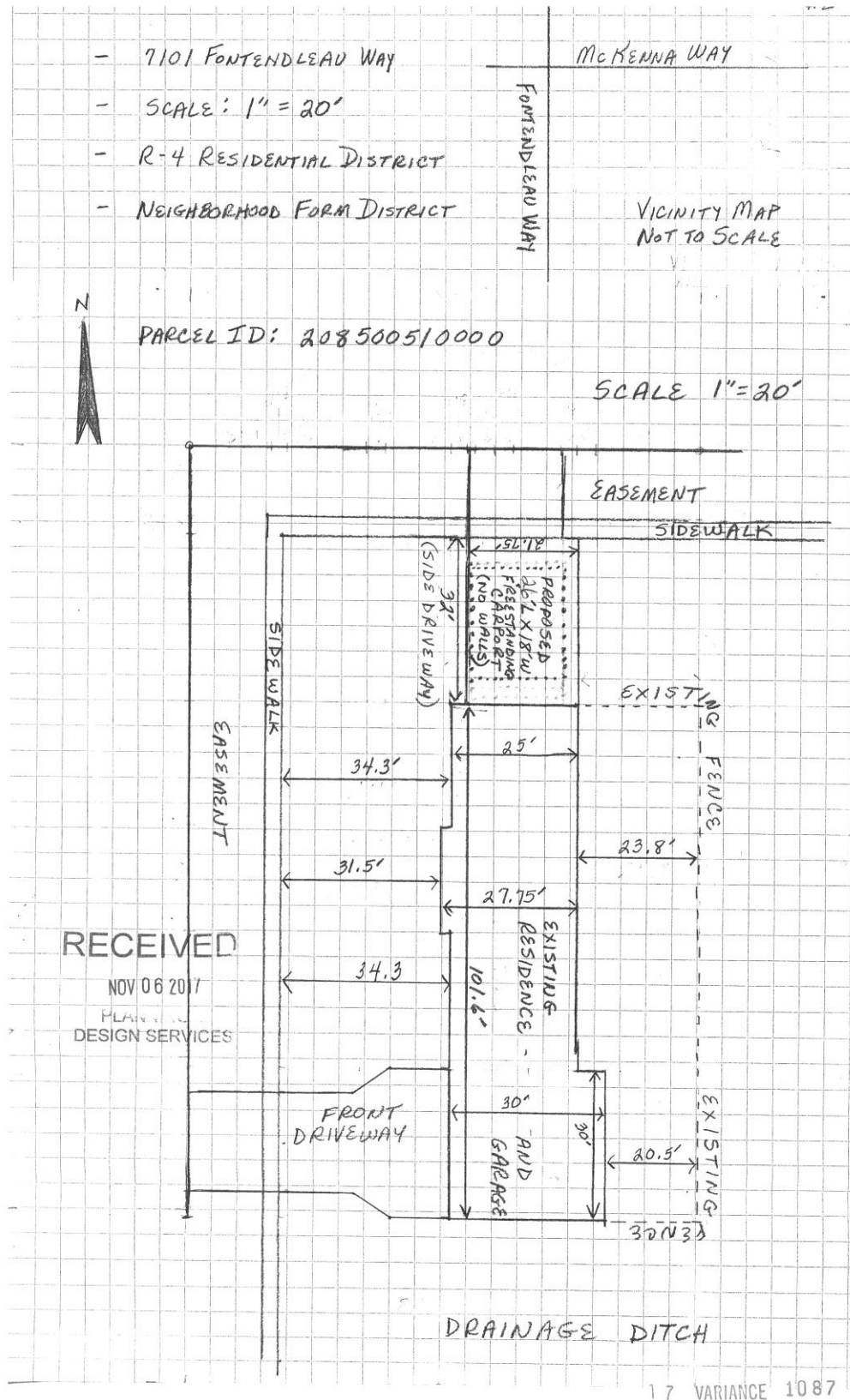
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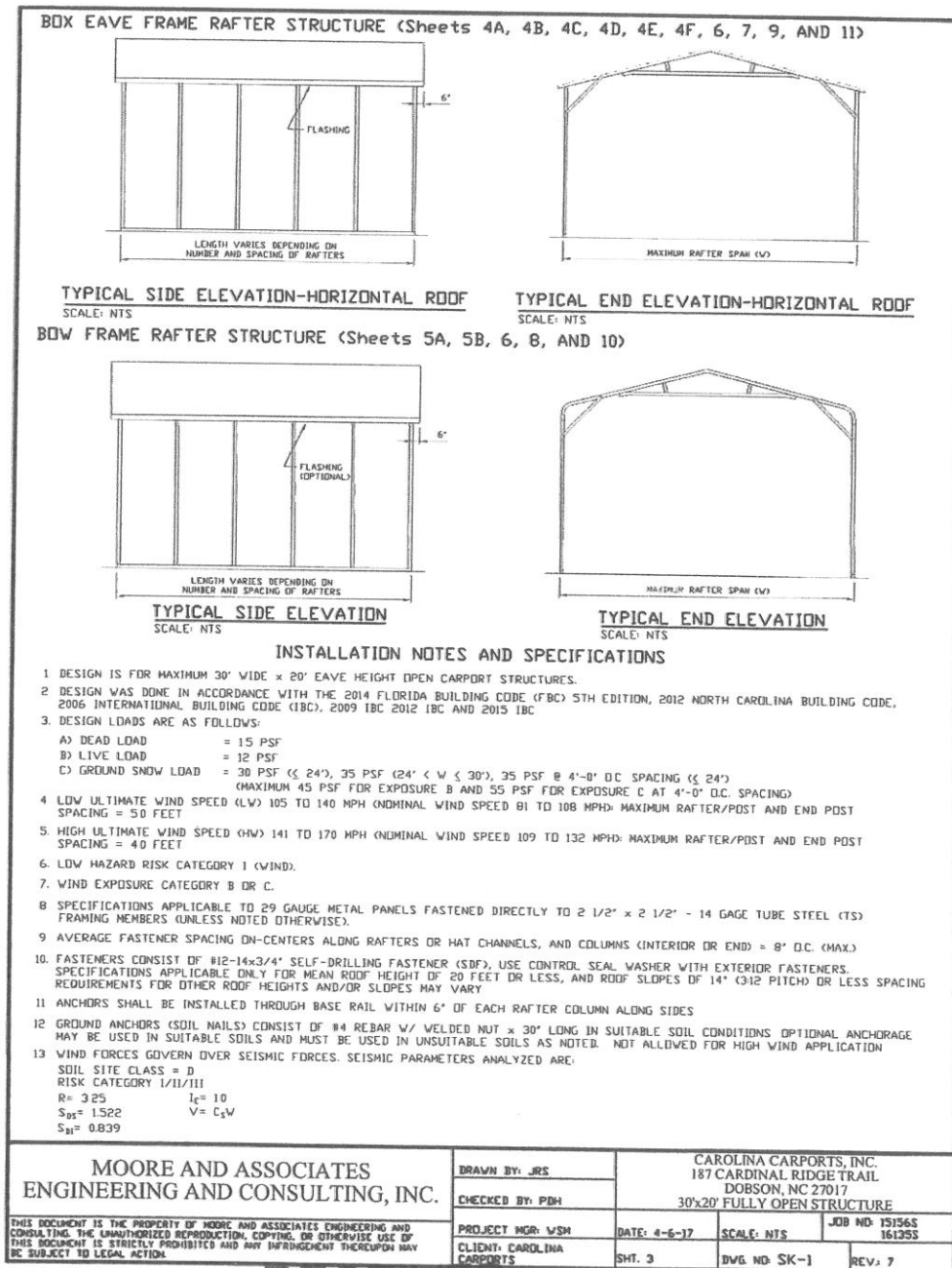
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### 3. Site Plan





#### 4. Elevation



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NOV 06 2017

PLANNING &  
DESIGN SERVICES

17 VARIANCE 1087

5. **Site Photos**



The front of the subject property, and the side of the house, showing where the carport is proposed.





The property to the right of the subject property.





The property to the left of the subject property across Fontendleau Way.





The property across McKenna Way.





The property across the intersection.



The location of the proposed carport and the vehicle to be sheltered by the carport.





The façades down McKenna Way.