

Board of Zoning Adjustment

Staff Report

June 15, 2020



Case No: 20-VARIANCE-0046
Project Name: Sanctuary Bluff Lane Variance
Location: 4119 Sanctuary Bluff Lane
Owner: Ronald J. Biddle
Applicant: Gary Shearer – GDS
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.3.1 to allow a principal structure (including retaining wall) to encroach into the required front yard setback

Location	Requirement	Request	Variance
Front Yard – Building	30 ft.	27.42	2.58
Front Yard – Retaining Wall	30 ft.	15 ft.	15 ft.

CASE SUMMARY

The subject property is located in the Sanctuary Bluff subdivision. It contains a 2 ½ story single-family residence. The structure has already been built and is encroaching into the required front yard setback. The retaining wall is 15 feet from the front property line and is over four feet in height. The residence is 27.42 feet away from the front property line. The Board of Zoning Adjustment denied a variance for the same property on June 3, 2019. However, the applicant has made significant adjustments to the structure by removing a portion of the front of the house in order to reduce the encroachment.

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 principal structure addition to encroach into the required front yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received.

RELATED CASES

19VARIANCE1039 – Variance to allow a principal structure to encroach into the required front yard setback.

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 structure must be constructed to comply with all building codes, including fire codes.

- (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 is some variation in front yard setbacks for principal structures in the area.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the structure must be constructed to comply with all building codes, including fire 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 applicant has made significant changes to the structure to reduce the encroachment into the front yard.

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 generally apply to land in the general vicinity or the same zone as the property is similarly sized as the surrounding lots.

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 they have made significant alterations to the layout of the structure to reduce the encroachment as much as possible.

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 as the applicant purchased the property on July 12, 2019 after the previous variance had been denied. The applicant then made significant changes to the structure to reduce the encroachment into the front yard.

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.

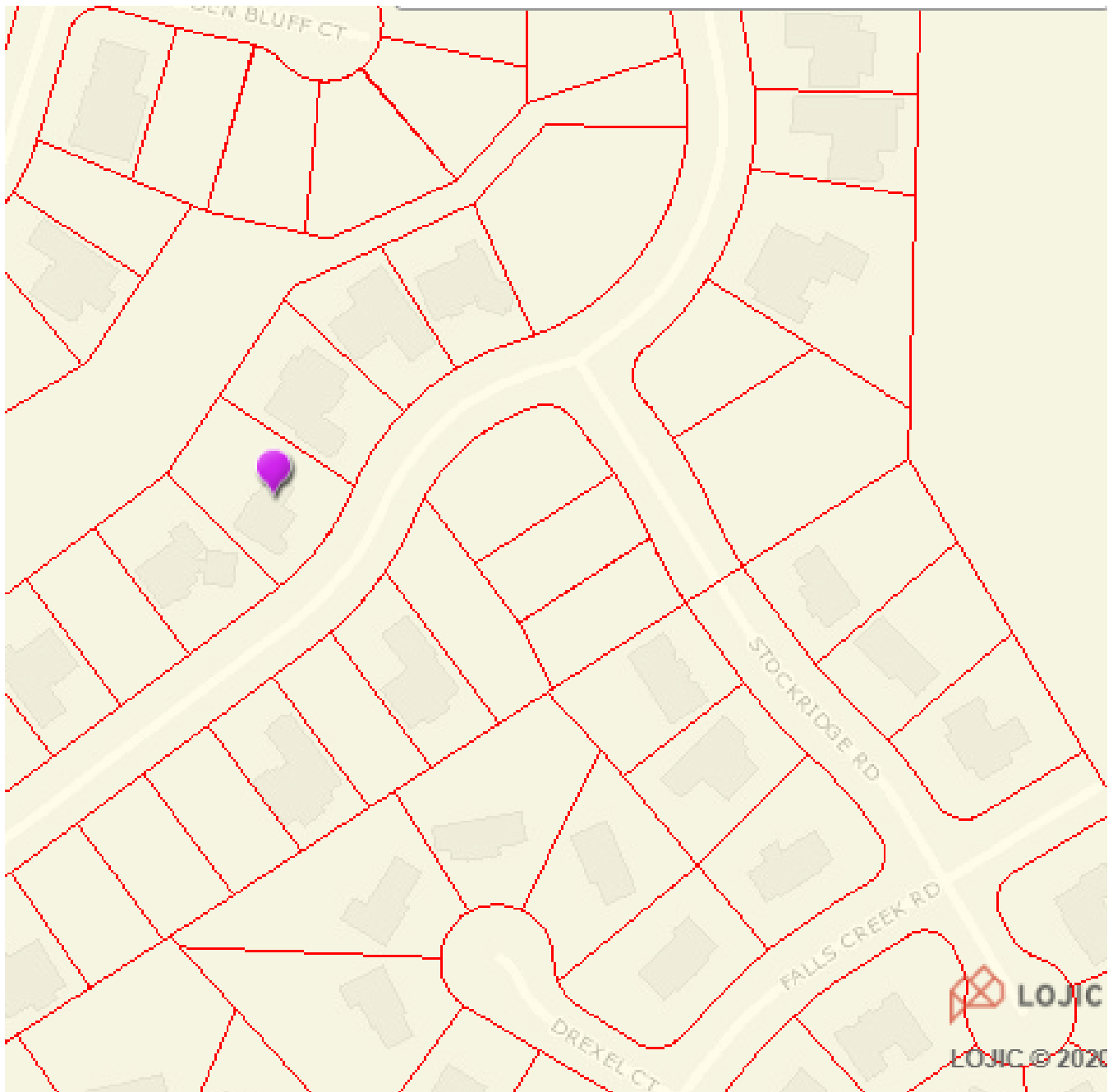
NOTIFICATION

Date	Purpose of Notice	Recipients
05/27/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 16
06/03/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

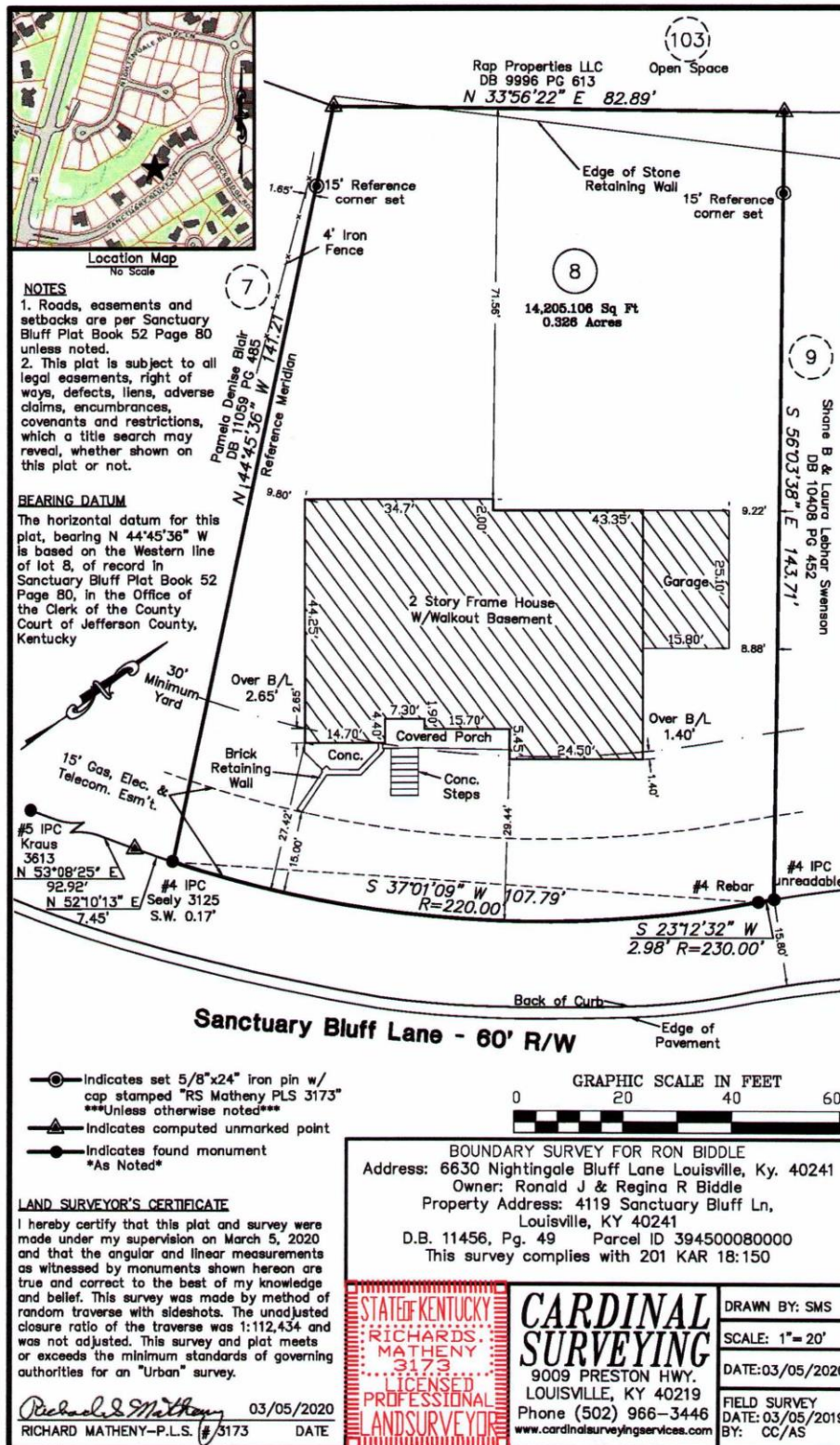
1. **Zoning Map**



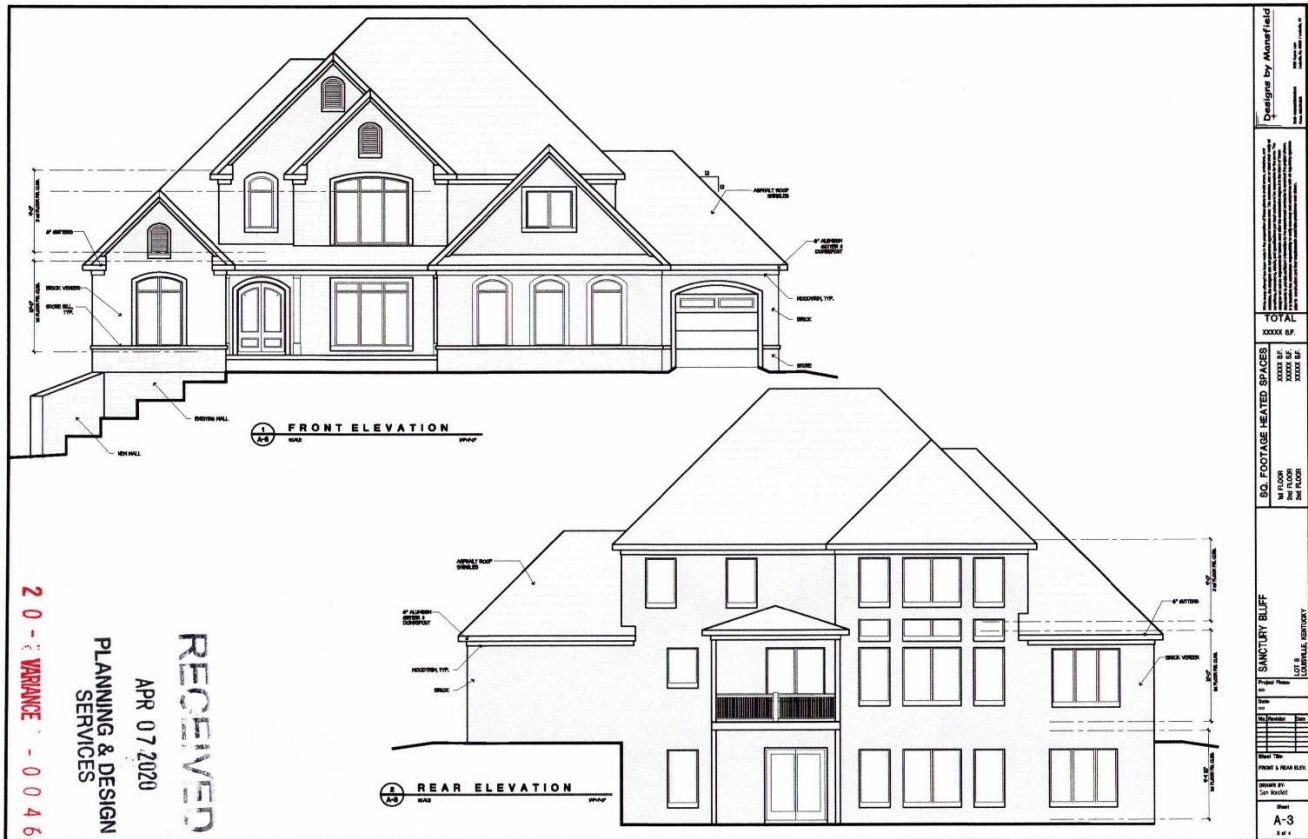
2. **Aerial Photograph**



3. Site Plan



4. Elevations



5. Site Photos



Front of subject property.

Jun 3, 2020 at 10:08:50 AM
4121 Sanctuary Bluff Ln
Louisville KY 40241
United States



Property to the right.

Jun 3, 2020 at 10:08:53 AM
4121 Sanctuary Bluff Ln
Louisville KY 40241
United States



Property to the left.

Jun 3, 2020 at 10:09:07 AM
4121 Sanctuary Bluff Ln
Louisville KY 40241
United States



Properties across Sanctuary Bluff Lane.



Variance area.



Variance area.