

Board of Zoning Adjustment

Staff Report

October 19, 2020



Case No:	20-VARIANCE-0093
Project Name:	Lakeview Villas
Location:	16900 Mallet Hill Drive
Owner(s):	Tiffany L. Nolot, Poe Family Realty Partnership, LTD
Applicant:	Don Karem, Karem Built Homes, Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Variance** from Land Development Code section 4.8.1 to omit the 100 foot Streambank Buffer associated with the Polo Fields Golf Course lake

CASE SUMMARY/BACKGROUND

The subject site is currently vacant and is located on the west side of Mallet Hill Drive, east of Crosstimbers Drive. It is a currently undeveloped parcel, zoned R-5A Residential Multi-Family in the Neighborhood form district, and surrounded by other residentially zoned parcels.

The applicant proposes to construct a 20-lot single family residential subdivision on approximately 6.9 acres. Access will be provided via Mallet Hill Drive, which is classified as a local road. The applicant proposes to use the existing lake on the Polo Fields, LLC property to the south of the subject site for storm water management.

The applicant is requesting a variance to omit the 100 foot Streambank Buffer associated with the Polo Fields Golf Course lake along the southern perimeter of the site. Staff recommends that the Board of Zoning Adjustment discuss with the applicant possible mitigation for the requested omission of the streambank buffer, such as additional plantings.

Previous cases:

- 09-80-99: Change in zoning from R-4 Single Family Residential to R-5A Multi-Family Residential for a multi-family patio home development with twenty-two (22) patio homes.

There are associated cases, 20-DDP-0038 and 20-MSUB-0006, and a waiver request to waive the more than 15% occupation of a rear yard with a drainage easement and to waive the 15 foot buffer yard (20-WAIVER-0070). These requests were heard at the September 24, 2020 Land Development and Transportation Committee. The Board of Zoning Adjustment does not act upon these requests.

STAFF FINDINGS

The variance is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary plan approval.

INTERESTED PARTY COMMENTS

Staff received an email from Ms. Deandrea McKinney on October 7, 2020, which is included with the case file. Ms. McKinney expressed concerns about traffic.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.8.1 TO OMIT THE 100 FOOT STREAMBANK BUFFER ASSOCIATED WITH THE POLO FIELDS GOLF COURSE LAKE

- (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 applicant states that the construction of the proposed homes will be in compliance with MSD Best Management Practices for Erosion Prevention and Silt Control. Staff recommends that the Board of Zoning Adjustment discuss with the applicant possible mitigation measures for the variance request, such as additional plantings.

- (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 the golf course lake will not be altered, and there are many existing residential structures in the vicinity of the subject site. Additionally, the currently approved plan for 9-80-99 does not show a streambank buffer on the subject site.

- (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 lake is existing, and the portions of the subject site where the buffer would normally be located will be used by individual home owners. The applicant states that the lake will be protected during construction with MSD Best Management Practices for Erosion and Silt Control.

- (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 plan for 9-80-99 does not show a streambank buffer, so if the subject site had been constructed in accordance with that plan the streambank buffer would not have been provided.

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 golf course lake is a unique feature, as it was constructed specifically to serve the golf course and to add an amenity for the residential development in the vicinity.

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 regulation would deprive the applicant of reasonable use of the land or create an unnecessary hardship on the applicant since the 100 foot streambank buffer encroaches a significant distance into several tracts on the subject site and would restrict construction of the proposed single-family homes.

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 action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, since the golf course lake is existing on site, and the streambank buffer is not shown on the plan for 9-80-99.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**

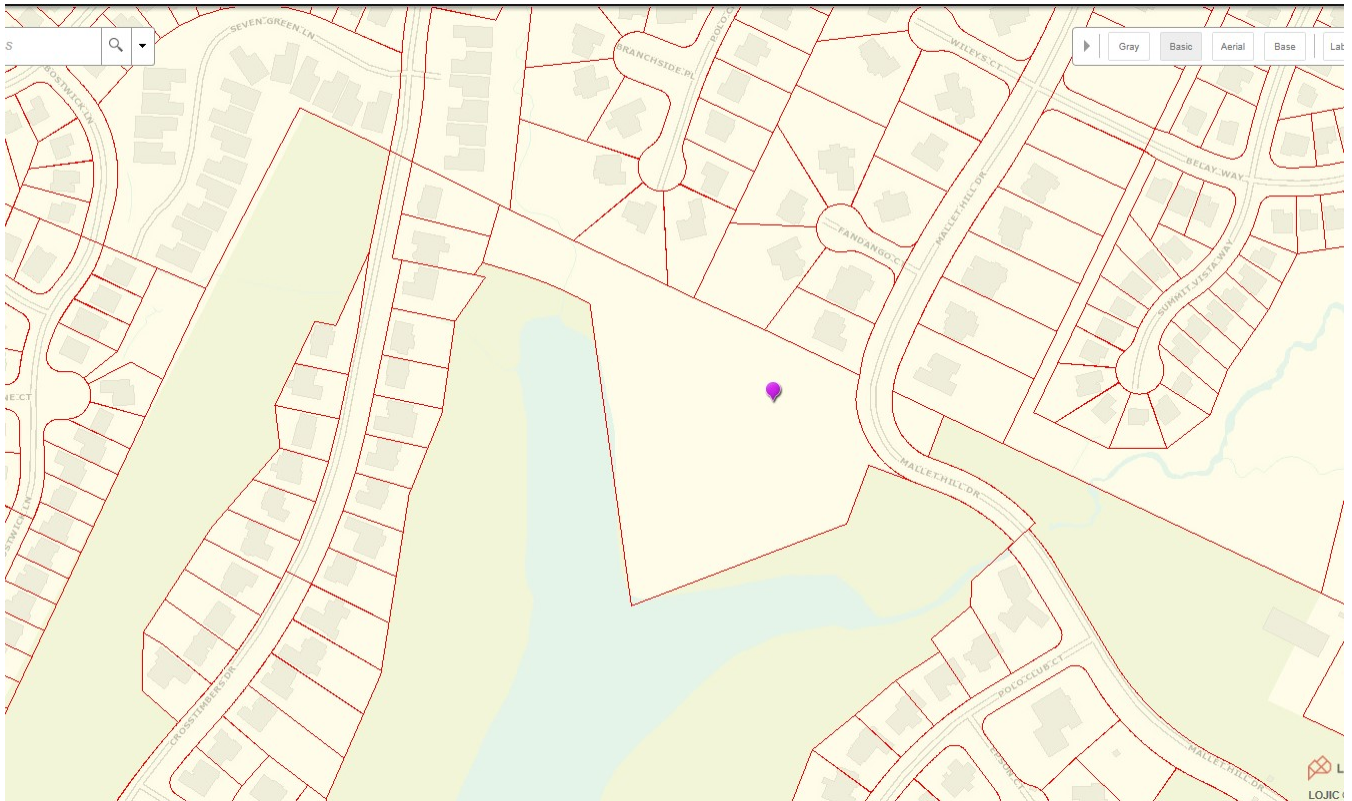
NOTIFICATION

Date	Purpose of Notice	Recipients
10-19-20	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

