

Board of Zoning Adjustment

Staff Report

November 2, 2020



Case No:	20-VARIANCE-0061
Project Name:	Barbour Manor Drive Variance
Location:	7909 Barbour Manor Drive
Owner:	Barbour Manor, LLC
Applicant:	Kendall Cogan – Property Services Group, LLC
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Zach Schwager, Planner I

REQUESTS:

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

Location	Requirement	Request	Variance
Rear Yard	25 ft.	15 ft.	10 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Residential Single-Family in the Neighborhood Form District. The applicant proposes to construct a single-family structure at the rear of the property and the proposed structure will encroach into the rear yard setback. The subject site was originally platted as an open-space lot; however, the applicant applied for a minor plat to make the lot buildable, which was approved by the Development Review Committee on October 14, 2020. The applicant is using this location for the structure because there are several utility easements and environmental constraints that prevent using other locations on the lot.

STAFF FINDINGS

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 rear yard setback.

TECHNICAL REVIEW

No technical review required for variance.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff for the variance request.

RELATED CASES

20-MPLAT-0128 – A minor plat to make an open space lot a buildable lot.

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, because the proposed 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 the proposed structure will be at the rear of the property on a 4.9-acre lot. The curb cut that will be used to access the lot already exists.

- (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 because the structure must be constructed to comply with all building 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 subject property has numerous easements and environmental constraints and this location is the most suitable location on the lot.

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 does arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone as the lot has numerous easements and environmental constraints and this location is the most suitable location on the lot.

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 the proposed location is the most suitable location on the lot.

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 as the applicant is requesting the variance and has not begun construction.

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.

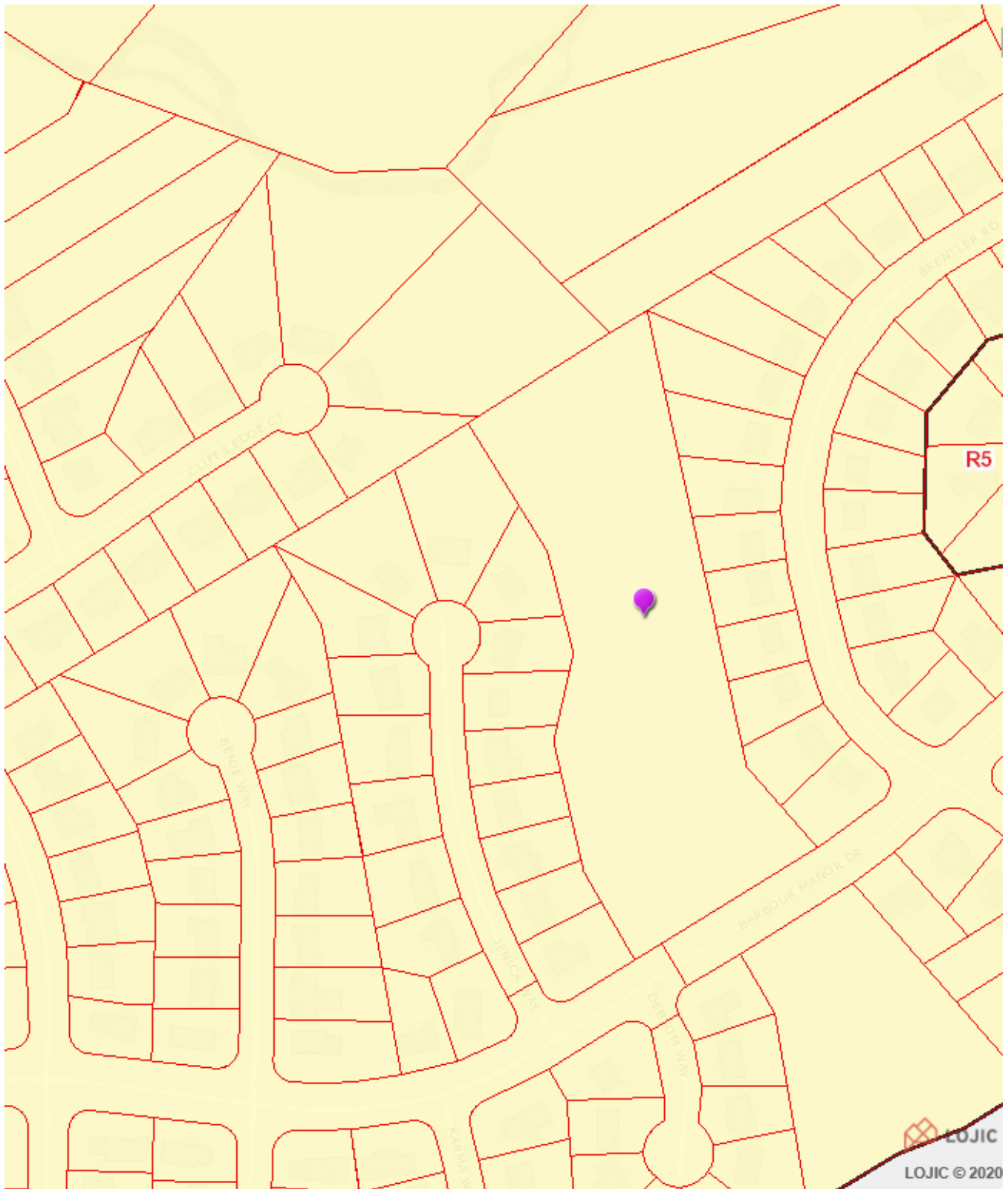
NOTIFICATION

Date	Purpose of Notice	Recipients
10/19/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 16
10/20/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

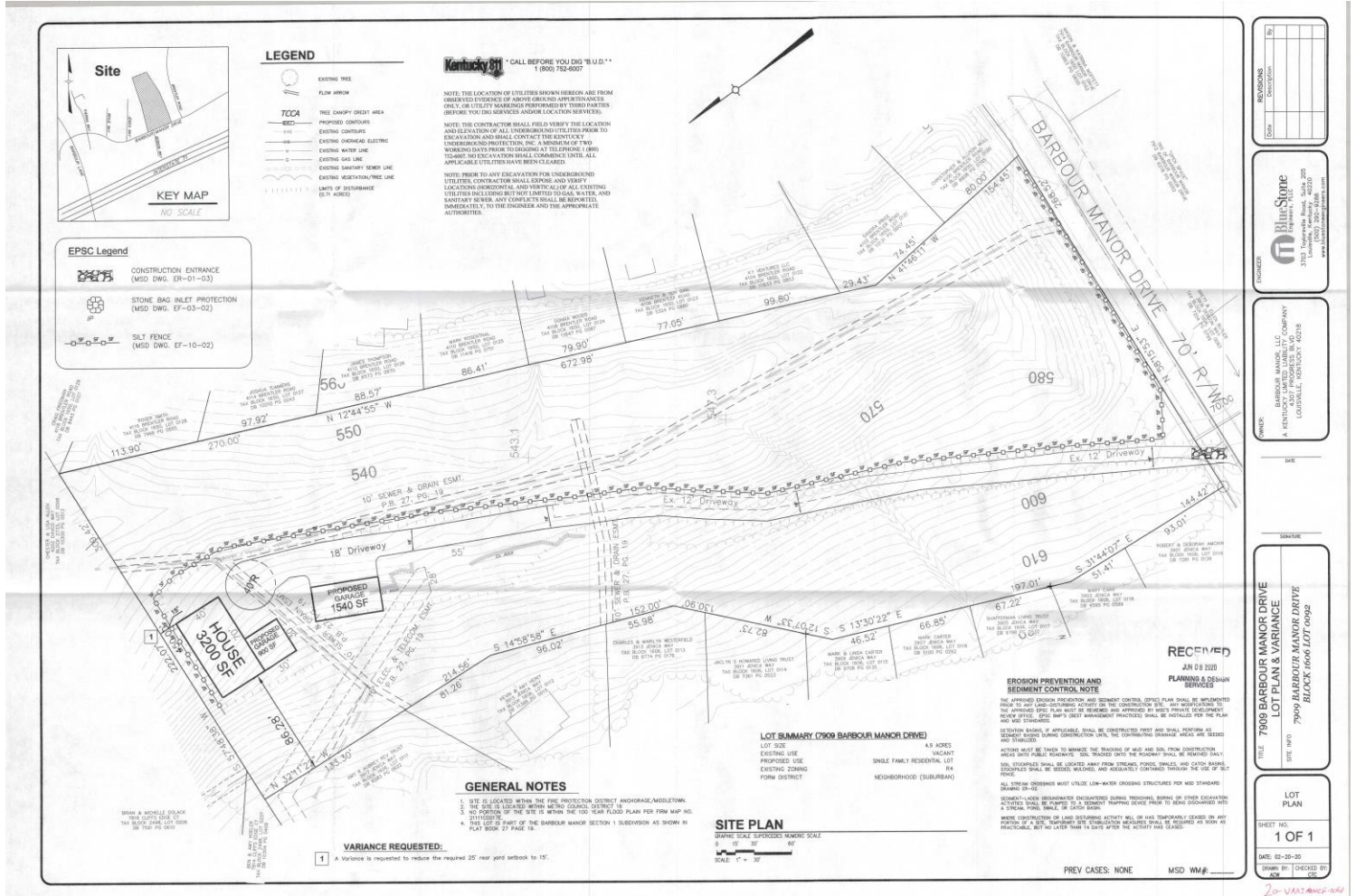
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Site Photos



Front of subject property.



Existing site conditions.



Existing conditions.



Existing driveway.



Existing driveway.