

Board of Zoning Adjustment
Staff Report
November 16, 2020



Case No:	20-VARIANCE-0136
Project Name:	Pinemeadows Lane Variance
Location:	7806 Pinemeadows Lane
Owner(s):	Ian & Stacy Shives
Applicant:	Danny Kang – Pitt & Frank, PSC
Jurisdiction:	City of Barbourmeade
Council District:	16 – Scott Reed
Case Manager:	Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code table 5.3.1 to allow an existing structure to encroach into the street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	29.1 ft.	0.9 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Residential Single-Family in the Neighborhood Form District. It is a single-family structure located in the Pinemeadows subdivision. There is no proposed construction, but the residence was constructed within the street side yard setback. This situation was discovered during the sale of the property and the owner was required to get a variance. Section 5.1.2 states, "The form district regulations shall apply only to new construction and development, including expansions. Structures in existence prior to the effective date of this Chapter 5 shall not be required to meet the standards created herein." The Board of Zoning Adjustment must determine whether granting a variance in this situation is appropriate.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

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 street side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

None.

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 there is no proposed construction.

- (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 no proposed construction.

- (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 there is no proposed construction.

- (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 there is no proposed construction.

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 house was built within the street side yard setback.

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 there is no proposed construction.

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 there is no proposed 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.

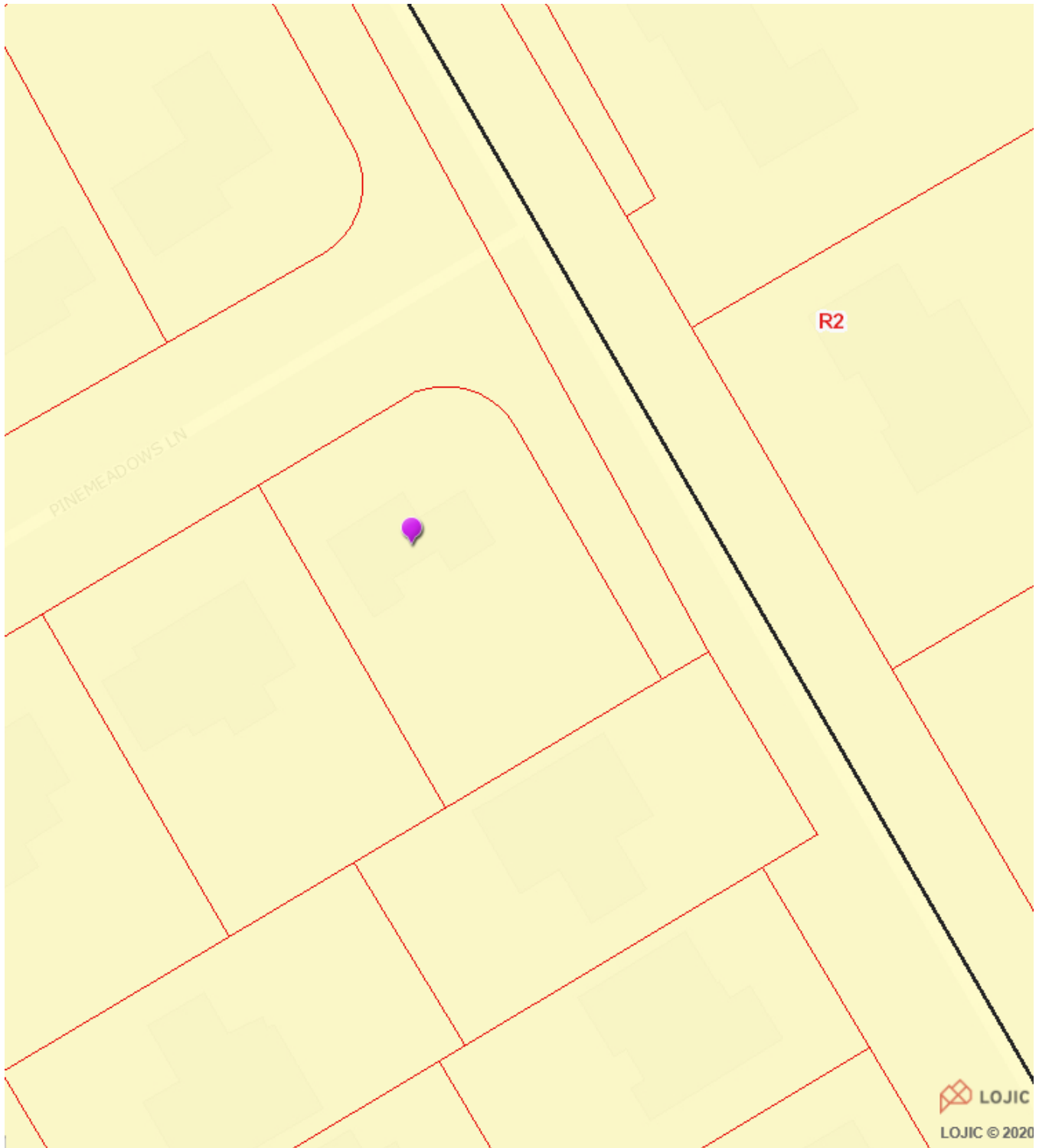
NOTIFICATION

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

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Site Plan

Authentign ID: 2D562266-3AE5-4369-B94B-F9BB486A2285

NOTES:

1. Site is subject to all right-of-ways, easements and restrictions of record or implied.
2. The surveyor did not make a search for easements, encumbrances, restrictions, ownership title evidence or other records that a complete and accurate title search may disclose.
3. The certification of this survey is made of this date and is subject to any future facts that more accurately describe or establish the boundary shown herein.
4. Surrounding owner information is shown per PVA records.
5. The basis of bearing was taken from the record plat.
6. Unless otherwise shown, structures shown are the footprint only.
7. This site is located in Zone X per Firm Map 21111C0017 E dated December 5, 2006 and is not located within a 100 year flood plain (0.1% chance). Flood Plain Certification is restricted to a review of the FIRM and shall not be construed as a confirmation or denial of flooding potential.

Being the most northerly 95'
in width of Lot 1, Section 1 of
Pinemeadows Subdivision
Plat Book 18, Page 31



LOCATION MAP
No Scale

PINEMEADOWS LANE 60' R/W
(P.B. 18 Pg. 31)



LEGEND

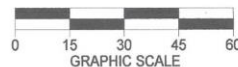
- = Found 5/8" Rebar
- = Found 1" Pipe
- ◐ = Found 1/2" Rebar with cap stamped "DESIGN 976"
- ✱ = Set 1/2"x18" Iron Rebar with cap stamped "SCHROLL 3570"



LAND SURVEYORS CERTIFICATE

I hereby certify that the survey depicted by this plat was done by me or by persons under my direct supervision on September 24, 2020 by the method of random traverse. The unadjusted precision ratio of the survey is 1:22,445 and was not adjusted. The survey as shown hereon is an "Urban" Survey and the accuracy and precision of said survey meets all the specifications of this class.

William D. Schroll III
Professional Land Surveyor, Kentucky Registration No. 3570



BOUNDARY SURVEY

This Survey complies with KAR 18:150

Survey of: 7806 Pinemeadows Lane
Louisville, Ky. 40241
Owner: Ian & Stacy Shives
7806 Pinemeadows Lane, Louisville, Ky. 40241
Source of Title: D.B. 11631 Pg. 124
For: Greg Levinsky

Ordered By: Mike Farrar
Scale: 1" = 30'
Drawn Date: 9/25/20
Job No: 3051/20
Drawn By: Bill Schroll

SCHROLL LAND SURVEYING LLC.

Office Location: 7329 St. Andrews Church Rd.
Louisville, KY. 40214
Mailing Address: 5450 Southview Drive
Louisville, KY. 40214
Office: 502-367-7660 Mobile: 502-594-6773



09/28/2020

9:32 PM

20-VARIANCE-0136