

Board of Zoning Adjustment

Staff Report

July 12, 2021



Case No: 21-VARIANCE-0059
Project Name: Cheak Court Variance
Location: 1713 Cheak Court
Owner: Sims Asset Trust
Applicant: Anne Del Prince – Del Prince Designs, LLC
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Zach Schwager, Planner I

REQUESTS:

Variance from Land Development Code section 5.1.12.B.2.a to allow an addition to a principal structure to exceed the required infill front yard setback.

Location	Requirement	Request	Variance
Infill Front Yard	31 ft. to 32 ft.	37 ft.	5 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 Residential Single Family in the Neighborhood Form District. It is located on the east side of the end of Cheak Court. The applicant is proposing an addition onto the front of the existing structure that will exceed the infill front yard setback the same distance as the existing structure.

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 section 5.1.12.B.2.a to allow an addition to a principal structure to exceed the required infill front yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.B.2.a

- (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 addition 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 addition will exceed the infill front yard setback the same distance as the existing structure.

- (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 proposed addition will exceed the infill front yard setback the same distance as the existing structure.

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 proposed addition will exceed the infill front yard setback the same distance as the existing structure.

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 addition will exceed the infill front yard setback the same distance as the existing structure.

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 has not started construction and is requesting the variance.

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.

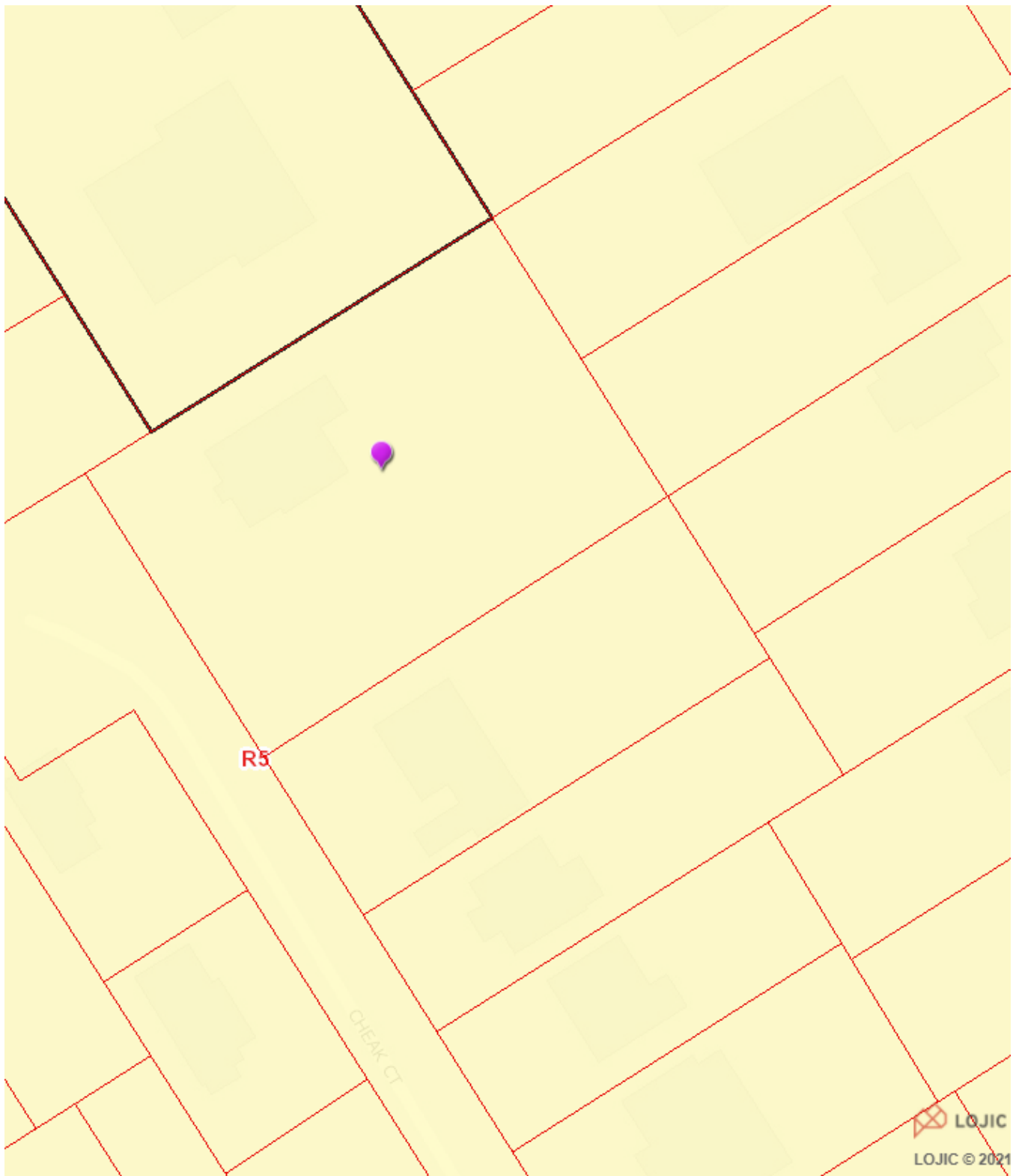
NOTIFICATION

Date	Purpose of Notice	Recipients
6/23/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 10
6/25/2021	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

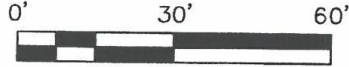
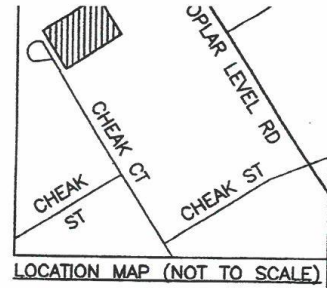


3. Site Plan

right-of-ways, covenants, liens, and encumbrances, whether shown hereon or not.
 - This survey was conducted by method of random traverse and was not adjusted.
 The error of closure was less than 0.05'.

- Subject property is located in Flood Zone "X" per a review of FIRM #21111C0059E, effective 12/5/06. Based on the above information, this property is not located in a Special Flood Hazard Area.

- The reference meridian for this survey is the common line of Lot 1069 & Lot 1070, Camp Zachary Taylor, Main Camp Unit, having a bearing of N 56°45'00" E per P.B. 2 PG. 307, as recorded in the Office of the Clerk of Jefferson County, Kentucky.

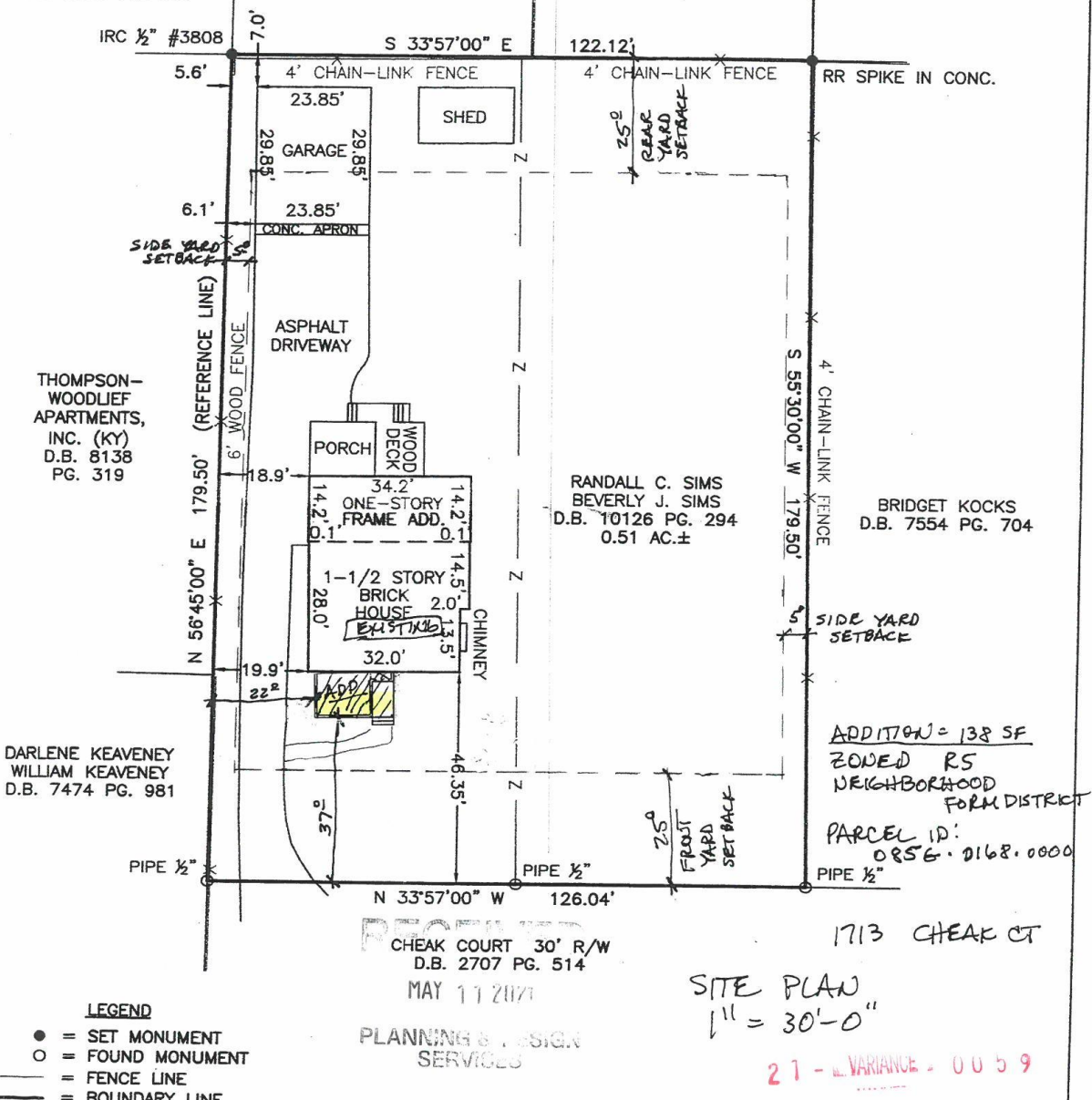


STUART B. BENSON
 CHRISTIANE S. BENSON
 D.B. 9693 PG. 705

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 D.B. 8168 PG. 532

RONALD C. HATFIELD
 D.B. 8599 PG. 402

JAMIE K. LAU
 D.B. 9924 PG. 509



4. Site Photos



Front of subject property.



Infill front yard setback.



Infill front yard setback.