

# Board of Zoning Adjustment

## Staff Report

September 13, 2021



**Case No:** 21-VARIANCE-0106  
**Project Name:** Cane Run Road Variance  
**Location:** 4853 Cane Run Road  
**Owner/Applicant:** Ameer Lewis  
**Jurisdiction:** Louisville Metro  
**Council District:** 1 – Jessica Green  
**Case Manager:** Zach Schwager, Planner I

### **REQUESTS:**

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

Location	Requirement	Request	Variance
Infill Front Yard	23 ft. to 30 ft.	270 ft.	240 ft.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-4 Residential Single-Family and is in the Neighborhood Form District. It is on the east side of Cane Run Road in between Rockaway Drive and Bridwell Drive. The site is currently undeveloped and the applicant is proposing to construct a single-family residence that would exceed the infill front yard setback.

### **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 Land Development Code section 5.1.12.B.2.a to allow a principal structure to exceed the infill front yard setback.

### **TECHNICAL REVIEW**

No technical review required.

### **INTERESTED PARTY COMMENTS**

No interested party comments have been 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 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 are a variety of development patterns and land uses in the area.

- (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 lot is much deeper than any of the surrounding properties.

## **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 subject property is much deeper than any of the surrounding properties.

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 not create an unnecessary hardship on the applicant as the proposed structure could be moved further toward Cane Run Road.

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.

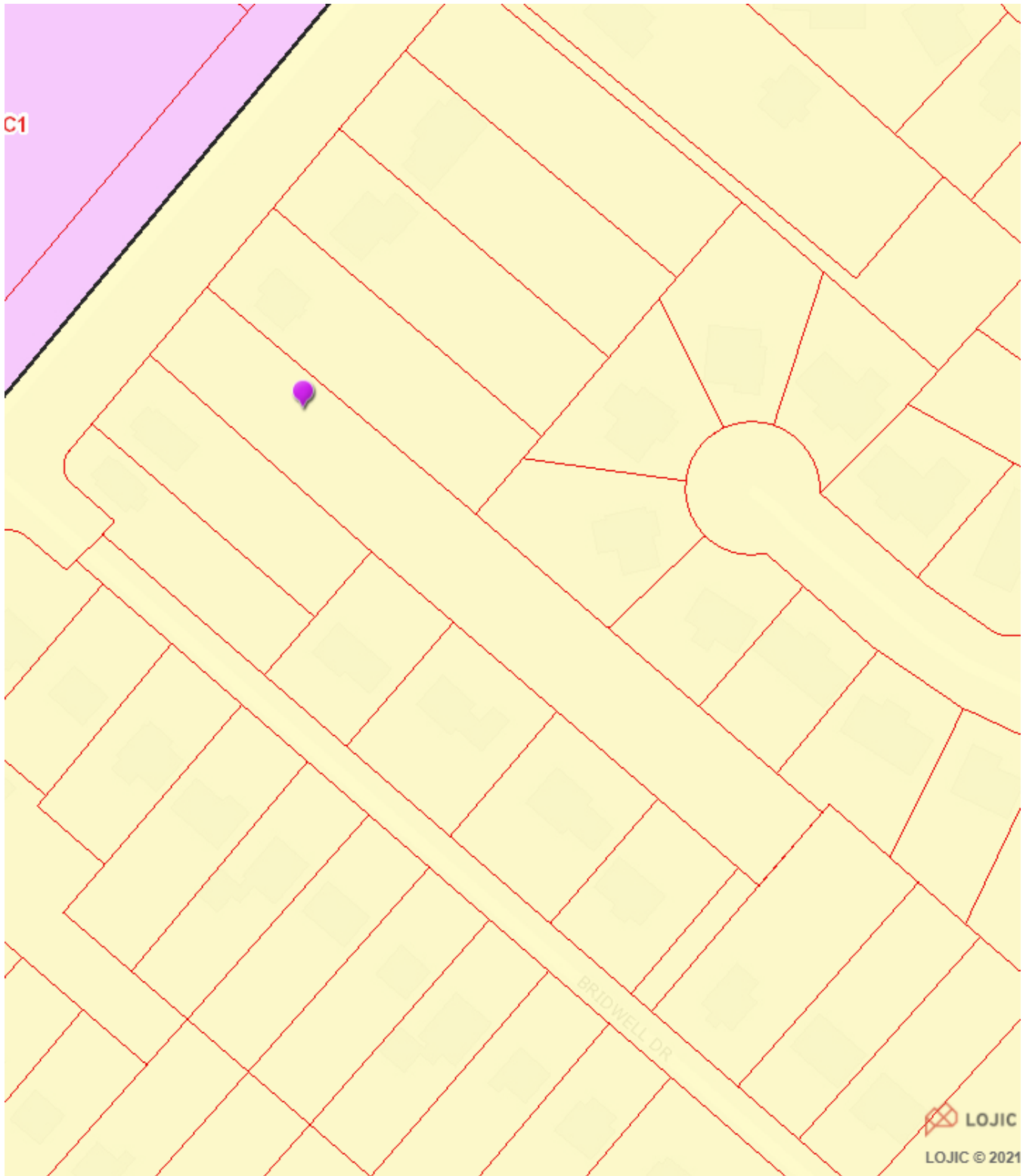
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
8/30/2021	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 1
8/27/2021	Hearing before BOZA	Notice posted on property

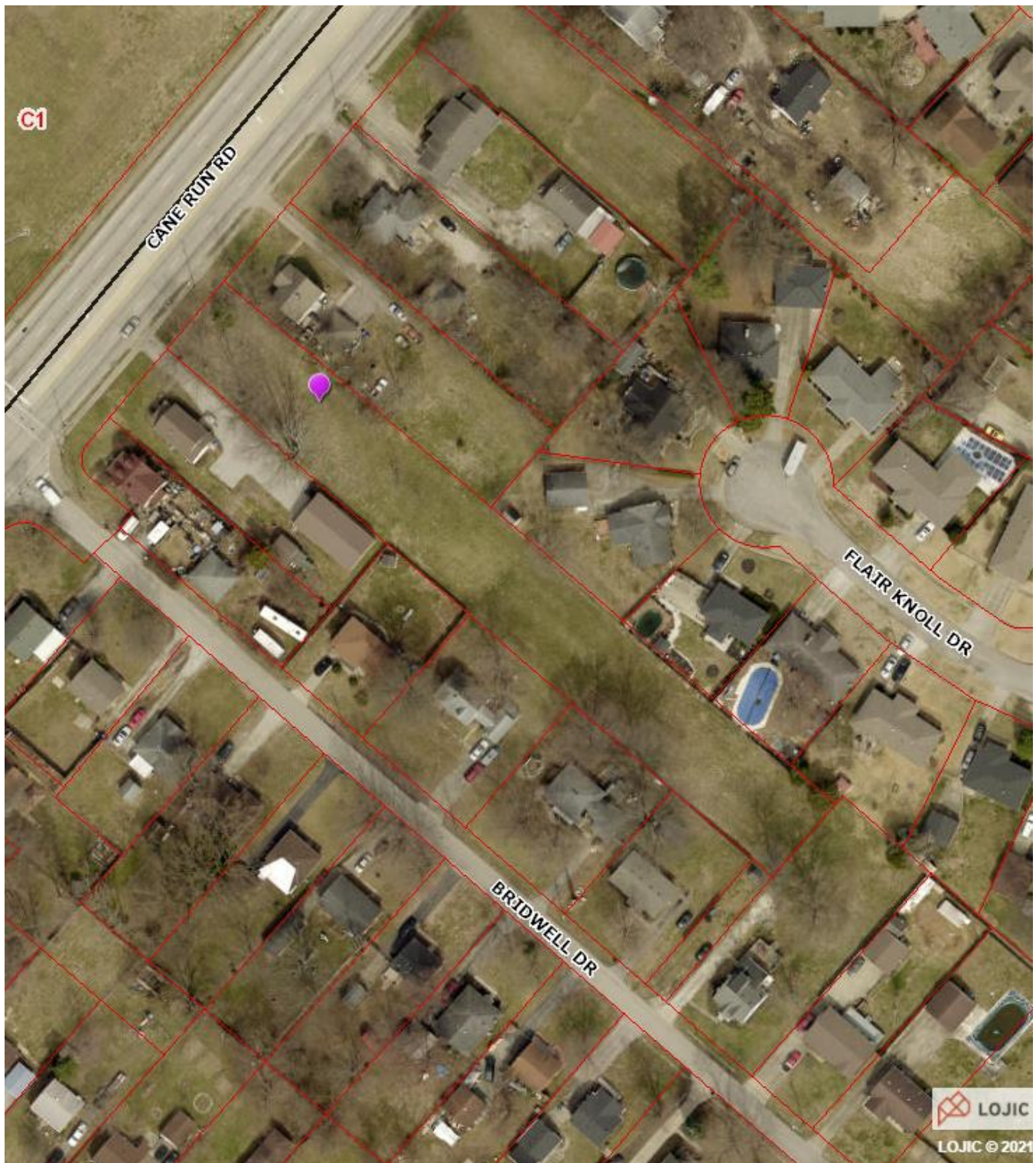
### **ATTACHMENTS**

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

## 1. Zoning Map

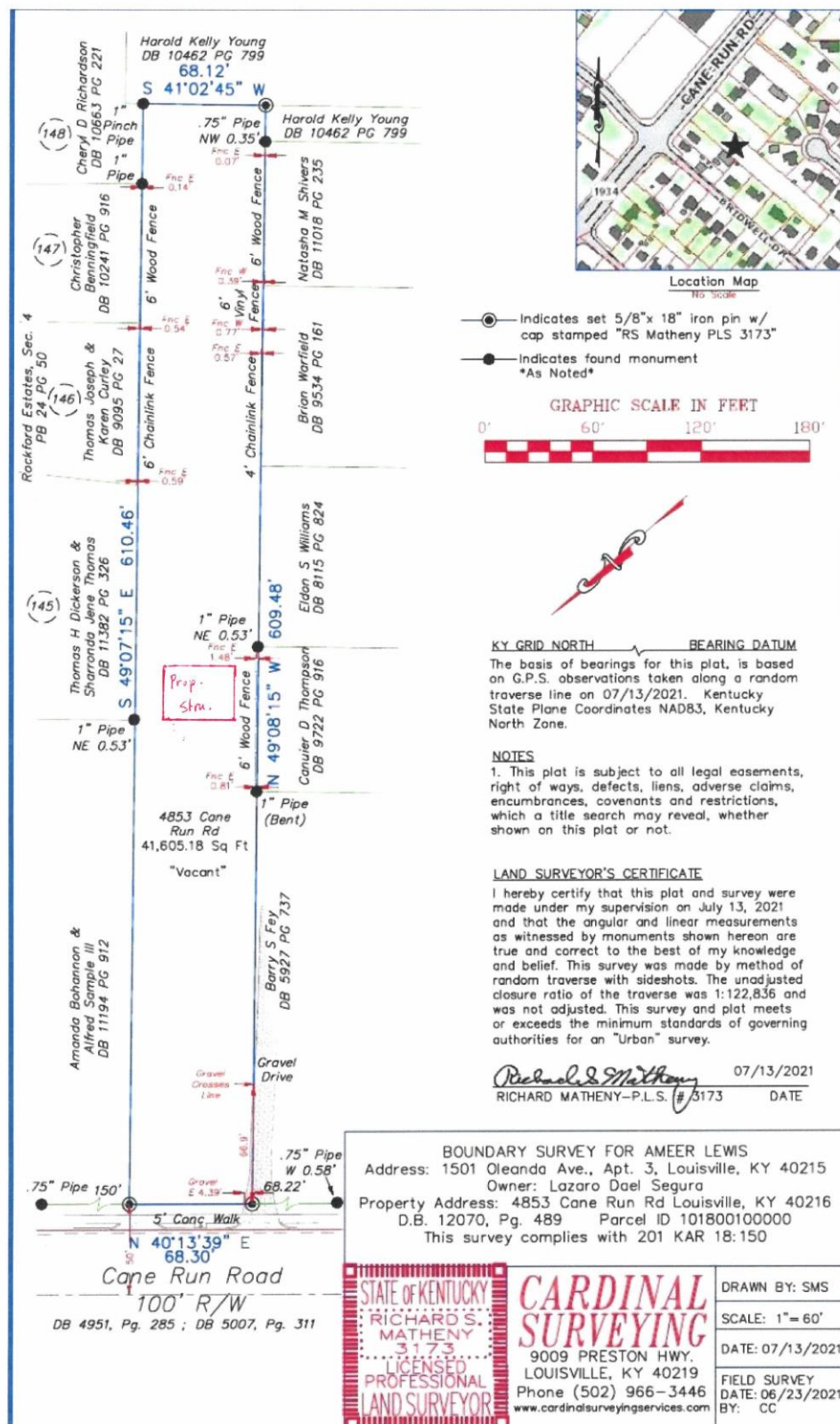


## 2. Aerial Photograph





### 3. Site Plan



#### 4. Site Photos



Front of subject property.





Location of proposed structure.