

# Board of Zoning Adjustment

## Staff Report

October 04, 2021



**Case No:** 21-VARIANCE-0121  
**Project Name:** Saint Andrews Church Road Variance  
**Location:** 77332 Saint Andrews Church Road  
**Owner/Applicant:** Cristina Gomez  
**Representative:** Held Avendano Gomez  
**Jurisdiction:** Louisville Metro  
**Council District:** 12– Rick Blackwell  
**Case Manager:** Heather Pollock, Planner I

### **REQUESTS:**

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

Location	Requirement	Request	Variance
Front Yard	51 ft.	233 ft.	182 ft.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-4 Single family and is in the Neighborhood Form District. It is on the north side of the 7000 block of Saint Andrews Church Rd. in the Parkwood neighborhood. The site currently has a one-story non-residential structure and the applicant is proposing to convert this structure into a single family residence. The location of the existing structure exceeds the maximum 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 maximum 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 5.2.12.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 other structures in the area that are setback further from the right of way, including non-residentially used properties.

- (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 front of the subject property is located in the floodplain and the applicants are proposing to utilize an existing structure rather than construct a new residence within the floodplain.

## **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 not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the lot is similar in size and shape as 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 create an unnecessary hardship on the applicant as the front of the subject property is located in the floodplain and enforcing the infill setback would require construction within the floodplain.

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.

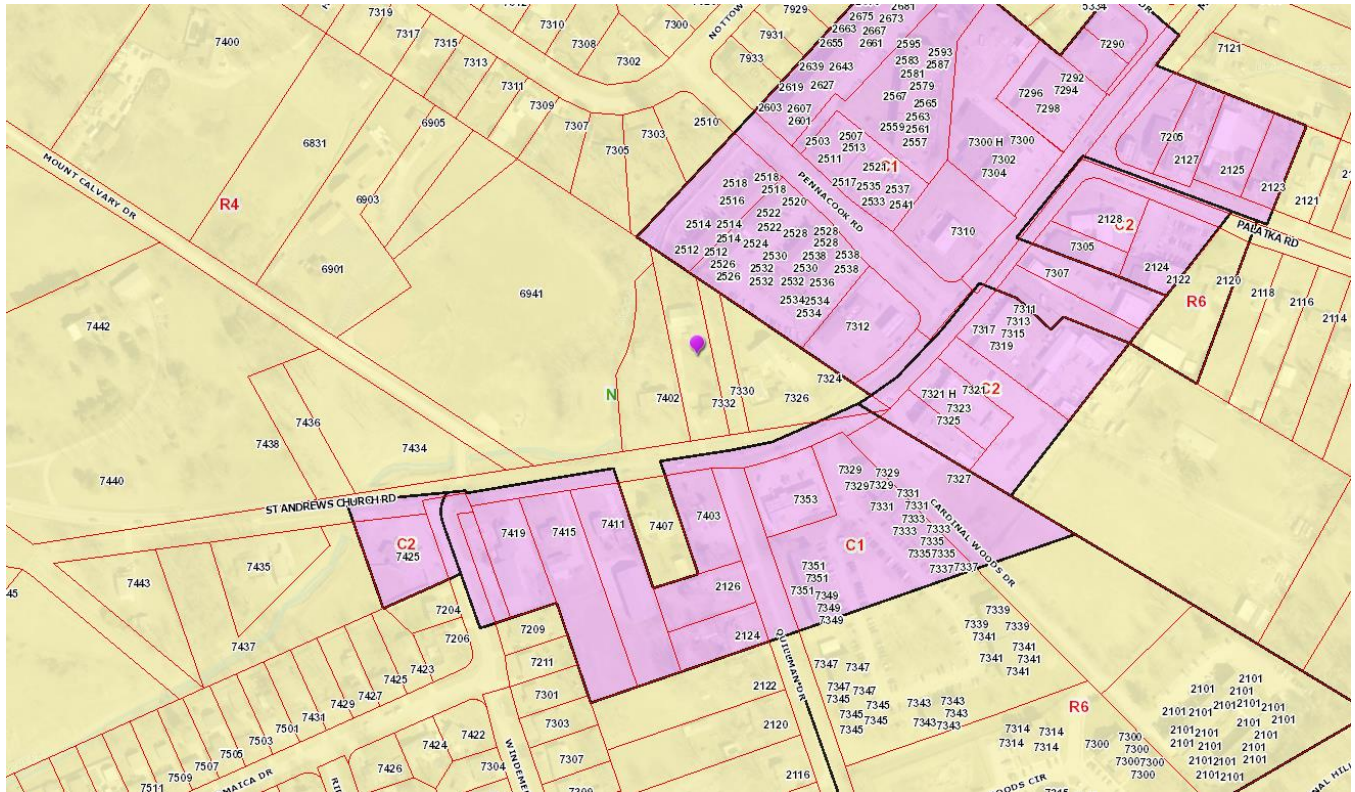
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
9/20/2021	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 12
9/20/2021	Hearing before BOZA	Notice posted on property

### **ATTACHMENTS**

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

## 1. Zoning Map



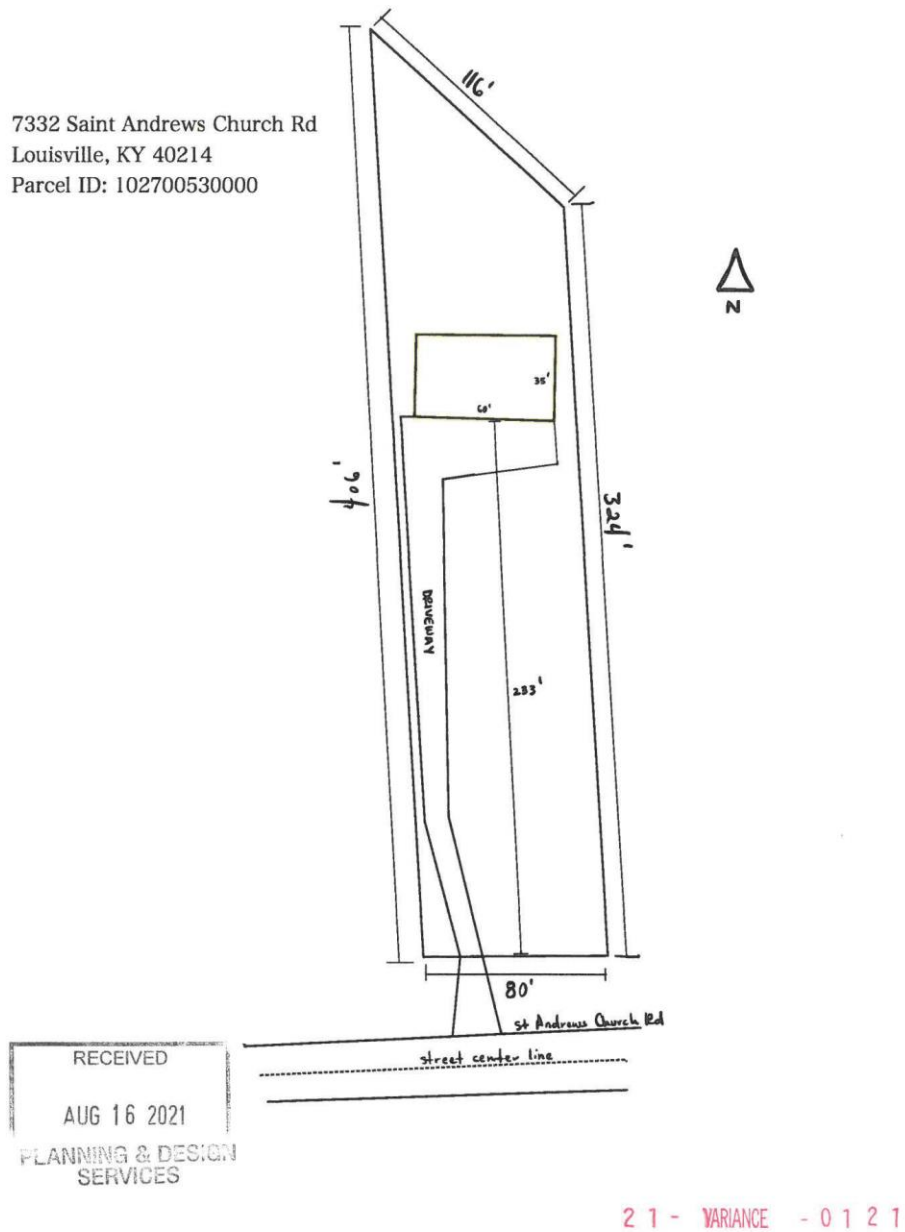


## 2. Aerial Photograph



### 3. Site Plan

7332 Saint Andrews Church Rd  
Louisville, KY 40214  
Parcel ID: 102700530000



RECEIVED  
AUG 16 2021  
PLANNING & DESIGN  
SERVICES



#### 4. Site Photos

Front of subject property.



Property to the left.





Properties to the right.



Property across street.





Property across street.



Property to the right front yard setback.





Existing structure on subject site.

