

Board of Zoning Adjustment

Staff Report

July 24, 2023



Case No:	23-VARIANCE-0074
Project Name:	Bridwell Drive Variance
Location:	3130 Bridwell Drive
Owner:	Prosperity Holdings LLC
Applicant:	Angelica Matos
Jurisdiction:	Louisville Metro
Council District:	1- Tammy Hawkins
Case Manager:	Amy Brooks, Planner I

REQUEST:

Variance from the Land Development Code Section 5.1.12.B.2.a to allow a principal structure to exceed the maximum front yard setback as established by infill regulations.

Location	Requirement	Request	Variance
Infill Front Yard Setback	50 feet	200.21 feet	150.21 feet

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Single Family in the Neighborhood Form District. The property is located on the western side of Bridwell Drive near Cane Run Road in Southwestern Jefferson County. The subject site is vacant, and the applicant is proposing to move a factory-built home onto the property. As such, the applicant has applied for Factory Built Housing review from Planning and Design Services under case #23-FBH-0006. Regulations state Factory Built Housing may be placed on a residentially zoned lot when it meets the FBH standards as specified in section 4.1.12 of the Land Development Code and any applicable form district requirements, including setbacks. Under the FBH review, staff has determined that the placement of the structure exceeds the maximum allowed front yard setback.

This site is subject to the infill regulations as specified by 5.1.12 of the Land Development Code. As such, the front yard setback line shall fall within the range of the front yard setbacks of the two nearest lots containing principal structures within the same block face. A proposed building on an infill lot must be constructed within this established front yard setback range. The approximated range for this specific site ranges from 31 feet to 50 feet. Therefore, the established maximum setback would be 50 feet.

STAFF FINDINGS

Staff finds that the requested variance to exceed the infill maximum Front Yard Setback is adequately justified for approval based on the staff’s analysis contained in 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.

TECHNICAL REVIEW

Factory Built Housing - A building or structure designed and intended as a single-family dwelling unit and fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features, if any, removed, and that meets the additional standards specified in section 4.1.2 of this Land Development Code. This term includes “manufactured homes” and “modular homes” as defined in the 2002 Kentucky Residential Code or successor.

INTERESTED PARTY COMMENTS

Staff has received public comments.

RELATED CASES:

22-FBH-0009

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 structure must adhere to the specified Factory Built Housing regulations and the Land Development Code, except where relief is requested.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The structure will not alter the essential character of the general vicinity as there are seemingly other principal structures that exceed the maximum front yard setbacks. Please see the neighborhood examples of these structures under attachment #4 in the staff report.

- (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, which is considered factory built housing, will need to adhere to the regulations set forth in the Land Development Code.

- (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 since the subject site is unique. This is a flag lot that was the subject of a minor subdivision plat that created three tracts from one in 1994. As a result, this property only has limited frontage on a public roadway with the only buildable land being located to the rear of the subject lot. As such, any principal structure would exceed the maximum front yard setback.

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 because the lot is not similar in size and shape to the surrounding properties. The property was the subject of a minor subdivision plat in 1994. As such, this property has an unusual shape and configuration.

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 deprive the applicant of the reasonable use of the land because the only buildable portion of the lot is located to the rear of the property far beyond the maximum setback as determined by infill regulations.

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 because seeking both a variance and approval under a FBH before moving the home onto the lot.

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

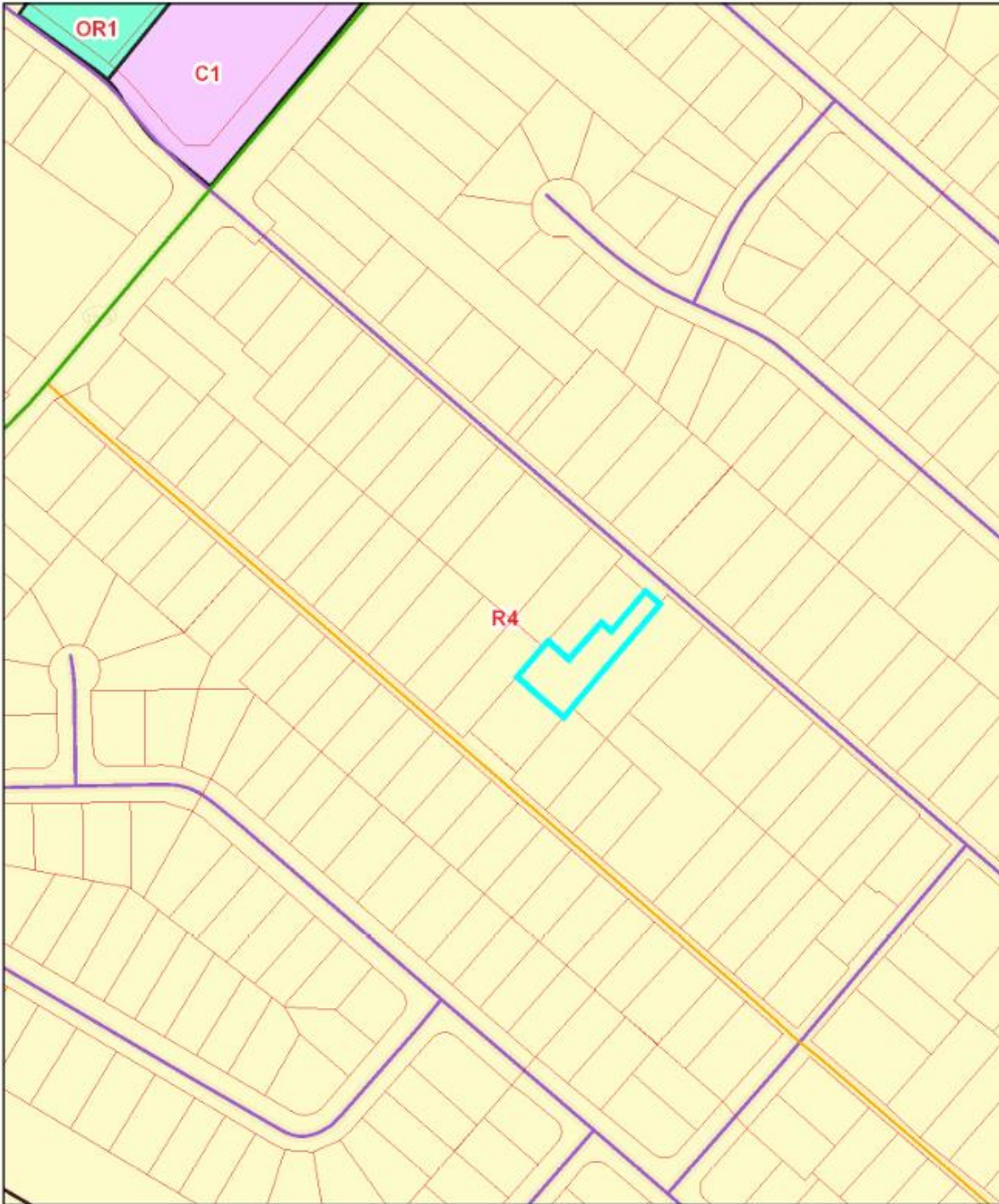
Date	Purpose of Notice	Recipients
03/03/2023 03/02/2023	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 12
3/6/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

3. Site Plan
4. Elevations
5. Site Photos
6. Neighboring Properties

1. Zoning Map



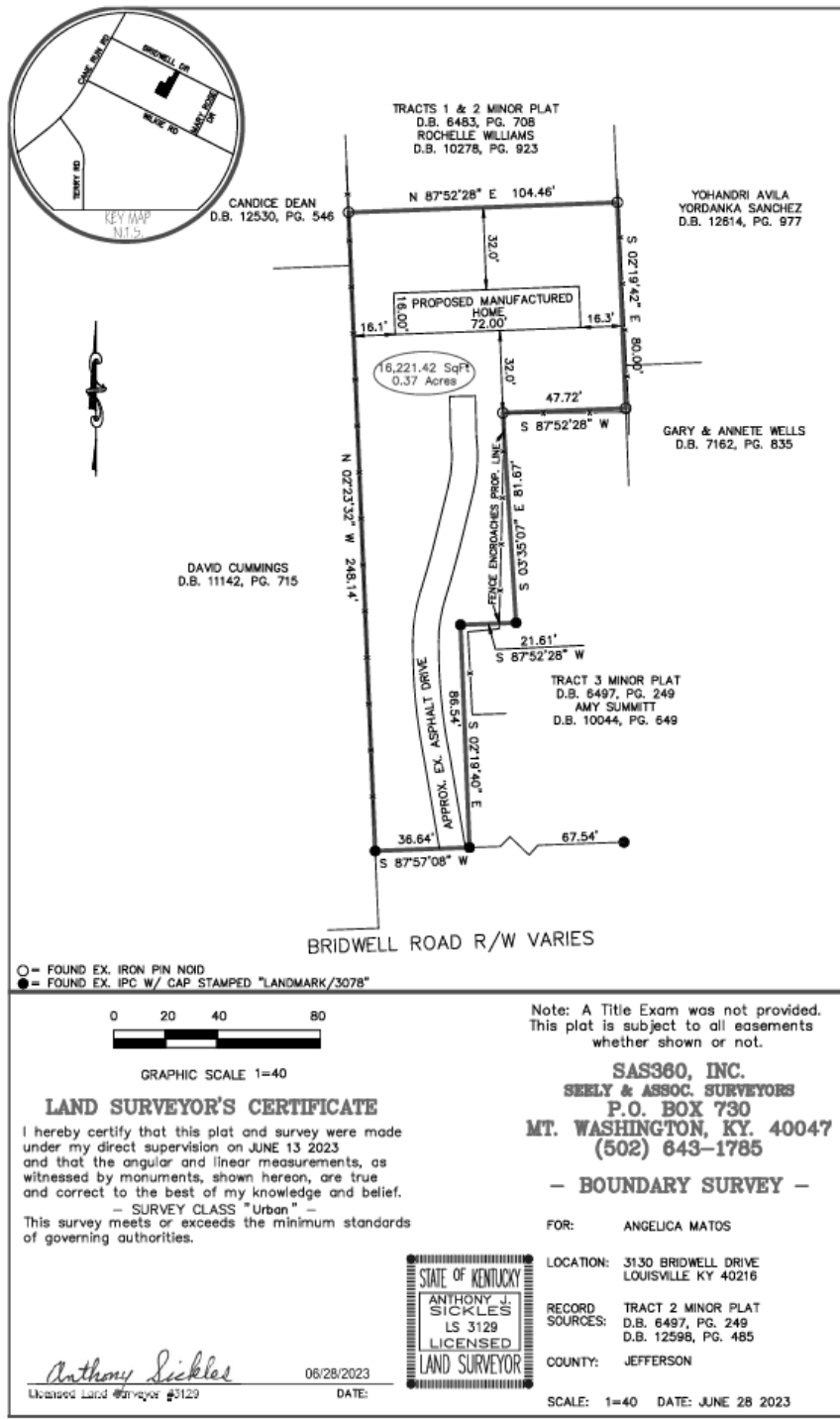
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2. Aerial Photograph



3. Site Plan



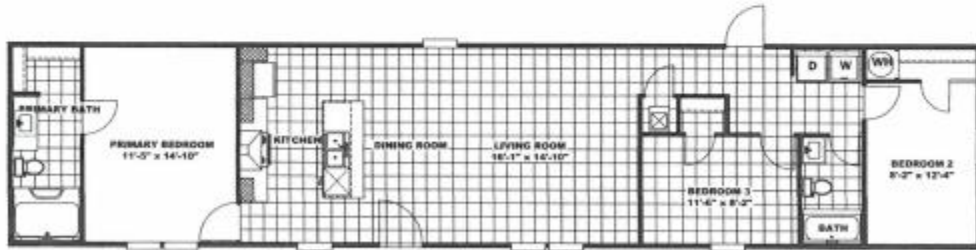
4. Elevations



BREEZE

1152 SQ FT | 3 Beds | 2 Baths | 16x72

RECEIVED
APR 18 2023
PLANNING & DESIGN
SERVICES



5. Site Photos



Front of subject property.



Right of subject property.



Left of subject property.



Across the street from subject property.



View of Variance area.



View looking from subject property toward Bridwell Drive.

6. Neighboring Properties



3211 Turnover Ct.

sh



4841 Cane Rd Road



3211 Lenover Drive

