

Board of Zoning Adjustment

Staff Report

March 20, 2023



Case No: 23-VARIANCE-0002
Project Name: Memory Lane Variance
Location: 6811 Memory Lane
Owner: Ben Ofokile
Applicant: Ben Ofokile
Jurisdiction: Louisville Metro
Council District: 12- Rick Blackwell
Case Manager: Amy Brooks, Planner I

REQUEST:

Variance from the Land Development Code Section 5.1.12. A.2 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	45 feet	124 feet	79 feet

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Single Family in the Neighborhood Form District. The property is located on the eastern side of Memory Lane off Terry Road in the Sylvania Subdivision. The subject site is currently developed with a 2160 square foot factory built home (FBH). The factory built home was placed on the lot before receiving a Factory Built Housing review from Planning and Design Services. The applicant has now applied for the FBH review under case #22-FBH-0009. 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. Under PDS review, it has been determined that the placement of the structure exceeds the allowable front yard setback. The other standards required for the Factory Built Housing in 4.1.12 have been met.

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 range for this site has been determined to be between 22 feet and 45 feet. Therefore, the maximum setback is 45 feet.

STAFF FINDINGS

Staff finds that the requested variance to exceed the infill maximum Front Yard Setback has not been adequately justified based on 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

None

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES:

22-FBH-0009

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM Section 5.1.12.B.2.e.i.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 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 alter the essential character of the general vicinity as there are seemingly no other primary structures that exceed the maximum front yard setback to this degree in the neighborhood surrounding the subject site. In fact, this home is placed more than 100 feet further back from the front yard setback of the principal structure on the adjoining parcel at 6901 Memory Lane. (Please see site photos for further clarification).

- (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 allow an unreasonable circumvention of the zoning regulations. As the required setback on this site is determined by infill development standards, which is intended to preserve the basic feel of the streetscape by requiring new development to complement existing construction, this request appears to be out of character with the established pattern of front yard setbacks.

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 generally apply to the land in the generally vicinity or the same zone as the lot is similar in size and shape to 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 applicant could move the location of the factory-built home forward to be more in line with the established pattern of front yard setbacks.

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 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 already placed the factory-built home on the lot without first receiving a FBH review.

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.

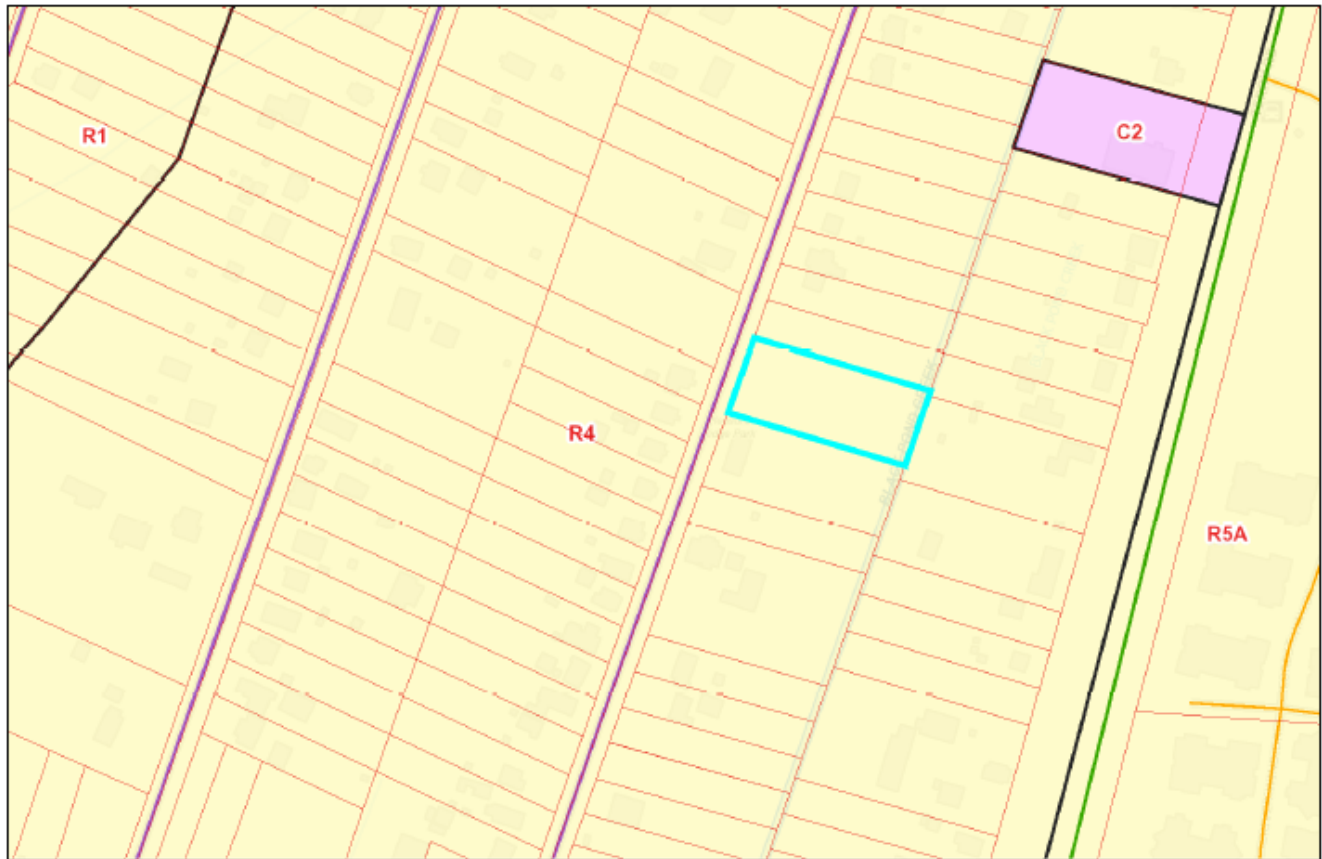
NOTIFICATION

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

1. Zoning Map

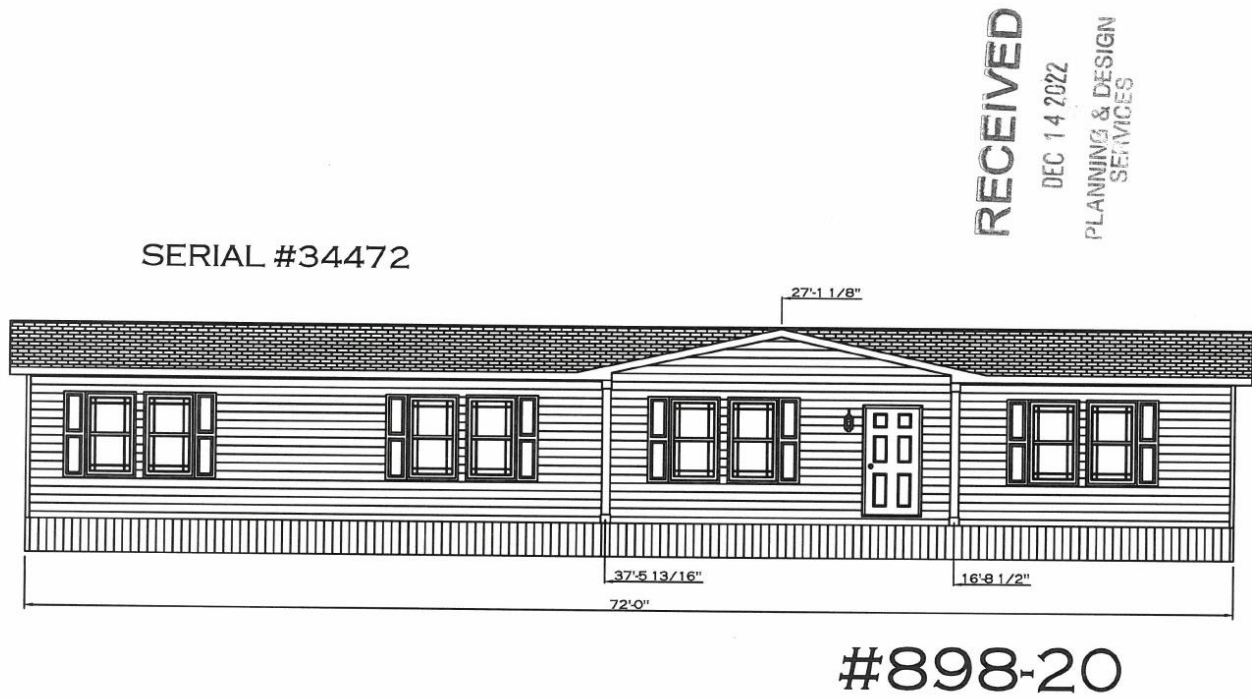


2. Aerial Photograph



A hand-drawn site plan of a property, likely a residential lot, with various dimensions and labels. The plan is oriented with a north arrow pointing towards the top-left. The property is bounded by several lines, with dimensions written along them: 124 ft. on the top-left, 123 ft. on the top-right, 119.58 ft. on the bottom-right, and 156 ft. on the bottom-left. A driveway is shown on the bottom-left, labeled "Driveway". A rectangular area in the center is labeled "Pleasure Ridge Park" and "32 x 72". A small circle is labeled "6811" and "R4". A line segment is labeled "279 ft.". A handwritten note "6811 Memory lane" is written along the top-left boundary. The plan also includes several numerical labels: 6807, 6809, 6815, and 6901. A small number "2" is written near the top-left corner.

4. Elevations



5. Site Photos



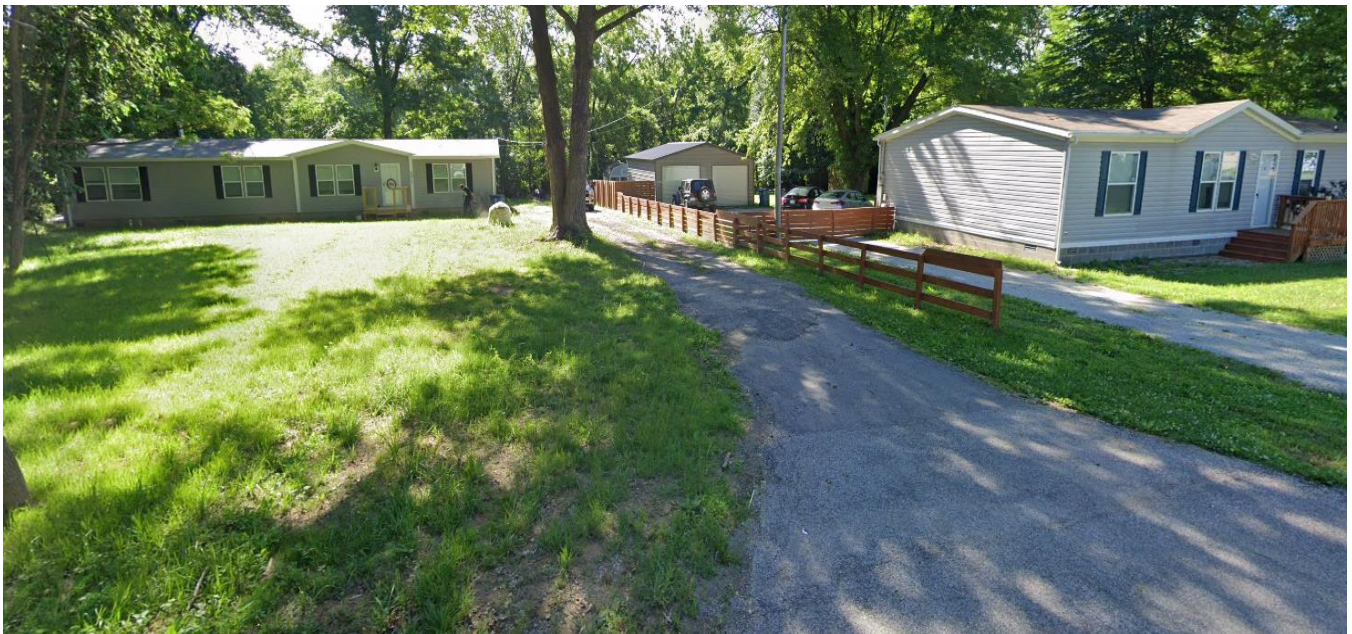
Front of subject property.



Right of subject site.



Left of subject site. Google street view, June 2022.



View of Variance Area and to the right of subject property at 6901 Memory Lane. Google street view, June 2022



Properties across the street from subject property along Memory Lane.