



PEWEE VALLEY BOARD OF ADJUSTMENTS AND APPEALS

March 30, 2023

Summary of Application:

| | | |
|---------------------------|--|--|
| Docket: | PV-23-002 | |
| Request: | Maximum Square Footage Variance | |
| Applicant: | Michael Nikic | |
| Location: | 7002 Oak Valley Drive, Pewee Valley | |
| Existing Land Use: | Residential | |
| Existing Zoning: | CO-1 | |
| Total Site Size: | 1 acre | |
| Tax Parcel: | 24-24.01.5A-00-8 | |

Surrounding Zoning:

North – Land Use: Residential
Zoning: CO-1

East – Land Use: Residential
Zoning: CO-1

South – Land Use: Residential
Zoning: R-2

West – Land Use: Residential
Zoning: CO-1

Board of Adjustments Action:

An application has been filed requesting a Maximum Square Footage Variance for an Accessory Structure for a property located at 7002 Oak Valley Drive, Pewee Valley.

Site History:

Building permit issued for a 1,600 square foot accessory structure on 2/11/2022 (Permit # 22-0279-OXFS).

Case History:

Adjoining Property Owner Notices Mailed: 03/21/2023
Public Notice Appeared in Oldham Era: 03/23/2023

Notes:

1. The applicant is requesting a Maximum Square Footage Variance to allow for the construction of a proposed 30-foot by 40-foot (1,200 square feet) detached accessory structure (pole barn) with two 10-foot by 40-foot lean-to's on either side for an additional 400 square feet each (800 square foot total for lean to's) to be constructed to the left rear of the property. The total square footage of the entire project is 2,000 square feet.
2. The applicants state they plan to construct the detached accessory structure as storage for trailers and equipment.
3. Section 250-030 (B) Number of Accessory Structures states:
The number of allowed accessory structures over 120 square feet and a total maximum floor shall be as follows:
 - *Accessory structures on a parcel size of 1 acre – 2.99 acres shall have a total maximum floor area 1,800 square feet.*
4. The proposed Accessory Structure is 2,000 square feet therefore the applicant is requesting a 200 square foot maximum square footage variance.
5. The proposed accessory structure appears to meet the remaining standards of Section 250-030 Accessory Uses and Structures (with and without dwelling units) and Section 260-030 Conditional Use Standards for Accessory Structures.

Motions and Findings:

Every motion to approve a variance or conditional use must state the finding(s) required by statute or regulation and must also state the reasons for the motion. Every motion to deny must state the reasons for the motion.

Suggested motions to approve or deny are set out below.

Variance:

The applicant is requesting a Maximum Floor Area Variance to allow the Accessory Structure to be larger than 1,800 square feet.

Proposed Maximum Floor Area Variance:

Maximum Allowable Floor Area: 1,800 square feet

Proposed Floor Area: 2,000 square feet

Requested Variance: 200 square feet

Motions:

Move to approve the variance because it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations because _____.

Motion to deny the variance because (any one or all of the following):

- a. It will adversely affect the public health, safety or welfare because _____;
- b. It will alter the essential character of the general vicinity because _____;
- c. It will cause a hazard or nuisance to the public because _____;
- d. It will allow an unreasonable circumvention of the requirements of the zoning regulations because _____.

In deciding on a variance, you may consider whether:

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone;

- b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

You cannot approve a variance which is the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The specific conditions or restrictions which must be met in order for the proposed use to be permitted for any of the above reasons are as follows:

Potential Conditions of Approval:

- 1. The variance shall only apply to the application and plans considered at the March 30, 2023 Pewee Valley Board of Adjustments public hearing.
- 2. The structure shall not be used for commercial purposes or as living space.

Accessory Structure Regulations

Sec. 250-030 Accessory Uses and Structures (without dwelling units)

A. Agricultural Uses and Related Accessory Structure

- 1. Accessory structures for agricultural uses shall comply with the setback requirement for the principal structures of the zoning district in which it is located.
- 2. No other sections below apply to agricultural uses or related accessory structures (e.g. barns, stables).

B. Number of Accessory Structures

- 1. The number of allowed accessory structures over 120 square feet and the total maximum floor area shall be as follows:

| Size of Parcel | Total Maximum Floor Area of Accessory Structures Allowed | Maximum Number of Accessory Structures Allowed |
|--------------------------------------|--|--|
| Equal to or Less than 20,000 sq. ft. | 800 sq. ft. | 2 |
| 20,001 sq. ft. to 0.99 acres | 1,200 sq. ft. | 2 |
| 1.0 acre to 2.99 acres | 1,800 sq. ft. | 2 |
| 3.0 acres to 5.0 acres | 2,700 sq. ft. | 2 |
| 5.01 acres or larger | No restriction on size | 2, 3 allowed with Conditional Use Permit |

- 2. Conditional use permits for additional accessory structures over two (2) shall not be allowed on parcels less than 5.0 acres.

C. Shall Follow Principle Use

No accessory use or structure may be developed until after the start of the construction of the principal use on the building site, and no accessory use or structure may be used unless the principal use or structure has been developed except after review and approval as a Conditional Use. Accessory units shall comply with the applicable density standards of the zoning district in which it is located.

D. Same Parcel

Except as otherwise specifically permitted elsewhere in the Zoning Ordinance, accessory uses and structures shall be located on the same parcel as the associated principal use.

E. Relationships to Street Setbacks

No accessory use or structure shall be located in between the principal building and the front yard property line. Accessory structures shall adhere to street-side yard setbacks.

F. Breezeway

When an accessory structure is attached to a principal building by a breezeway, roofed passage or similar structure, it shall be deemed to be part of the principal building and shall maintain the yard requirements of the principal building.

G. Minimum Distance Between Buildings

The minimum distance between buildings shall be five feet (5').

H. Rear Yard Rules for Accessory Structures

1. All accessory structures shall be set back from the rear and side property lines a minimum of five feet (5').
2. Accessory structures shall not occupy more than thirty-five percent (35%) of the area between the rear property line and the principal structure.