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AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
February 1, 2018
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

1. Consideration of the Minutes of the meeting held on January 18, 2018.

PUBLIC HEARING

2. Consideration of Petition No. 1271-18, Rebecca Boyd, Owner, and Randy Boyd, Agent, request to rezone .427 acres of abandoned right-of-way from R-45& R-40 to R-45 to add to an existing .827 acre R-45 lot. This property is located in 250 of the 4th District and fronts on McBride Road and Antioch Road.

OLD BUSINESS

3. Discussion of amendments to the Zoning Ordinance, concerning corner lots, flag lots and landlocked lots

REQUESTED ACTION: R-45 & R-40 to R-45

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: McBride Road and Antioch Road

DISTRICT/LAND LOT(S): Land Lot 250 of the 4th District

OWNER: Rebecca Boyd

PLANNING COMMISSION PUBLIC HEARING: February 1, 2018

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2018

APPLICANT'S INTENT

Applicant proposes to rezone abandoned right-of-way to add to an existing R-45 lot.

STAFF RECOMMENDATION

APPROVAL

INVESTIGATION

A. PROPERTY SITE

The subject property is a .471 acre tract in Land Lot 250 of the 4th District. The subject property is the former road bed of an abandoned portion of McBride Road. The Board of Commissioners voted to abandon the 40 foot right-of-way on January 26, 2017. One half of the abandoned right-of-way was then deeded back to the two adjacent property owners. The applicant has since acquired all of the abandoned right-of-way and intends to combine it with the .827 acre R-45 lot to the north to create a 1.298 acre R-45 lot. The .827 acre R-45 lot was created when the County moved McBride Road to align its off-set intersection on Antioch Road. The dedication of right-of-way for this realignment was a condition of rezoning petition 736-89. Based on the premise that abandoned right-of-way assumes the zoning of the adjacent properties (R-45 and R-40) it is being deeded back to, the applicant is requesting that the subject property be rezoned to R-45.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from R-45 & R-40 to R-45 for the purpose of adding the subject property to an existing lot. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Rural Residential – 3 (1 Unit/3 Acres). This requested zoning district does not conform to the Fayette County Comprehensive Plan per se. However, the purpose of this rezoning is not to create a one (1) acre subdivision development but rather is a “housekeeping” function to add the abandoned right-of-way to an existing R-45 lot.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL**.

**1271-18
Zoning**

Antioch Road

McBride Road

SUBJECT PROPERTY

R-45

R-45

R-45

R-45

R-45

R-45

R-45

R-45

R-45

R-45

R-40

R-45

R-40

R-40

R-40

**1271-18
Land Use Plan**

RURAL
RESIDENTIAL
- 2

Antioch Road

McBride Road

SUBJECT PROPERTY

RURAL
RESIDENTIAL
- 3

1271-18
Aerials

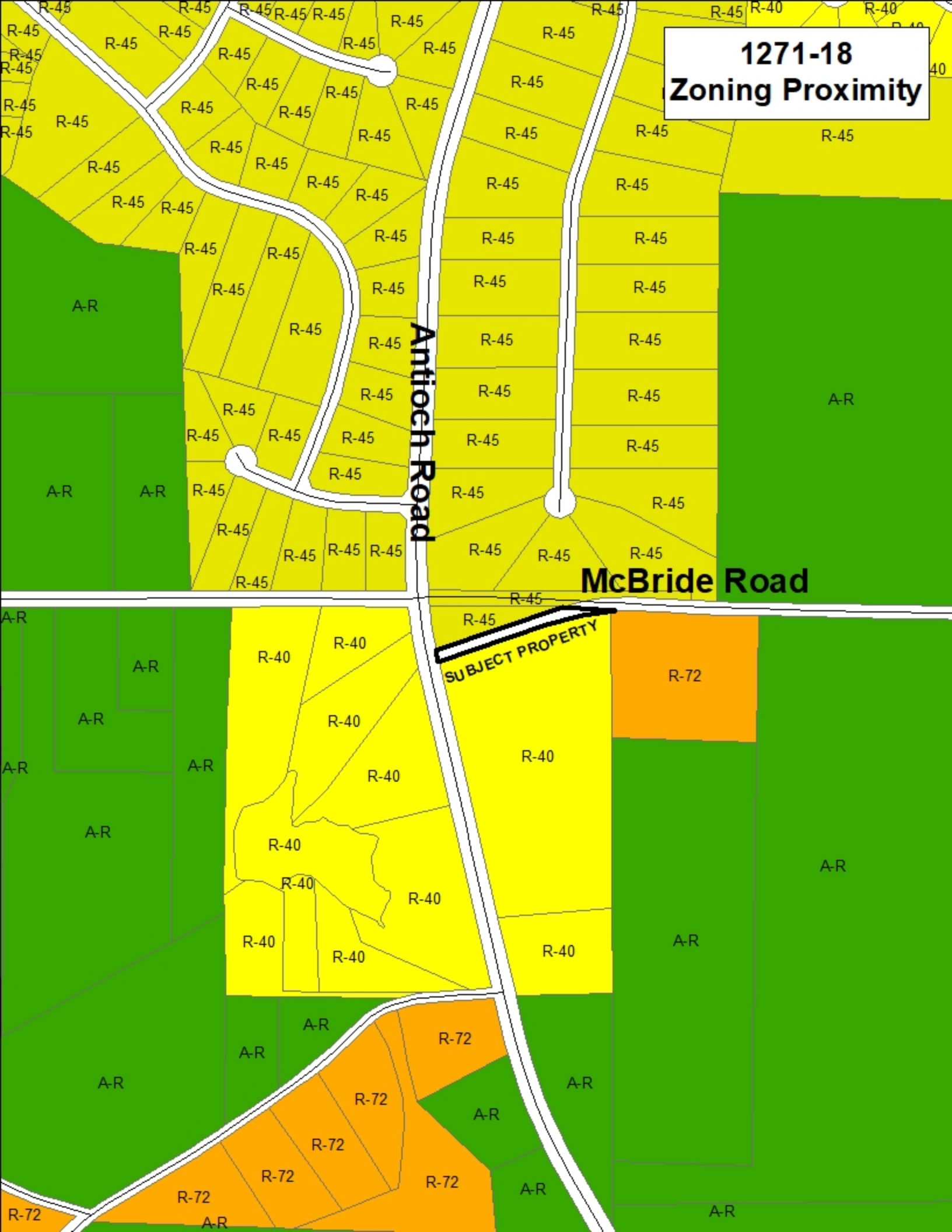
Antioch Road

McBride Road

SUBJECT PROPERTY



1271-18
Zoning Proximity



Points from last meeting:

- make a distinction between a primary and secondary front yard
- consider greater front yard setbacks for accessory structures
- consider the classification of the roads giving preference to higher classification of roads for the placement of an accessory structure
- consider different zoning/lots sizes
- reservation with placing an accessory structure between the street and the front orientation of the house

Sec. 110-3. Definitions

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Lot, corner, means a lot located at the intersection of two streets.

Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, front, means the area between a property line adjacent to a ~~thoroughfare street~~ and the ~~front~~ building line, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear ~~building-setback~~ line, extending the full width of the lot.

Yard, side, means the area between the side property line and the side ~~building-setback~~ line, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

Front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot.

Front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

- (e) *Accessory structures located in a front yard.* On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot has its addressed access and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of accessory structures.

No accessory structure shall be located in the front yard except as follows: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); an accessory structure located in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

- (1) *Detached garage located in the front yard of a single frontage lot, a through lot, or the primary front yard on a corner lot.* Said garage shall meet the following requirements:

- a. Footprint shall not exceed 900 square feet.
- b. The detached garage shall not be located more than 35 feet from the principal structure.
- c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- c. The garage shall have at least one opening for vehicular access.
- e. A separate electrical meter is not permitted, unless otherwise required per the Department of Building Safety.
- f. The garage shall be connected to the principal structure by at least one of the following and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
 1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;
 2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet.

Said deck shall have guard rails measuring a minimum of three feet in height; or

3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.

(2) *Accessory structure located in the secondary front yard of a corner lot.* Said accessory structure shall meet the following requirements:

- a. When an accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback shall be increased by 20 feet.

Goal: Create a procedure for the Planning Commission to establish the front, side and rear yards on a flag lot (existing and proposed) that would differ from yards per County regulations and establish the front, side and rear yards on a nonconforming land locked lot.

Definition

Flag lot means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street.

Lot, landlocked, means a lot ~~of record~~ having no frontage on a street.

ARTICLE III. - GENERAL PROVISIONS

Sec. 110-106. Procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot.

Due to the various irregular shapes of flag lots and that nonconforming land locked lots have no road frontage, a property owner may request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process (ARTICLE XV. - SUBDIVISION REGULATIONS) that would be different than the yards per existing County regulations and establish the front, side and rear yards on a nonconforming land locked lot. This procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. The front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot will be considered in this establishment of front, side and rear yards. The establishment of yards through this procedure will require the revision of the Minor Subdivision Plat or Final Plat, as applicable

SUBDIVISION REGULATIONS

Sec. 104-603. - Procedure for the establishment of front, side and rear yards on a flag lot.

Due to the various irregular shapes of flag lots, a property owner may request that the planning commission establish the front, side and rear yards on a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be different than the yards per existing County regulations. The front, side and rear orientation of the proposed residence on the flag lot will be considered in this establishment of front, side and rear yards.

FLAG LOTS AND LAND LOCKED LOT HISTORY

Three basic **flag lot** development types

- Named private drive with address on named private drive - road frontage 25 feet (prior to 1991-92) for pole portion of lot – some plats indicate front, side and/or rear setbacks others do not.
- Unnamed private drive with address on County road - road frontage varied from 25 feet (prior to 1991-92) to 100 feet for pole portion of lot - plats prior to 2010 may or may not indicate front, side and/or rear setbacks- final and minor subdivision plats after 2010 indicate front, side or rear setbacks
- Individual driveway for each lot - road frontage 100 feet for pole portion of lot - plats prior to 2010 may or may not indicate front, side or rear setbacks- final and minor subdivision plats after 2010 indicate front, side or rear setbacks

Land locked lots existing prior to 11/13/1980 with the required easement are considered as nonconforming lots. The zoning ordinance defines front yard in relation to street frontage and technically land locked lots do not have street frontage.