

Board of Zoning Adjustment

Staff Report

January 17, 2023



| | |
|--------------------------|---------------------------|
| Case No: | 22-VARIANCE-0155 |
| Project Name: | Pennsylvania Ave Variance |
| Location: | 156 Pennsylvania Avenue |
| Owner/Applicant: | Andrew Meredith |
| Jurisdiction: | Louisville Metro |
| Council District: | 9- Andrew Owen |
| Case Manager: | Amy Brooks, Planner I |

REQUEST:

Modified Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot and a **Variance** from the Land Development Code section 5.4.1.E.1 to allow an accessory use area to exceed the maximum depth.

| Location | Requirement | Request | Variance |
|--------------------------|-------------|-------------|-------------|
| Private Yard Area | 1033. ft. | 634 sq. ft. | 399 sq. ft. |
| Accessory Use Area Depth | 50 ft. | 53 ft. | 3 ft. |

CASE SUMMARY/BACKGROUND

The subject site is zoned R-5 Single Family Residential in the Traditional Neighborhood Form District. The property is located on the southwest side of Pennsylvania Avenue between Brownsboro Road and Frankfort Avenue in the Crescent Hill neighborhood. The subject property is developed with a one and a half story single-family home.

Previously, there was a garage on the property that was demolished in 2016. At that point, the garage exceeded the maximum depth of the accessory use area. The applicant had received a variance in 2016 reducing the private yard area to 1033 square feet. Currently, the applicant is proposing to build a 505 square ft. garage with an accessory dwelling unit on the second floor that will reduce the private yard area to be less than was approved in 2016 and will increase the accessory use area depth beyond the maximum permitted.

The proposed ADU was approved by Planning and Design Services Staff under 21-ADU-0010 on October 19, 2021.

STAFF FINDINGS

Staff finds that the request variance is adequately justified and meets the standards 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

No outstanding technical comments.

INTERESTED PARTY COMMENTS

Applicant submitted signatures from several adjoining property owners.

RELATED CASES

16VARIANCE1091

21-ADU-0010

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.2

- (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 be constructed to comply with all applicable building codes, including fire codes, 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 proposed private yard area reduction will not alter the essential character of the general vicinity as many properties in the area seemingly have reduced private yard areas to accommodate for the more compacted urban lots that are common in this area of Crescent Hill.

- (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 proposed accessory structure will comply with all other regulations, except where relief is requested, and there are other properties within the block that have seemingly reduced open space between the principal and accessory use area

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 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. The property is the in the curve of the alley meaning there could be vehicle maneuvering safety issues involved with the garage being locate closer to the alley.

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 there is sufficient open space behind the proposed garage to allow it to be moved to meet the private yard area reduction that was approved in 2016.

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 is requesting the variance and has not begun construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.E.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 proposed garage must be constructed to comply with all building codes, including fire codes, and land development code regulations, except where relief is requested.

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

STAFF: The proposed accessory structure will not alter the essential character of the general vicinity. The property has access from the primary street and has not historically accessed the property from the alleyway. the proposed garage/carriage house will complement the existing character of the neighborhood as the surrounding area includes a diverse array of accessory structures of varying styles and sizes.

- (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 proposed accessory structure will comply will all other regulations, except where relief is requested, and there are other properties within this block that have access both off the primary street.

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 proposed plan could be modified to bring the proposed back within the allowed maximum depth of the accessory use area.

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.

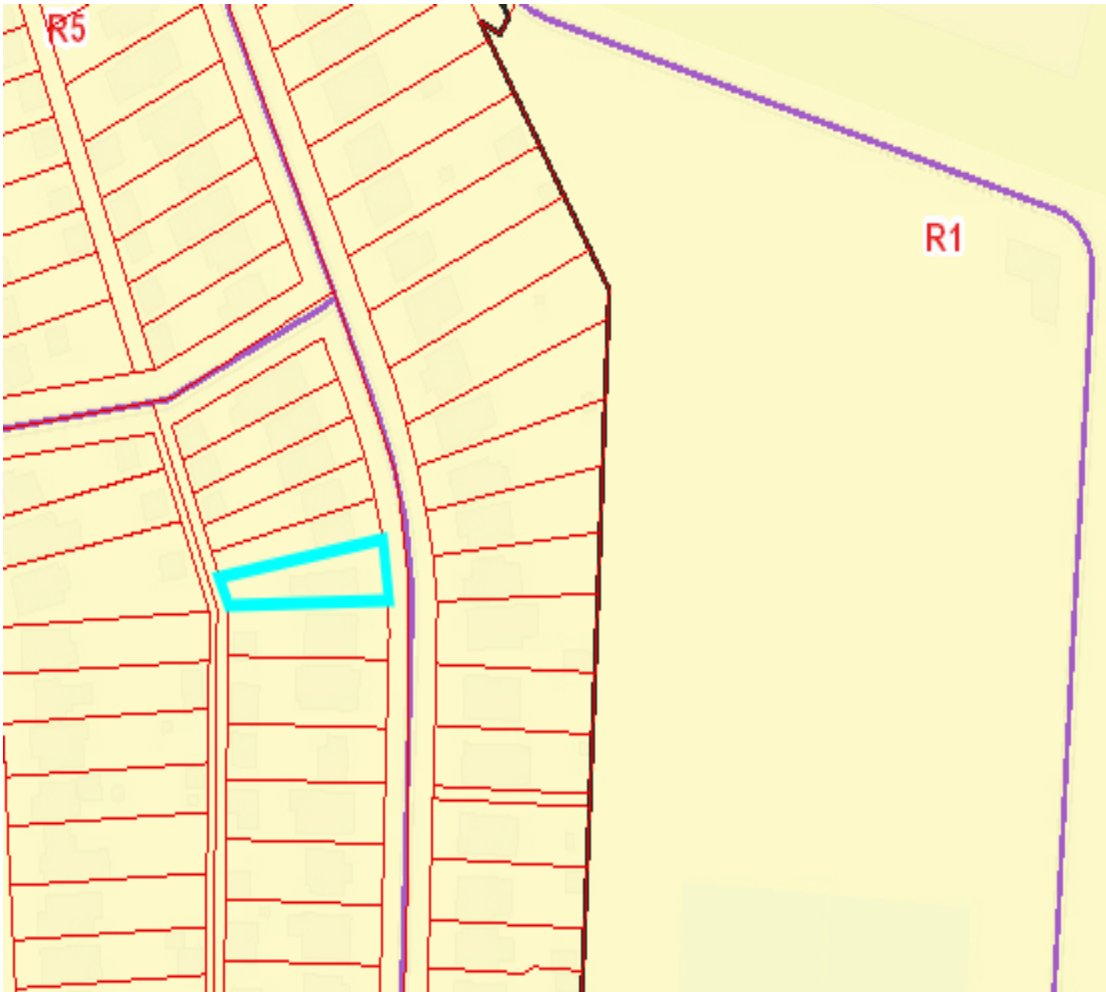
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|---------------------|--|
| 01/09/2023 | Hearing before BOZA | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9 |
| 01/11/2023 | Hearing before BOZA | Notice posted on property |

ATTACHMENTS

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

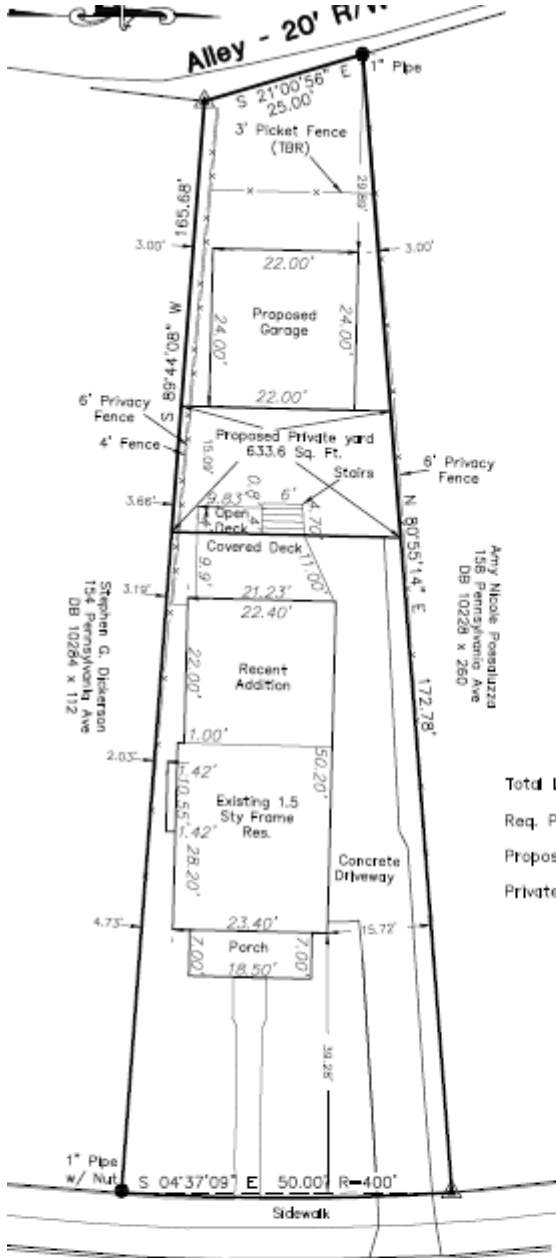
1. Zoning Map



2. Aerial Photograph



3. Site Plan



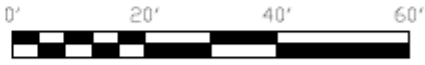
Location Map
No scale

- NOTES**
1. This document does not constitute a boundary survey and is subject to the inaccuracies that a boundary survey may disclose, no corners were set.
 2. This plat is subject to all legal easements, right of ways, defects, liens, adverse claims, encumbrances, covenants and restrictions, which a title search may reveal, whether shown on this plat or not.
 3. The linear and angular values shown are based on plat of Blue Grass Addition P.B. 1, P.145 as recorded in the office of the clerk of Jefferson County, KY.
 4. Information shown on this site plan shall not be used to establish the future placement of any fence, structures & other improvements.

Total Lot area = 6,269 Sq. Ft.
 Req. Private Yard Area (30% x 6,269) = 1880.7 Sq. Ft.
 Proposed Private Yard Area 633.6 Sq. Ft. = 10%
 Private Yard Variance Required 1,247 Sq. Ft = 20%

- ▲ Indicates computed unmarked point
- Indicates found monument
As Noted
- TBR To be removed

GRAPHIC SCALE IN FEET



Pennsylvania Ave - 50' R/W

SITE PLAN FOR GARAGE
 Owner: Andrew & Whitney Meredith
 Address: 156 Pennsylvania Ave., Louisville, KY 40206
 D.B. 10817, Pg. 428 Parcel ID 072H00990000
 R-5 Zoning TN Form District
 This is not a boundary survey and is not intended for land transfer.

| | | |
|----------|---------------------------|-------------------------------------|
| NO STAMP | CARDINAL SURVEYING | DRN BY: SMS/RSM |
| | | SCALE: 1" = 20' DATE: 04/21/2016 |

4. Elevations



Front Exterior Elevation
scale: 1/4" = 1'-0"



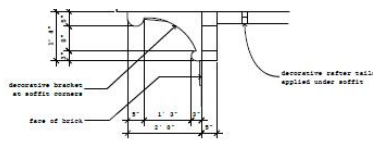
Left Side Exterior Elevation
scale: 1/4" = 1'-0"

Finish Schedule

| | |
|-----|--------------------|
| 001 | As noted elsewhere |
|-----|--------------------|

Important:

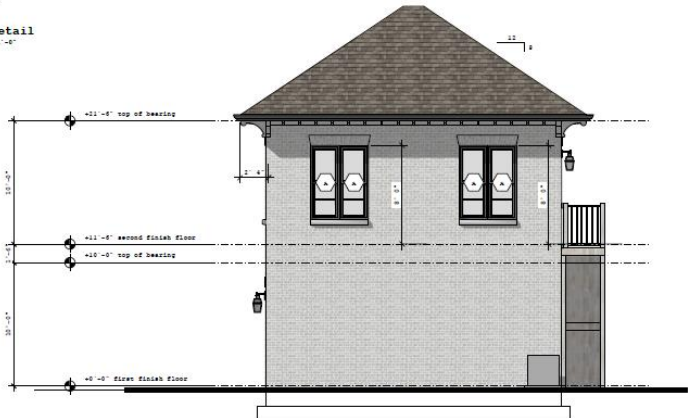
contractor to verify all window and door sills, incorporating floor, wall and all other finish material thicknesses into



Soffit Detail
scale: 3/4" = 1'-0"



Rear Exterior Elevation
scale: 1/4" = 1'-0"



Right Side Exterior Elevation
scale: 1/4" = 1'-0"

5. Site Photos



Front of subject property.



Left of subject property.



Right of subject property.



Across street.



View of variance areas.



Rear yard and variance area.



Rear Yard