

Board of Zoning Adjustment Staff Report

December 1, 2014



Case No:	14VARIANCE1103
Project Name:	New House
Location:	713 Washburn Ave
Owner(s):	Robert Buckler, Sarasota Properties
Applicant:	Robert Buckler, Sarasota Properties
Representative:	Bill Schroll, Schroll Land Surveying
Project Area/Size:	0.20 acres
Jurisdiction:	Louisville Metro
Council District:	7 - Kenneth C. Fleming
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Variance from the Land Development Code Chapter 5, Section 5.3.1.C.2 and Table 5.3.1, to allow a proposed structure to encroach into the South Central Avenue street side yard.

Variance

Location	Requirement	Request	Variance
Street Side Yard	25 feet	5.6 feet	19.4 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a new house on a vacant lot located at the Southeast corner of Washburn Avenue and South Central Avenue.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R5 in the Neighborhood Form District (N), surrounded by single and multi-family residential property zoned R5, R6, and R7 in the Neighborhood Form District (N).

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Single family residential	R5	N
Surrounding Properties			
North	Across South Central Ave - Single family residential	R5	N
East	Single family residential	R5	N
South	Single and multi - family residential	R5, R7	N
West	Across Washburn Avenue - Single and multi - family residential	R5, R6, and R7	N

PREVIOUS CASES ON SITE

No previous cases.

INTERESTED PARTY COMMENTS

No inquiries.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the new house will not obstruct views of vehicle or pedestrian traffic.

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

STAFF: The requested variance will not alter the general character of the general vicinity because the new house will be constructed with similar materials already being used in the vicinity. Plus the new house will be a similar scale and size of existing houses located in the area. The applicant has located the house on the lot to also preserve the existing large trees located in the right of way.

- (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 new house is being constructed with materials, which are already being used in the neighborhood. Plus the new house is a similar scale and size of existing houses in the vicinity.

- 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. The required setbacks for this corner lot have created an unreasonable narrow building 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 arises from special circumstances because this is a 50 foot wide corner lot which has a 25 foot of street side setback and a 5 foot side yard setback which limits the building area to only 20 feet. The proposed location of the new house on the lot is the best location for these circumstances.

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 proposed house would not be able to be constructed.

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 subsequent to the adoption of the zoning regulation; because the applicant is requesting a variance prior to the construction.

TECHNICAL REVIEW

No technical issues.

STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant the variance, therefore, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Development Code based on the testimony and evidence provided at the public hearing.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/14/2014	BOZA Hearing (Variance)	1 st tier adjoining property owners Neighborhood notification recipients
11/14/2014	Sign Posting	Subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevation and Floor Plan
5. Applicant's Variance Justification Statement
6. Site Photographs

Attachment 1: Zoning Map

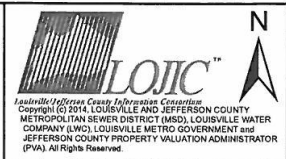


R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	

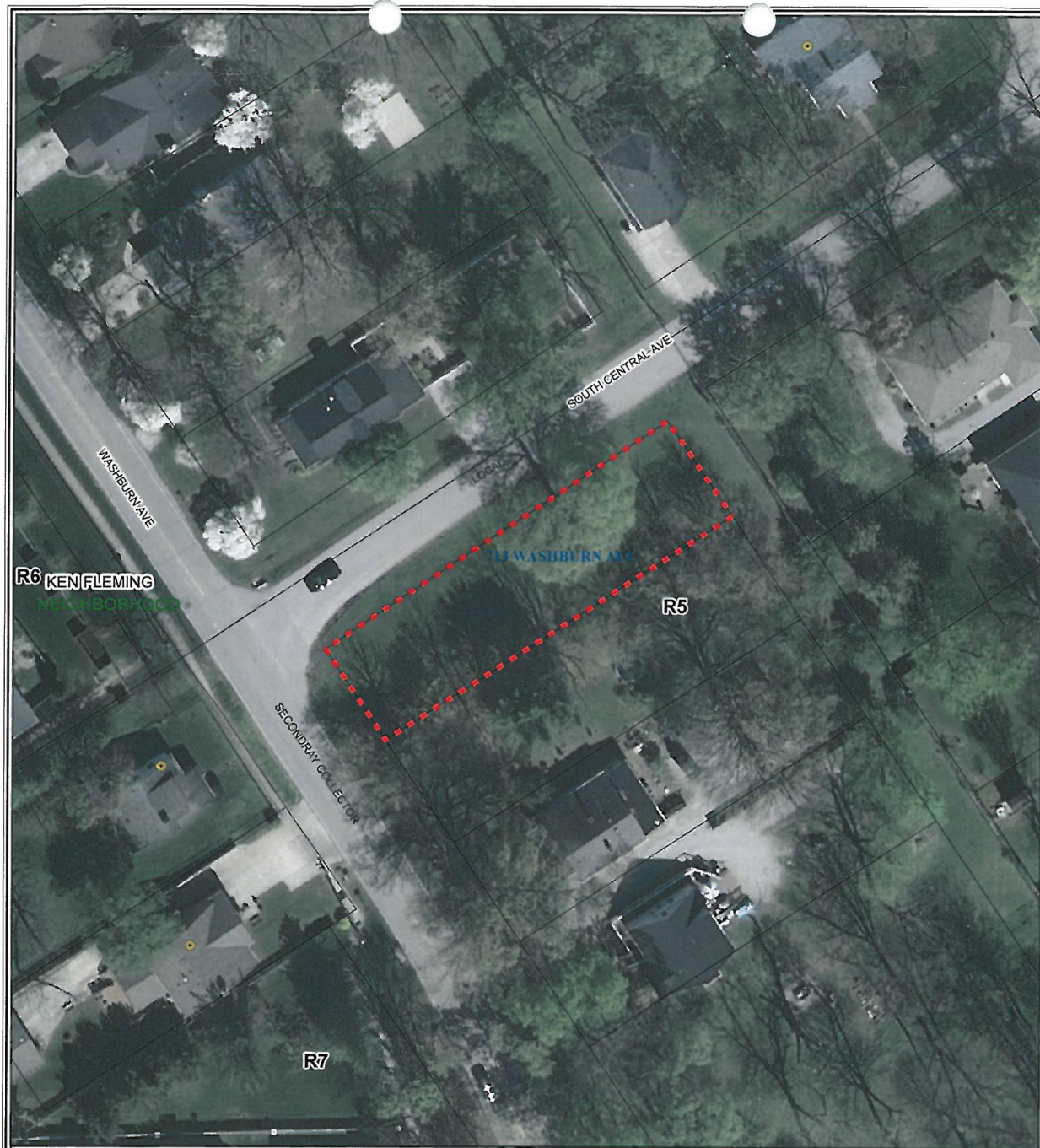


Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

**14VAR1103
 VARIANCE**
 Scale: 1:764 Date: 11/11/2014



Attachment 2: Aerial Photograph

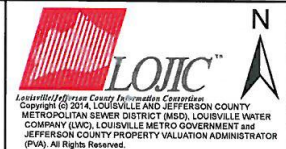


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Zoning District Map
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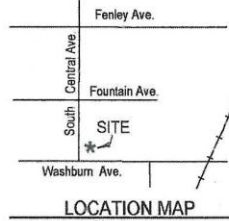
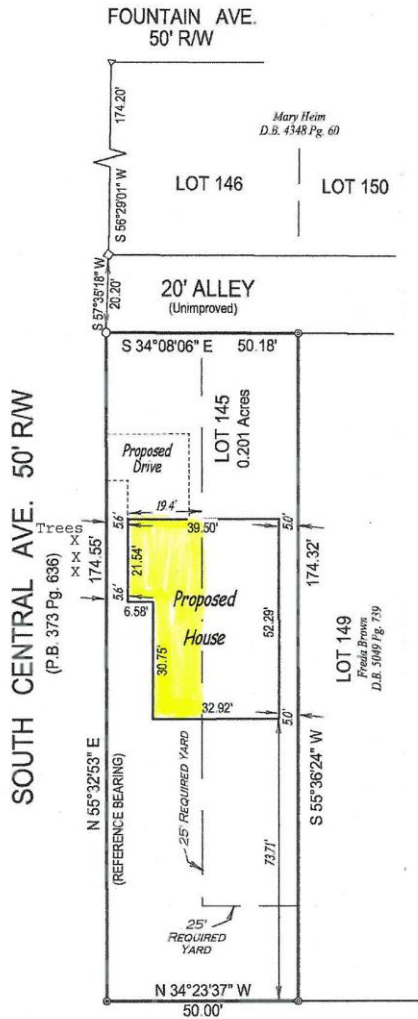
**14VAR1103
 VARIANCE**
 Scale: 1:678 Date: 11/11/2014



Attachment 3: Site Plan

NOTES

1. Property is subject to any restrictions or easements either implied or of record.
2. Property is subject to any Planning and Zoning Regulations that may apply.
3. Location of proposed structures are per builder's request.



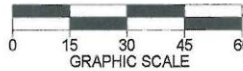
Being Lot 145, Block "B"
Warwick Villa Subdivision
Deed Book 373, Page 636

NOTES

1. Site is subject to all right-of-ways, easements and restrictions of record or implied.
2. The surveyor did not make a search for easements, encumbrances, restrictions, ownership title evidence or other records that a complete and accurate title search may disclose.
3. The certification of this survey is made of this date and is subject to any future facts that more accurately describe or establish the boundary shown herein.
4. Surrounding owner information is shown per PVA records.
5. The basis of bearing was scaled from the record plat.
6. This site is located in Zone X per Firm Map 21111C0030 E dated December 5, 2008 and is not located within a 100 year flood plain (0.1% chance). Flood Plain Certification is restricted to a review of the firm and shall not be construed as a confirmation or denial of flooding potential.

LEGEND

- = Existing 1" Pipe
- = Existing 4" Pipe
- = Existing 1/2" Square Rod
- △ = Existing Angle Iron
- ⊙ = Set 1/2" Rebar with cap stamped "SCHROLL 3570"



PLOT PLAN

Survey of: 713 Washburn Ave.
Louisville, Ky 40222
Source of Title: D.B. 10290 Pg. 626
For: Sarasota Properties
Ordered By: Bob Buckler

Scale: 1" = 30'
Drawn Date: 10/27/14
Revised: 11/22/14

Job No: 1417/14
Drawn By: Bill Schroll

SCHROLL LAND SURVEYING LLC.

5450 Southview Dr., LOUISVILLE, KY. 40214
Phone: 502-367-7660
Mobile: 502-594-6773

NOT FOR RECORDING OR LAND TRANSFER



THIS PLOT PLAN DOES NOT REPRESENT A SURVEY. THE DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN TAKEN FROM PUBLIC RECORD, PLANS, AND DEED OR RECORD PLANS.

William D. Schroll III
WILLIAM D. SCHROLL III
Professional Land Surveyor, Kentucky Registration No. 3570
Date: 11-22-14

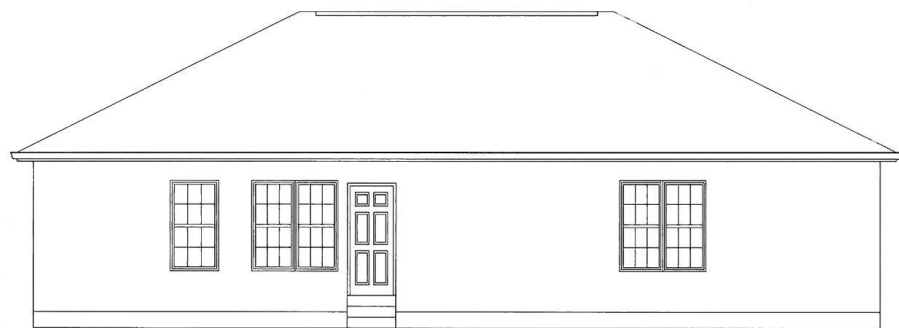
Attachment 4: Elevations and Floor Plan

NOTE:
 BUILDER MUST VERIFY DRAWINGS FOR ALL REVISIONS, DIMENSIONS, SQUARE FOOTAGES, STRUCTURAL SIZES, SPANS AND ALL BUILDING CODE COMPLIANCES ARE SATISFIED BEFORE STARTING ANY CONSTRUCTION. DRAFTSMAN IS NOT RESPONSIBLE IF THESE PROCEDURES ARE IGNORED.

NOTES:
 SIDING 4 SIDES W/ALUMINUM WRAP
 VINYL SOFFITS/ RIDGE VENTING
 ASPHALT SHINGLE ROOFING
 DOOR & WINDOW HEADERS (2-2 X 10)
 U-FACTORS DOOR (.40) WINDOWS (.35)



FRONT ELEVATION



REAR ELEVATION

1/4" = 1'
 *drawing scale

14VARIANCE1103

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NOV 10 2014

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Steve Malone
 (502) 639-0320

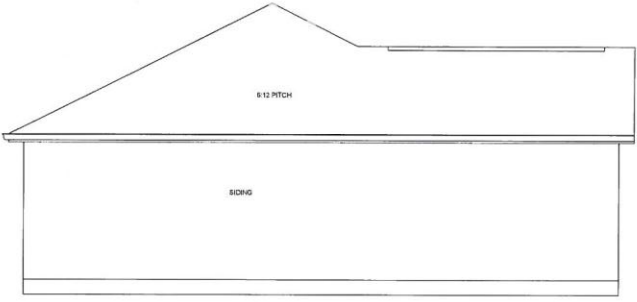
ISSUED 04.16.2014
 UPDATED 04.22.2014

Morgan Ave
 713 Washburn Ave

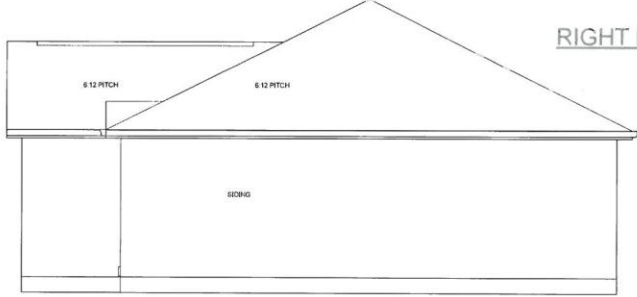
SARASOTA PROPERTIES LLC
 Bob Buckler (502) 296-5301

NOTE:
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 SQUARE FOOTAGES, STRUCTURAL NOTES,
 SPANS AND ALL BUILDING CODE COMPLIANCES
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 CONSTRUCTION. DRAFTSMAN IS NOT
 RESPONSIBLE IF THESE PROCEDURES ARE
 IGNORED.

LEFT ELEVATION



RIGHT ELEVATION



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1/4" = 1'
 *drawing scale



Steve Malone
 (902) 633-0320

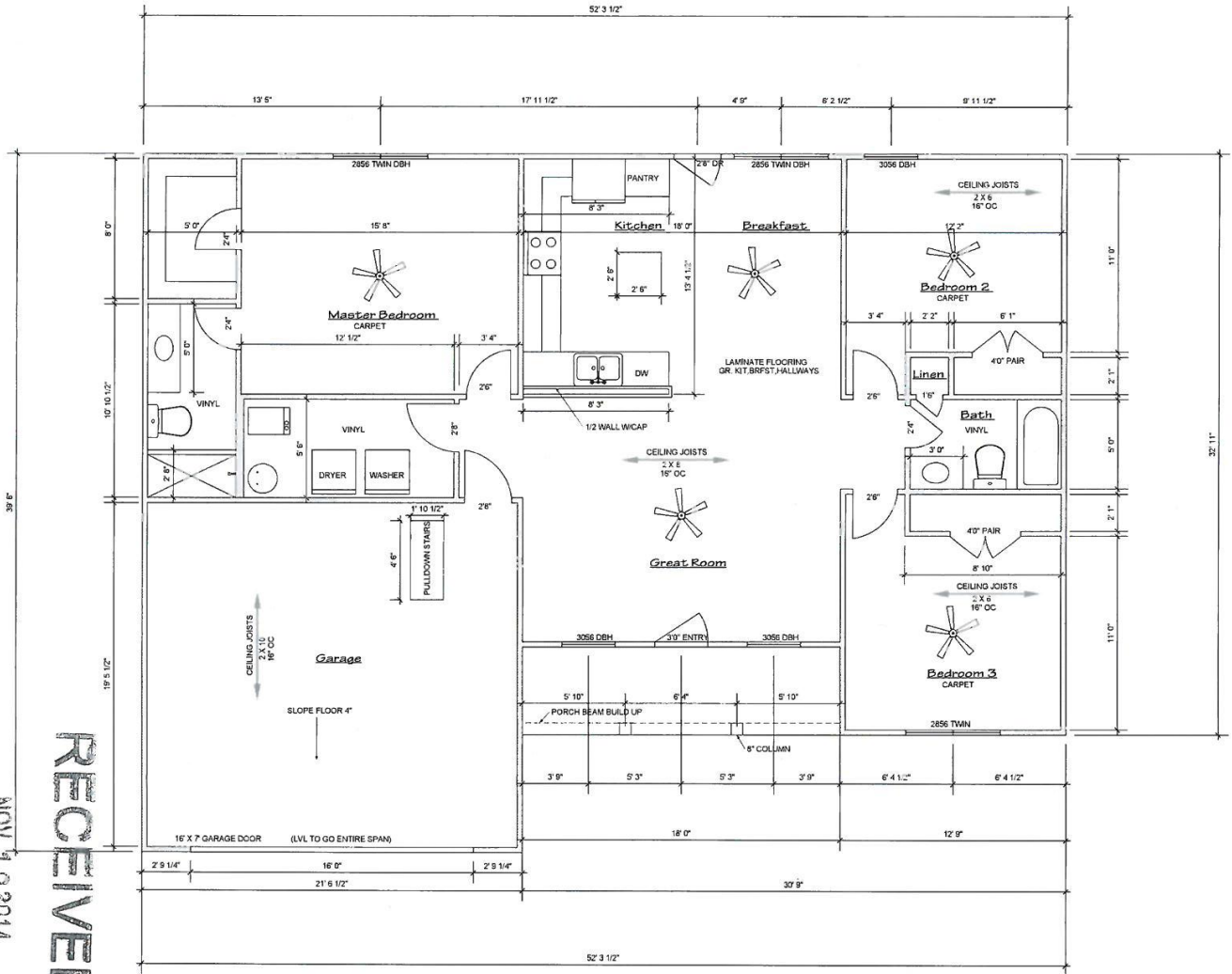
ISSUED: 06.10.2014
 APPROVED: 06.10.2014

Morgan
 715 Washburn Ave

SARASOTA PROPERTIES LLC
 Bob Buckler (902) 296-5301

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 VINYL SOFFITS/RISE VENTING
 ASPHALT SHINGLE ROOFING
 DOOR & WINDOW HEADERS (3.2 X 10)
 UFACATORS DOOR (40) WINDOWS (39)



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FLOOR PLAN

1/4" = 1'
 *drawing scale

1340 SQ. FT. +- FINISHED AREA

** The entrance for the proposed garage has been moved to the left elevation of the house to exit out toward the 20 foot alley. Refer to the site plan for the new location of the garage entrance.

Attachment 5: Applicant's Justification Statement

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

Plan on building a single family home on lot. This will fit in perfectly with other homes in area.

2. Explain how the variance will not alter the essential character of the general vicinity.

This is a vacant building lot, we just plan to build on as others have in neighborhood.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

Will be a single family home as are others in neighborhood.

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4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

We just need enough room to place home on the lot. Since this is a corner lot setbacks are unreasonable for building purposes. 25' required need 19'4" variance

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Due to the fact that this is a corner lot.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

We would not have enough room to build home & maintain the strict setbacks.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

no

Attachment 6: Site Photographs



Looking East into the site from Washburn Avenue



Photo showing the setback of the adjacent house East of the subject Site



Looking South from the corner of South Central Avenue and Washburn Avenue



House across the street on South Central Avenue



Existing houses across Washburn Avenue



Looking West from the rear of the property toward Washburn Avenue