

# Board of Zoning Adjustment

## Staff Report

April 30, 2018



<b>Case No:</b>	18VARIANCE1028
<b>Project Name:</b>	842 Franklin Street Addition
<b>Location:</b>	842 Franklin Street
<b>Owner(s):</b>	Kimberly Lesak
<b>Applicant:</b>	Christopher Eldridge
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Dante St. Germain, Planner I

**REQUEST**

- **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 a lot

Location	Requirement	Request	Variance
Private Yard Area	30% (2,934.2 sf)	4.2% (408 sf)	25.8% (2,526.2 sf)

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Butchertown neighborhood, and currently contains a two-story single-family residence with a detached garage. The property represents the consolidation of one double-width lot and a second half-depth lot with a total combined area of 9,780.75 square feet. The applicant proposes to construct a new two-story addition onto the rear of the existing principal structure, reducing the private yard area between the rear of the principal structure and the front of the detached garage. The garage is unusual for the neighborhood, being constructed with the front of the garage approximately 73 feet from the rear alley. The lot therefore has an unusually deep accessory structure/use area and an unusually small existing private yard area, which is to be reduced further by the addition.

This property received a Certificate of Appropriateness on March 23, 2018 under case number 18COA1042 for the addition. Please see Attachment 6 for the conditions of approval.

**STAFF FINDING**

Staff finds that the requested variance is adequately justified and meets 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 section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of a lot.

## **TECHNICAL REVIEW**

- No technical review was undertaken

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **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 as significant green space will remain in the side yards of the property.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the private yard area is already reduced by the unusual depth of the accessory structure/use area, and the further reduction of the private yard area will not be visible to the public.

- (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 as the consolidated lots provide significant side yard space on either side of the principal structure, which are proposed to remain green space.

- (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 private yard area is reduced due to the unusual configuration of the garage relative to the principal structure.

## **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 which do not generally apply to land in the general vicinity or the same zone because the garage is set very deeply on the lot in relation to the alley, an unusual situation in the neighborhood.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to construct the addition into the side yards, reducing green space that currently exists on the consolidated lots.

3. 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.

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.

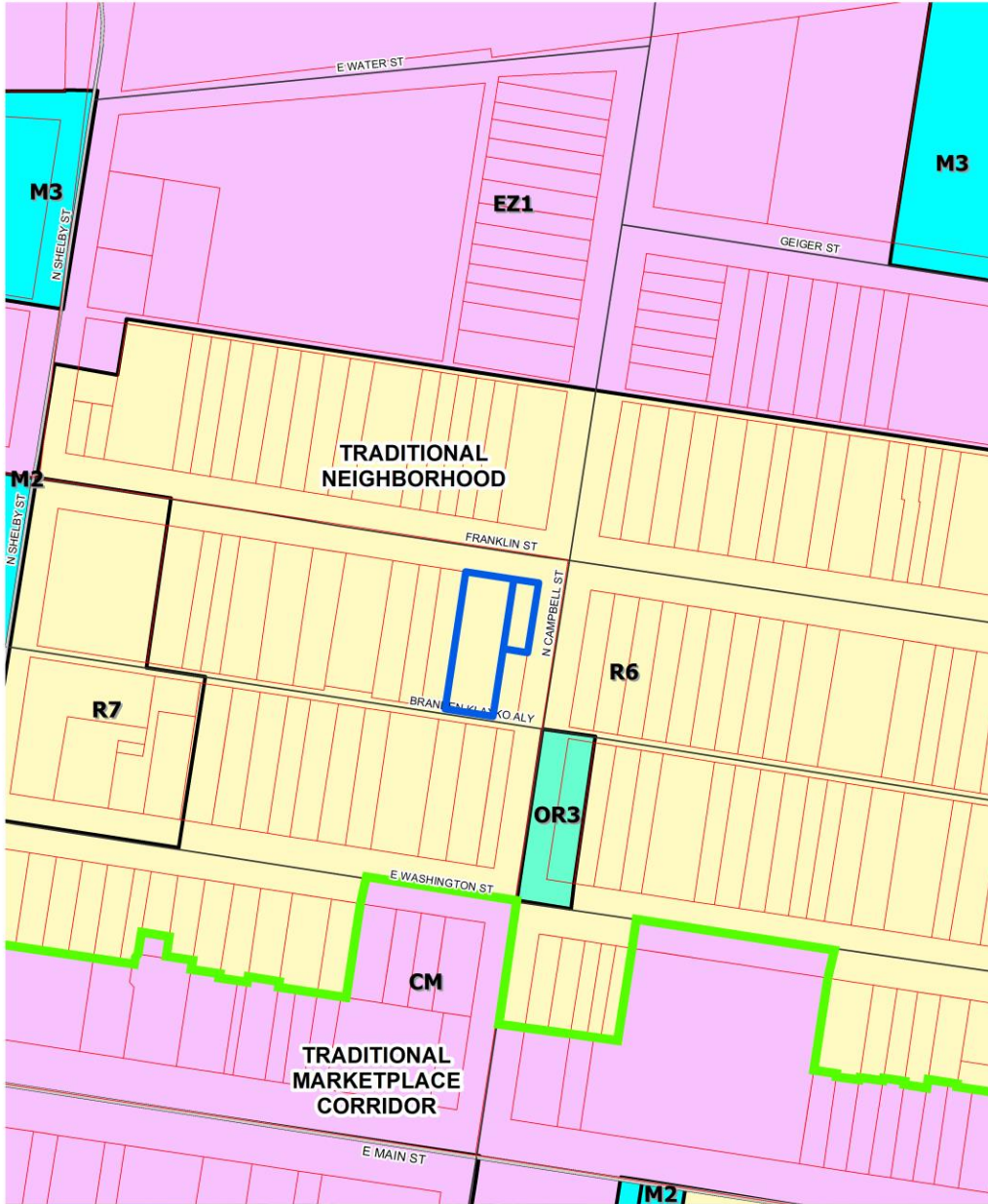
**NOTIFICATION**

Date	Purpose of Notice	Recipients
04/05/2018	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
04/13/2018	Hearing before BOZA	Notice posted on property

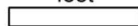
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos
6. Certificate of Appropriateness

1. Zoning Map



842 Franklin Street  
feet



140

Map Created: 4/16/2018



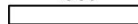
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2. Aerial Photograph



842 Franklin Street

feet



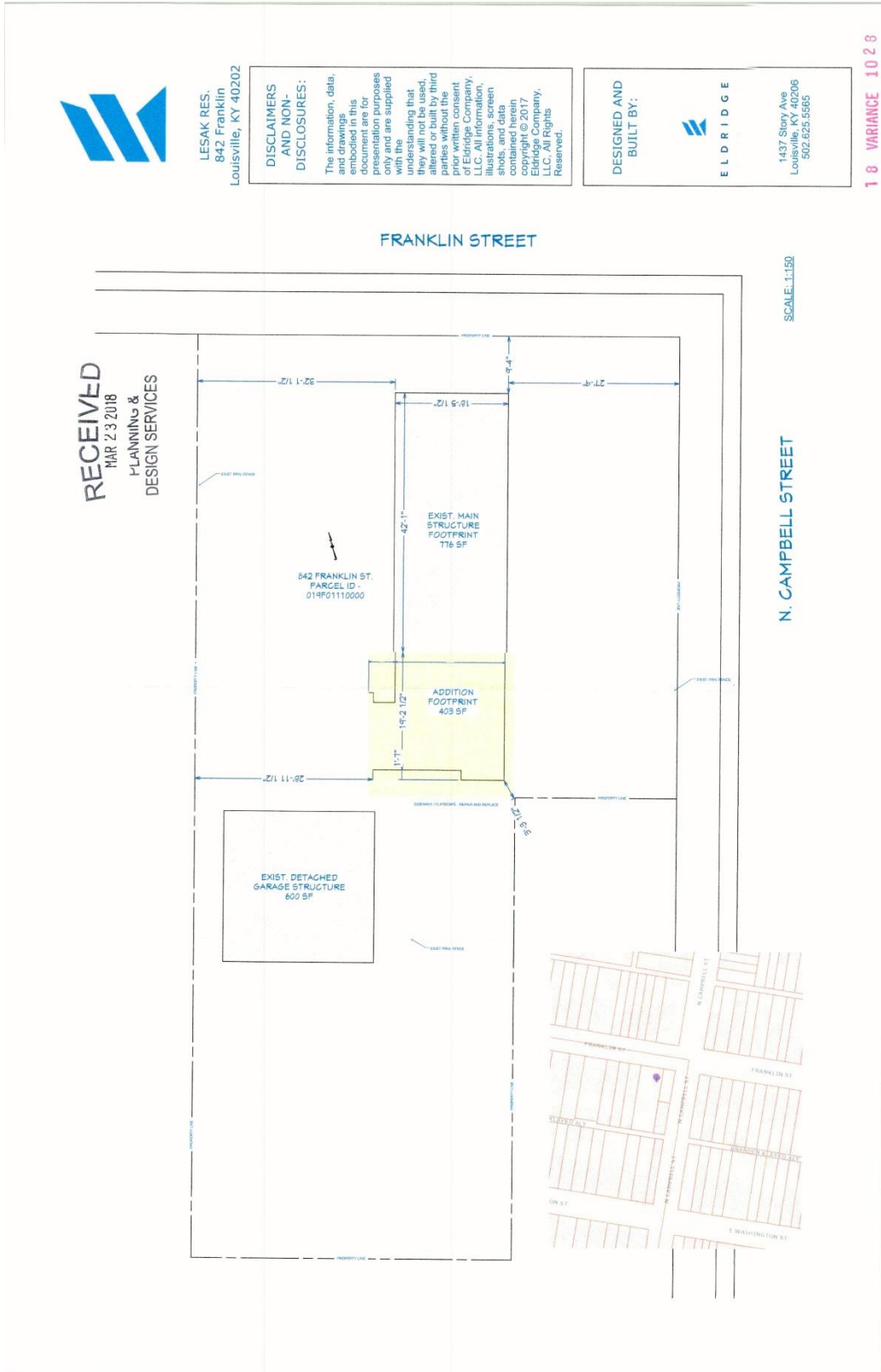
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Map Created: 4/16/2018



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3. Site Plan



4. Elevations



LESAK RES.  
842 Franklin  
Louisville, KY 40202

DISCLAIMERS  
AND NON-  
DISCLOSURES:

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DESIGNED AND  
BUILT BY:



ELDRIDGE

1437 Story Ave  
Louisville, KY 40206  
502.625.5565

18 VARIANCE 1028

5. Site Photos



The front of the subject property.





The property to the left of the subject property across N Campbell Street.



The properties across Franklin Street.



The existing private yard area and location where the addition is proposed.

6. Certificate of Appropriateness



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**Historic Landmarks and Preservation  
Districts Commission**

**Certificate of Appropriateness**

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To: Chris Eldridge, Eldridge Company  
Thru: Cynthia Elmore, Historic Preservation Officer  
From: Savannah Darr, Historic Preservation Specialist  
Date: March 23, 2018

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*SRB*

**Case No:** 18COA1042  
**Classification:** Staff Review

**GENERAL INFORMATION**

**Property Address:** 842 Franklin Street

**Applicant:** Chris Eldridge  
Eldridge Company  
1437 Story Avenue  
Louisville, KY 40206  
502-640-0296  
[chris@eldridgecompany.com](mailto:chris@eldridgecompany.com)

**Owner:** Kim Lesak  
842 Franklin Street  
Louisville, KY 40206

**Contractor:** same as applicant

**Estimated Project Cost:** \$34,002

**Description of proposed exterior alteration:**

The applicant requests approval to remove the existing wood siding material from the front façade of the building, which covers concrete block, and to replace it with something similar. The applicant also seeks approval to construct a two-story, 758 square foot addition on the rear elevation of the house. The front gabled addition will be clad in Hardie board and batten with standing seam metal on the roof. The south elevation will be clad in natural wood paneling. The windows on the addition will all be aluminum and some will be fixed while others will be casement. There is a little bump out on the west side of the addition for an entry door. Three new 9/9 double hung windows are proposed for the east elevation of the historic portion of the house. Lastly, the applicant seeks approval

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for an on-grade rear patio and walkway; however, this is exempt from review per the Ordinance.

### **Communications with Applicant, Completion of Application**

The application was received on March 5, 2018. The application was determined to be complete and classified as requiring Staff Review on March 12, 2018. Staff contacted the applicant for further information on project cost, site plan, and front facade. The applicant responded on March 15, 2018. The applicant submitted a new east elevation rendering showing the new windows on March 20, 2018.

## **FINDINGS**

### **Guidelines**

The following design review guidelines, approved for the Butchertown Preservation District, are applicable to the proposed exterior alteration: **Addition** and **Window**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is included in this report.

The following additional findings are incorporated in this report:

### **Site Context/ Background**

The property is located on the southwest corner of E. Washington and N. Campbell Streets. The building is zoned R6 and located within the Traditional Neighborhood Form District. The two-and-a-half-story masonry structure is surrounded by other masonry structures of varying architectural styles.

There are no previous COAs on file for this property.

### **Conclusions**

The proposed construction generally meets the Butchertown design guidelines for **Addition** and **Window**. The existing wood siding material on the front façade of the building is not original and it screens a concrete block façade repair. However, the applicant does not have a design yet, so it cannot be reviewed (**see conditions below**). The proposed rear addition is an appropriate scale and massing to the historic portion of the building. The design is more contemporary, but it does not adversely affect the historic integrity of the building. There is a little bump out on the west side of the addition for an entry door. This will not be very visible from Franklin Street due to the deep setback of the addition. The proposed new window openings on the east side of the historic house will be visible from N. Campbell Street because this is a corner lot. Historically, this was not a corner lot. However, these windows are in keeping with the historic style of the house and will match the existing windows on the west side. Thus, the new window openings are appropriate.

**DECISION**

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved** with the following conditions:

1. **The front façade changes shall be submitted to staff for review and approval.**
2. **The new east elevation windows shall not have smoked, tinted, low-E, or reflective glass.**
3. **All Planning & Design approvals, such as variances, shall be obtained prior to construction.**
4. **If the design changes, the applicant shall contact staff for review and approval.**

*The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.*

  
 Savannah Darr  
 Historic Preservation Specialist

3/23/18  
 Date

**ADDITION**  
**Design Guideline Checklist**

- + Meets Guidelines
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions as Noted
- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
<b>A1</b>	Ensure that the design of any new addition is in proportion with the size and scale of the historic building and district.	+	
<b>A2</b>	Design any addition so that it is subordinate to the original building. Generally, additions should not exceed half of the original building's total floor area or building footprint.	+	
<b>A3</b>	Generally, additions should be attached to secondary elevations and should be set back from the front façade, so as not to damage or obscure character-defining features.	+	Rear elevation
<b>A4</b>	Use materials that are the same as or subordinate to the primary material of the original building. Wood is subordinate to brick, and brick and stucco are subordinate to stone.	+	The addition will be clad in fiber cement board and batten and wood. The main house is brick

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