

Board of Zoning Adjustment Pre-Application

November 21, 2016



Case No(s):	16CUP1031
Project Name:	None
Location:	1319 Gilmore Lane
Owner(s):	Carroll Spencer
Applicant(s):	Carroll Spencer
Representative(s):	Carroll Spencer
Project Area/Size:	1,070 square feet
Existing Zoning District:	R-4, Residential
Existing Form District:	N, Neighborhood Form District
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUESTS

- Conditional Use Permit to allow an accessory apartment in a R-4 zoning district
- The applicant is requesting to not add additional landscaping.

CASE SUMMARY

The applicant is requesting to build a 1,070 square feet accessory apartment at the rear of the property. The apartment will be built as a second story addition onto the existing garage. The area includes two 12' x 12' bedrooms, 9' x 8' bathroom, and 480' living area. On the main floor will be a small kitchen and half bath with a total of 230'.

SITE CONTEXT

The property is located in a Neighborhood Form District and located near the northeast corner of Gilmore Lane and Dyer Avenue.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	R-4	N
Proposed	Residential, Accessory Apartment	R-4	N
Surrounding Properties			
North	Residential	R-4	N
South	Residential	R-4	N
East	Residential	R-4	N
West	Residential	R-4	N

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on September 10, 2016. Six people were in attendance and the minutes of the meeting are part of attachment no. 3.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. Guideline B.2 (Community Form), the proposal preserves the existing grid pattern of streets, sidewalks and alleys. Guideline A. 23 (compatibility), setbacks and building heights are compatible with those of nearby existing developments.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with surrounding land uses with respect to height, bulk, scale, intensity, lighting, and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: MSD and Transportation Planning have reviewed and approved the proposal. The Camp Taylor Fire Protection District did not comment on the proposal.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements. There are four listed requirements and the applicant will need to modify item B.

A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.

B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater. **The accessory structure will be 1,070 square feet,**

C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
- 2 Traditional Neighborhood - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

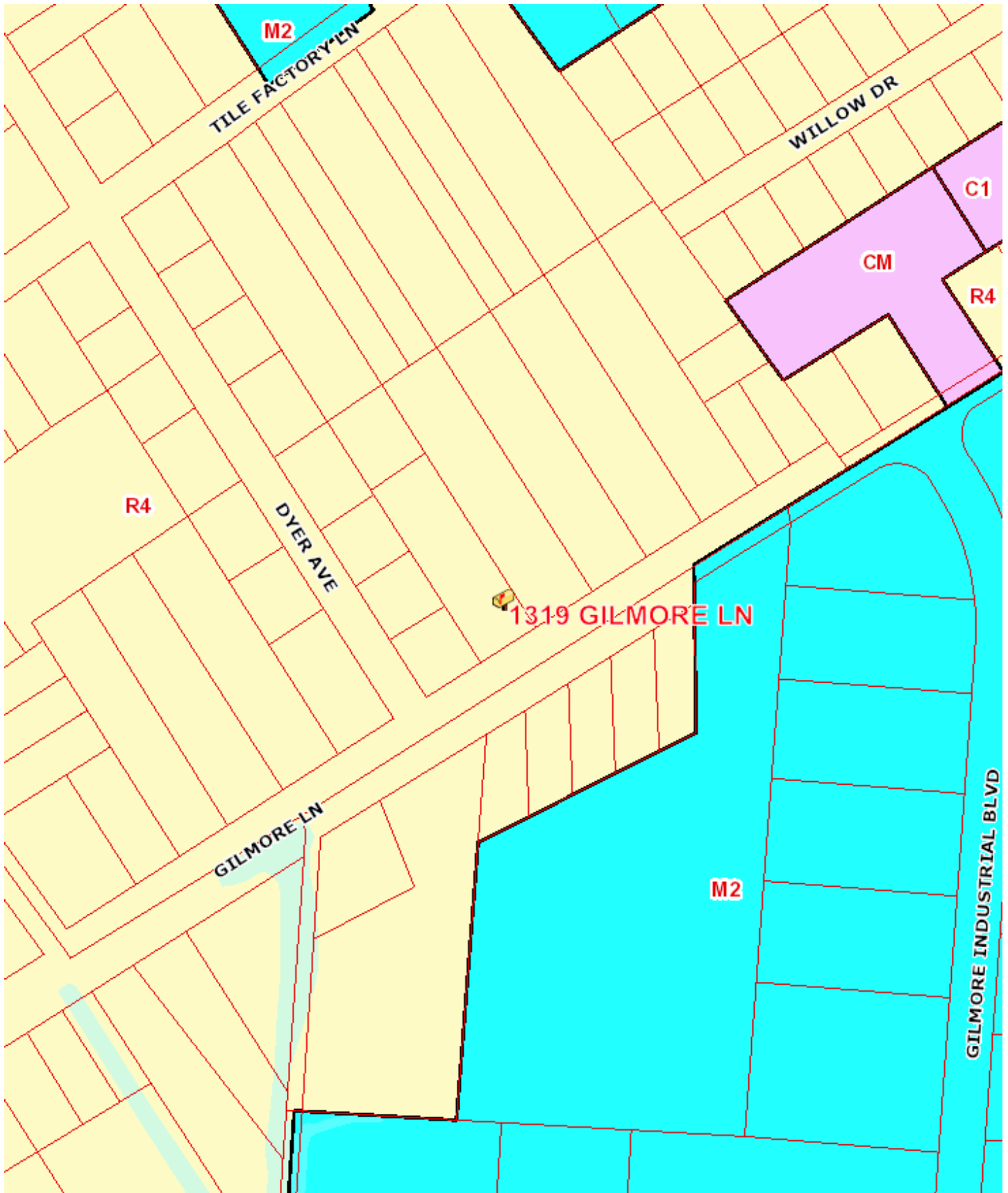
NOTIFICATION

Date	Purpose of Notice	Recipients
11/3/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
11/4/16	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Neighborhood Meeting Minutes
4. Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



3. Neighborhood Meeting Minutes

Minutes of Neighborhood Meeting to discuss addition of accessory apartment at 1319 Gilmore Lane

Date: September 10, 2016

Time: 5:30

Location: 1319 Gilmore Lane

Neighbors in attendance: Gary Darby and wife, Pearl Napier, Joseph Clark, Pam McCubbins and Husband

Joseph Clark (Q) What is the second story going to be used for? **(A)** My brother and family gatherings.

Gary Darby (Q) Is the height higher than the house or big gray building next door? They were worried about it blocking air flow. **(A)** It will not be higher than the two structures mentioned.

Mr. Darby stated that a house on Dyer near him was bought by Catholic Charities and is now occupied by a large number of Somalians, who park ten or more cars in the yard. He was concerned that if the property was sold to Catholic Charities this would happen. He was assured that there was no intention of selling the property. Mr. Darby also asked that it be included in the minutes: if the neighbors were to get notice of the formal meeting that was to be held at the office downtown.

Mr. Darby also stated that he admired all the work that had been done to the property and how nice everything looked.

At the close of the meeting everyone was in agreement that the site was a vast improvement to the neighborhood and they admired the work that had been done.

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16 CIP 1031

4. Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an accessory apartment without further review and approval by the Board.