

MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

MAY 16, 2005

DOCKET NO. B-74-05W

Applicant/Owner: Kevin Orr

Subject: An application for variances and waivers from the Land Development Code to allow a reduction in the Private Yard Area and for the proposed garage addition to encroach into the required side yard.

Premises affected: On property known as 1505 Rosewood Avenue and being in Louisville Metro.

Appearances for Applicant:
Kevin Orr, 3911 Leland Road, Louisville, Kentucky 40207.

Merle Molen, 550 South 4th Street, Louisville, Kentucky , whom submitted a rendering.

Appearances-Interested Party:
No one.

Appearances Against Applicant:
Joe Lee, 1509 Rosewood Avenue, Louisville, Kentucky 40204.

David Thomas, 1508 Goddard Avenue, Louisville, Kentucky 40204.

Mr. Orr spoke in rebuttal and answered questions posed by the Board.

On April 25, 2005, Kevin Orr, filed an application for a variation from the requirements of the Land Development Code to allow a reduction in the Private Yard Area and the proposed garage addition to encroach into the required side yard.

On May 16, 2005, a meeting of the Board, a hearing was held on the case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

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A video of the site and surrounding area was shown

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning and Design Services Office.

The recording of this hearing will be found on the CD of the May 16, 2005 proceedings.

After the public hearing and a further discussion of the case by the members of the Board in open business session, on a motion by Member Anderson, seconded by Member Rhodes, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing the proposed garage addition will encroach into the required side yard; and

WHEREAS, the Board finds the size and shape of the lot and the location of the existing structures on site are special circumstances which do not generally apply to land in the general vicinity or in the same zone; and

WHEREAS, the Board finds the chief result of a denial of these variances would be that the applicant would not be able to develop the site as planned; therefore, the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant; and

WHEREAS, the Board finds that the applicant is not responsible for the size and shape of the lot and the location of the existing structures on site; such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought; and

WHEREAS, the Board finds the site is rectangular in shape; that the Private Yard will still be 3,592 square feet and will include a landscaped brick courtyard; that the garage addition will be adjacent to the neighboring yard which the owner has stated no objections; that there are similar encroachments throughout the neighborhood; that the setback from Rosewood Avenue will be maintained; therefore, the granting of these variances will not adversely affect the public health, safety or welfare, will not alter the essential character of the general

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vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations;

NOW, THEREFORE, BE IT RESOLVED, that the variances are hereby **APPROVED**.

The variances allow:

1. The Private yard Area between the proposed multi-residence and existing/proposed garages to be 3,592 square feet.
2. The proposed garages to be located 0 feet from the west side property line.

The vote was as follows:

YES: Members Anderson, Rhodes, Queenan, Stewart, Crowder and Francis.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member Grisanti.

ABSTAINING: No one.

WAIVERS

In conclusion and upon further discussion of the case by the members of the Board in open business session, a motion was made by Member Anderson, seconded by Member Rhodes, the following resolution was adopted:

WHEREAS, the Board finds that the proposal will conform to the applicable guidelines and policies of the Comprehensive Plan by allowing the applicant to have access from the alley for the existing garage renovation and access from Rosewood Avenue for the new construction;

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WHEREAS, the Board finds the strict application of the provisions of the regulations would deprive the applicant the reasonable use of the land by refusing the access to Rosewood Avenue and thus eliminating the option of covered parking and off-street parking; and

WHEREAS, the Board finds that the waiver provide the minimum necessary relief to the applicant; that the ability to have the underneath parking for the new condominium units with the access from Rosewood Avenue; and

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby **APPROVE** the waiver to allow the new structure/garage to have access from Rosewood Avenue.

The vote was as follows:

YES: Members Anderson, Francis, Rhodes, Crowder, Stewart and Queenan.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member Grisanti.

ABSTAINING: No one.