

Board of Zoning Adjustment Staff Report

July 21, 2014



Case No:	14Variance1055
Project Name:	(none) Residential
Location:	1824 Eastern Parkway
Owner(s):	Bob German & Gary. B. Carter
Applicant:	Bob German & G.B. Carter
Representative:	same as above
Project Area/Size:	0.045 acres
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Variance from the Land Development Code, Chapter 5, and Section 5.4.1D.3, to allow a reduction in the 20% required private yard.

Variance

Location	Requirement	Request	Variance
Private Yard	392sf (20%)	0sf	392sf

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a carport with an upper deck at the rear of an R-5 property located along the southern side of Eastern Parkway. The existing house is a modern 2.5 story home with a small private yard area in the rear which fronts an alley. The carport and deck are proposed to occupy the entire required private yard area (currently used for parking). The upper deck will be used as an outdoor open space with large planters planted with trees and shrubs. Around the perimeter of the carport additional landscape plantings are being added to enhance the area and improve the amount of green space.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-5 in the Traditional Neighborhood Form District (TN). It is surrounded by residential property zoned R-5 in the Traditional Neighborhood Form District (TN).

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single-family residential	R-5	TN
Proposed	Single-family residential	R-5	TN
<i>Surrounding Properties</i>			
Northeast	Multi-family residential	R-5	TN
Southeast	Multi-family & Single-family residential	R-5	TN
Southwest	Multi-family & Single-family residential	R-5	TN
Northwest	Single-family residential	R-5	TN

PREVIOUS CASES ON SITE

No previous cases.

INTERESTED PARTY COMMENTS

None

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 carport is not obstructing views of motorist, encroach into any easements, or eliminate any access for emergencies. The proposed carport with upper deck will provide designated parking spaces and rear access to the existing house. Plus the upper deck will serve as the private open space for the property, which will improve the existing condition.

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

STAFF: The requested variance will alter the general character, but the alteration is a positive improvement of the current condition. The carport will provide designated parking spaces, plus the proposed improvements will create additional green space which will be landscaped with trees and shrubs. In addition to the new green space around the carport, large planters will be located on the upper deck which will contain additional trees and shrubs.

- (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 cantilevered design of the structure will not obstruct the view of motorist. Plus the improvements will create designated parking spaces which is an improvement of the existing condition.

- (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 since a variance is required to put any additional structures on the site.

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 are present along this section of Eastern Parkway. Because the fronts of the properties are along a parkway, the buildable area of the lot is small, therefore creating very small private yard areas which have been basically serving as parking locations. The applicant is proposing to improve the conditions by providing both a carport for parking and creating a private outdoor open space on the upper deck.

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 create an unnecessary hardship on the applicant because the proposed carport and upper deck would not be able to be built. Therefore, the proposed improved parking and outdoor space would not be possible.

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 since the applicant is requesting a variance prior to construction.

TECHNICAL REVIEW

There are no technical review 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
07/02/2014	BOZA Hearing	1 st tier adjoining property owners Neighborhood notification recipients
07/03/14	Sign Posting	Subject property

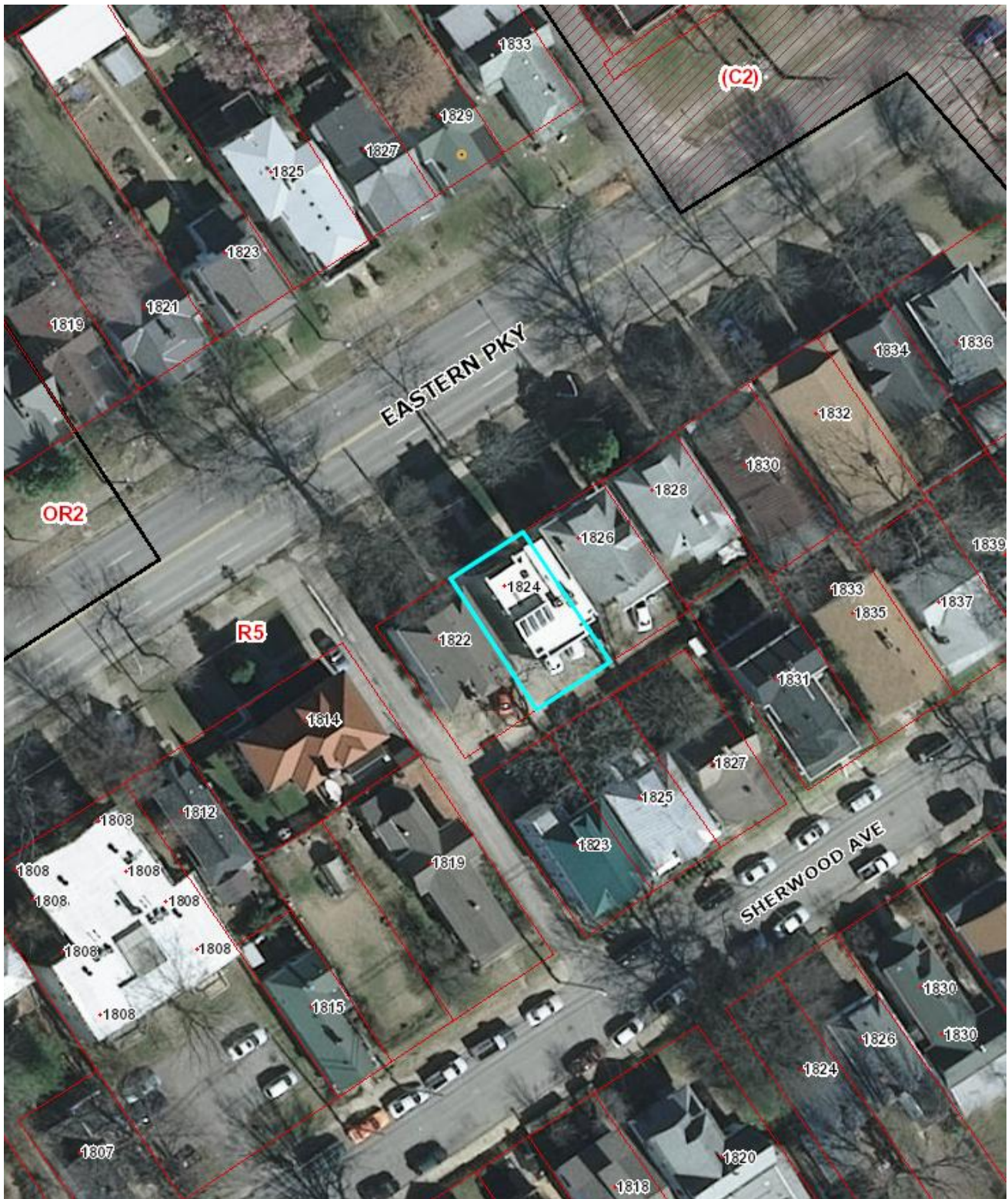
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Schematic View
5. Landscape Plan
6. Site Photographs
7. Applicant's Justification Statement

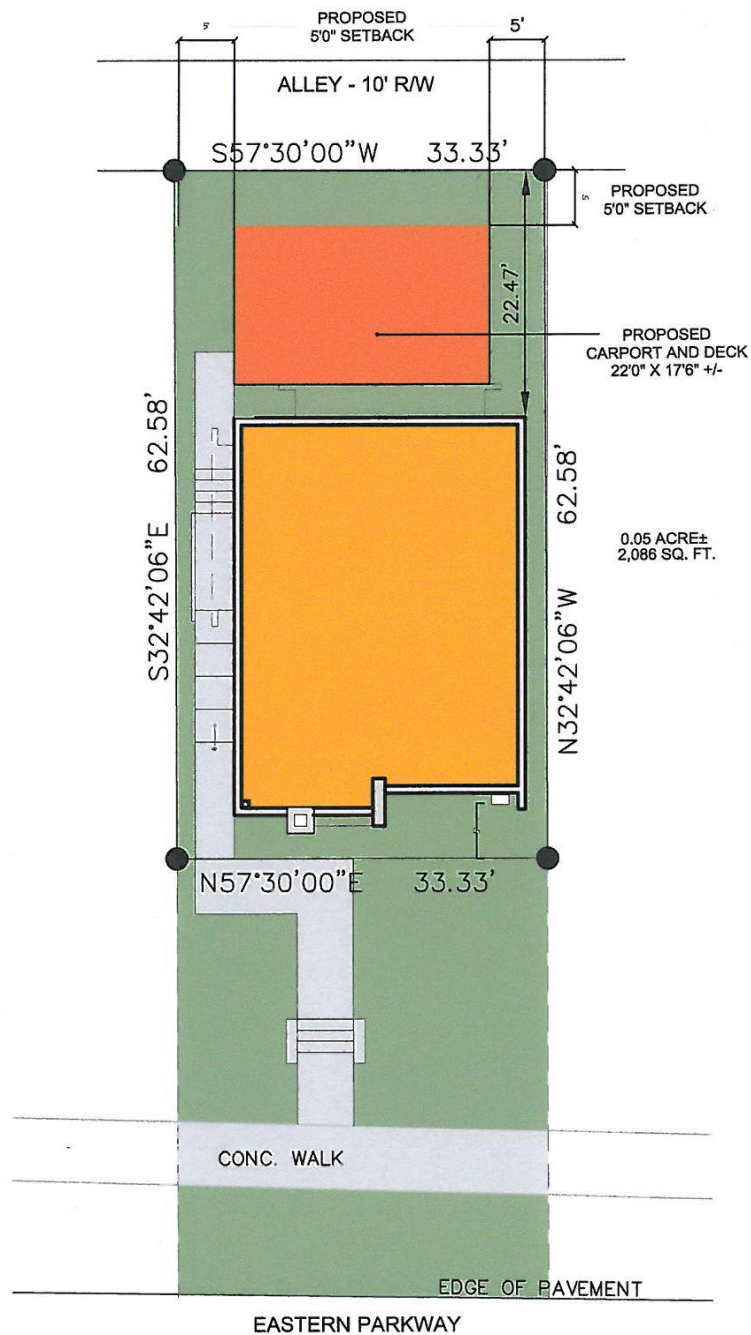
Attachment 1: Zoning Map:



Attachment 2: Aerial Photo:



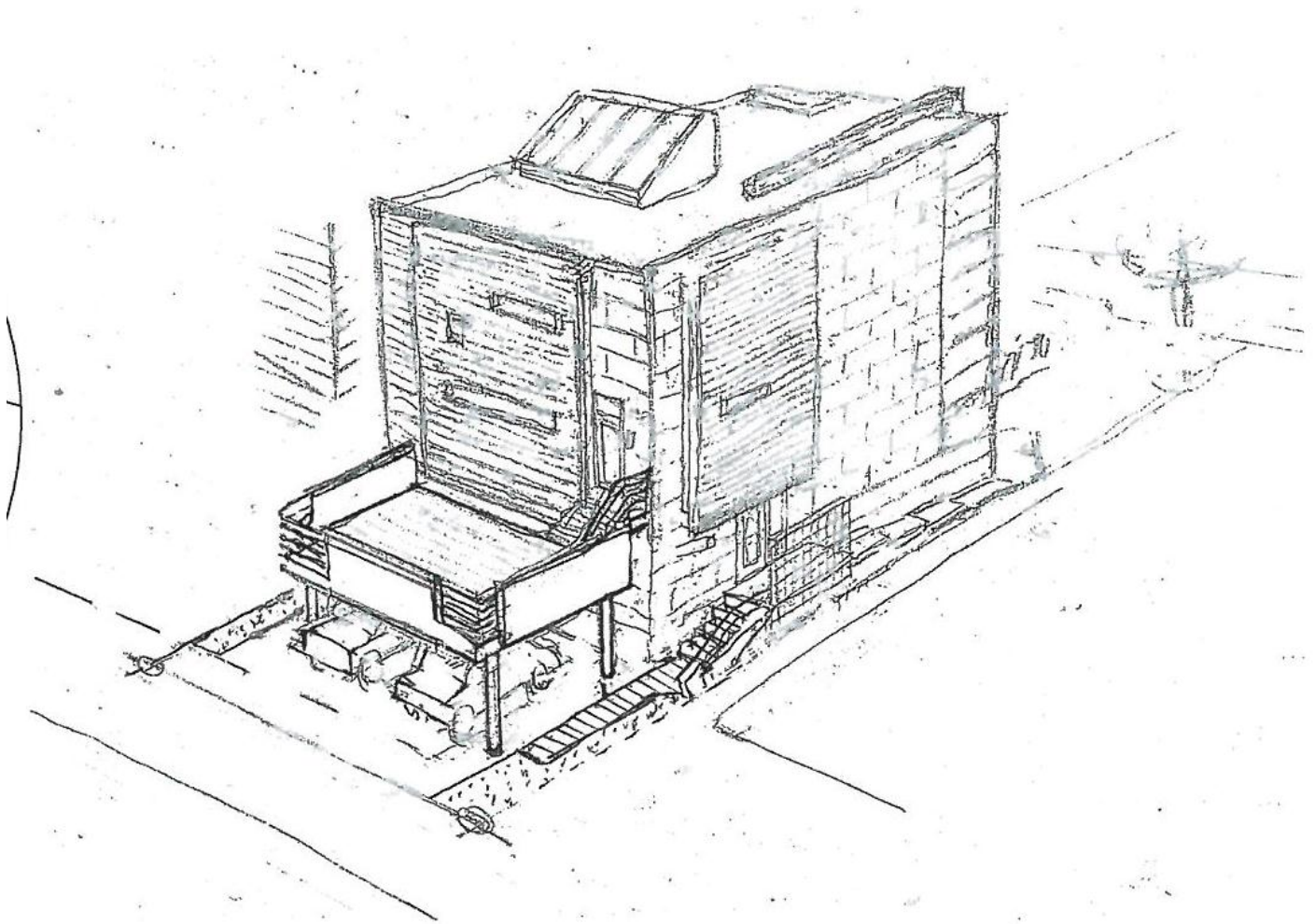
Attachment 3: Site Plan:



SITE PLAN

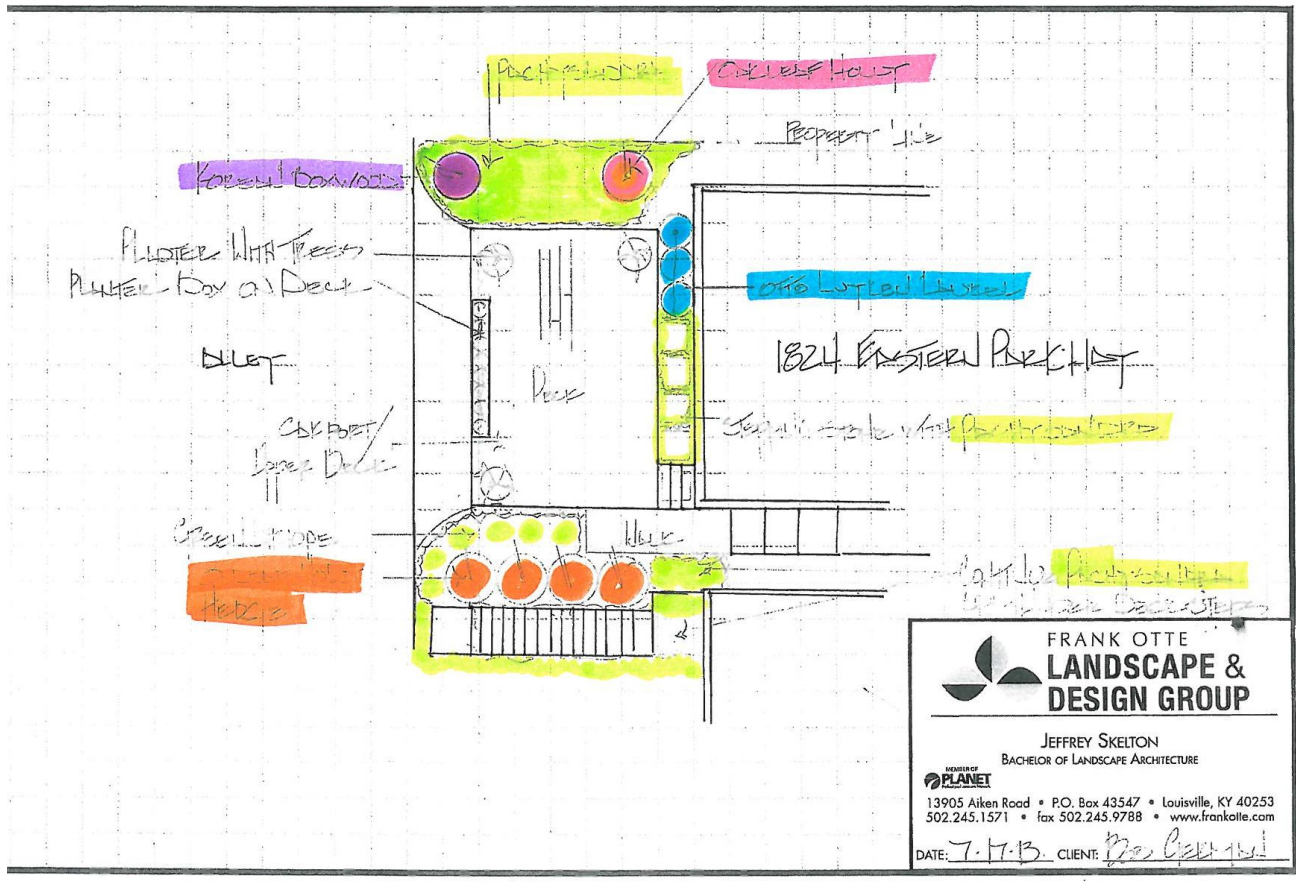
Scale: 1/16" = 1'-0"

Attachment 4: Schematic View:



SCHEMATIC VIEW OF PROPOSED
CARPORT/DECK ADDITION

Attachment 5: Landscape Plan



Attachment 6: Site Photographs



VIEW OF EXISTING



VIEW OF EXISTING

Attachment 7: 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.

See 1A

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

See 1B

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

See 1C

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

See 1D

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).

See 2A

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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.

See 2B

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

See 2C

Attachment 7: Applicant's Justification Statement (continued)

- 1-A The addition should actually help improve the public health, safety, and welfare of the area. Currently it's just a big gravel area for the adjoining houses. Typically guests park wherever they feel. You come home and your spot is taken, or someone just blocks the undefined alley which would be a serious issue in the event of a fire or EMS emergency. With a defined parking structure and proper landscaping, people will realize it's not a free for all and will at least think twice before blocking the alley.
- 1-B The green space will actually help the character of the general area. Per the landscape plan, it will add a finished look to the surrounding homes. Refer to current atheistic (picture 1). I am going to pay for some ivy in the neighbor's yard and I hope it will encourage other neighbors to do the same.
- 1-C The Car Port will not cause a public hazard. Its cantilevered design and wide (approx. 22 ft) apron will keep the structural elements out of the way. It will also reduce parking capacity and add some structure and discipline helping out significantly.
- 1-D We feel many of the Homes in the Highlands have unique zoning circumstances. Our addition is in keeping with them and is not an unreasonable circumvention of the Regulations.
- 2-A There is no real rear lot with our property. It's basically an alley for our property and a few adjoining homes so we can park. The only other parking would be on Sherwood which is already packed and is one way making it very difficult to navigate. All my neighbors are very supportive of our proposal and think it would be a great improvement back there.
- 2-B Strict application of the provision would deprive us of reasonable use of the land and create a hardship. Our parking is a nightmare. The gravel always leaves the car dirty. People park in our spots all the time. We get blocked in all the time. Our well designed and landscaped structure would alleviate this hardship. It will also provide us a wonderful outdoor space above the parking structure allowing us to enjoy our neighborhood as Fredric Law Olmstead envisioned when he developed his wonderful master plan. It's city living at its best.
- 2-C We have not taken any actions in the rear yard without the proper approvals.
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