

Board of Zoning Adjustment Staff Report

April 20, 2015



Case No:	15CUP1006
Project Name:	None (Accessory Apartment)
Location:	2138 Trevilian Way
Owner(s):	Matthew and Kelly McNerney
Applicant(s):	Matthew McNerney
Representative(s):	Matthew McNerney
Project Area/Size:	5,060 square feet
Existing Zoning District:	R-4, Residential
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8- Tom Owen
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Conditional Use Permit to allow a proposed accessory apartment in an R-4 zoning district.

SUMMARY/BACKGROUND

The applicant is requesting a Conditional Use Permit for an accessory apartment. The apartment is 225 square feet and the principal residence is 1,788 square feet. The principle residence is 1 ½ stories and the accessory apartment is 1 story.

SITE CONTEXT

The site is rectangular in shape and located on the west side of Trevilian Way. The property is abutted by parking to the north, residential uses to the south and east, and commercial uses to the west.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	N
Proposed	Residential Single Family	R-5	N
Surrounding Properties			
North	Parking	(C-2)	TMC
South	Residential Single Family	R-5	N
East	Residential Single Family	R-5	N
West	Commercial	C-1	TN

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

Staff received a phone call from an adjacent neighbor inquiring about the proposal. At that time the neighbor was neither for nor against the proposal.

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. No lighting will be added. No new landscaping will be added beyond what is shown on the plan. Plan element B.2: The proposal preserves and renovates existing buildings and the building design of this structure is consistent with the predominate neighborhood building design.

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 subject site is located in a residential area and is compatible with the surrounding neighborhood. All the residential uses in the area have similar appearance, size, scale, intensity, traffic, noise, and lighting.

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: The proposal has been reviewed by Transportation Planning and MSD and both have approved the plan. The Louisville 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?

STAFF: There are 4 items in the listed requirements for an accessory apartment and all items have been met.

- 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.
- 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

- This proposal is compatible with the surrounding residential area which includes several structures of this size and height.
- The applicant is asking to not add addition landscaping and buffering beyond what is shown on the site plan.
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a Conditional Use Permit established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
04/03/15	APO Notice	First tier adjoining property owners
04/06/15	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Applicant's Justification Statement and Proposed Findings of Fact

JUSTIFICATION STATEMENT

The conversion of our garage to an Accessory Apartment (in-law suite) will provide a living space for a senior member of our family. She will be the only one living in this space.

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Detailed Letter of Explanation Outlining the Proposal

- Remove garage door and single man door in the front of the garage facing the street and replace with siding that matches current siding on the garage.
- From the street (Trevilian Way) facing the garage, install French doors on the right side and remove window on the right side and replace with siding matching current siding on garage.
- Relocate window and place at sink on the rear garage area.
- Wire, insulate and drywall the garage.
- Install hardwood or laminate flooring throughout with exception of bathroom.
- Install full bathroom with floor tile, sink and base cabinet, commode and shower stall with glass door.
- Install kitchenette containing; refrigerator, 2 burner electric cook-top, dishwasher, convection microwave, sink, faucet and base cabinets.
- Install outside light at French Door.
- Install electrical outlet on right side of garage.
- Dig new sewer line from garage and tap into sewer line servicing the main residence and install back flow water valve.
- Install service walkway from driveway to garage and install landscaping along walkway and right side of garage yard.
- Entire garage (Accessory (not primary) Apartment) will be finished and occupied by one (1) person (in-law.)

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March 9, 2015

We have submitted a Conditional Use Permit Pre-Application to Louisville Metro Planning & Design Services to convert the garage on our property to an in-law suite. In accordance with the procedures of Louisville Metro Planning & Design Services you are invited to discuss our proposal for the Conditional Use Permit Application. This will be an informal meeting to give you the opportunity to review our proposed plan and ask any questions you may have. This meeting will be held in addition to the established public meeting which you will be notified of as well.

The meeting to discuss our proposed plan will be held at our residence on:

Saturday, March 21, 2015, 1:30 pm at our home, 2138 Trevilian Way

We are looking forward to meeting those of you we have not met and invite you to ask questions and share your thoughts.

Sincerely,

Matthew B. and Kelly C. McNerney

2138 Trevilian Way

Louisville, KY 402025

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Neighborhood Meeting Attendance Sheet

1.	<i>De Payette</i>
2.	<i>Tom Payette</i>
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Sumner

Summary of the meeting detailing specific items of concern and proposed resolutions:

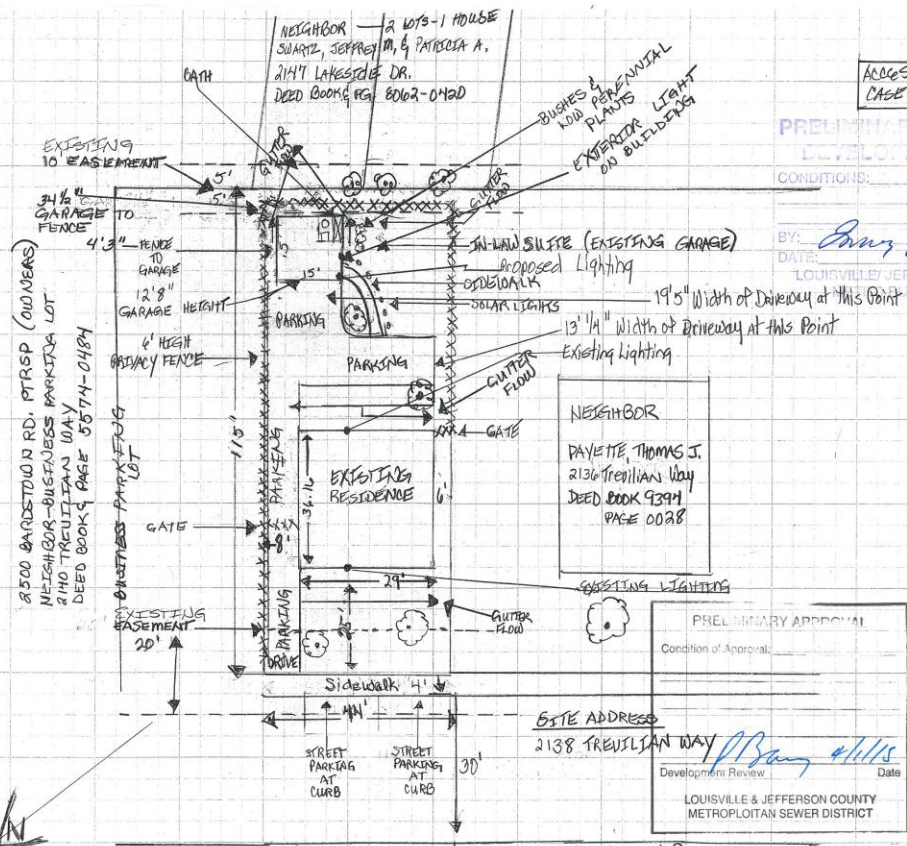
1. Tom Payette and Joe Payette attended the neighborhood meeting at 1:30 pm at 2138 Trevilian Way on March 21, 2015. Tom Payette owning both 2134 and 2136 Trevilian Way and our next door neighbors voiced a concern that the Accessory Apartment (in-law suite) would some day be rented out when the in-law no longer lived there. Mr. Payette also wanted to know if someone could rent it out if and when Matt and Kelly McNerney sold their property at 2138 Trevilian Way.

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FWP



ACCESSORY APARTMENT
CASE NO. - 15CUP1006

PRELIMINARY APPROVAL
DEVELOPMENT PLAN RECEIVED
CONDITIONS:

BY: *Jonny Malik*
DATE: 4-1-15
MAR 9 2015
PLANNING & DESIGN SERVICES
LOUISVILLE/JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

LEGEND

- MATERIAL EXISTING ON GARAGE:
 - CONCRETE PAD
 - FRAMED WALLS
 - PENYL SIDINGS & WINDOWS
- EXISTING RESIDENCE 1788 SQ FT
- SITE FORM - NEIGHBORHOOD
- CURRENT ZONING R5
- SHOWS FLOOR AREA OF ACCESSORY APT, EXISTING BUILDING FOOTPRINT 225 SQ. FT.
- DRIVEWAY & PARKING IS EXISTING
- LOT 5060 SQ FT
- ACRES 0.12 NET & CROES ACRES
- EXISTING TREES
- SCALE
1" = 20'

PRELIMINARY APPROVAL
Condition of Approval: _____
Development Review: *Jonny Malik* Date: 4/1/15
LOUISVILLE & JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

8500 BARDSTOWN RD. PTSP (OWNERS)
NEIGHBOR-BUSINESS PARKING LOT
2140 TREVILIAN WAY
DEED BOOK PAGE 5574-0184

NEIGHBOR - DEED BOOK PAGE 1791-0221
WALGREEN COMPANY
2149D BARDSTOWN ROAD

NEIGHBOR - DEED BOOK PAGE 9603-0123
EISERT, TERE J.
2129 TREVILIAN WAY

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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.