

20-VARIANCE-0095

20-VARIANCE-0096

Baxter Avenue Variance



Louisville Metro Board of Zoning Adjustment

Public Hearing

Zach Schwager, Planner I

December 7, 2020

Request

- **Variance**: (20-VARIANCE-0095) from Land Development Code section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback and table 5.2.2 to allow the structure to encroach into the required side yard setbacks.
- **Variance** (20-VARIANCE-0096) from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.

Request

Location	Requirement	Request	Variance
Infill Front Yard	15 ft.	0 ft.	15 ft.
Private Yard Area	713 sq. ft.	551 sq. ft.	162 sq. ft.

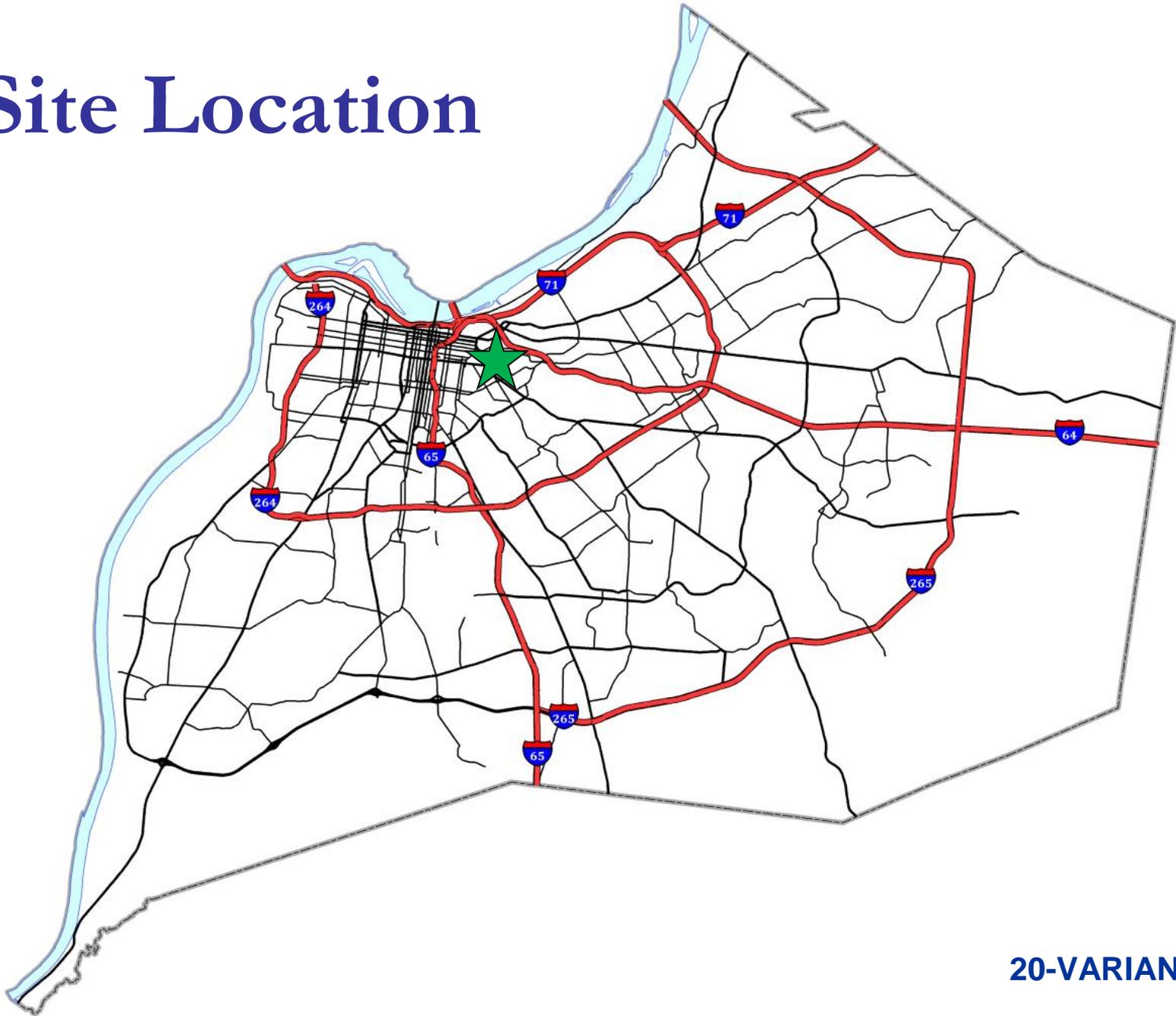
Case Summary / Background

- The subject site is zoned C-2 Commercial in the Traditional Neighborhood Form District in the Irish Hill neighborhood.
- It is currently vacant office space and the applicant wants to change the principal structure to a single-family structure with an accessory apartment at the rear of the property.

Case Summary / Background

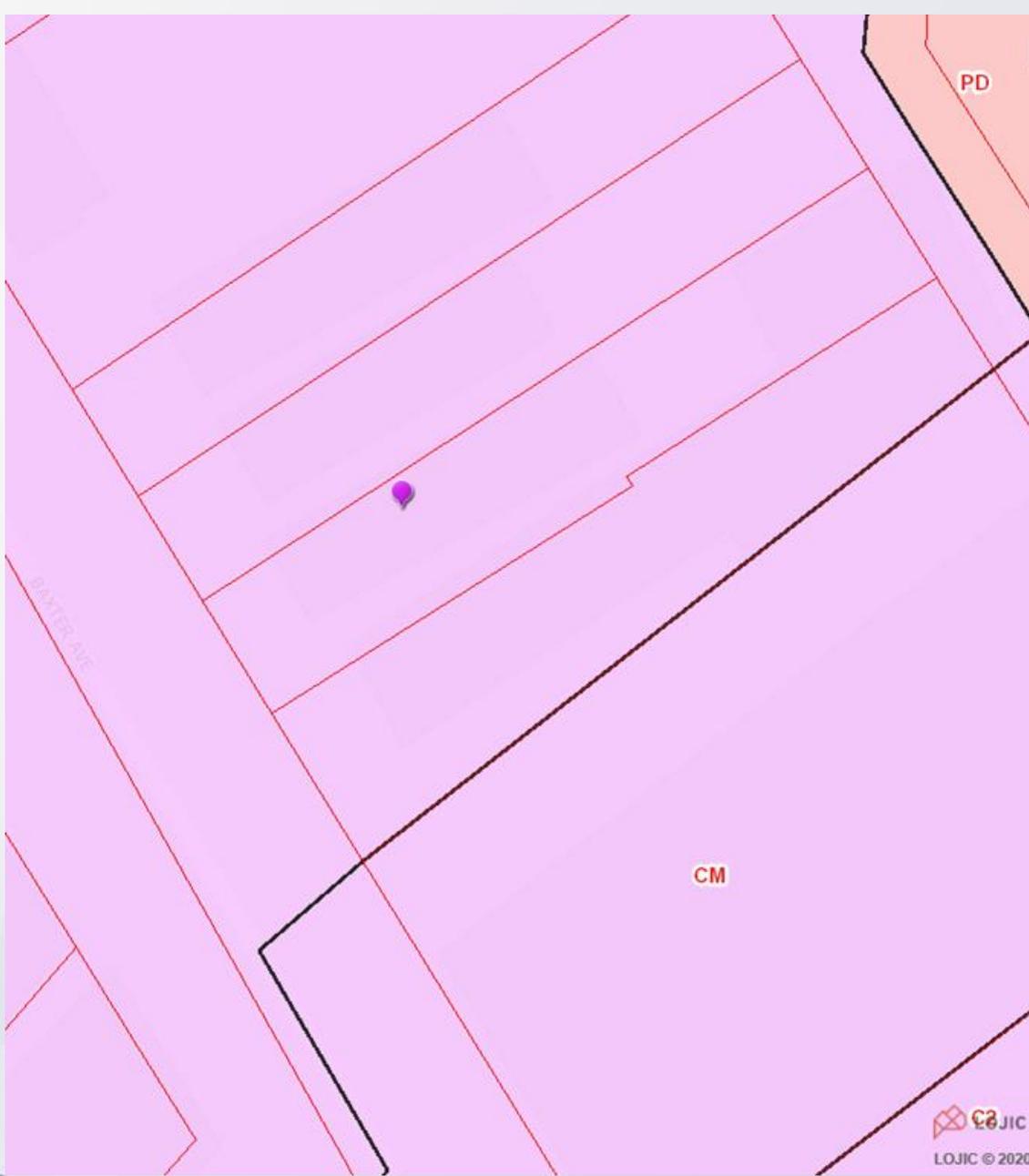
- The applicant is proposing to construct a two-story addition onto the front of the existing structure to make it completely two-stories.
- This addition would encroach into the infill front and side yard setbacks.
- There is also a proposed addition for the accessory structure that would reduce the private yard area to be less than the required 20% of the area of the lot.

Site Location



20-VARIANCE-0095

20-VARIANCE-0096







Site Plan

NOTES

1. THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OR PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
2. THIS PROPERTY IS SUBJECT TO ALL LEGAL ROADWAYS, RIGHT-OF-WAYS, EASEMENTS IF ANY, WHETHER SHOWN OR NOT.
3. THE EXISTING BUILDINGS, DRIVEWAY AND IMPROVEMENTS ARE TO BE UNDISTURBED.

FLOOD NOTE

SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X" PER A REVIEW OF FIRM MAP #21111C0042E, EFFECTIVE 12/5/06. BASED ON THE ABOVE INFORMATION THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100-YR FLOOD PLAIN.

SITE DATA

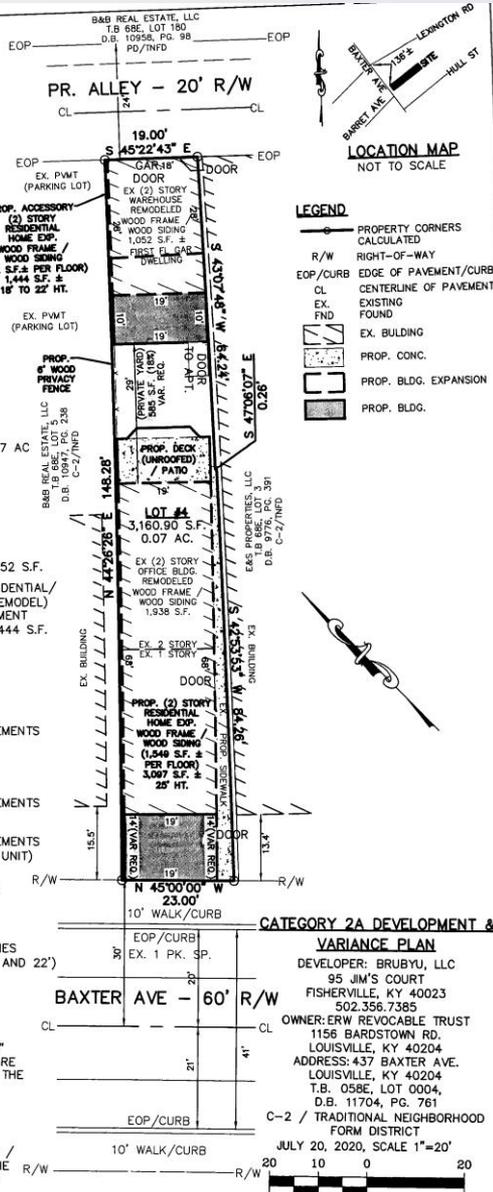
SIZE: 3,106.90 S.F. / 0.07 AC
 EX. ZONING: C-2
 EX. FORM DIST.: TNFD
 PROP. ZONING: UNCHANGED
 PROP. FORM DIST.: UNCHANGED
 EX. USE/S.F.: OFFICE/1,938 S.F.
 STORAGE BLDG./1,052 S.F.
 PROP. USE/S.F.: SINGLE FAMILY RESIDENTIAL/
 3,097 S.F. (EXP./REMODEL)
 ACCESSORY APARTMENT
 (EXP./REMODEL)/1,444 S.F.
 TOTAL SIZE: 4,541 S.F.
 FLOOR AREA RATIO: 0.73 (1.0 MAX.)
 MIN. LOT AREA: N/A
 MIN. LOT WIDTH: N/A
 MIN. FRONT YARD: PER INFILL REQUIREMENTS

MIN. ST. SIDE YARD: 3' (N/A)
 MAX. FRONT SETBACK: PER INFILL REQUIREMENTS
 MIN. SIDE YARD: NONE
 MIN. REAR YARD: PER INFILL REQUIREMENTS
 PARKING REQ. 2 SPACE (1 SP. / UNIT)
 PARKING MAX: 3 SPACE
 PARKING PROVIDED: 1 STREET SPACE &
 1 GAR SPACE
 2 TOTAL
 MAX. BLDG. HT.: 45' FT. OR 3 STORIES
 (PROVIDED 25' HT. AND 22")

VARIANCE REQUEST(S):

LAND DEVELOPMENT CODE INFILL DEVELOPMENT REGULATIONS SECTION 5.1.12.A.2.a. "INFILL DIMENSIONAL REQUIREMENTS / FRONT YARD SETBACK" TO ALLOW FOR THE PROPOSED STRUCTURE EXPANSION TO BE CONSTRUCTION PAST THE TWO NEAREST LOTS TO THE RIGHT-OF-WAY.

LAND DEVELOPMENT CODE INFILL DEVELOPMENT REGULATIONS SECTION 5.4.1.D.3. "TRADITIONAL FORM DISTRICTS / PRIVATE YARD AREA" TO ALLOW FOR THE PRIVATE YARD AREA BE REDUCED FROM 20% TO 18%.



LOCATION MAP

NOT TO SCALE

LEGEND

- PROPERTY CORNERS CALCULATED
- R/W RIGHT-OF-WAY
- EOP/CURB EDGE OF PAVEMENT/CURB
- CL CENTERLINE OF PAVEMENT
- EX. BLDG. EXISTING BUILDING
- EX. FND. EXISTING FOUNDATION
- PROP. BLDG. EXPANSION
- PROP. BLDG. PROPOSED BUILDING

CATEGORY 2A DEVELOPMENT & VARIANCE PLAN

DEVELOPER: BRUBYU, LLC
 95 JIM'S COURT
 FISHERVILLE, KY 40023
 502.356.7365
 OWNER-ERW REVOCABLE TRUST
 1156 BARDSTOWN RD.
 LOUISVILLE, KY 40204
 ADDRESS: 437 BAXTER AVE.
 LOUISVILLE, KY 40204
 T.B. 058E, LOT 0004,
 D.B. 11704, PG. 761
 C-2 / TRADITIONAL NEIGHBORHOOD FORM DISTRICT

JULY 20, 2020, SCALE 1"=20'

C. R. P. & ASSOCIATES, INC.
 7321 New LaGrange Road, Suite 111
 Louisville, KY. 40222



20-VARIANCE-0095

20-VARIANCE-0096

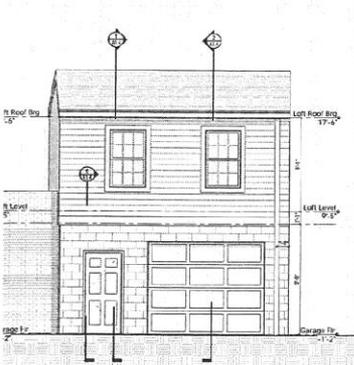
Elevations



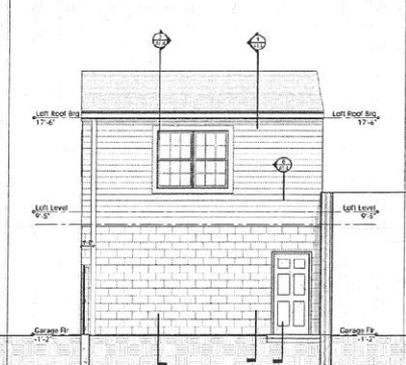
647 Left Elevation
1/4" = 1'-0"



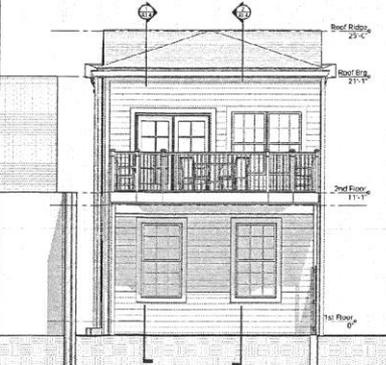
648 Right Elevation
1/4" = 1'-0"



649 Garage Rear Elevation
1/4" = 1'-0"



650 Garage Front Elevation
1/4" = 1'-0"



651 Residence Rear Elevation
1/4" = 1'-0"



652 Residence Front Elevation
1/4" = 1'-0"

Brubyn LLC
95 Jim's Court
Fishersville, Kentucky 40023
Phone 502-356-7385

RECEIVED

JUL 27 2020

PLANNING & DESIGN SERVICES

Remodel Existing Building for
Single Family Residence
437 Baxter Avenue
Louisville KY 40204-1145

PCdesign
ARCHITECTURE
1000 S. COLLETT AVENUE
LOUISVILLE, KY 40203

Exterior Elevations
6/28/2020
DWG
© 2020 PC Design

Sheet No. A1.3

20 - VARIANCE - 0095



20-VARIANCE-0095

20-VARIANCE-0096

Site Photos-Subject Property



Front of subject property.

20-VARIANCE-0095

20-VARIANCE-0096

Site Photos-Subject Property



Properties to the left.

20-VARIANCE-0095

20-VARIANCE-0096

Site Photos-Subject Property



Property to the right.

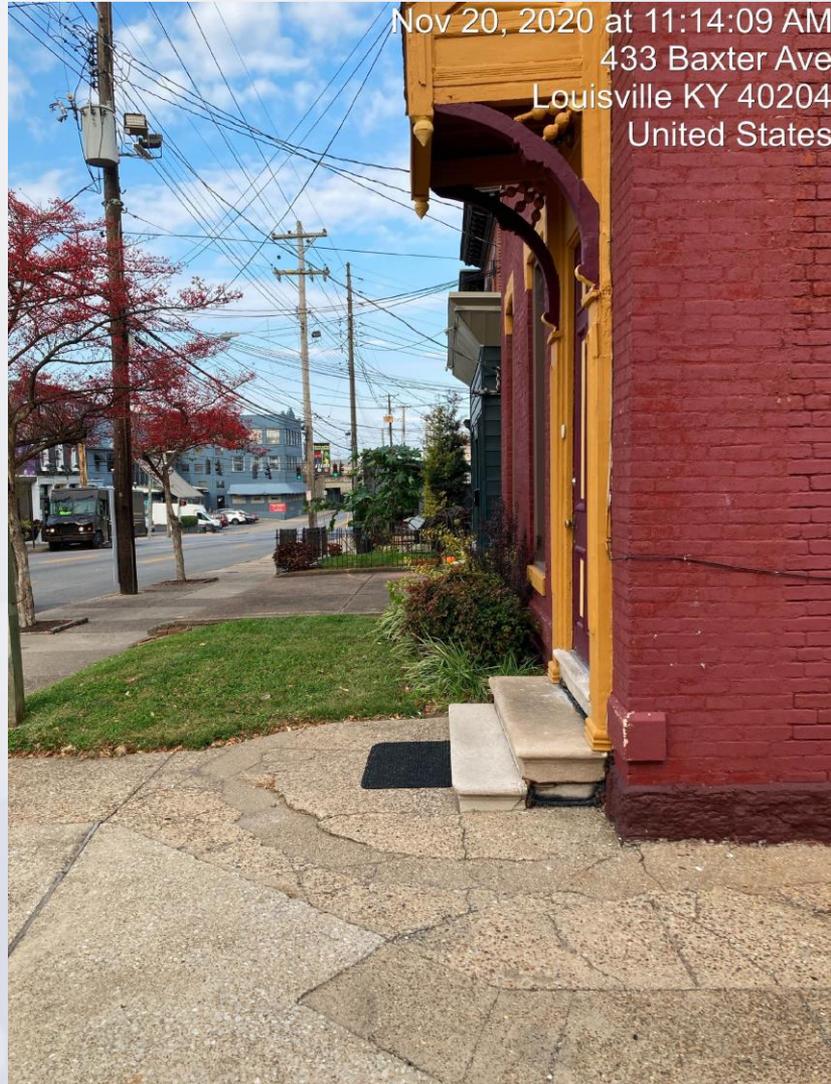
20-VARIANCE-0095

20-VARIANCE-0096

Site Photos-Subject Property



Site Photos-Subject Property



Site Photos-Subject Property



Site Photos-Subject Property



Existing accessory structure on the right.

20-VARIANCE-0095

20-VARIANCE-0096

Site Photos-Subject Property

Nov 20, 2020 at 11:17:39 AM
433 Baxter Ave
Louisville KY 40204
United States



Private yard area on the
other side of the fence.

20-VARIANCE-0095

20-VARIANCE-0096

Site Photos-Subject Property

Nov 20, 2020 at 11:18:17 AM
433 Baxter Ave
Louisville KY 40204
United States



Conclusion

- Staff finds that the requested variance for 20-VARIANCE-0095 meets standard (c) but staff is concerned that the variance request does not meet standards (a), (b), and (d) as described in the standard of review and staff analysis.
- Staff finds that the requested variance for 20-VARIANCE-0096 is adequately justified and meets the standard of review.

Required Action

- **Variance**: (20-VARIANCE-0095) from Land Development Code section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback and table 5.2.2 to allow the structure to encroach into the required side yard setbacks.
- **Variance** (20-VARIANCE-0096) from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.
Approve/Deny

Required Action

Location	Requirement	Request	Variance
Infill Front Yard Private Yard Area	15 ft. 713 sq. ft.	0 ft. 551 sq. ft.	15 ft. 162 sq. ft.