

Board of Zoning Adjustment
Staff Report
 September 11, 2017



Case No:	17VARIANCE1050
Project Name:	2172 Emerson Avenue Garage
Location:	2172 Emerson Avenue
Owner(s):	Karen Guilkey
Applicant:	Anne Del Prince – Del Prince Designs LLC
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variances** from Land Development Code section 5.4.2.C.3.a to allow an accessory structure to encroach into the required rear setback and to allow an accessory structure to encroach into the required side setback.

Location	Requirement	Request	Variance
Rear Setback	5 ft.	4.458 ft.	0.542 ft.
Side Setback	2 ft.	1.25 ft.	0.75 ft.

CASE SUMMARY/BACKGROUND

The subject property currently contains an existing 1 ½ story single-family residence and an existing one-story, two-car garage. The applicant proposes to remodel the garage into a game room with storage. The garage currently encroaches into the rear setback by 6 inches. After the remodel, the garage is proposed to encroach into the rear setback by 6.5 inches. The garage also currently encroaches 9 inches into the side setback. The applicant requests variances from Land Development Code section 5.4.2.C.3.a to allow the encroachments.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code from section 5.4.2.C.3.a to allow an accessory structure to encroach into the required rear setback and to encroach into the required side setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES FROM SECTION 5.5.2.C.3.a

- (a) The requested variances will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare as the garage already encroaches into the setbacks, which has caused no known adverse effects.

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

STAFF: The requested variances will not alter the essential character of the general vicinity as the encroachments will not be visible from the right-of-way.

- (c) The requested variances will not cause a hazard or nuisance to the public.

STAFF: The requested variances will not cause a hazard or nuisance to the public as the existing rear encroachment is almost as great as the proposed encroachment, and the side encroachment is not proposed to change, which has caused no known hazard or nuisance.

- (d) The requested variances will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as the side encroachment is not proposed to change, and the rear encroachment is changing by a small degree.

ADDITIONAL CONSIDERATIONS:

1. The requested variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variances arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the garage is existing and it is being remodeled.

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 by preventing the applicant from adding space into the new game room being created from the existing garage.

3. 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.

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 as the applicant is requesting the variances and has not begun construction.

NOTIFICATION

Date	Purpose of Notice	Recipients
08/24/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
08/25/2017	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

1. **Zoning Map**



2172 Emerson Avenue
feet

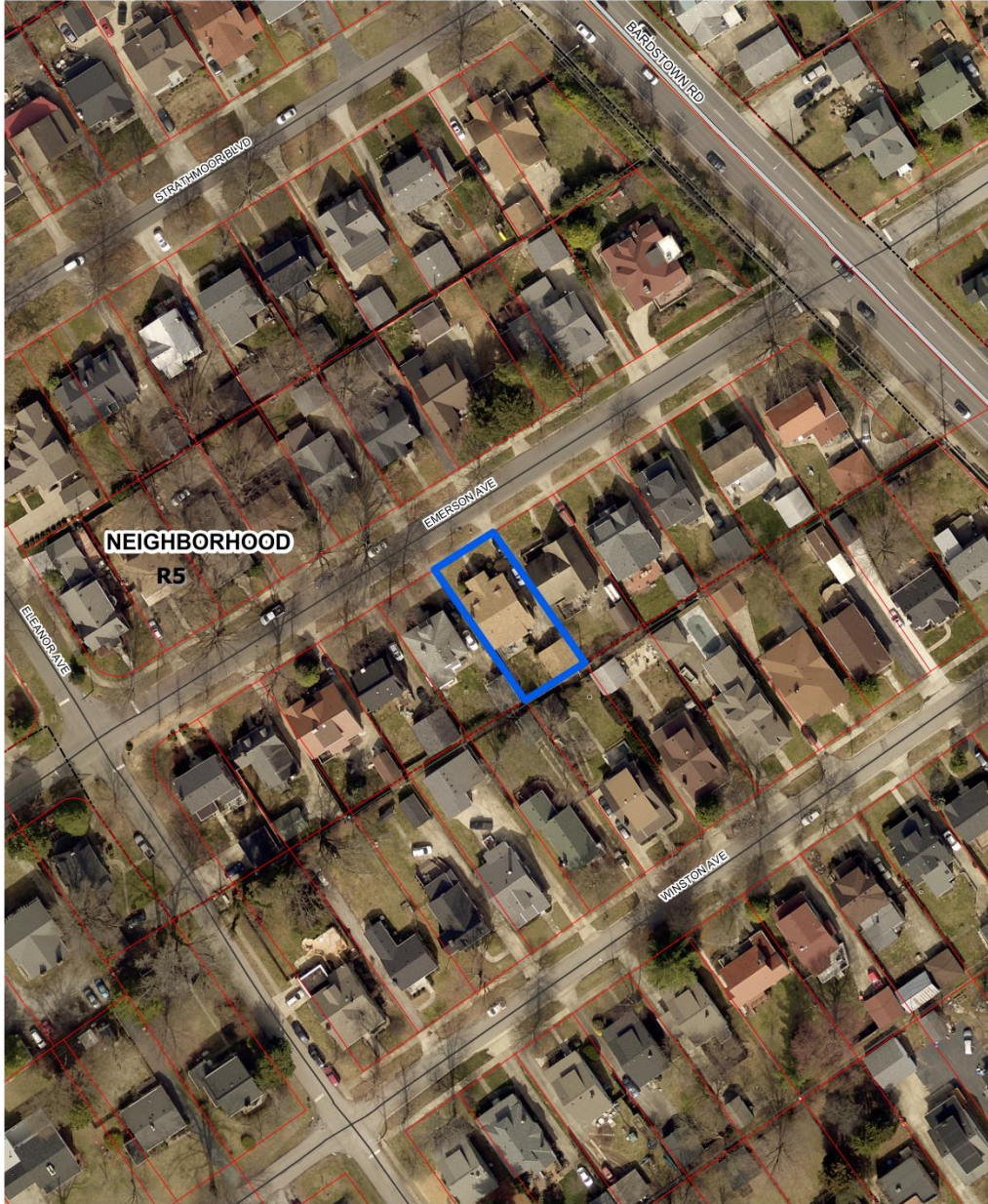
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Map Created: 8/29/2017



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2. Aerial Photograph



2172 Emerson Avenue
feet

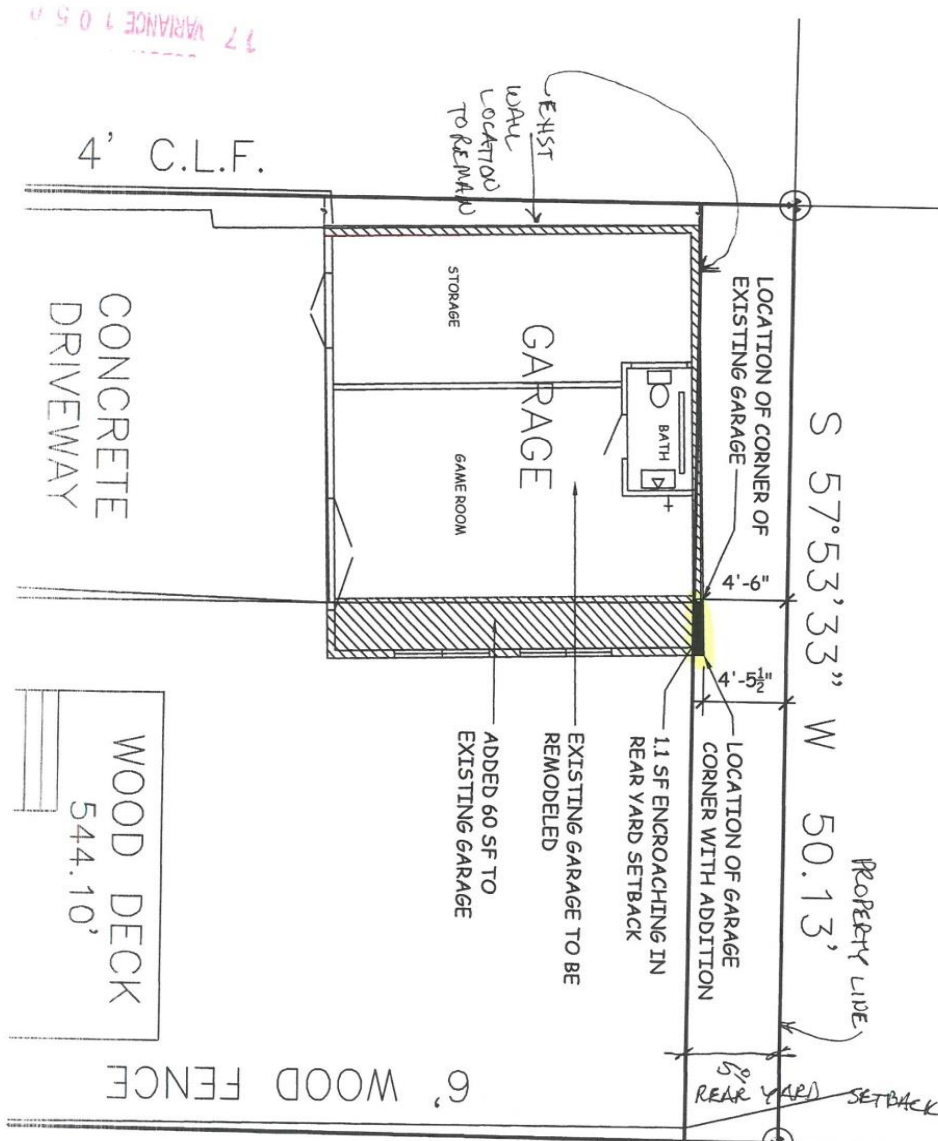
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Map Created: 8/29/2017



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3. **Site Plan**



172 VARIANCE 1050

RECEIVED
 AUG 04 2017
 PLANNING
 DESIGN SERVICES

COLLEKEY REMODEL
 ENLARGED SITE PLAN -
 (PARTIAL)
 1/8" = 1'-0"
 8/2/17

4. Elevations

NOTE: EXISTING MATERIALS
 EXISTING MATERIALS TO BE DEMOLISHED
 EXISTING MATERIALS TO BE REUSED

WINDOW NOTE:
 ALL WINDOW FRAMES TO BE DEMOLISHED
 ALL WINDOW GLASS TO BE REUSED
 ALL WINDOW SILLING TO BE DEMOLISHED
 ALL WINDOW CASING TO BE DEMOLISHED
 ALL WINDOW FLASHING TO BE DEMOLISHED
 ALL WINDOW LINEN TO BE DEMOLISHED
 ALL WINDOW TRIM TO BE DEMOLISHED
 ALL WINDOW STOP TO BE DEMOLISHED
 ALL WINDOW STOPS TO BE DEMOLISHED
 ALL WINDOW SILLING TO BE DEMOLISHED
 ALL WINDOW CASING TO BE DEMOLISHED
 ALL WINDOW FLASHING TO BE DEMOLISHED
 ALL WINDOW LINEN TO BE DEMOLISHED
 ALL WINDOW TRIM TO BE DEMOLISHED
 ALL WINDOW STOP TO BE DEMOLISHED
 ALL WINDOW STOPS TO BE DEMOLISHED

WINDOW FLASHING DETAIL:
 SHIM
 FLASHING
 GLASS
 SILL
 WINDOW FRAME
 WINDOW LINEN
 WINDOW STOP
 WINDOW STOPS

DEMOLITION PLAN:
 REMOVE EXISTING ROOFING
 REMOVE EXISTING WALLS
 REMOVE EXISTING FLOORING
 REMOVE EXISTING TRIM
 REMOVE EXISTING FLASHING
 REMOVE EXISTING LINEN
 REMOVE EXISTING STOP
 REMOVE EXISTING STOPS
 REMOVE EXISTING SILLING
 REMOVE EXISTING CASING
 REMOVE EXISTING FLASHING
 REMOVE EXISTING LINEN
 REMOVE EXISTING TRIM
 REMOVE EXISTING STOP
 REMOVE EXISTING STOPS
 REMOVE EXISTING SILLING
 REMOVE EXISTING CASING

RECEIVED
 AUG 24 2017
 ERSER ARCHITECTS

<p>Demolition Plans Elevations</p> <p>Scale: 1/4"=1'-0" Date: 7/31/17</p>	<p>Culkey Garage 2172 Emerson Ave Louisville, KY 40205</p>	<p>Anne Del Prince, Architect 640 Country Club Road (502) 893-6026</p>	<p>RECEIVED AUG 24 2017 ERSER ARCHITECTS</p>
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5. Site Photos



The front of the subject property.



The residence to the right.



The residence to the left of the subject property.



The property across Emerson Avenue.



The garage which is to be remodeled.