

# Board of Zoning Adjustment Staff Report

October 19, 2015



<b>Case No:</b>	15VARIANCE1065
<b>Project Name:</b>	None (Residence)
<b>Location:</b>	503 Eline Avenue
<b>Owner(s):</b>	Adam Bauer
<b>Applicant(s):</b>	Adam Bauer
<b>Representative(s):</b>	Adam Bauer
<b>Project Area/Size:</b>	5,750 square feet
<b>Existing Zoning District:</b>	R-4, Residential Multi-Family
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Jon E. Crumbie, Planner II

### REQUEST

- Variances from the Development Code to allow a proposed detached garage to encroach into the required side yard and to exceed 30% of the required rear yard.

Location	Requirement	Request	Variance
Side Yard	5'	2'	3'
Rear Yard – 30%	375'	480'	105'

### CASE SUMMARY

The applicant is proposing to remove the existing garage which is dilapidated and replace it with a new 576 square feet garage. The garage will be compatible with the existing residential area in size and style.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Residential Single Family	R-4	N
<b>Proposed</b>	Residential Single Family	R-4	N
<b>Surrounding Properties</b>			
<b>North</b>	Residential Single Family	R-4	N
<b>South</b>	Residential Single Family	R-4	N
<b>East</b>	Residential Single Family	R-4	N
<b>West</b>	Residential Single Family	R-4	N

**SITE CONTEXT**

The lot is rectangular in shape and located on the east side of Eline Avenue between Willis Avenue and Beals Branch Road. The site is flat and surrounded by residential single family uses to the north, south, east, and west.

**PREVIOUS CASES ON SITE**

There are no previous cases on this site.

**15VARIANCE1039** Variance from the Development Code, Articles 4.6 & 9.2.P, to allow an existing detached garage, as a resultant of new house addition, to be 4.2 feet from the south side yard property line. The property is located at 311 Eline Avenue and was approved by the Board on July 20, 2015.

**INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

**APPLICABLE PLANS AND POLICIES**

Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE  
(Side Yard)**

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare because the proposed garage will be less of an encroachment than the existing condition on site.

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

STAFF: The requested variance will not alter the essential character of the general vicinity because the proposed garage will be compatible in size and style with the existing structure and surrounding residential area.

(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 proposed garage will be farther away from adjacent properties than the current garage.

(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 because there are similar encroachments of this type throughout the surrounding area.

**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 subdivision was developed before the current regulations so the size of the lot and location of the existing structures on site may be considered special circumstances.

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 garage could not be built as shown and would need to be modified.

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 owner is trying to improve the existing conditions on site.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE  
(Rear Yard)**

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare because the proposed garage will be less of an encroachment than the existing condition on site.

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

STAFF: The requested variance will not alter the essential character of the general vicinity because the proposed garage will be compatible in size and style with the existing structure and surrounding residential area.

(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 proposed garage will be farther away from adjacent properties than the current garage.

(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 because there are similar encroachments of this type throughout the surrounding area.

**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 subdivision was developed before the current regulations so the size of the lot and location of the existing structures on site may be considered special circumstances.

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 garage could not be built as shown and would need to be modified.

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 owner is trying to improve the existing conditions on site.

**TECHNICAL REVIEW**

- The applicant will need to discuss the gutter and down spout location.
- A building permit will need to be obtained from the City of St. Matthews.

**STAFF CONCLUSIONS**

The new garage will be compatible with the surrounding residential neighborhood. 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 variance established in the Land Development Code.

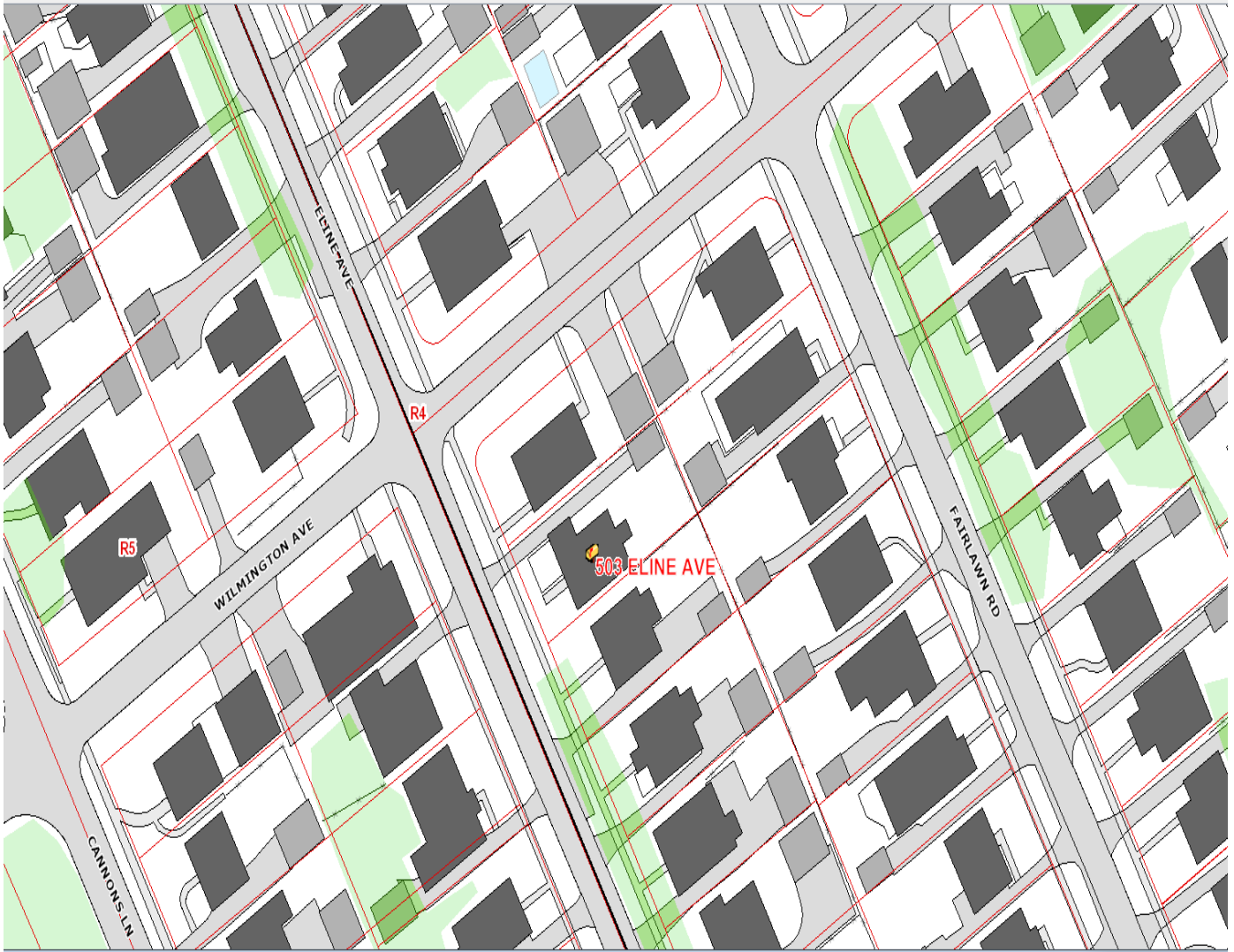
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/02/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
10/09/2015	Sign Posting	Subject Property Owner

# ATTACHMENTS

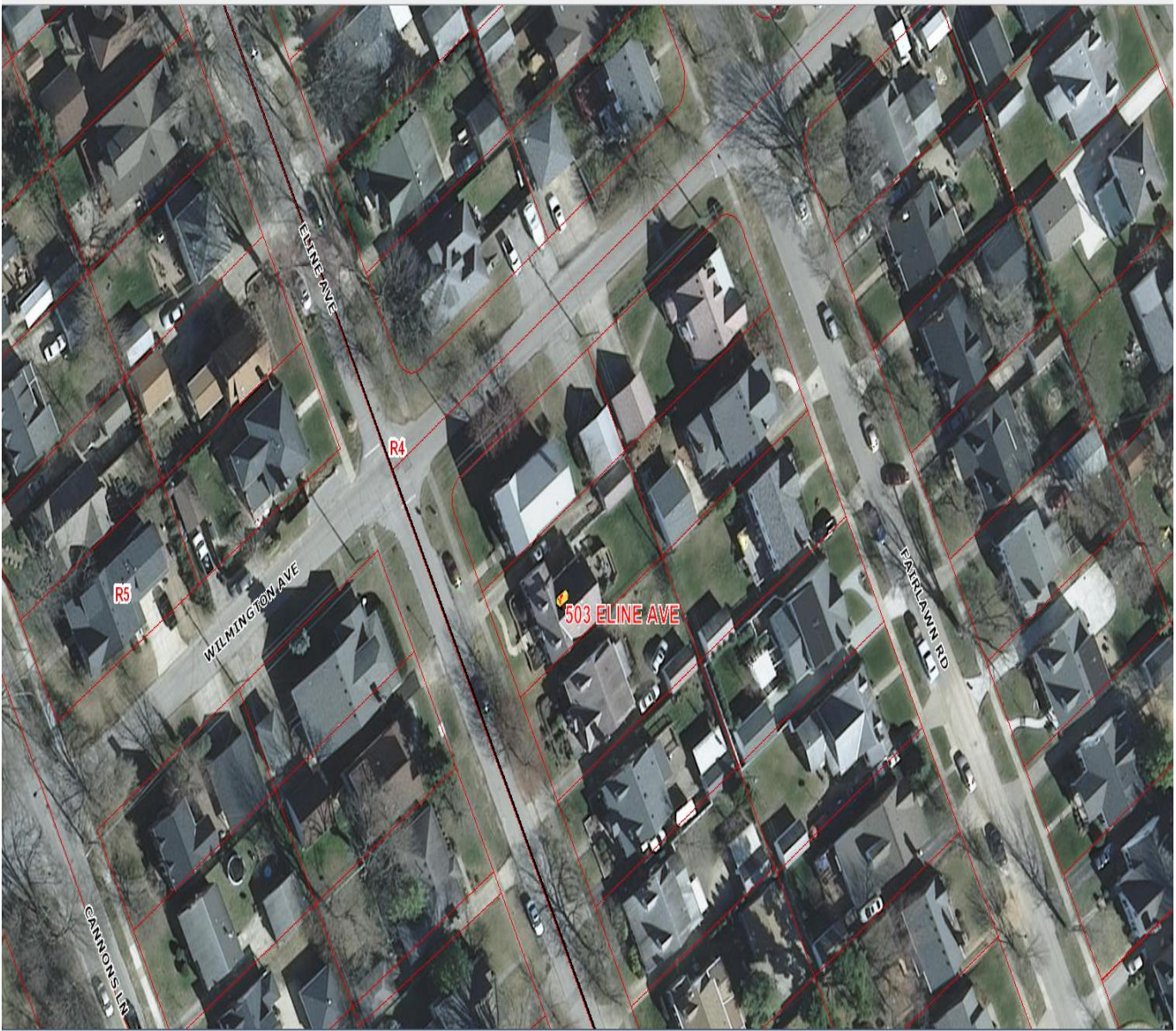
## 1. Zoning Map

Scale: 1:600



## 2. Aerial Photograph





### 3. Justification Statements

**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.

New garage & covered deck will be located on private property & not accessible to the public. Additionally the structures will be constructed to building code to ensure the safety of those who utilize the structures.

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

Granting the variance will actually improve the character & appearance of the land. Both structures will be built with careful consideration to materials & architecture that matches the existing home.

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

The structures are on private property & will be used lawfully by the homeowner. The structures will not encroach onto public easements, property, or neighboring properties.

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

24'x24' block garages are common in the neighborhood, as are deck additions (both covered & uncovered). Both additions to the property add value to the property, increase the aesthetic, & leave plenty of rear yard.

**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).

Basically we're asking to build a 24'x24' garage. In order to do so we have to move the existing deck so the new garage won't be too close to it, preventing access to the rear yard. So we're relocating the deck, covering & updating to significantly improve the function & aesthetic of the entire rear of the property.

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.

It's common to see 24'x24' garages in the neighborhood on properties with similar dimensions; we would like to be able to do the same. Additionally, we would gain off street covered parking where we currently only have a driveway. The existing 1 car garage is not functional or safe to park a car in.

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

No.

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SEP 15 2015

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DESIGN SERVICES

ESVARIANE 9/15/15

Legal Description:

I, Adam Bauer, homeowner of 503 Eline Ave. Louisville KY 40207 seek to build/have built the following structures in the rear yard of my property:

**GARAGE:**

- 24' wide x 24' long x 9' high concrete block garage with brick front, 8/12 pitch gable roof with dimension shingles to match the house. Minimum 1' rake on the front of the garage.
- Floating concrete floor with broom finish and apron.
- Vinyl or hardie plank siding attached to face of concrete block.
- Wrap gutter board in aluminum and install aluminum gutters and downspouts.
- Install vented vinyl soffits and trim.
- 16' W x 8' H carriage style garage door w/ glass
- 36" fiberglass access door with glass.
- 1 each vinyl window.
- Install wiring to new garage, electrical panel box in garage w/ 4 ea electrical outlets, garage lift system and lighting.
- The garage will be located 2' off the property line adjacent to 501 Eline Ave. and 5' off the property line adjacent to 502 Fairlawn Ave. The garage will not encroach into any easement.

**COVERED DECK:**

- 15' x 15' cover deck with shingle roof. Concrete floor with broom finish or TREX deck construction. Gable roof with dimension shingles to match the house. Minimum 1' rake on the front.
- Dig and pour concrete piers for support.
- Install 15' LVL support beams from posts to house to support new roof.
- Approximately 5 each deck posts w/ fiberglass round tapered columns.
- Approximately 20' of deck railing with 4 each exterior fiberglass newel posts.
- Approximately 8' of railing to be installed parallel to exterior staircase that provides access to basement man door.
- Hardie plank siding in gable to match the house.
- Vinyl ceiling in gable.
- Wrap gutter board in aluminum and install aluminum gutters and downspouts to match house.
- Install vinyl soffits and trim to match house.
- Install electrical for outdoor ceiling fan and can lights.
- The deck will be located 4' off the property line adjacent to 505 Eline Ave. and will not encroach into any easement.

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KUAPRANCE1015



**NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2**

Date: \_\_\_\_\_

We have seen a drawing of the proposed (e.g. garage, addition) GARAGE + Patio w/ attached roof  
to be constructed at (address) 503 Eline Ave., Louisville KY 40207.

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

**Please note:** If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: 501 Eline Ave Louisville KY 40207  
Owner Name: Space 4 Life LLC. Signature: James M. Eberhart  
Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

2. Address: 505 Eline Ave Louisville KY 40207  
Owner Name: DAVID LUTMAN Signature: David R Lutman  
Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

3. Address: 502 Eline Ave Louisville KY 40207  
Owner Name: KAY STEVENS Signature: Kay Stevens  
Owner Name: JOHN STEVENS Signature: [Signature]

4. Address: 502 Fairlawn Rd. Louisville KY 40207  
Owner Name: BARBARA BARRY Signature: Barbara Barry  
Owner Name: \_\_\_\_\_ Signature: \_\_\_\_\_

**Certification Statement:** A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

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I, \_\_\_\_\_ in my capacity as \_\_\_\_\_, hereby  
representative/authorized agent/other

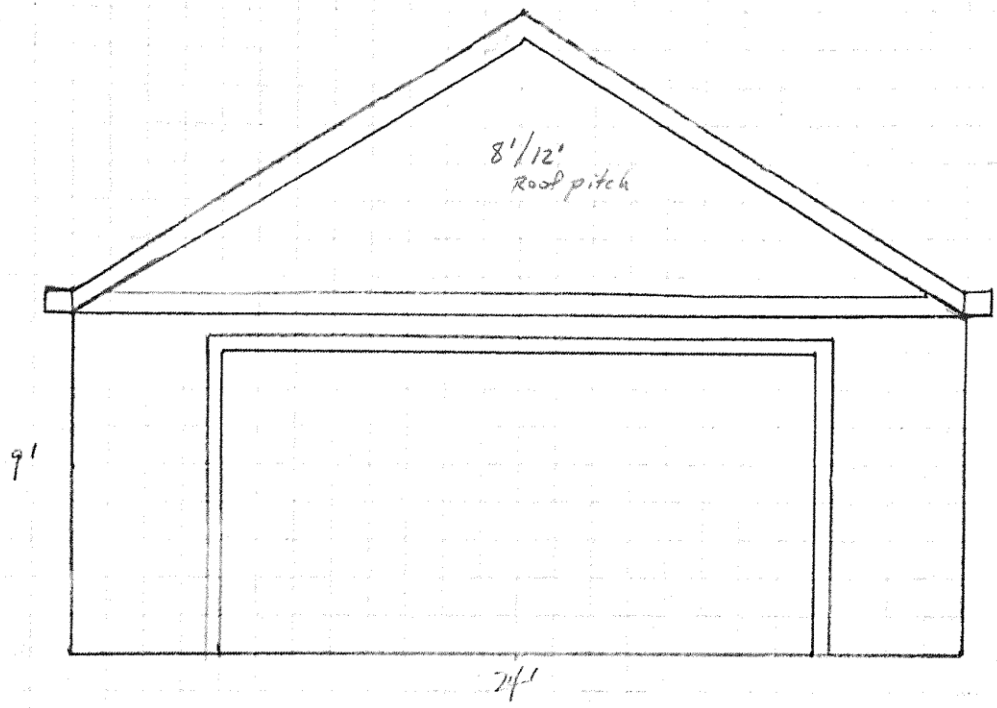
certify that \_\_\_\_\_ is (are) the owner(s) of the property which  
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

GARAGE Elevation



24' x 24' x 9'

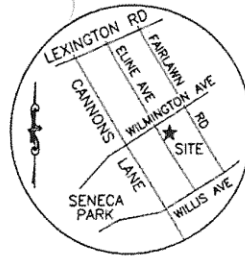
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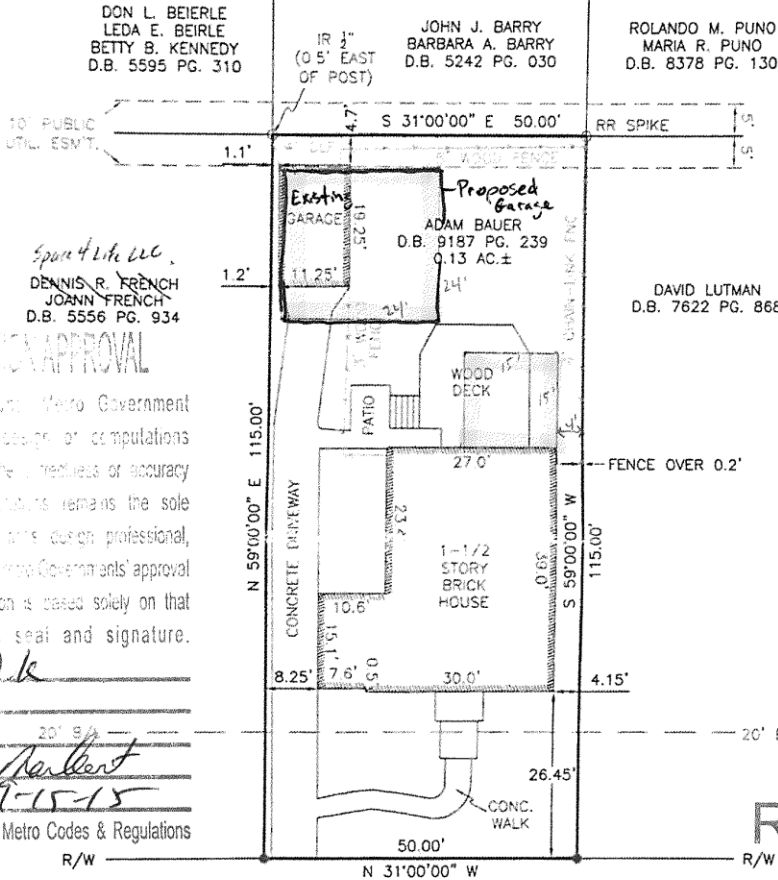
CLARIPAIN/MARCE

**NOTES:**

- A title search was not provided and this property is subject to all easements, right-of-ways, covenants, liens, and encumbrances, whether shown hereon or not.
- This survey was conducted by method of random traverse and was not adjusted. The error of closure was less than 0.05'.
- Subject property is located in Flood Zone "X" per a review of FIRM #21111C0044E, effective 12/5/06. Based on the above information, this property is not located in a Special Flood Hazard Area.
- The reference meridian for this survey is the East line of Eline Ave, having an assumed bearing of N 31°00'00" W.



LOCATION MAP  
NOT TO SCALE



**TRANSFERRER APPROVAL**

Louisville Jefferson County Metro Government does not warrant the design or computations contained in this plan. The correctness or accuracy of all engineering computations remains the sole responsibility of the architect, design professional, Louisville Jefferson County Metro Government's approval to proceed with construction is based solely on that design professional's seal and signature.

CONDITIONS Ok

BY: [Signature]  
DATE: 7-15-15  
Louisville Jefferson County Metro Codes & Regulations

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- LEGEND**
- = SET IRC 1/2"
  - = FOUND MONUMENT
  - = FENCE LINE
  - = BOUNDARY LINE



I hereby certify that this plat and survey were made under my direct supervision and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey and plat meets or exceeds the minimum standards of governing authorities. This is a "Class A" (urban) survey.

STATE OF KENTUCKY  
MICK LOGSDON  
3808  
LICENSED PROFESSIONAL LAND SURVEYOR

**BOUNDARY SURVEY**

FOR ADAM BAUER  
503 ELINE AVE  
LOUISVILLE, KY 40207-3655  
PARCEL ID #040900280069  
D.B. 9187 PG. 239  
LOT 69 P.B. 4 PG. 5

LOGSDON SURVEYING  
PO BOX 18130, LOUISVILLE, KY 40261  
PHONE (502) 599-9930 - FAX (502) 384-8865  
www.logsdonsurveying.com  
FIELD DATE: 5/12/2011 SCALE: 1" = 20'

[Signature] 5/13/2011  
Mick Logsdon PLS# 3808 Date

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