

Board of Zoning Adjustment Staff Report

May 16, 2016



Case No:	16VARIANCE1013
Request:	Variance from a minimum side yard setback for a proposed dormer.
Project Name:	1904 Stevens Avenue
Location:	1904 Stevens Avenue
Owner:	John Gathchel
Applicant:	John Gathchel
Representative:	Dan Madryga – One World Architecture
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from LDC section 5.2.2 table 5.2.2 to encroach into the minimum side yard setback of 3 feet.

Location	Requirement	Request	Variance
Side Setback	3' ft.	.77' ft.	2.23' ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a variance from LDC section 5.2.2, table 5.2.2 to encroach in the required 3 foot minimum side yard setback for a residentially zoned (R-5) property in the Traditional Neighborhood Form District located at 1904 Stevens Ave within the National Register District of the Highlands. The variance is required as a result of the applicant proposing to build a dormer onto the second story of the home. The dormer would be constructed 15 feet back from the front of the second floor gable for a length of roughly 29 feet, being to the same width of the principal structure, on the northeastern side while on the southwestern side the dormer will be recessed by three feet from the property line for the length of the home with the exception of a portion measuring 5' ft. 9" inches (6' ft. 9" in. width with 6" in. of space for gutters) where the steps to the second floor are located, roughly 16 feet from the front of the home on the southwestern side, to allow headroom for occupants accessing the second floor of the home. As shown on the applicant's site plan the proposed dormer will have a roof overhang and gutter located at the owner's property line along the southwestern side and for the length of the dormer on both sides with downspouts to the rear of the home.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Home	R-5	Traditional Neighborhood
Proposed	Single Family Home	R-5	Traditional Neighborhood
Surrounding Properties			
North	Single Family Home	R-5	Traditional Neighborhood
South	Single Family Home	R-5	Traditional Neighborhood
East	Single Family Home	R-5	Traditional Neighborhood
West	Single Family Home	R-5	Traditional Neighborhood

PREVIOUS CASES ON SITE

No previous cases are associated with the subject property.

INTERESTED PARTY COMMENTS

A call was received on March 24, 2016 at approximately 3:37pm from a concerned citizen stating she is in opposition to the proposed dormer. The rationale she had given was the possibility of encroachment onto her property during construction and the visual impact from the dormer blocking sunlight. The letter of opposition may be found on pages 15 and 16 of the staff report.

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 requested variance will not adversely affect the public health, safety or welfare since the proposed dormer encroaching within the minimum side yard setback will be in accordance with fire code regulations. However, along the western side there is approximately 12 inches between each structures guttering and property lines are hard to determine since a 42 inch sidewalk runs between the two properties.

- (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 since the dormer addition will consist of materials that are currently matching the principal structure. Many of the homes in the general vicinity sit in close proximity to the property lines.

- (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 since the proposed dormers will be setback from the front façade of the existing house. This will reduce the visual impact when viewed from the street. However, along the western side there is approximately 12 inches between each structures guttering.

- (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 the dormer will not encroach any farther than the existing setback conditions of the house.

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 do not generally apply to land in the general vicinity or the same zone since many of the homes on the same side of the street have setbacks less than 3 feet while many homes on the northern side of Stevens Ave. have setbacks greater than or equal to the required three feet.

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 deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the current zoning regulations would prevent the dormer from providing code compliant head clearance above an existing staircase.

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 since the applicant has not undertaken any construction to date.

TECHNICAL REVIEW

- No technical review items.

STAFF CONCLUSIONS

The variance request appears to be inadequately justified but does meet the standard of review. Consideration of hazards and/or nuisances to adjacent properties may need to be considered as a result of the proposed dormer. 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 standards for granting a variance established in the Land Development Code from sections 5.2.2 table 5.2.2 Dimensional Standards-Traditional Neighborhood, minimum side yards.

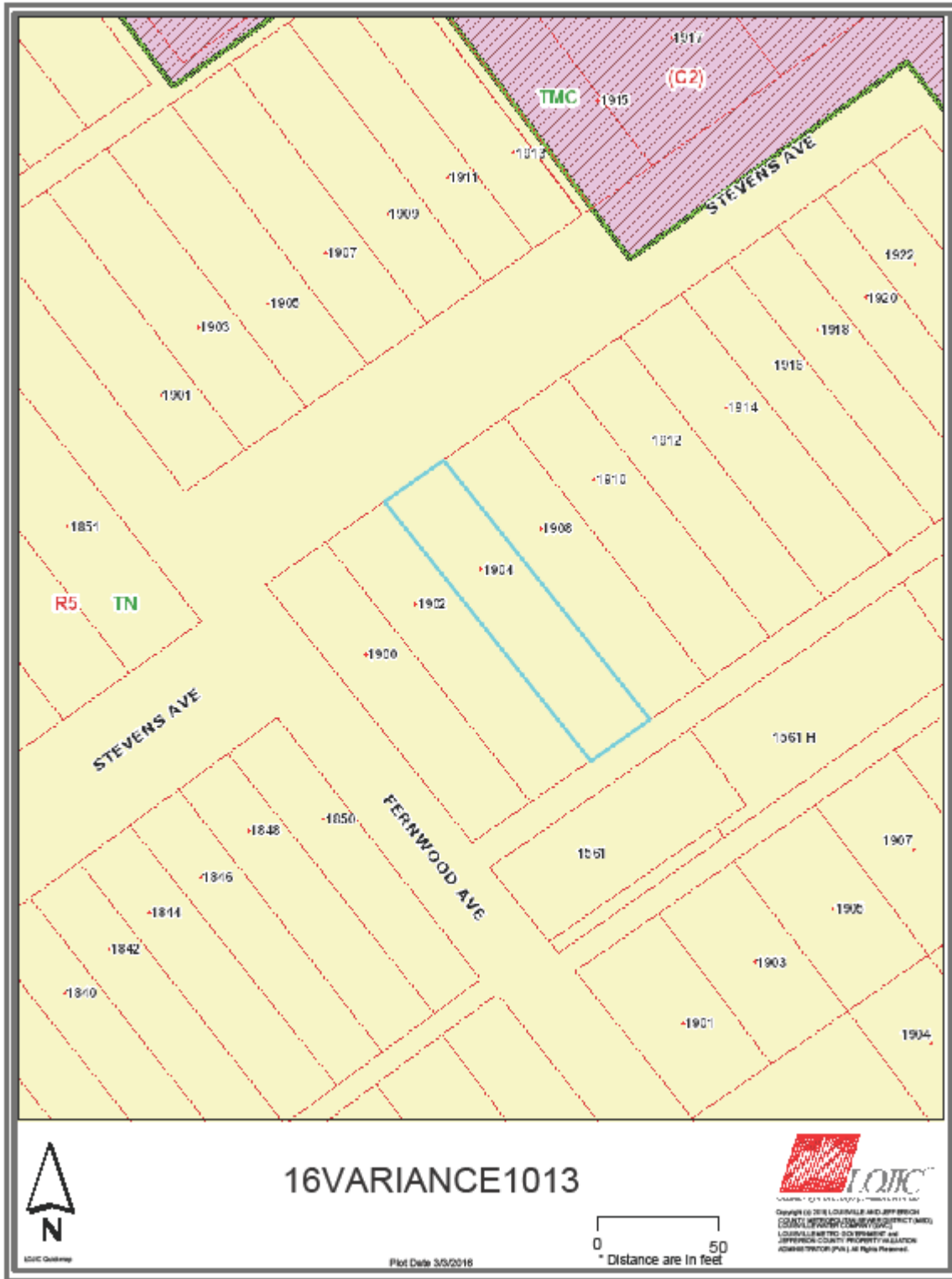
NOTIFICATION

Date	Purpose of Notice	Recipients
3/4/2016	Hearing before BOZA	1 st tier adjoining property owners
3/4/2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Survey
4. Site Plan
5. Building Section
6. Front Elevation
7. East Elevation
8. Site Inspection Report
9. Letter of Opposition

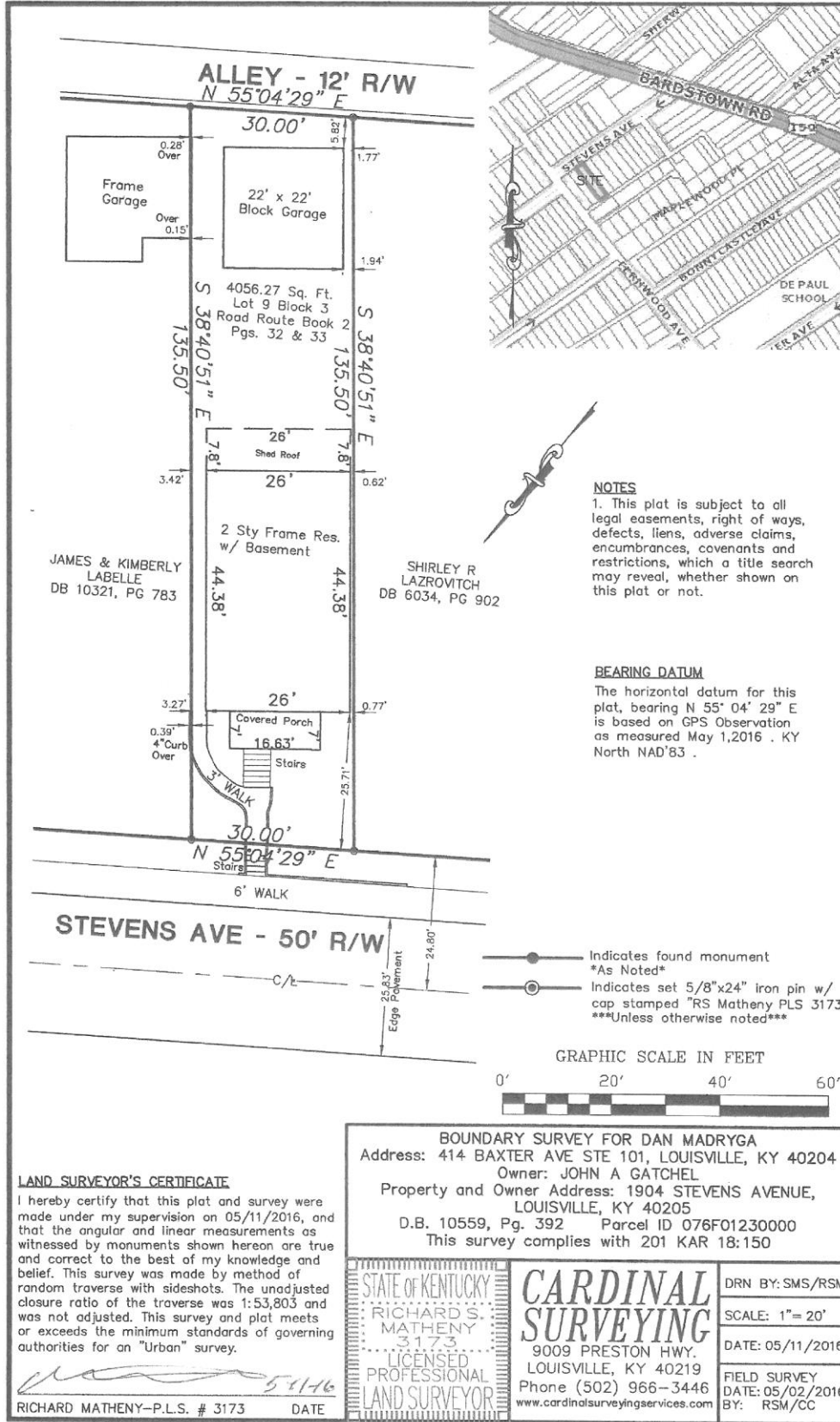
1. Zoning Map



2. Aerial Photograph

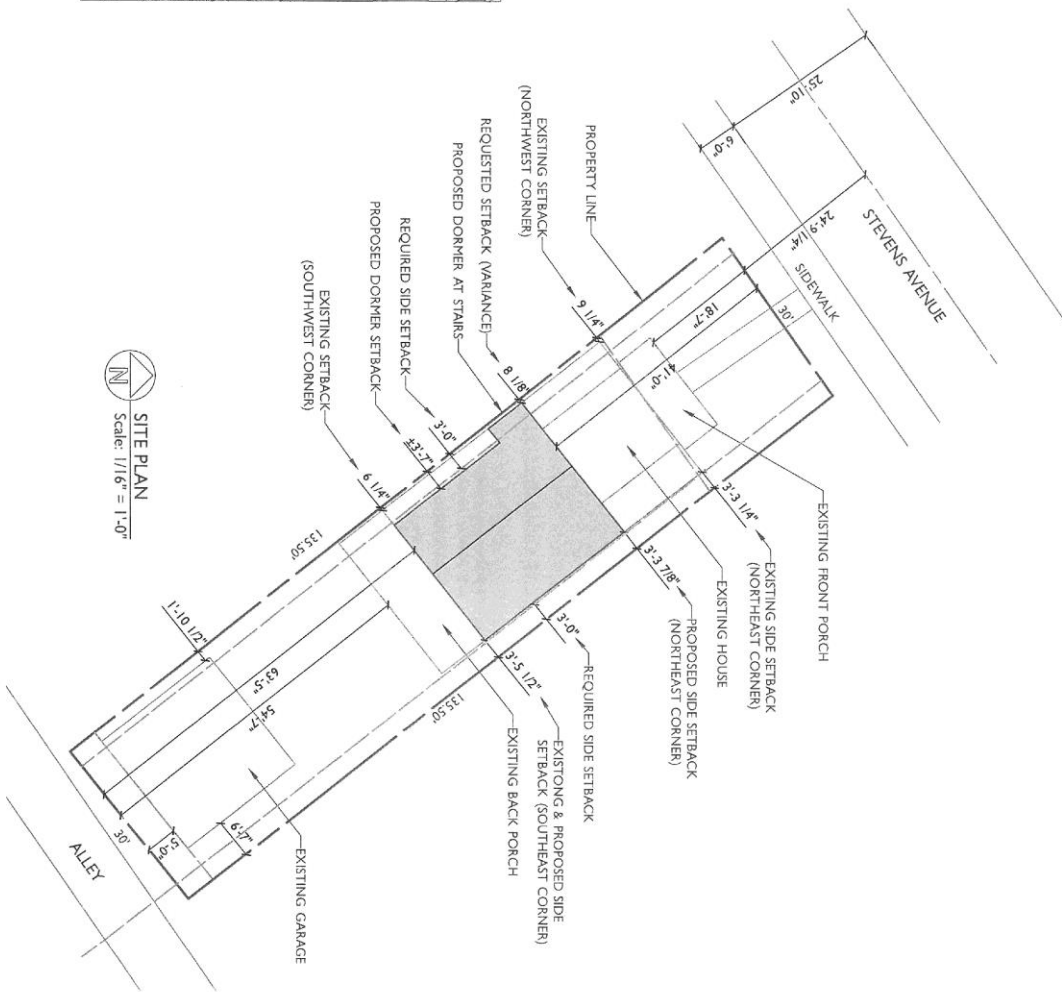
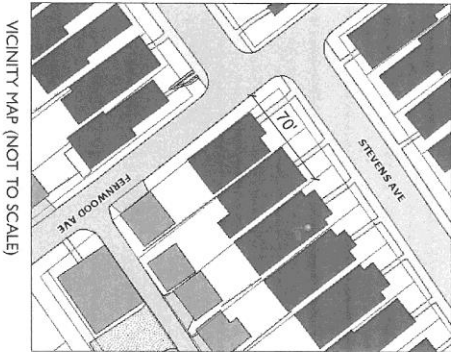


3. Survey



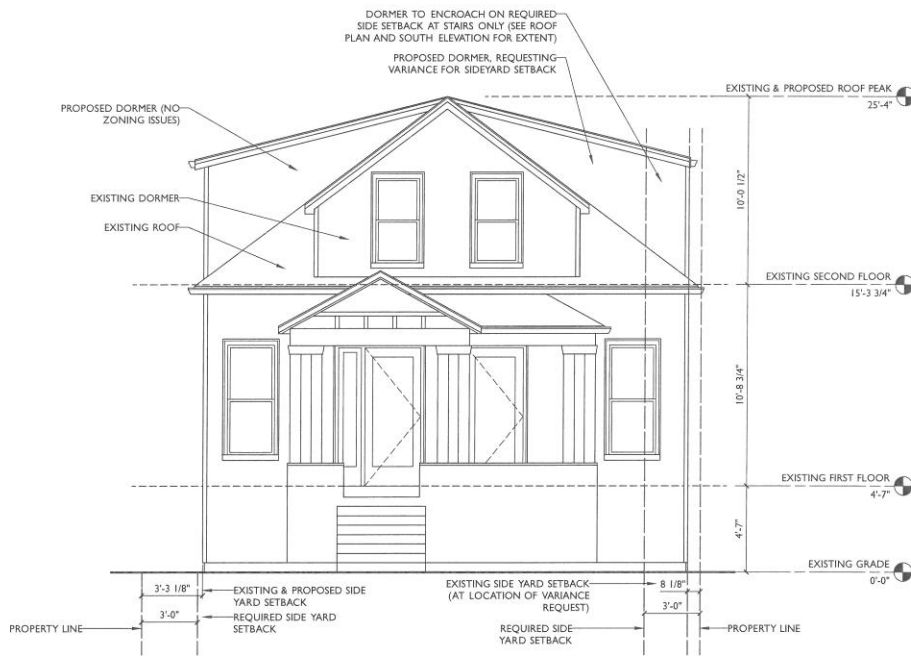
4. **Site Plan**

VARIANCE FOR SIDE YARD SETBACK
 REQUIRED: 3'-0"
 REQUESTED: 0'-8 1/8" (TO MATCH EXISTING)
 1904 STEVENS AVENUE
 LOUISVILLE, KY 40205
 PARCEL ID: 076F01230000
 ZONE: R5
 FORM DISTRICT:
 TRADITIONAL NEIGHBORHOOD



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

	ONE WORLD ARCHITECTURE 417 Riverside Ave., Ste. 207 Louisville, Kentucky 40202 T: 502.212.2669 F: 502.212.2659 WWW.ONEWORLDARCHITECTURE.COM	ADDITION AND RENOVATION FOR John Gatchel Dormer Addition 1904 STEVENS AVENUE LOUISVILLE, KENTUCKY 40205	GENERAL NOTES: 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION FROM THE CITY OF LOUISVILLE. 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ADJACENT PROPERTY OWNERS. 4. ALL SETBACKS SHALL BE MEASURED FROM THE PROPERTY LINE. 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ADJACENT PROPERTY OWNERS. 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ADJACENT PROPERTY OWNERS. 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ADJACENT PROPERTY OWNERS. 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ADJACENT PROPERTY OWNERS. 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ADJACENT PROPERTY OWNERS. 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE ADJACENT PROPERTY OWNERS.
	16.02 A 1:1 SITE PLAN PLOT DATE: 2016.05.16 CONSULTANT: [Name] FOLDER: [Name] FILE NAME: [Name]		



1 FRONT ELEVATION
 A2.1 Scale: 1/4" = 1'-0"

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 414 Butler Avenue, Suite 101
 Louisville, Kentucky 40204
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 www.oneworldarchitect.com

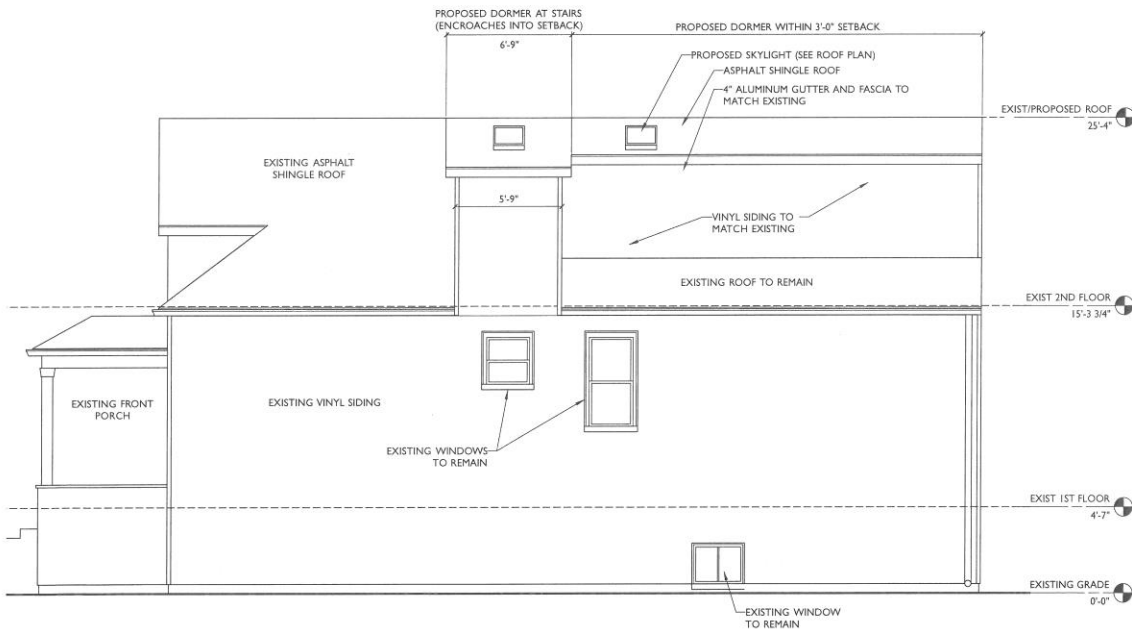
John Gatchel Dormer Addition
 1504 S. STEVENS AVENUE
 LOUISVILLE, KENTUCKY 40203

GENERAL NOTES
 1. PERMIT TO BE OBTAINED FROM THE CITY OF LOUISVILLE, KENTUCKY. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOUISVILLE, KENTUCKY ZONING ORDINANCES AND THE CITY OF LOUISVILLE, KENTUCKY PLANNING AND ZONING COMMISSION'S DECISIONS.
 2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
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FILE NAME: 1602
 FOLDER: 1602
 TITLE: 1602
 PROJECT: 1602
 PROJECT DATE: 2016.05.12

ELEVATIONS
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2.1
1602

7. **South Elevation**



2 SOUTH ELEVATION
 A2.1 Scale: 1/4" = 1'-0"

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 414 Butler Avenue, Suite 101
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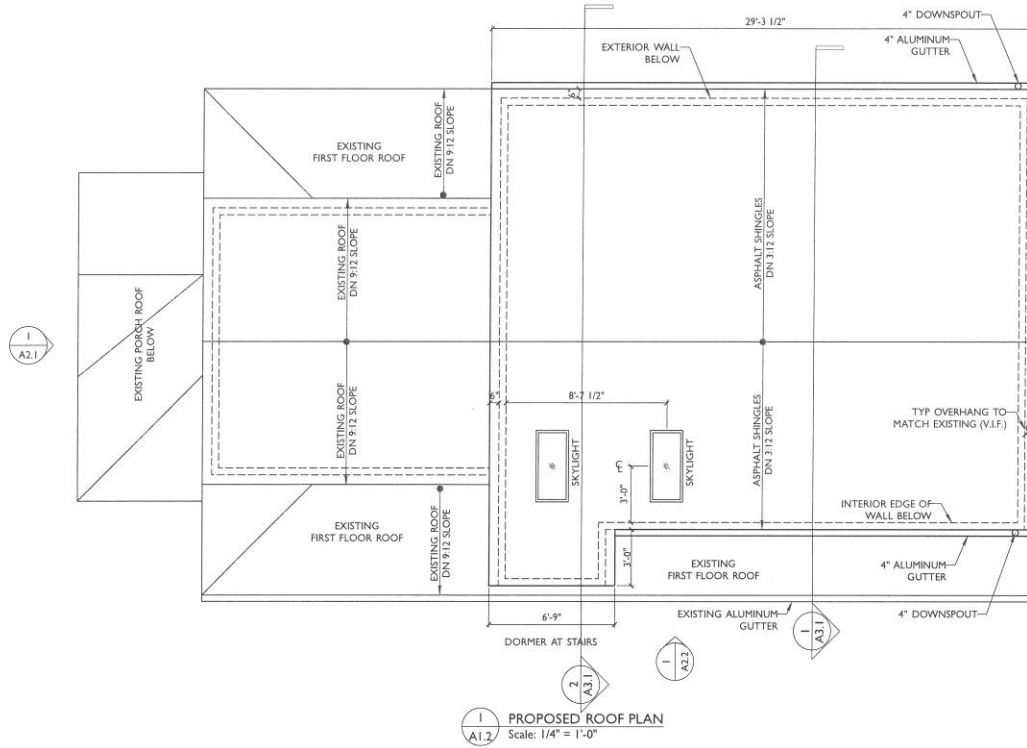
John Gatchel Dormer Addition
 1504 S. STEVENS AVENUE
 LOUISVILLE, KENTUCKY 40203

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FILE NAME: 1602
 FOLDER: 1602
 TITLE: 1602
 PROJECT: 1602
 PROJECT DATE: 2016.05.12

ELEVATIONS
A
2.2
1602

8. **Proposed Roof Plan**



ONE WORLD ARCHITECTURE

ONE WORLD ARCHITECTURE
414 Baker Avenue, Suite 101
Louisville, Kentucky 40204
T. 502.212.2088
F. 502.212.2055

John Gatchel Dorrer
Addition
1000 S. 10th Street
LOUISVILLE, KENTUCKY 40203

GENERAL NOTES

1. REFER TO SET AS NOTED & PERFORM ALL WORK ACCORDING TO THE CITY OF LOUISVILLE, KY 2014 ZONING ORDINANCE, CHAPTER 11.02, AND THE CITY OF LOUISVILLE, KY 2014 BUILDING DEPARTMENT PERMITS REGULATIONS AND ALL APPLICABLE CODES.
2. VERIFY ALL EXISTING CONDITIONS IN THE FIELD.
3. VERIFY ALL EXISTING CONDITIONS IN THE FIELD.
4. ALL WORK IS SUBJECT TO ALL CITY AND STATE REGULATIONS AND ALL APPLICABLE CODES.

FILE NAME: 1000 S 10TH ST
PROJECT: 1000 S 10TH ST
DATE: 05/12/16
PROJECT DATE: 05/12/16

ROOF PLAN

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1 6.0 2

9. Site Inspection Report



The front of 1904 Stevens Ave. (looking south).

Site Inspection Report



Looking down the walkway where the western property line between 1904 (left in photo) and 1902 (right in photo) Stevens Avenue. Notice the space between the gutters of each home.

Site Inspection Report



Looking at a bird's eye view of the properties in the general vicinity, notice the proximity between the homes.

8. Letter of Opposition

16 Variance 1013
Letter of Concern!!!

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PLANNING &
MAR 29 2016

RECEIVED

A 0 setback is not already in existence as someone is attempting to attest to. A gutter is not equal to the proposed massive structure

Aesthetic - For 32 years I've enjoyed looking out my upstairs windows and even gone without curtains most of the time. From my upper dining room windows, I can see the sky and squirrels playing on the roof next door. I enjoy these.

Previous examples are circa 1910 - when zoning regulations were extremely limited. This is not appropriate for now. My dormer--already present for over 32 years ago--has a large bedroom that allows my family to work on my roof and not to go on other roofs.

I will not allow people on my property in respect to this variance It would not be pre-existing as other issues are.. There is only air and gutter adjoining the home next door. I was previously "burnt" when a roof was put on next door & my son says my new gutter was required due to damage from next door. This would require long-term maintenance from my

Letter of Opposition Continued

roof -for the life of the house next door--totally inappropriate.

This ridiculous variance would require a major part of work to be done from my property . I will not allow this .Only gutters and a small area separate the homes. My father was a master cabinet maker & I believe he would agree with my decision.. This is new construction Other homes are from circa 1910. I will not allow people on my property for this. I've had working relationships prior to this, for both 1900 & 1904 Stevens.

The variance would negatively affect selling my home.

I've been told to simply call the police if anyone is on my property. There is only a 42 inch difference between the homes. I think of it as "Breathing Room."

I have been informed that the headspace issue on his steps can be addressed by going upward and does not require going outward.

Respectfully Submitted,

Shirley Lazrovitch

32 yr. resident at 1902 Stevens Ave.



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RECEIVED