

**Board of Zoning Adjustment**  
**Staff Report**  
 October 16, 2017



<b>Case No:</b>	17VARIANCE1059
<b>Project Name:</b>	1133 Everett Avenue Addition
<b>Location:</b>	1133 Everett Avenue
<b>Owner(s):</b>	Matthew Hawkins
<b>Applicant:</b>	Matthew Hawkins
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Dante St. Germain, Planner I

**REQUEST**

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	3 ft.	2 ft.	1 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Cherokee Triangle neighborhood, lot 12 of the Fred Weikel's Subdivision, recorded in plat book 1, page 143 in 1907. It currently contains a two-story single-family residence. The applicant proposes to construct a new two-story addition onto the rear of the existing principal structure, on the same footprint as a previous one-story addition which has now been demolished. The addition is proposed to be in line with the existing structure, which is located 2 feet from the side property line. The applicant therefore requests a variance to allow the addition to also be 2 feet from the side property line, encroaching into the side yard by 1 foot.

Historic Landmarks and Preservation Districts Commission staff approved an amended Certificate of Appropriateness on September 28, 2017 under case number 17COA1200 for the demolition of the previous addition, the construction of the new addition, and the construction of a detached garage in the rear of the property. Please see Attachment 6 for the conditions of approval.

**STAFF FINDING**

Staff finds that the requested variance is adequately justified and meets 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 table 5.2.2 to allow a structure to encroach into the required side yard setback.

## **TECHNICAL REVIEW**

- No technical review undertaken.

## **INTERESTED PARTY COMMENTS**

None received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2**

- (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 as the encroachment is relatively small and is in line with an existing encroachment by the principal structure, which has caused no known adverse effects.

- (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 as the reduced side yard setback is present with the principal structure and was present with the previous addition.

- (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 as the addition will be constructed according to building code and will not be visible from the right-of-way.

- (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 as the addition is proposed to be located on the same footprint as the prior addition, in line with the existing principal structure.

## **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 as the principal structure already encroaches into the side yard, and the addition is proposed to be in line with this structure.

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 as the addition is proposed to be located on the same footprint as the previous addition.

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 variance and has not yet constructed the addition.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
09/26/2017	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
09/28/2017	Hearing before BOZA	Notice posted on property

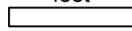
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos
6. Certificate of Appropriateness

1. Zoning Map



1133 Everett Avenue  
feet



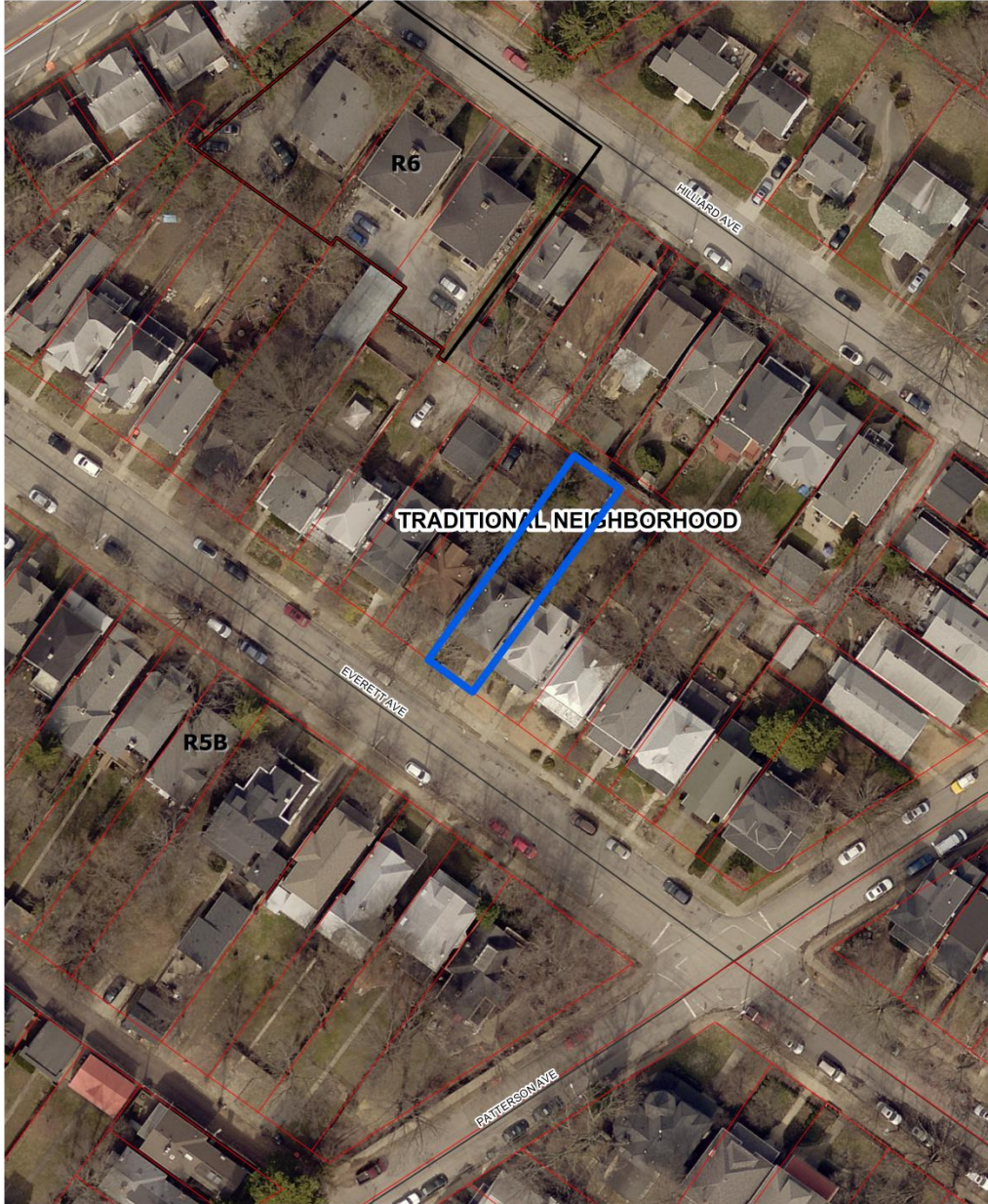
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Map Created: 10/4/2017



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2. Aerial Photograph



1133 Everett Avenue  
feet

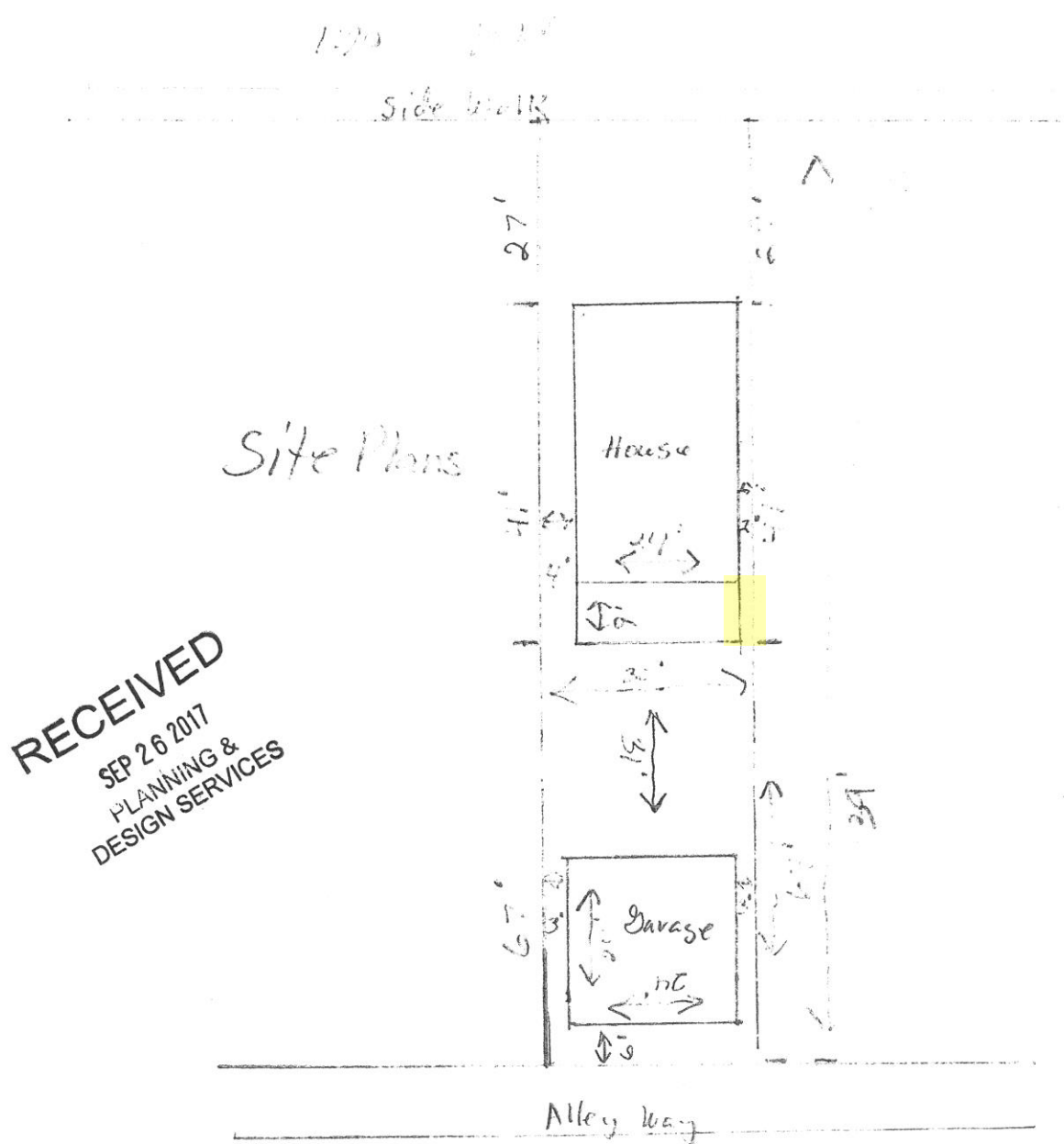
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Map Created: 10/4/2017



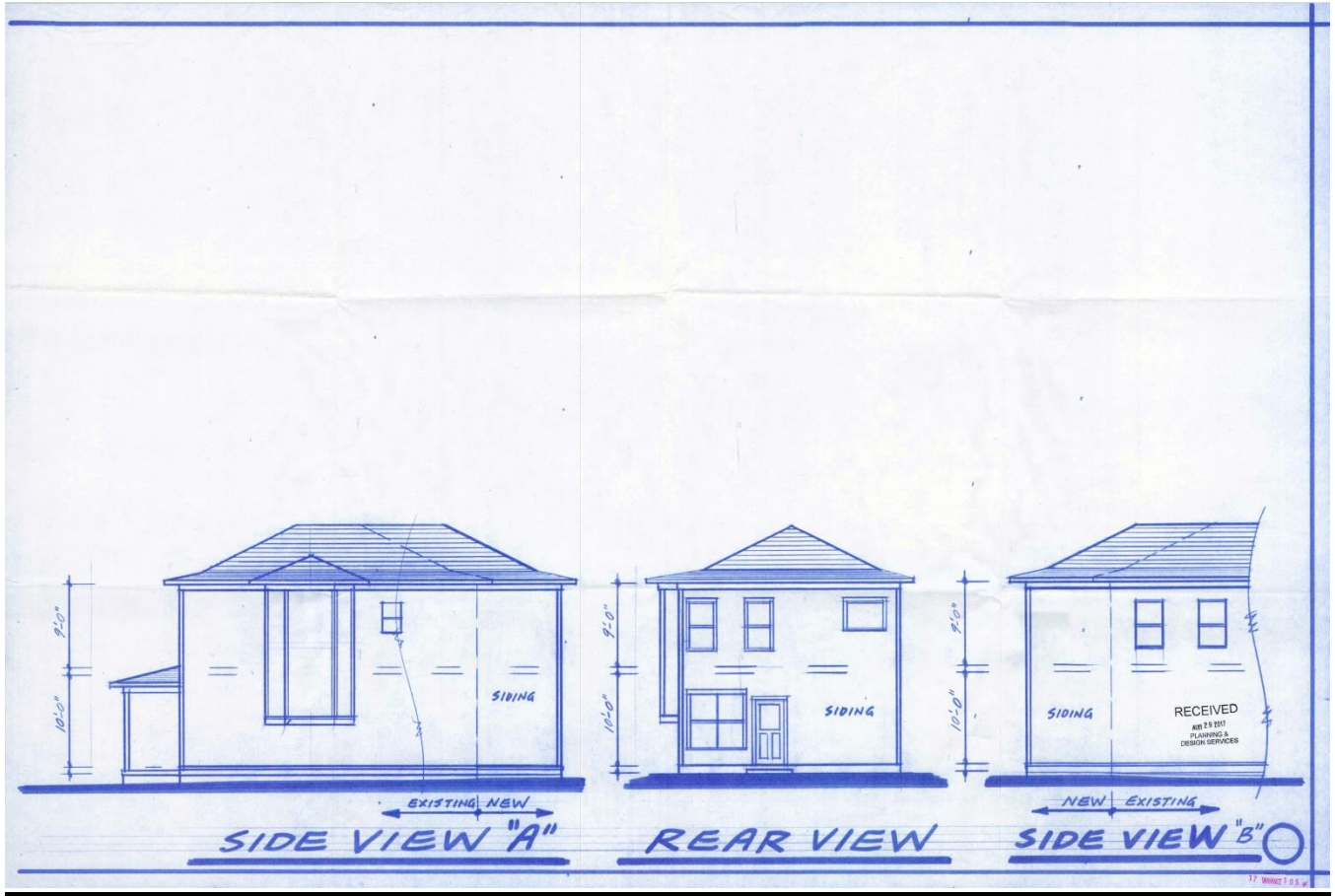
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3. Site Plan



17 VARIANCE 1059

4. Elevations



5. Site Photos



The front of the subject property.





The property to the right of the subject property.



The property to the left of the subject property.



The property across Everett Avenue.



The rear of the principal structure where the addition is proposed to be constructed. The encroachment is proposed near the fence.

6. Certificate of Appropriateness



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**Historic Landmarks and Preservation  
Districts Commission**

**Certificate of Appropriateness**

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To: Matt Hawkins  
Thru: Joe Haberman, Planning Manager  
From: Savannah Darr, Historic Preservation Specialist  
Date: ~~September 6, 2017~~ **September 28, 2017**

A handwritten signature or set of initials, possibly "SD", is written in black ink to the right of the date.

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**Case No:** 17COA1200 **Amended**  
**Classification:** Staff Review

**GENERAL INFORMATION**

**Property Address:** 1133 Everett Avenue

**Applicant:** Matt Hawkins  
1809 Edenside Avenue  
Louisville, KY 40204  
502-639-8240  
[Mhawkins74@yahoo.com](mailto:Mhawkins74@yahoo.com)

**Owner:** same as applicant

**Contractor:** same as applicant

**Estimated Project Cost:** \$40,000 (including general maintenance work)

**Description of proposed exterior alteration:**

The applicant seeks after-the-fact approval to demolish the existing rear addition. The applicant seeks approval to construct a new rear addition on the same footprint as the previous addition (24' by 9'). The new addition will be two stories tall and clad with either fiber cement or wood lap siding. The addition's roof line will connect to the existing hipped roof. The side elevations will have no window openings, but the rear elevation will contain two 1/1 double hung windows on the first story and two on the second story as well as a casement window. The entry door will be located on the first story. Additionally, the applicant seeks approval to remove the metal posts on the front porch and replace them with new round, tapered fiberglass columns as well as remove the concrete porch floor and replace it with new wood tongue-and-groove boards. **The applicant also seeks approval to construct a one-story, front gable garage off the rear alley (24' by 24'). The garage will be clad either in fiber cement lap siding to match the house or board and batten depending on material costs. The building will have an asphalt shingle 6/12 roof. There will be a ¼ lite pedestrian door**

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on the yard side of the garage and one double garage door (8' by 16') on the alley side.

#### **Communications with Applicant, Completion of Application**

The application was received on August 29, 2017. The application was considered complete and requiring Staff Review on September 5, 2017. Staff issued a stop work order on the property on August 23, 2017. The front porch floor was demolished as well as the rear addition. **The garage drawings were submitted on September 26, 2017.**

#### **FINDINGS**

##### **Guidelines**

The following design review guidelines, approved for the Cherokee Triangle Preservation District, are applicable to the proposed exterior alteration: **Demolition, Addition, Porch, Garage, and New Construction-Residential.** The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

The following additional findings are incorporated in this report:

##### **Site Context/ Background**

The property is located on the north side of Everett Avenue seven lots northwest of Patterson Avenue. The site is zoned R5B within the Traditional Neighborhood Form District. The two-and-a-half-story frame American Foursquare house is surrounded by other two and three-story homes of varying architectural styles.

The most recent COA for the property (A-92-26-C), dated May 20, 1992, approved the after-the-fact construction of the creek stone retaining wall. There have been no other COAs for the property.

##### **Conclusions**

The proposed work generally meets the Cherokee Triangle design guidelines for **Demolition, Addition, and Porch.** The new addition is simple in design and appropriately scaled for the house. Thus, it will not negatively impact the house's historic and architectural integrity and significance. Furthermore, the proposed porch work is more in keeping with the architectural style of the house than the existing metal posts and concrete porch floor. **The proposed garage also meets the Cherokee Triangle design guidelines for Garage and New Construction-Residential. The garage design is basic and appropriate for the District. The garage will be clad either in fiber cement lap siding to match the house or board and batten depending on material costs. However, both designs are appropriate. Because the alley is quite narrow, a double garage door is needed for turning radius.**

**DECISION**

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved with the following conditions:**

1. The tongue-and-groove boards shall not be over-sized (2" thick) for porch floors. The boards shall be 3/4" to 1" tongue-and-groove boards.
2. Wood edging shall be applied to the exposed ends of floorboards to prevent moisture infiltration into the grain.
3. The new windows on the rear addition shall not have any muntins or grids in order to match the windows on the rest of the house.
4. The new lap siding on the rear addition shall be fiber cement or wood with a reveal (3"- 4") that matches the existing siding on the rest of the house.
5. The applicant shall submit an example of the proposed rear door for the addition to staff for review and approval prior to ordering and installing.
6. If the design changes or if additional work is needed, the applicant shall contact staff for review and approval.

**Amendment Conditions**

1. The double garage door shall have carriage style features.
2. If lap siding is used on the garage, the reveal shall match the house (3"- 4").
3. Any new concrete shall be historic concrete mix.
4. Trash receptacles shall be screened and stored.

*The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.*

  
Savannah Darr  
Historic Preservation Specialist

9/28/17  
Date