

Board of Zoning Adjustment
Staff Report
 August 6, 2018



Case No:	18VARIANCE1062
Project Name:	Arlington Avenue Addition
Location:	1616 Arlington Avenue
Owner(s):	Revamp Limited Liability Co
Applicant:	Tami Phillips
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	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.
- **Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

Location	Requirement	Request	Variance
Side yard setback	3 ft.	1.3 ft.	1.7 ft.
Private yard area	603.6 sf	600 sf	3.6 sf

CASE SUMMARY/BACKGROUND

The subject property is located in the Clifton neighborhood, and currently contains a one-story single-family residence. There was previously an addition on the rear of the structure, which has been demolished. The applicant proposes to construct a new addition on the same footprint as the previous addition. The new addition is therefore proposed to encroach into the required side yard setback.

The addition will also reduce the private yard area below the required 20% of the area of the lot. The applicant requests a variance for this reduction.

This proposal received a Certificate of Appropriateness (COA) from Historic Landmarks and Preservation Districts Commission staff on July 17, 2018, approving the demolition after-the-fact and also approving the new proposed construction. Please see Attachment 6 for the COA.

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 table 5.2.2 to allow a structure to encroach into the required side yard setback, and from LDC section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were 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 proposed addition will follow the existing wall of the structure, and the line of the previous addition, which 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 reduced side yard setbacks are common in the general vicinity.

- (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 codes, including fire codes.

- (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 there was previously an addition with the same footprint as the currently proposed addition, and the applicant proposes to construct the new addition using the same side yard setback as the previous one.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because reduced side yard setbacks are common in this neighborhood.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant set back the new addition, reducing its utility.

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 begun construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3

- (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 reduction in private yard area is small and unlikely to cause an adverse effect.

- (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 reduction in private yard area is unlikely to be noticeable.

- (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 reduction in private yard area is small and unlikely to cause a hazard or nuisance.

- (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 there was previously an addition with the same footprint as the currently proposed addition, and the applicant proposes to provide the same private yard area as was previously provided.

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 because the lot is irregular in shape in the rear and the private yard area is also irregular in shape.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to build a smaller addition in order to provide a slightly increased private yard area.

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 begun construction.

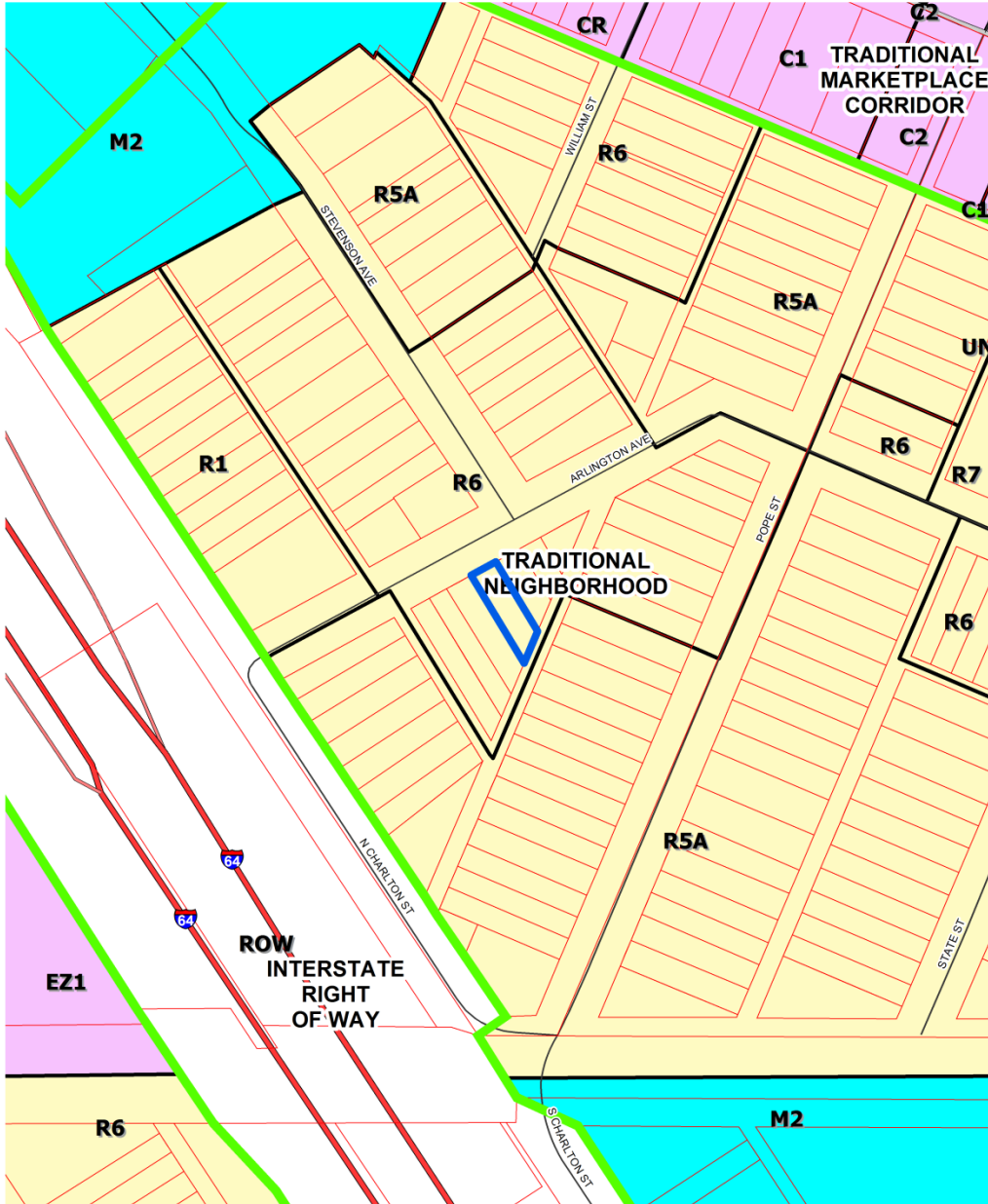
NOTIFICATION

Date	Purpose of Notice	Recipients
07/19/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
07/20/2018	Hearing before BOZA	Notice posted on property

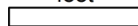
ATTACHMENTS

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

1. Zoning Map



1616 Arlington Avenue
feet



140
Map Created: 7/30/2018

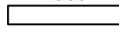


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2. Aerial Photograph



1616 Arlington Avenue
feet



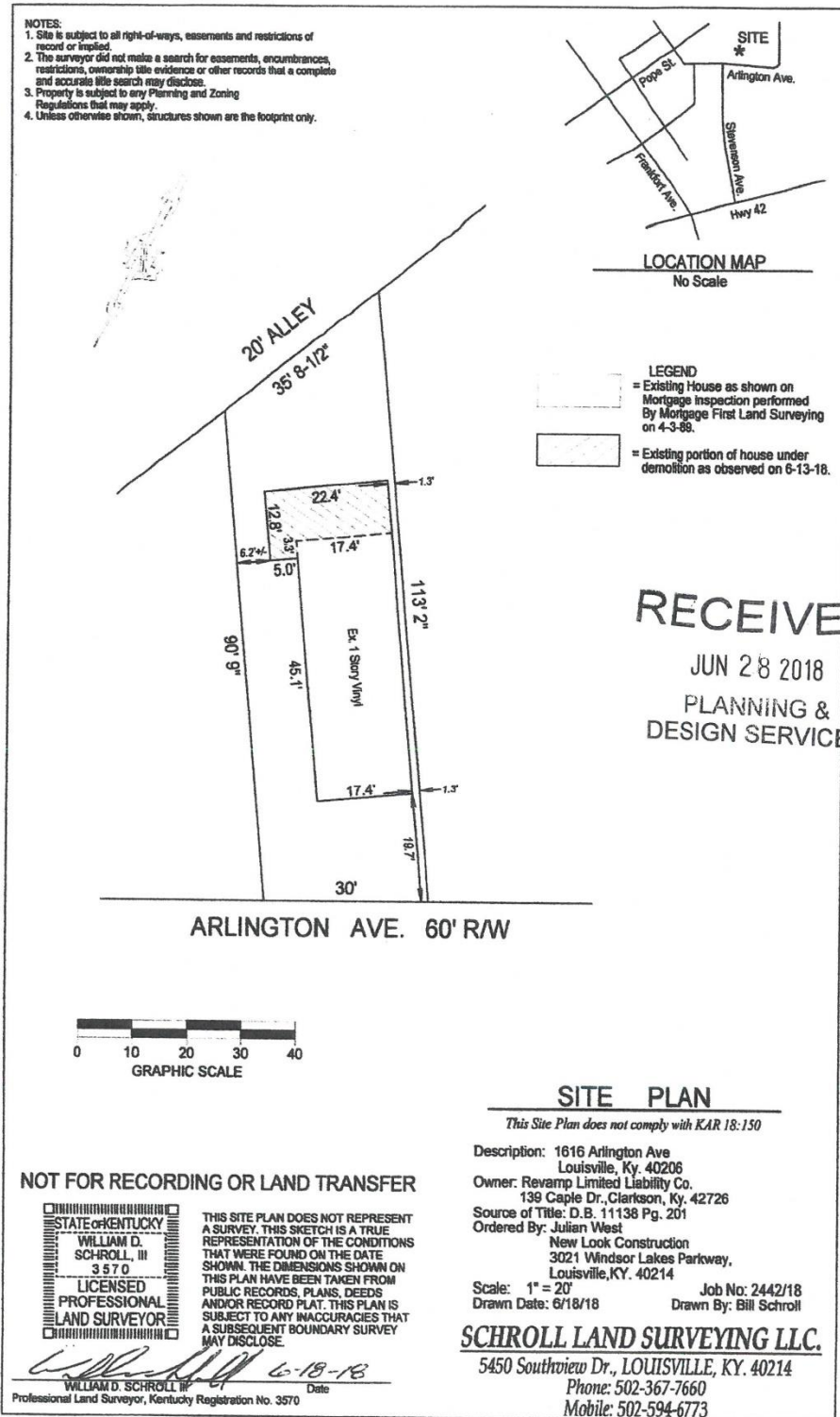
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Map Created: 7/30/2018



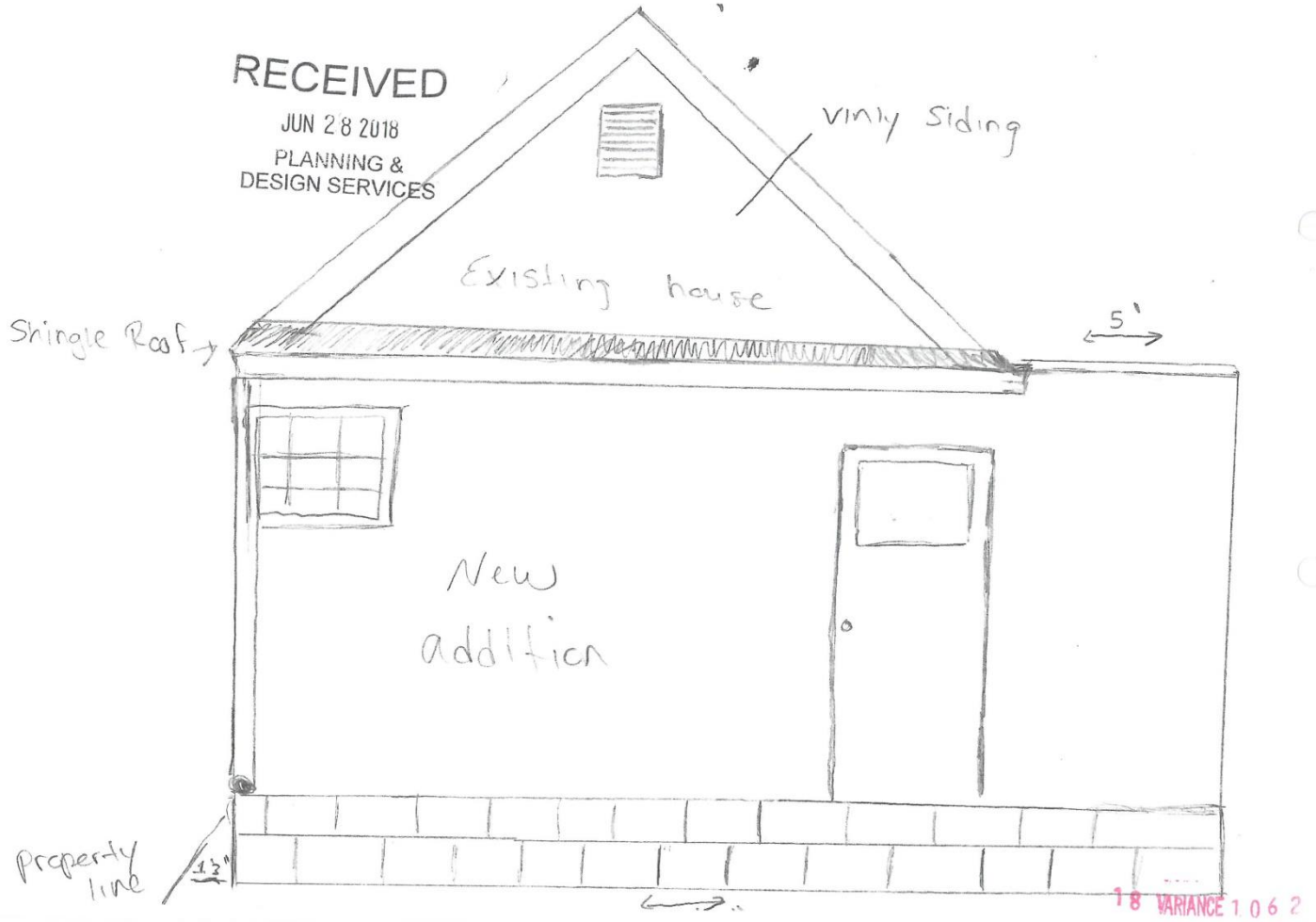
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3. Site Plan



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4. Elevation



5. Site Photos



The front of the subject property.



The property to the left of the subject property.



The property to the right of the subject property.



The properties across Arlington Avenue.



The location of the requested side yard variance.



The rear of the subject property and location of the requested private yard area variance.

6. Certificate of Appropriateness



**Historic Landmarks and Preservation Districts
Commission**

Certificate of Appropriateness

To: Julian West & Tammi Phillips
Thru: Cynthia Elmore, Historic Preservation Officer
From: Anthony Schneider, Historic Preservation Specialist
Date: July 17, 2018 *Dase*

Case No: 18COA1152
Classification: Staff Review

GENERAL INFORMATION

Property Address: 1616 Arlington Ave.

Applicant: Julian West
New Look Roofing
3021 Windsor Lakes
Louisville, KY 40214
502-341-4415
newlookconstruction502@gmail.com

Owner: Tammi Phillips
Re-vamp, LLC
139 Caple Drive
Clarkson, KY 42726
502-558-7016

Estimated Project Cost: \$10,000.00

Description of proposed exterior alteration:

The applicant requests an after-the-fact approval of the demolition of an existing rear yard addition to the principle dwelling. Additionally, applicant is seeking to replace the side and rear windows with new vinyl windows with a consistent muntin pattern with the existing windows and to reconstruct the addition in the exact footprint of the original.

Communications with Applicant, Completion of Application

The application was received on June 28, 2018 and was considered complete and requiring staff review on July 17, 2018. Applicant met with staff on June 28 to discuss the requirements for a COA. Staff discussed the typically process for demolition and the

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requirements for the replacement of original, wood windows. On July 15th, staff informed the applicant that replacement of the front windows would need a public meeting.

FINDINGS

Guidelines

The following design review guidelines, approved for the Clifton Preservation District, are applicable to the proposed exterior alterations: **Addition, Demolition, Siding, and Window**. 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 R-6 zoned property within the Traditional Neighborhood Form District is located on the south eastern side of Arlington Avenue and located mid-block near the intersection of Stevenson Avenue. This structure is a timber construction, one-story, late-Victorian shotgun home. The home has the original front windows and a gable roof. This home is surrounded by predominately one and two-story shotgun style homes, some of which feature a camelback and most have a rear addition like the one proposed. Most surrounding structures are of the same architectural period with varying façade materials including timber, vinyl, aluminum and brick.

Conclusions

The project generally meets the Clifton design guidelines for **Addition, Demolition, Siding, and Window**. Staff approves of the after the fact demolition as the proposed addition will be in the same footprint as the demolished portion. The proposed addition will be clad with new, 4" exposure, smooth-faced vinyl siding that will coordinate with the existing vinyl siding. The addition will feature a rear door and new window. Three windows on the sides of the structure will be replaced with new, vinyl windows that are the same, double-hung, 4 over 4 muntin pattern that exists currently. The new window on the rear should also be a double-hung, 4 over 4 window. The new rear door will be a half-lite paneled door.

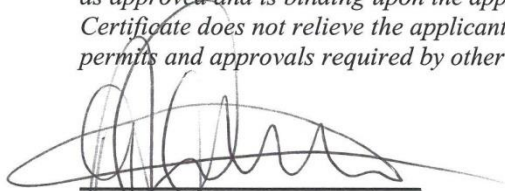
DECISION

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 applicant shall obtain building permits.**
- 2. The applicant shall obtain all necessary approvals from Planning & Design Services.**
- 3. The new addition shall not compromise the existing structure.**
- 4. The new siding materials shall be smooth-faced vinyl with 4" exposure with corner boards.**
- 5. New door shall be paneled and ½ lite with moldings that are subordinate to that of the principle entrance.**

6. Any new aluminum flashing shall only be installed over non-historic window features on the sides and rear of the structure. Any historic trim shall be repaired and maintained.
7. New windows shall be double-hung with 4 over 4 muntins.
8. New windows shall fit the historic window openings.
9. If the design changes, the applicant shall contact staff for review and approval.
10. All other Planning & Design approvals shall be obtained prior to construction.

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.



Anthony Schneider
Historic Preservation Specialist

7/17/18
Date

Addition

Clifton Design Guideline Checklist

- + Meets Guidelines
- NA Not Applicable
- Does Not Meet Guidelines
- NSI Not Sufficient Information
- +/- Meets Guidelines with Conditions

	Guideline	Finding	Comment
A1	The design of any new addition or expansion should be compatible and in proportion with the mass and scale of the historic building, adjacent structures, and the district.	+	The new addition is indicative of a number of shotgun additions in the area. Will be on the rear with a shed roof.
A2	New additions should be designed in a manner that makes clear what is historic and what is new. Do not design additions to appear older than the original building.	+	New addition is not faux-historic and will be on the rear of the property
A3	Additions should be designed so there are subtle distinguishing characteristics between the historic portion and the new alteration. This may include simplifying details, changing materials, or slightly altering proportion. Do not duplicate the exact form, material, style, and detailing of the historic building in the new addition.	+	New addition has a different roof form from the main structure.
A4	Additions should be attached to side or rear elevations (façades) and should be set back from the street front façade, and should not damage or obscure character-defining features.	+	
A5	The design of the new addition should be subordinate to the original building. Rear and side additions should not exceed half of the original building's total floor area or building footprint.	+	
A6	The original street front orientation of a building should not	+	

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