

**22-VARIANCE-0099**

**2824 Montgomery St**



**Louisville Metro Board of Zoning Adjustment**

**Jay Lockett, AICP, Planner II**

**August 29, 2022**

# Request(s)

- **Variance** from Land Development Code Table 5.2.2 to permit a parking space to encroach into the required 3-foot side yard by up to 2 feet.

# Case Summary

- The applicant is proposing to utilize the Planned Development Option available within the UN zoning district to convert an existing structure into 4 dwelling units.
- The subject site is within the Traditional Neighborhood form district in the Portland neighborhood of Louisville Metro.
- An existing paved area in the rear is proposed to be striped for 3 parking spaces, resulting in an encroachment into the required side yard.

# Zoning/Form Districts



# Aerial Photo



# Existing Structure



# Parking Area along Alley



# Applicant's Development Plan

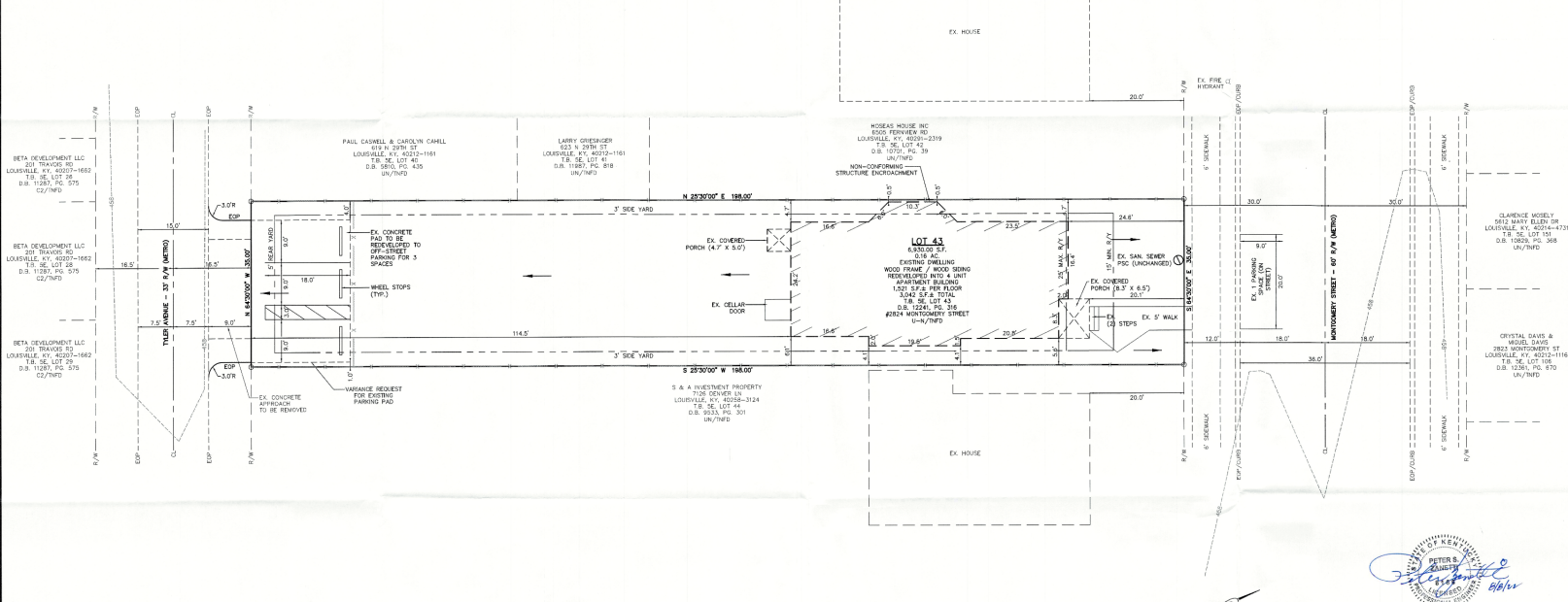
**EROSION PREVENTION AND SEDIMENT CONTROL NOTE:**  
 THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE MAINTAINED PRIOR TO ANY LAND-USE DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPSC PLAN MUST BE REVIEWED AND APPROVED BY THE DISTRICT MANAGER OF DEVELOPMENT REVIEW OFFICE. EPSC BOW'S BEST MANAGEMENT PRACTICES SHALL BE INSTALLED PER THE PLAN AND ALL STANDARDS. SEDIMENT BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL REMAIN AS SEDIMENT BASINS UNTIL CONSTRUCTION UNTIL THE CONTAINING DRAINAGE AREAS ARE SEEDS AND STABILIZED. ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC HIGHWAYS. SOIL TRACKED ONTO THE HIGHWAY MUST BE REMOVED DAILY. SOIL TRACKERS SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SHALES, AND CATCH BASINS. STOCKPILES SHALL BE SEDED, MULCHED, AND PROBABLY CONTAINED THROUGH THE USE OF Silt FENCE. ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING EX-02. SEEDING-LAIDEN GRASSHEDS ENCOURAGED DURING TREESHING. PLANTING OF OTHER VEGETATION APPROVED SHALL BE PLANTED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISBURSED INTO A STREAM. FENCE SHALL BE CATCH BASIN. WHERE CONSTRUCTION OR LAND DISTURBING ACTIVITY WILL OR HAS TEMPORARILY CEASED OR ON A PORTION OF A SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 DAYS AFTER THE ACTIVITY HAS CEASED.

**PROJECT DATA:**  
 PROPERTY SIZE: 6,830.00 SF / 0.16 AC  
 EXISTING USE: SINGLE FAMILY DWELLING  
 EXISTING ZONING: U-4  
 EXISTING FORM DISTRICT: PLANNED DEVELOPMENT OPTION FOR A UNIT  
 PROPOSED USE: PLANNED DEVELOPMENT OPTION (UNIMPROVED)  
 PROPOSED ZONING: F-4S  
 PROPOSED FORM DISTRICT: 3,042 S.F. & (1,021 S.F. & PER FLOOR / 2 STORES)  
 EXISTING BUILDING SIZE: 3,042 S.F. & (1,021 S.F. & PER FLOOR / 2 STORES)  
 PROPOSED RENOVATION SIZE: 25.00 DWELLING UNITS / AC (18.08 DWELLING UNITS / AC ALLOTTED)  
 PROPOSED DENSITY: F-4S  
 FLOOR AREA RATIO (F.A.R.): 1.00 S.F. (PROVIDED 6,830.00 S.F.)  
 MIN. LOT SIZE: 16' (PROVIDED 30')  
 MIN. LOT WIDTH: 10' FRONT YARD / 3' STREET SIDE YARD (PROVIDED 24.6') REAR YARD (PROVIDED 24.6')  
 MAX. FRONT YARD: 2' (PROVIDED 6.5' AND 4.1' / NON-COMFORMING STRUCTURE)  
 MIN. REAR YARD: 2' (PROVIDED 114.5')  
 MAX. BUILDING HEIGHT: 45' (PROVIDED 27, 2 STORES)

MIN. PARKING SPACES: 0 PARKING SPACES  
 MAX. PARKING SPACES: 8 PARKING SPACES (2 PARKING SPACES PER UNIT)  
 PARKING SPACES PROVIDED: 2 PARKING SPACES (EXISTING) AND 1 PARKING SPACE (NEW)  
 PARKING SPACES TOTAL: 3 PARKING SPACES  
 INTERIOR LANDSCAPE AREA REQ. (000): 830 S.F.  
 INTERIOR LANDSCAPE AREA PROVIDED: 830 S.F.  
 TREE CANOPY: 0 S.F.  
 CANOPY CLASS: COMMERCIAL (CLASS C)  
 LAND AREA: 6,830.00 SF / 0.16 AC  
 EX. TREE CANOPY: 0 S.F. (0%)  
 PROPOSED TREE CANOPY: 308 S.F. (4.5%)  
 NEW TREE CANOPY AREA REQ.: 3,042 S.F.  
 PROPOSED: 3-TYPE "A" TREES @ 1200 S.F. EACH  
 TOTAL TREE CANOPY PROVIDED: 3,000 S.F. (52%)

**DRAINAGE CALCULATIONS:**  
 PEAK OUTFLOW AREA = 0.57 / 0.00 AC  
 TOTAL SITE AREA = 6,830.00 SF / 0.16 AC  
 TOTAL EXISTING IMPERVIOUS AREA = 2,258 S.F.  
 TOTAL PROPOSED IMPERVIOUS AREA = 0 S.F.  
 EXISTING RUN-OFF COEFFICIENT = 0.48 (C)  
 DEVELOPED RUN-OFF COEFFICIENT = 0.48 (C)  
 RAINFALL VOLUME CALC.:  
 X = 0.6171 FOR 1 HOUR 100 W. STORM  
 (0.6171) (2.5") (0.16 AC) = 0.25 CFS  
 EXISTING WATER RUN-OFF IS EXISTING AND PROJECT IN REDEVELOPED WITH NO INCREASE IN RUN-OFF THEREFORE DETENTION IS NOT REQUIRED.

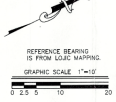
**VARIANCE REQUEST:**  
 LEAD DEVELOPMENT CASE CHAPTER 5, PART 2 - TRADITIONAL FORM DISTRICT TABLE 5.2.2 DIMENSIONAL STANDARDS - TRADITIONAL. THE PROPOSED DEVELOPMENT IS REQUESTING A VARIANCE TO BE REDUCED TO ALLOW FOR A REDUCTION OF A PORTION OF THE FRONT YARD FROM 7 TO 1 TO 1 FOR THE EXISTING PARKING PAD TO ENDRACK.



**GENERAL NOTES:**  
 1. EXISTING AND PROPOSED PLANS AND DOCUMENTS SHALL COMPLY WITH LOUISVILLE AND EFFERSON COUNTY METROPOLITAN SEWER DISTRICTS DESIGN MANUAL AND STANDARD SPECIFICATIONS.  
 2. WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVE THE DEVELOPMENT SHALL BE AT THE OWNER'S / DEVELOPER'S EXPENSE.  
 3. TREE PRESERVATION: A TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF AND LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES.  
 4. PROTECTION OF TREES TO BE PRESERVED: CONSTRUCTION FENCING SHALL BE INSTALLED PRIOR TO ANY GRADING OR CONSTRUCTION ACTIVITIES PREVENTING COMPARISON OF ROOT SYSTEMS OF TREES TO BE PRESERVED. THE FENCING SHALL ENCLOSE THE AREA BEHIND THE TRIP SIDE OF THE TREE, CANOPY-LAND ADJACENT TO THE TREE, AND TO THE CLEAR CUTTING PRESENTING ON PUBLIC STREETS AND HIGHWAYS.  
 5. LANDSCAPE AND TREE CANOPY PLAN FOR PORTIONS OF THE LDC SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT OR THE TRAILHEADS ARE MET.  
 6. METROPLITAN SEWER DISTRICTS SHALL BE NOTIFIED OF ANY CHANGES TO THE PLAN.  
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 8. COMPATIBLE UTILITIES SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPLICABLE AGENCIES.  
 9. DEVELOPER SHALL BE RESPONSIBLE FOR UTILITY RELOCATIONS (IF REQUIRED), FINAL SURFACE OVERLAY, SIGNAGE, AND STRIPING ASSOCIATED WITH REQUIRED TRAIL IMPROVEMENTS.

**MSD NOTES:**  
 1. ALL LANDSCAPING AND CONSTRUCTION SHALL BE PERMITTED IN ST. LOUISVILLE METRO WORKS R/W WITHOUT AN ENCROACHMENT PERMIT.  
 2. ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY LOUISVILLE METRO PUBLIC WORKS.  
 3. ALL ROADWAY AND PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER LOUISVILLE METRO PUBLIC WORKS SHALL BE PLANNED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAIN PROPER SITE DETAILING. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS, IF REQUIRED.  
 4. ALL SIGNAGE AND PUBLIC RIGHT-OF-WAY SHALL BE PROVIDED TO THE SITE DUE TO DAMAGES CAUSED BY CONSTRUCTION TRAFFIC ACTIVITIES, IF REQUIRED.  
 5. ALL STREET NAME SIGNS AND PARKING MARKINGS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND BE INSTALLED PRIOR TO THE BEGINNING OF CONSTRUCTION.  
 6. ALL SIGNS SHALL BE PLANNED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAIN PROPER SITE DETAILING. FINAL LOCATION WILL BE DETERMINED DURING CONSTRUCTION APPROVAL PROCESS, IF REQUIRED.  
 7. TREES AND SHRUBBERY SHALL BE TRIMMED OR REMOVED TO PROVIDE SITE DISTANCE AS REQUIRED BY METRO PUBLIC WORKS STANDARD DRAWINGS.  
 8. ALL SIDEWALK RAMP SHALL CONFORM TO A.D.A. STANDARD SPECIFICATIONS. THE TYPICAL SIDEWALK RAMP SHALL BE INSTALLED OR BUILT ON THE STREET AND SHALL BE IN ACCORDANCE WITH THE DESIGN MANUAL FOR TRAILHEADS.  
 9. PLEASE ADHERE TO THE FOLLOWING: TO THE PLAN CONSTRUCTION PLANS, BOOK AND SHEET AND BE REQUIRED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL TO WORK ALONG THE HISTORIC BRICK ALLEY.

**TRANSPORTATION PLANNING NOTES:**  
 1. ALL LANDSCAPING AND CONSTRUCTION SHALL BE PERMITTED IN ST. LOUISVILLE METRO WORKS R/W WITHOUT AN ENCROACHMENT PERMIT.  
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 PLANNING & DESIGN SERVICES



**REZONING AND REVISED DETAILED DISTRICT DEVELOPMENT PLAN FOR 2824 MONTGOMERY STREET REDEVELOPMENT**

2824 MONTGOMERY STREET  
 LOUISVILLE, KY 40212  
 T.B. 5E, LOT 43  
 D.B. 12241, PG. 316  
 OWNER / DEVELOPER:  
 HOUSEAL INVESTMENT, LLC  
 3131 S. 2ND STREET, # 332  
 LOUISVILLE, KY 40208  
 C. R. P. & ASSOCIATES, INC.  
 7321 New LaGrange Road, Suite 111  
 Louisville, KY 40222  
 (502)423-8747

REVISION BOX

| REV. # | REV. DATE | DESCRIPTION     |
|--------|-----------|-----------------|
| 1      | 7.31.22   | AGENCY COMMENTS |
| 2      |           |                 |
| 3      |           |                 |
| 4      |           |                 |



# Staff Finding

- The request is adequately justified and meets the standard of review.

# Required Actions

- **APPROVE or DENY the Variance**