

Board of Zoning Adjustment
Staff Report
November 18, 2019



Case No:	19-CUP-0196
Project Name:	Accessory Apartment
Location:	7508 Smyrna Road
Owners:	John & Melanie Christerson
Applicant:	Rick Burnette
Jurisdiction:	Louisville Metro
Council District:	24 –Madonna Flood
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow an accessory apartment in an R-4 Zoning District and Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 2.46 acre property is located on the south side of Smyrna Road, west of Smyrna Elementary School and north of Outer Loop. The applicant is requesting to construct a 950 square foot accessory apartment for a family member. The proposal will be in the same location as the existing carport and attached to the main residence by a four foot breezeway. The applicant is asking relief from item B. of the listed requirements, since the accessory apartment will be 78 square feet more than the 30% of the 2,908 square feet of the floor area of the existing main residence, (950 square feet / 872 square feet). A two car garage is also proposed, but is not subject to the Conditional Use Permit.

STAFF FINDING / RECOMMENDATION

There are four listed requirements and all have been met, except item B. and the applicant is requesting relief.

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 established in the LDC for a Conditional Use Permit.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on September 23, 2019 and two people were in attendance. A neighbor drove the invitee to the meeting and once explained, the invitee was fine with the proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conflict with Comprehensive Plan policies.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding development. No exterior alterations to the existing structure or site are proposed.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities/facilities and by an existing septic tank. The proposal will not create substantial additional requirements for the site.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts up on the granting of a conditional use permit and compliance with the listed requirements. There are four listed requirements and all have been met.

A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises.

The property owners reside in the principal dwelling.

B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater.

30% of the floor area of the principal residence is 872 square feet. The accessory apartment is 950 square feet, 78 square feet more than allowed. The applicant is requesting relief from this listed requirement.

C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.

The proposed accessory apartment is one story.

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. **Neighborhood Form District** - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
 2. Traditional Neighborhood - at least one off-street space provided on the lot; and
 3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.
- The site is within a Neighborhood Form District and has parking in the circular driveway and the proposed two car garage.**

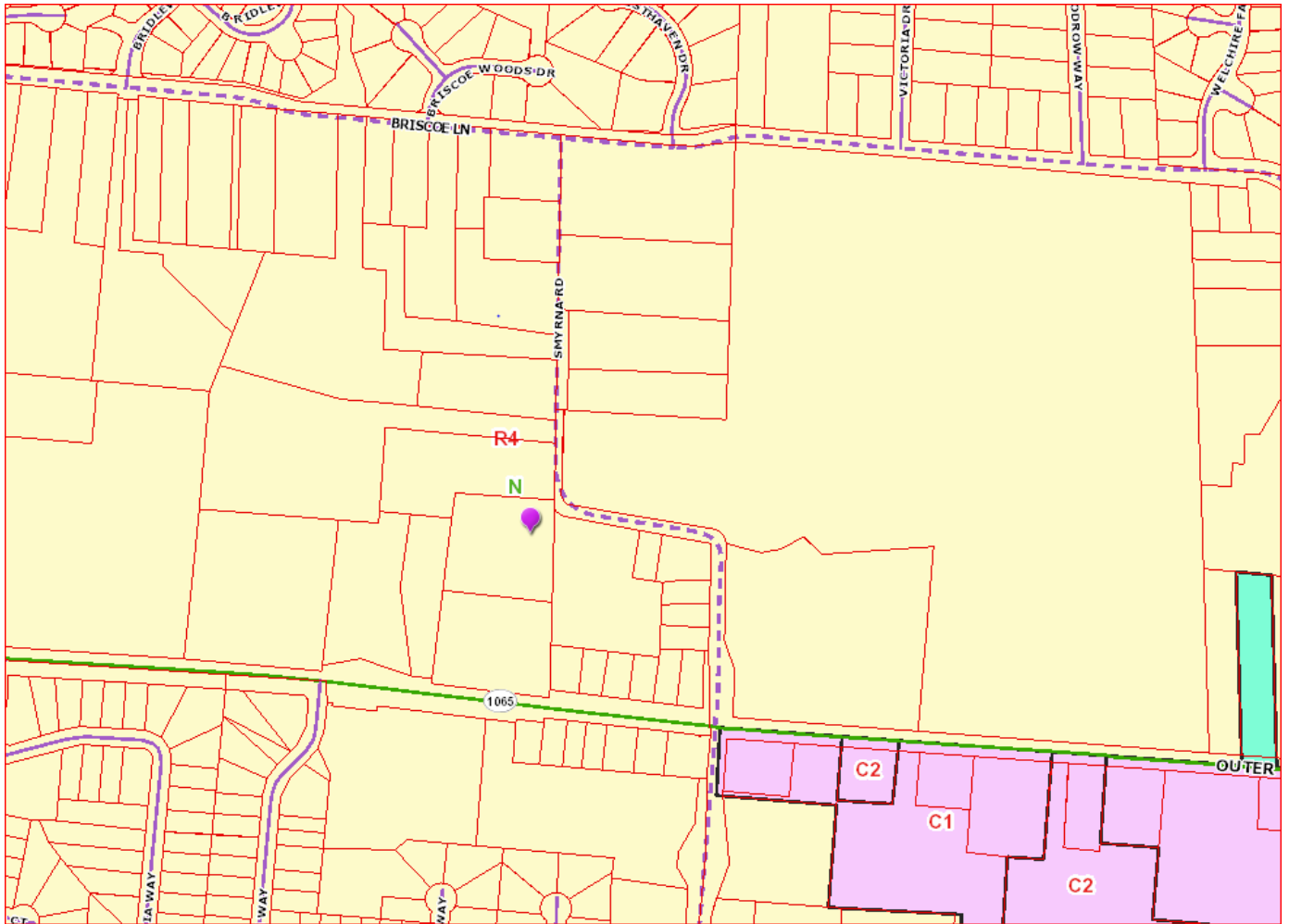
NOTIFICATION

Date	Purpose of Notice	Recipients
11/01/2019 10/30/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 25
11/01/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Site Plan
4. Neighborhood Meeting Minutes
5. Floor Plan
6. Elevations
7. Plan 2040 Checklist
8. Conditions of Approval

1. Zoning Map

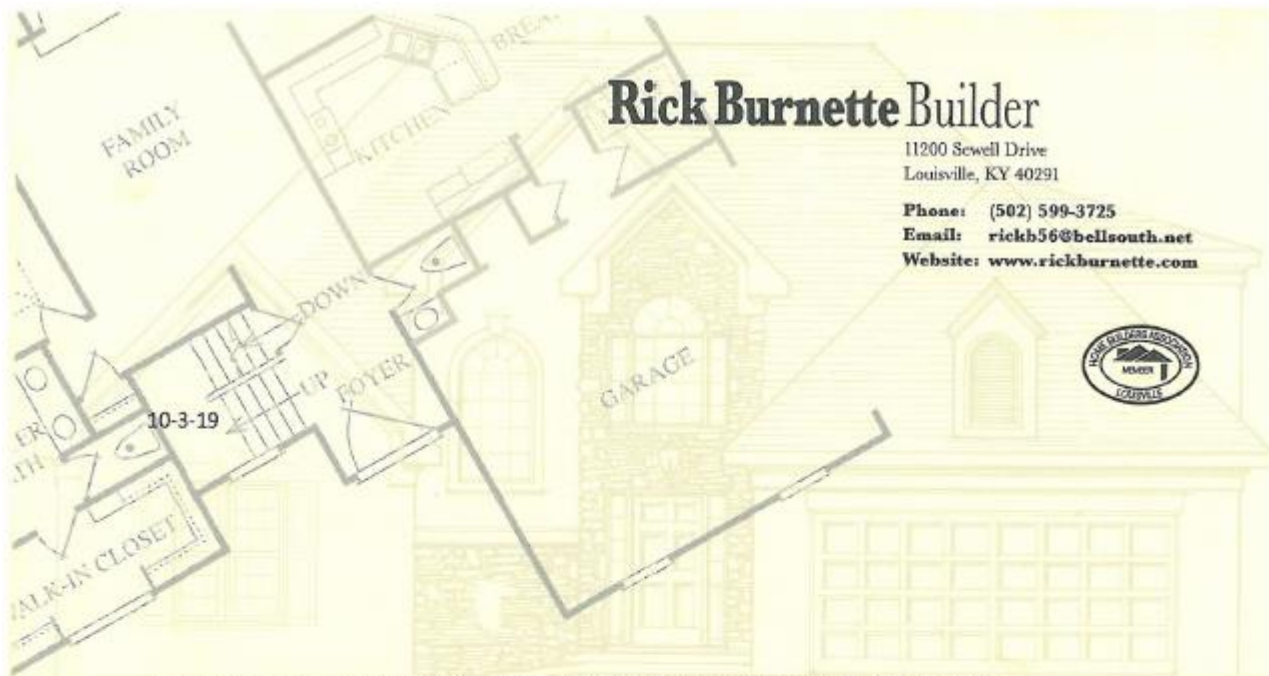


2. Aerial Photograph



Staff Site Plan





Rick Burnette Builder

11200 Sewell Drive
Louisville, KY 40291

Phone: (502) 599-3725

Email: rickb56@bellsouth.net

Website: www.rickburnette.com



Neighborhood meeting was scheduled for 9-23-19 at government center @ 7201 Outer Loop.

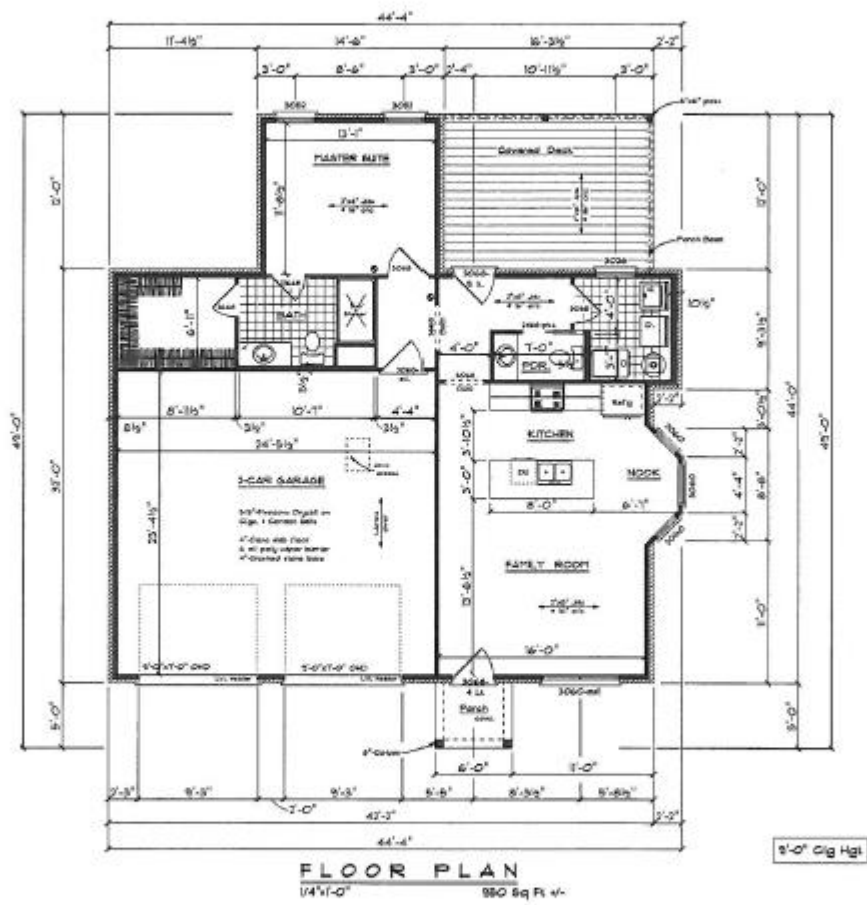
2 people attended. Dan Deane & Leona Hurst.

Mr. Deane is a neighbor of Leona Hurst & was only there to drive her to the meeting.

Mrs. Hurst was under the impression she needed to be there and really didn't have much concern one way or the other. I explained what we are proposing to build & she was fine with it.

Rick E. Burnette

RECEIVED
OCT 04 2019
PLANNING &
DESIGN SERVICES



3.

NOTE:
 Builder must verify all dimensions, changes and code compliance before starting construction

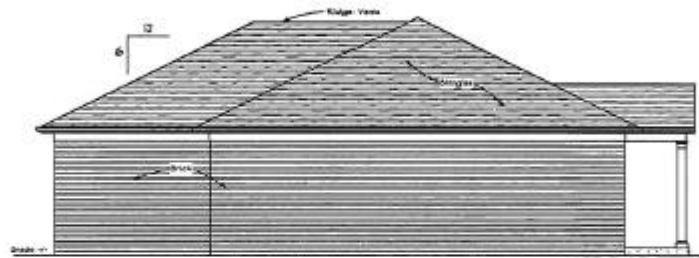


Each Residence
 Rick Burnette Builder
 502-598-3705

September 20, 2019

1.

1.



LEFT ELEVATION
W4V-D'



REAR ELEVATION
W4V-D'

4.

PLAN 2040 CHECKLIST

- + Meets policy
- Does not meet policy
- +/- Meets/does not meet some portion of policy
- NA Not applicable
- INS Addl information needed

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	+	The proposed accessory apartment is in scale and character of the existing house and surrounding area.
2.4	Plans, studies and strategies legislatively developed subsequent to the adoption of Plan 2040 supplement and represent the specific application of Plan 2040 goals, objectives and policies. Specific recommendations found in plans and strategies adopted after Plan 2040 are intended to take precedence over more general guidelines of the Comprehensive Plan.	NA	
2.5	Plans, studies and strategies adopted subsequent to Cornerstone 2020 but prior to Plan 2040 may continue to represent specific application of Plan 2040. The Planning Director or their designee shall make a formal determination in cases where the plan has not been re-adopted by the affected legislative body.	NA	
2.6	Plans, studies and strategies adopted prior to the adoption of Cornerstone 2020 shall not be used as official policy until such plans are updated and re-adopted. However, such plans, studies and strategies may be used for planning evidence if no update has been completed or adopted.	NA	
3.1.1	Downtown (1.3.1.1, page 40)		
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)		
3.1.3	Neighborhood (1.3.1.3, page 41)	*	
3.1.4	Village (1.3.1.4, page 41-42)		
3.1.5	Town Center (1.3.1.5, page 42)		
3.1.6	Regional Centers (1.3.1.6, page 42-43)		
3.1.7	Traditional Marketplace Corridor (1.3.1.7, page 43)		
3.1.8	Suburban Marketplace Corridors (1.3.1.8, page 43-44)		
3.1.9	Traditional Workplace (1.3.1.9, page 44)		
3.1.10	Suburban Workplace (1.3.1.10, page 44)		
3.1.11	Campus (1.3.1.11, page 44)		
3.1.12	Urban Center Neighborhood (1.3.1.10, page 44-45)		
3.1.13	Conservation (3.1.13, page 45)		

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	NA	
Housing: Goal 1			
1.	Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	+	Accessory apartment for a family member.
2.	Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	NA	
3.	Develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing.	NA	
Housing: Goal 2			
1.	Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	NA	
2.	Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	NA	
3.	Encourage the inclusion of residential uses above retail and office uses in mixed-use, multi-story buildings. Provide flexibility to allow live-work units.	NA	
Housing: Goal 3			
1.	Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.	+	Allows the family member to remain in the area and on their own property
3.	Encourage the use of innovative methods such as clustering, mixed use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	+	Allows the family member to remain in the area and on their own property
4.	Provide safe and affordable housing opportunities and related supportive services throughout Louisville Metro to serve the homeless population and those in need of housing, including but not limited to, rent assistance, transitional housing, and shelters. Allow for supportive housing to be available for individuals entering or re-entering society upon their exit from residential care facilities, correctional facilities, foster care or similar institutions.	NA	
5.	Promote and encourage the inclusion of design features that make housing safer and/or are known to help reduce crime (i.e. lighting, fences, front porches).	NA	

Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an accessory apartment without further review and approval by the Board.