

Board of Zoning Adjustment Staff Report

June 19, 2017



Case No:	16CUP1067
Project Name:	None - Accessory Apartment
Location:	1677 Trigg Avenue
Owners:	Herman Harris
Applicant:	Herman Harris
Representative(s):	Herman Harris
Project Area/Size:	575 square feet
Existing Zoning District:	R-5, Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Jon Crumby, Planning & Design Coordinator

REQUESTS

- Conditional Use Permit to allow an accessory apartment in an R-5 zoning district.
- To not add additional landscaping

CASE SUMMARY

The applicant is using the existing detached structure as an accessory apartment. The apartment is 575 square feet and has a bedroom, bathroom, living room, and eats in kitchen. The applicant purchased the property with both units on site and is trying to come into compliance with the Land Development Code.

SITE CONTEXT

The site is rectangular in shape and located on the north side of Trigg Avenue between Boone Street and Union Street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	R-5	N
Proposed	Residential/Accessory Apartment	R-5	N
Surrounding Properties			
North	Open Space	C-2	N
South	Residential	R-5	N
East	Residential	R-5	N
West	Residential	R-5	N

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

The applicant held a neighborhood meeting. One person attended the meeting and had no problems with the request.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. Guideline B.2 (Community Form), the proposal preserves the existing grid pattern of streets, sidewalks and alleys. Guideline A. 23 (compatibility), setbacks and building heights are compatible with those of nearby existing developments. The applicant is proposing no new landscaping.

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

STAFF: The underlying use of the property shall remain the same (principle and accessory dwelling). As such, the proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, odor, drainage, lighting and appearance.

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

STAFF: MSD and Transportation Planning have approved the proposal. The Louisville Fire District #4 did not comment on the proposal.

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

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 upon the granting of a conditional use permit and compliance with the listed requirements. The applicant will be asking for relief of item A. and D.

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 applicant resides at 1681 Trigg Avenue.**

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.

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.

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; **the site has three off-street parking spaces and all are located 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.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

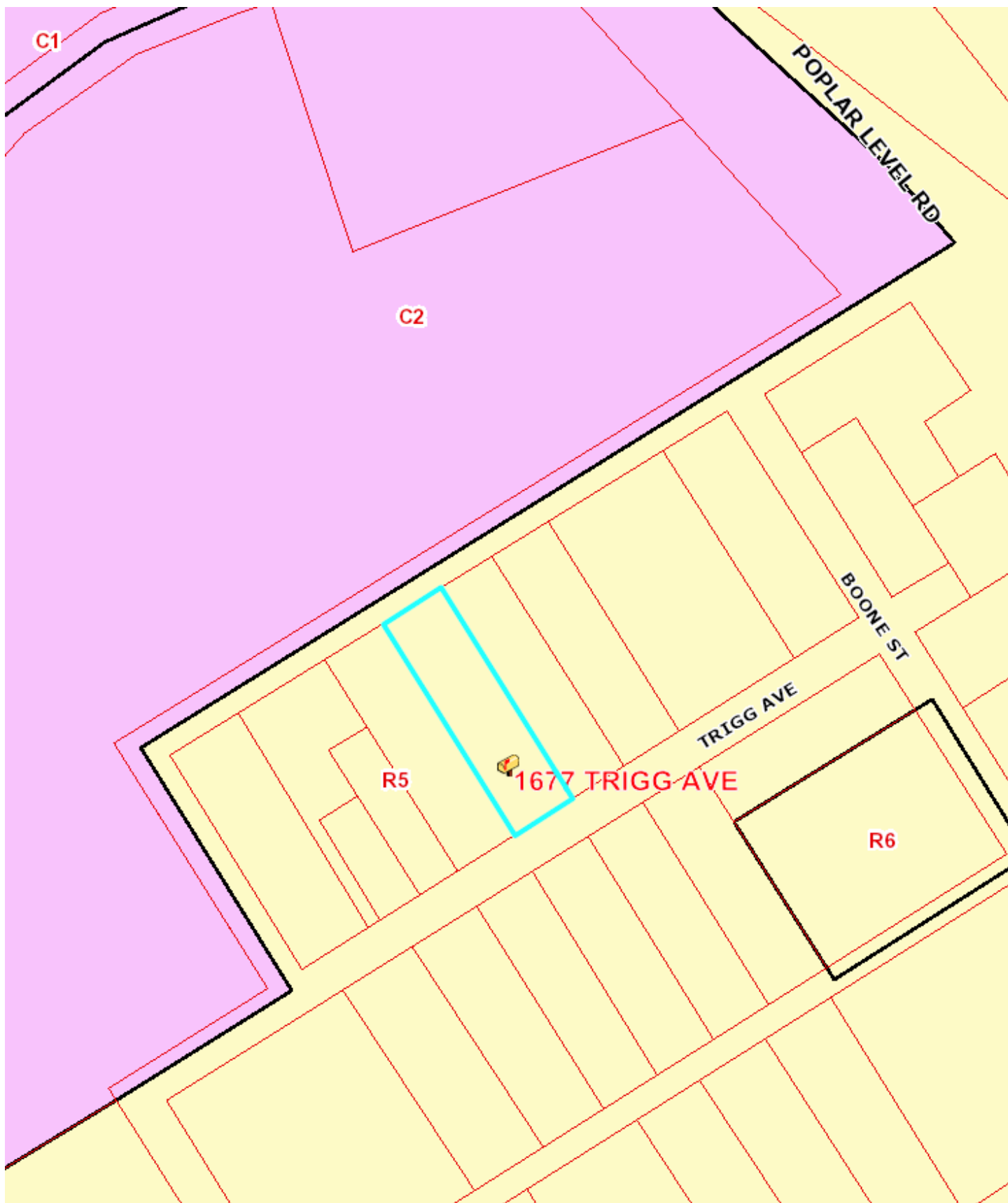
NOTIFICATION

Date	Purpose of Notice	Recipients
6/2/17	APO Notice	First and second tier property owners
6/2/17	Sign Posting	Subject property

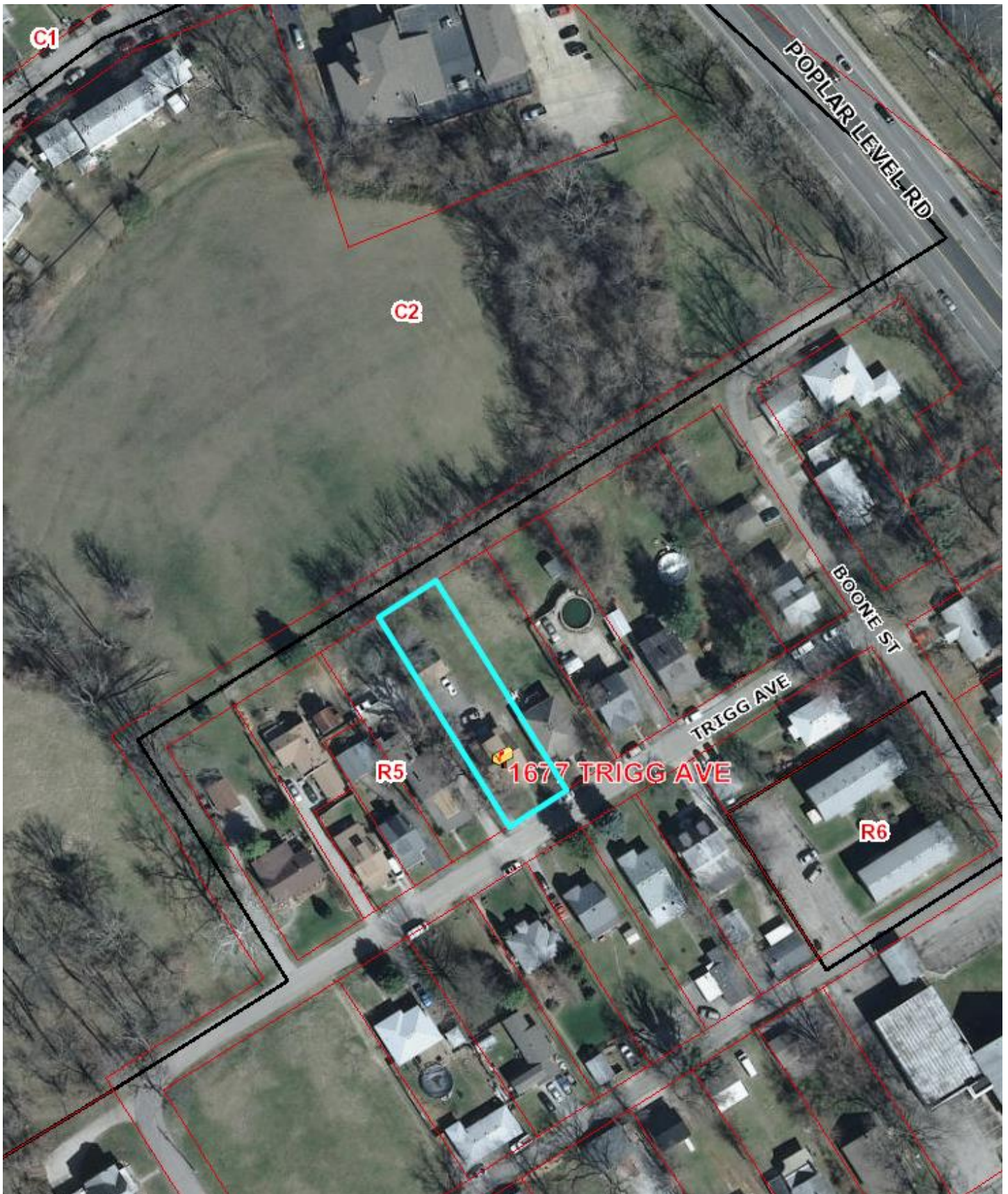
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. 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