

Board of Zoning Adjustment Staff Report

June 6, 2016



Case No:	16CUP1007
Project Name:	None
Location:	4931 South 4 th Street
Owner(s):	Elvia Gonzales
Applicant(s):	Elvia Gonzales
Representative(s):	Elvia Gonzales
Project Area/Size:	400 square feet
Existing Zoning District:	R-5, Residential
Existing Form District:	TN, Traditional Form District
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUESTS

- Conditional Use Permit for an accessory apartment in an R-5 zoning district.
- Not add additional landscaping

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing the use the existing detached garage as an accessory apartment for her sister. The garage will consist of a small bedroom, kitchen, bathroom, and living room and will be approximately 400 square feet. The existing residence is approximately 850 square feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	TN
Proposed	Residential Single Family/Accessory Apartment	R-5	TN
Surrounding Properties			
North	Residential Single Family	R-5	TN
South	Residential Single Family	R-5	TN
East	Residential Single Family	R-5	TN
West	Residential Single Family	R-5	TN

PREVIOUS CASES ON SITE

B-16120-11 An application for a variance from the Land Development Code to allow a house addition to encroach into the required side yard. This proposal was approved on August 1, 2011.

INTERESTED PARTY COMMENTS

Staff received a letter and several phone calls from an adjacent property owner.

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 policies of the Comprehensive Plan. No new lighting will be added. Parking is provided adjacent to the detached garage.

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 land use is compatible with the existing development of the area including such factors as height, bulk, scale, noise, odor, drainage, dust, 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: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. Metro Public Works has approved the preliminary development plan.

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

There are four requirements for an accessory apartment 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.
- 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;
 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

- All technical review comments have been addressed.

STAFF CONCLUSIONS

Based upon the information in the staff report, 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 Conditional Use Permit established in the Land Development Code.

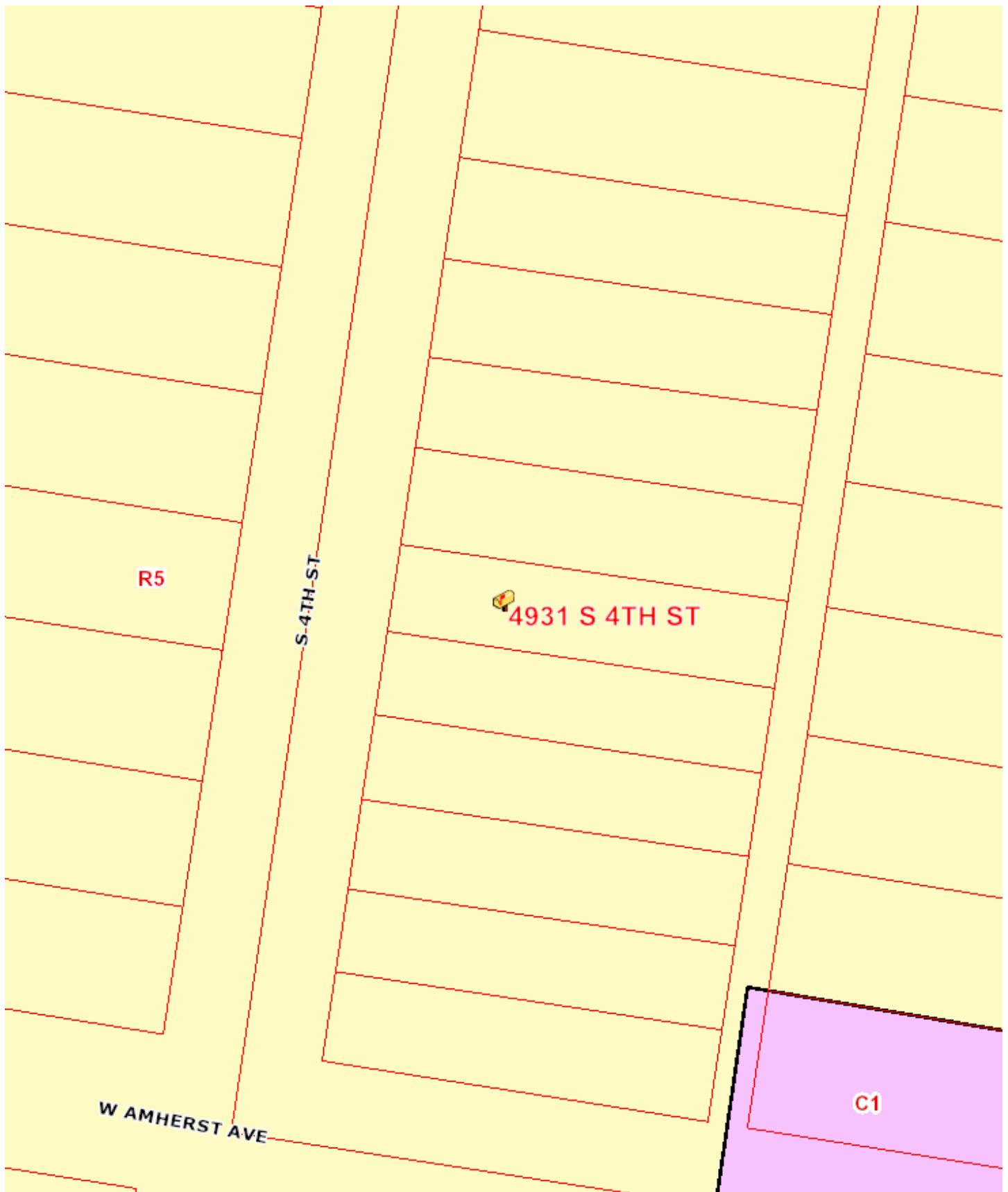
NOTIFICATION

Date	Purpose of Notice	Recipients
5/20/16	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Subscribers of Council District 21 Notification of Development Proposals
5/23/16	Hearing before BOZA	Sign Posting on property

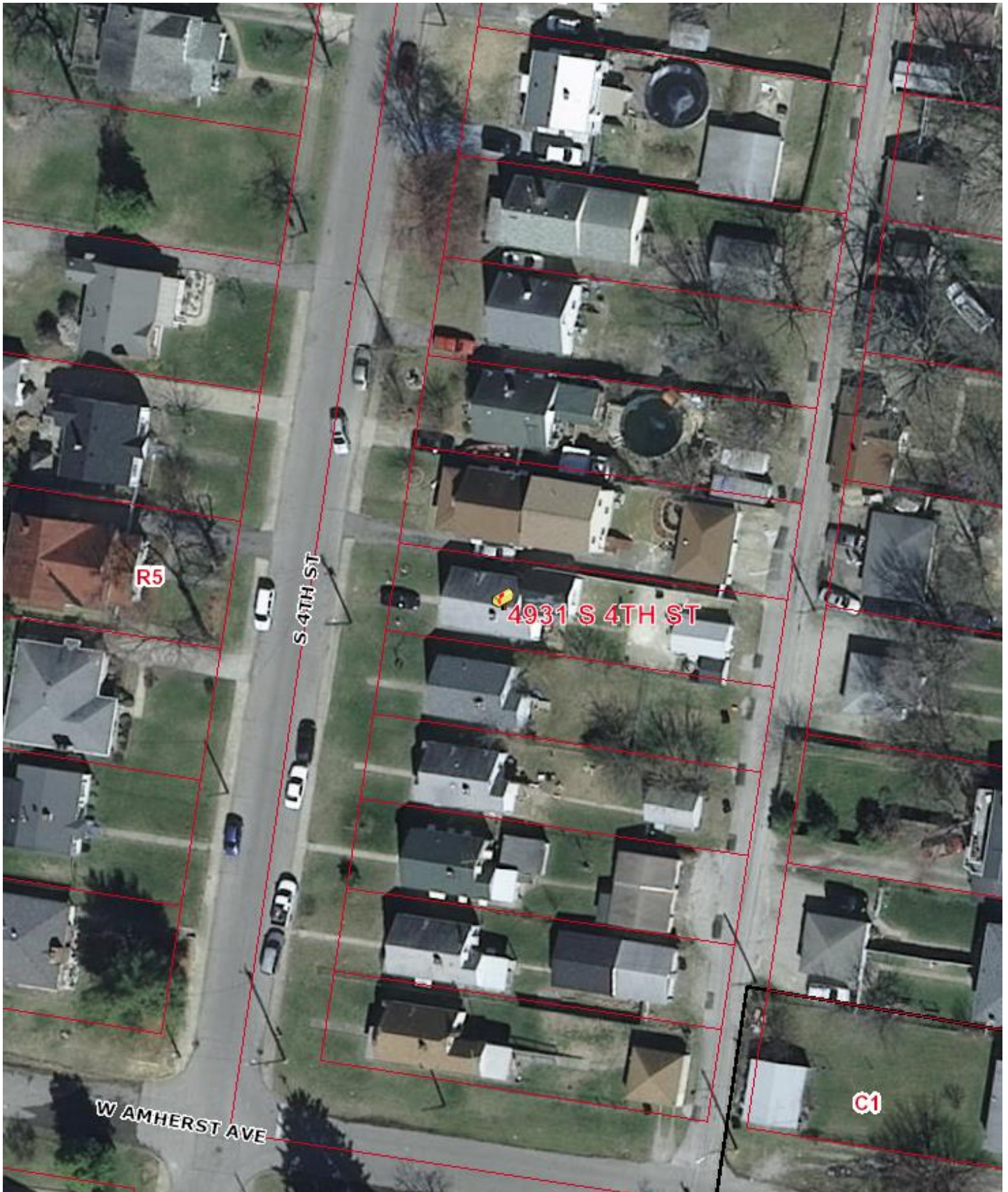
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Justification Statement
3. Neighborhood Meeting
4. Site Plan
5. Proposed Conditions of Approval for CUP

1. Zoning Map



2. Aerial Photograph



I am Elvia Gonzalez. i live on 4931 S 4Th St.Louisville.Ky.40214 , and

Below is my purpose to turn my garage into a small apartment.

The reason why I want and i need to do this, is because I have a sister who was operated with colon cancer and she needs a place to stay, my sister has no more family just me, and legally is under my protectio. as I have nothing to offer i thought i would enable the garage of my house so that she would be comfortable. my sisters disease, along with psychologist and psychiatric treatment, has made my sister disabled and she is helped by social security, but without the help of money, just disability, she cannot work. she can not do physical effort and occasionally loses her memory and can not be alone on the street, she can not pay rent. I want to see my sister to be happy at least, and to make her not feel like a burden to me, the only thing she gets is help with food and health.

I ask you to please accept this proposal, because I would not like to see my sister in the hospital with depression again. She is my only family I have in this country besides my children.

i hope you understanding.

Sincerely:

Elvia Gonzalez

RECEIVED

APR 18 2016
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RECEIVED

APR 18 2016
FEB 29 2016
DESIGN SERVICES
DESIGN SERVICES

16 CUP 1007

Neighborhood Meeting Notification

DATE SENT: 04-09-2016

TO:

Adjoining Property Owners of Elvia Gonzalez

Address/Location of Site 4931 South 4th Street

Neighborhood Group Representatives expressing interest in this area, and

Dan Johnson, Metro Councilperson for 21 District

FROM:

Elvia Gonzalez, Developer (s)

RE:

Development Proposal for Property located at

4931 South 4th Street

DATE: 04-09-2016- 4PM.

A proposal to develop

Accessory Apartment in the existing detached garage

will be submitted for property located at

4931 South 4th Street

The existing use on this site is

Residential House

NEIGHBORS IN ATTENDANCE

<u>Name</u> (Optional)	<u>Address</u>	<u>Zip Code</u>	<u>Phone #</u>
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OK with me → Kendall Stone 4923 S 4th St 40214 502/639-4400

OPPOSED DOROTHY FRANK 4924 S 3rd ST 40214 502 895-8917

OPPOSED MARCIA FARV 4924 S 3rd ST 40214 502-318-0303

Only for the Virginia Rasmussen 4926 S 3rd 40214 502-338-4340
Sister, Other

OP - Amy Van Shuman 4924 S 4th 40214 502-963-3794

Lien & Nguyen 2925 S 4th ST 40214 - they approve, but they will be out of state.

Ramon Ramirez 4915 S 4th ST 40214 - He approve but he is working.

She is working
↓

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Mary Anne Copeland
4918 S 4th St
Louisville, KY 40214

Crumbie, Jon

From: Rundfrun <rundfrun@aol.com>
Sent: Saturday, April 09, 2016 8:27 PM
To: Crumbie, Jon
Subject: 16CUP1007 Neighborhood meeting update

Mr. Crumbie,

This is Dorothy Frank, owner 4924 and 4924 1/2 So Third St reporting on the neighborhood meeting at 4931 So. 4th St. this afternoon April 9, 2016. The only attendees were:

Macia Parr, my tenant; Jenny, next door neighbor to my house (assume 4926 So. 3rd St); her sister who lives in that building, and a couple from two doors north on 4th St.

The neighbor couple signed that it was OK with them, Jenny signed it was OK IF there was assurance that only the sister would stay there (even after I explained that there could not be a qualifier of that nature); Jenny's sister declined to vote, stating that her sister was the owner and could speak for her; Marcia Parr and I signed as opposed. Mrs. Gonzalez and her son were in attendance.

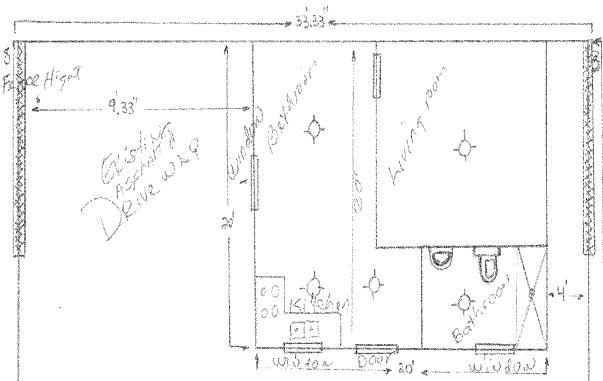
I was surprised that the building, while looking like a garage on the outside, was a completed apartment. I'm not certain but it looks as though this structure has never been used as a garage.

I explained to the attendees that while I had compassion for the Gonzalez sister, that block of 4th St is already densely populated with many small houses set very close to each other. If this apartment is allowed, it will set a precedent that you could not refuse to allow others to add an apartment to their single residences. The population could quickly double, triple even more.

I would like to add that the Gonzalez's have not demonstrated that they are exemplary neighbors. When they tore the original old garage down, they left the wreckage just sitting by the alley until someone complained and they finally got it taken away. The old garage door they put on the new apt/garage is an eyesore AND completely unusable since it is dry walled on the inside. There was also an incident with a dog. Their house is poorly painted with the top of the front not well covered and the front color just brought around the side until it looks like they just ran out of paint. Also there is a poorly maintained additional building between the house and the apartment/garage. An old wrecked car was sitting in the back yard. I cannot see that granting this apartment will in any way improve the neighborhood.

If I can be of assistance in anyway, please contact me. Also, please contact me concerning subsequent actions concerning this subject.

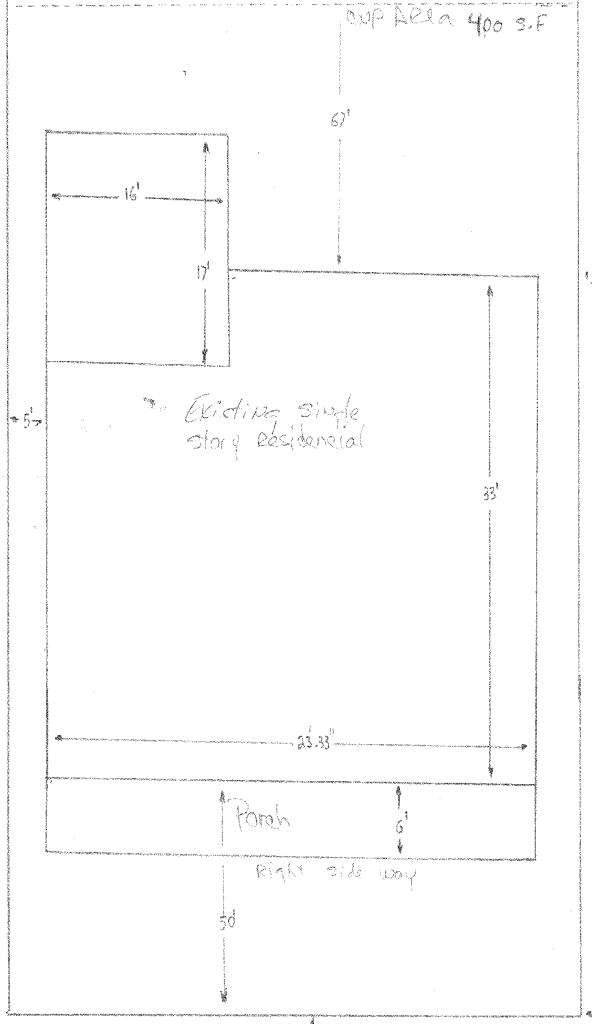
Dorothy Frank
rundfrun@aol.com
502 550-2171



cup Area 400 S.F

VARIETY MAP

Note
 1. MSD
 Sanitary Dept.
 approval required
 prior to
 building
 permit.



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Street Center Line

4' side walk (right of way) 139' x 14" = 38'

16 CUP 1007

16CUP1007

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.