

Board of Zoning Adjustment Staff Report

Date: 2/1/2016



Case No:	15VARIANCE1085
Project Name:	2025 Baringer Avenue
Location:	2025 Baringer Avenue
Owner:	Dennis Hesthaven
Applicant:	Shane Karimi
Representative:	Shane Karimi
Project Area/Size:	.011550 acres
Existing Zoning District:	R5B, Residential
Existing Form District:	Traditional Neighborhood (TN)
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Ross Allen, Planner I

REQUEST

- Variance from section 5.4.1.E.2 of the Land Development Code to allow a proposed new garage to exceed the maximum setback from an alley.

Location	Requirement	Request	Variance
Rear Alley Garage Setback	5' feet	3' feet	2' feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to build a new garage that does not meet the minimum rear yard setback of 5 ft. in at the rear of the property located at 2025 Baringer Ave.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Two-Family	R5B	Traditional Neighborhood (TN)
Proposed	Residential Two-family	R5B	Traditional Neighborhood (TN)
Surrounding Properties			
North	Residential Two-Family, Residential Multi-Family	R5B, R6	Traditional Neighborhood (TN)
South	Residential Two-Family	R5B	Traditional Neighborhood (TN)
East	Residential Two-Family	R5B	Traditional Neighborhood (TN)
West	Residential Two-Family	R5B	Traditional Neighborhood (TN)

PREVIOUS CASES ON SITE

No known related zoning cases or enforcement actions have been associated with the subject property.

INTERESTED PARTY COMMENTS

No comments received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (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 since the applicant is proposing to build a new garage with a 3 foot rear yard setback rather than the required 5 foot rear yard setback. The new garage would have a similar setback to the adjacent garage in the alley.

- (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 since the proposed design has a Certificate of Appropriateness from the Urban Design Team and replaces a former garage.

- (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 since existing garages in the general vicinity appear to have less than the required 5 foot minimum rear yard setback.

- (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 since the applicant had previously had a garage on site.

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 does not arise from a special circumstance which does not generally apply to land in the general vicinity or the same zone since other garages along the alley have similar setbacks.

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: 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 because the applicant has only front street parking in a dense residential neighborhood.

3. The circumstances are 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.

TECHNICAL REVIEW

- None

STAFF CONCLUSIONS

The new garage is compatible with the surrounding properties. 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 standard for a variance established in the Land Development Code.

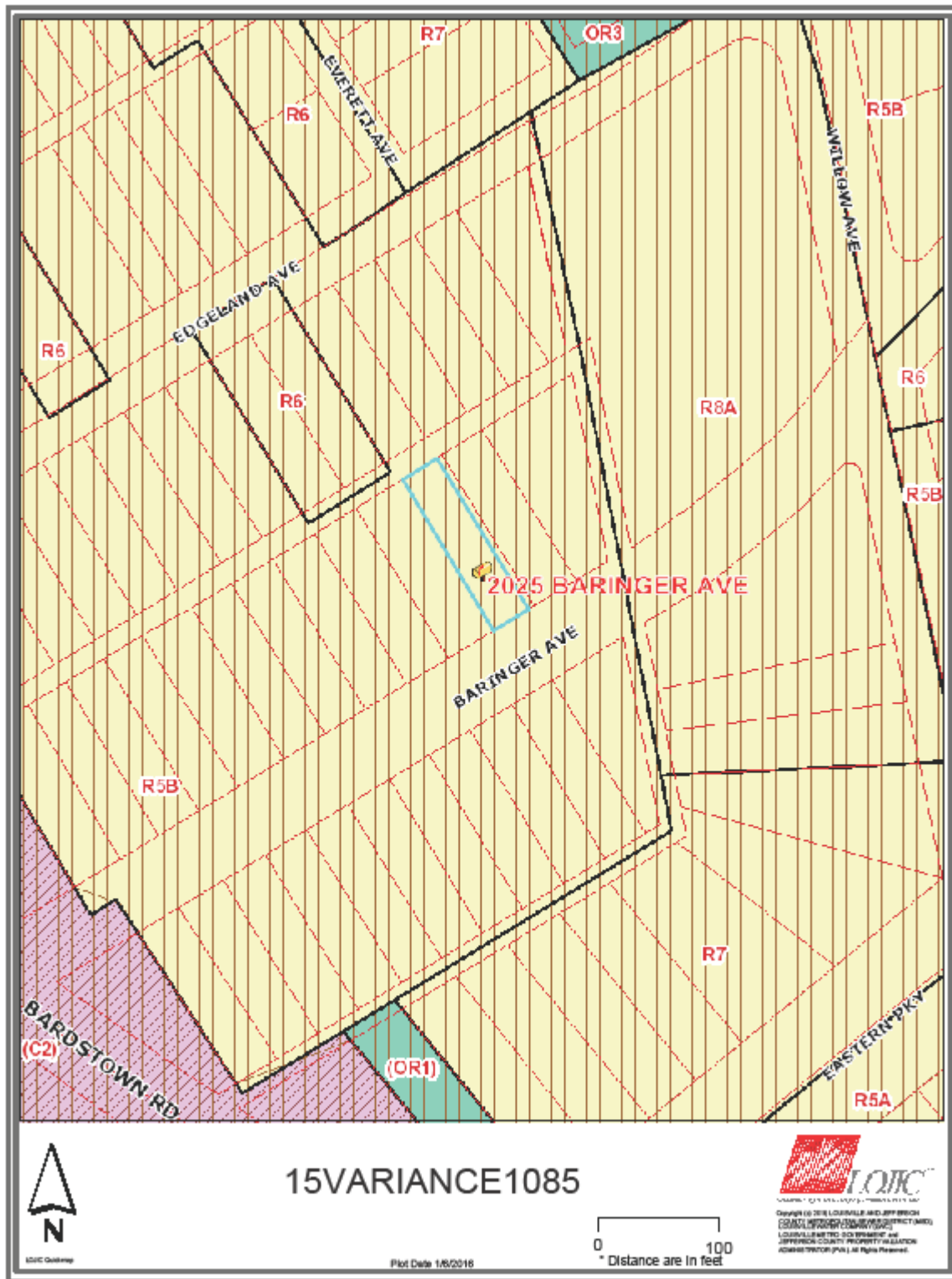
NOTIFICATION

Date	Purpose of Notice	Recipients
Jan. 15, 2016	APO Notice	1 st tier adjoining property owners Neighborhood notification recipients
Jan. 15, 2016	Sign Posting on property	

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Certificate of Appropriateness (COA)
4. Site Inspection Photos

1. Zoning Map



2. Aerial Photograph



3. Certificate of Appropriateness (15COA1225)



**Historic Landmarks and Preservation Districts
Commission**

Certificate of Appropriateness

To: Shane Karini
Thru: Bob Keesaer, AIA, NCARB, Landmarks Supervisor
From: Savannah Darr, Historic Preservation Specialist
Date: October 29, 2015

Case No: 15COA1225
Classification: Staff Review

GENERAL INFORMATION

Property Address: 2025 Baringer Avenue

Applicant: Shane Karini
Purofirst Disaster Services
2251 Stanley Gault Parkway
Louisville, KY 40223
502-777-0690
shkari01@gmail.com

Owner: Dennis Hesthaven
2025 Baringer Avenue
Louisville, KY 40204
502-494-6074
hesthavend@stifel.com

Architect/Design: Shane Karini

Contractor: TBD

Estimated Project Cost: \$30,000

Description of proposed exterior alteration:

The applicant requests approval to construct a 22' by 30' frame garage on the alley behind the main house. The previous garage was demolished by past homeowners. The remaining concrete pad will be removed and repoured for the garage, which will be aligned with the neighbor's garage. The proposed garage will be covered with vinyl siding. The north elevation, which will face the alley, will

contain two single garage doors (7' x 10'). Both doors will be C.H.I. doors (model no. 2250) that have articulated panels. A 2' apron will be poured from the garage to the alley. The east and west elevations will not contain any windows or doors. The south elevation will contain a Steel Man pedestrian door (model no. 3068). The hipped roof will be clad in asphalt shingles and contain ogee gutters to match the main house. The applicant will also construct a 1' tall retaining wall, which will run along the back side of the garage. The wall will be built from a Belgard Diamond Pro wall block. The rear yard is slightly higher in elevation than the garage area and runoff is an issue. The wall will not be visible from the alley.

Communications with Applicant, Completion of Application

The application was received on October 23, 2015. The application was considered complete and needing staff review on October 26, 2015.

FINDINGS

Guidelines

The following design review guidelines, approved for the Cherokee Triangle Preservation District, are applicable to the proposed exterior alterations: **Garage, New Construction, and Site**. 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 R5B zoned property in the Traditional Neighborhood Form District is located on the north side of Baringer Avenue four lots west of Willow Avenue. The single-family home is a two-and-a-half-story masonry Craftsman. The surrounding homes are also two and three-story Craftsman style masonry homes.

Conclusions

The project generally meets the design guidelines for **Garage, New Construction, and Site**. The 22' by 30' frame garage will be similar to others that are in the alley. The hipped roof matches the Craftsman style of the houses and garages, and the vinyl siding will complement that style. The retaining wall will not be visible from the alley and will help with erosion issues in the rear yard. **Staff recommends that the applicant use windows to break up the wall surface, but this is not a requirement.**

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. Vinyl siding shall be smooth face clapboard style not dutchlap.
2. Vinyl siding shall have a 3 or 4" exposure.
3. Historic concrete mix shall be used for garage apron (see attached).
4. Should the design change, the applicant shall contact staff.

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.

Savannah Darr
Historic Preservation Specialist

Date

4. Site Inspection Photos



Side yard looking towards rear alley (looking NW)



Side yard looking towards Baringer Ave. (looking SE)



Rear yard looking towards the alley (looking NE)



Looking from the alley at the rear yard (looking SE)



Looking down the alley (looking west)