

Board of Zoning Adjustment Non-Hearing Staff Report

December 1, 2014



Case No:	14VARIANCE1091
Project Name:	Arnett's Garage
Location:	265 Haldeman Avenue
Owner(s):	David & Stacy Arnett.
Applicant(s):	Owners
Representative(s):	Owners
Project Area/Size:	616 sq. ft.
Existing Zoning District:	R-5, Residential Single Family
Existing Form District:	Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	9 – Tina Ward-Pugh
Case Manager:	Regina Thomas – Associate Planner

REQUESTS

- Variance to allow the proposed detached garage to encroach into the require rear yard and to exceed the maximum accessory use area.

Location	Requirement	Request	Variance
Private Yard	4,158 sq. ft.	1,160 sq. ft.	2,998 sq. ft.
Accessory Use Area	60 feet	118 feet	58 feet

CASE SUMMARY

The applicant is proposing to construct a detached 616 square foot garage located approximately midway of the lot. The one story two car garage will be constructed of asphalt shingles and vinyl siding matching the décor of the existing home. The lot has a private access alley running through it providing garage access to adjoining properties. The rear of the lot from the private alley to the rear property line is sloped with heavy trees and brush.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Residential Single Family	R-5	Traditional Neighborhood
Proposed	Residential Single Family	R-5	Traditional Neighborhood
<i>Surrounding Properties</i>			
North	Single Family Residence	R-5	Traditional Neighborhood
South	Single Family Residence	R-5	Traditional Neighborhood
East	Metro Park	R-1	Traditional Neighborhood
West	Institute	R-7	Traditional Neighborhood

SITE CONTEXT

The site is rectangular in shape fronts on Haldeman Avenue with a private alley running across the center of the lot. The property abuts residential uses to the south and north. A park is located to the east and the Kentucky School for the Blind is located to the west of the property. The house sits atop a hill with a gradual slope eastward from the rear of the house, but the slope levels off for the private alley and continues the gradual slope to the rear property line towards the park. From the private alley to the rear property line is heavily wooded.

PREVIOUS CASES ON SITE

14COA1207-CL – The applicant received approval from the Clifton ARC board to construct a new 22’X28’ 2 ½ car garage and install a 6’ tall white vinyl privacy fence on the north side property line.
(See attached report of the Architectural Review Committee)

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will allow private vehicles and yard equipment to safely be stored from public access or view along the private alley.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The garage will be constructed in compliance of the approval from the Clifton ARC that it may remain in character of the general vicinity.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will allow the applicant to provide a more secure and safe environment by constructing a garage to house vehicles and store lawn equipment.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The layout and condition of the rear of the property will not allow the applicant to construct a garage without reconstructing the rear of the lot. The lots terrain was created prior to the ownership of the current owners.

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 site is largely sloped and heavily treed rear which is not suitable for any type of construction.

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: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the lot has such a steep hill side at the rear of the lot an economic hardship would incur on the owners if the variance is not granted.

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 owner not responsible for the layout of the lot.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

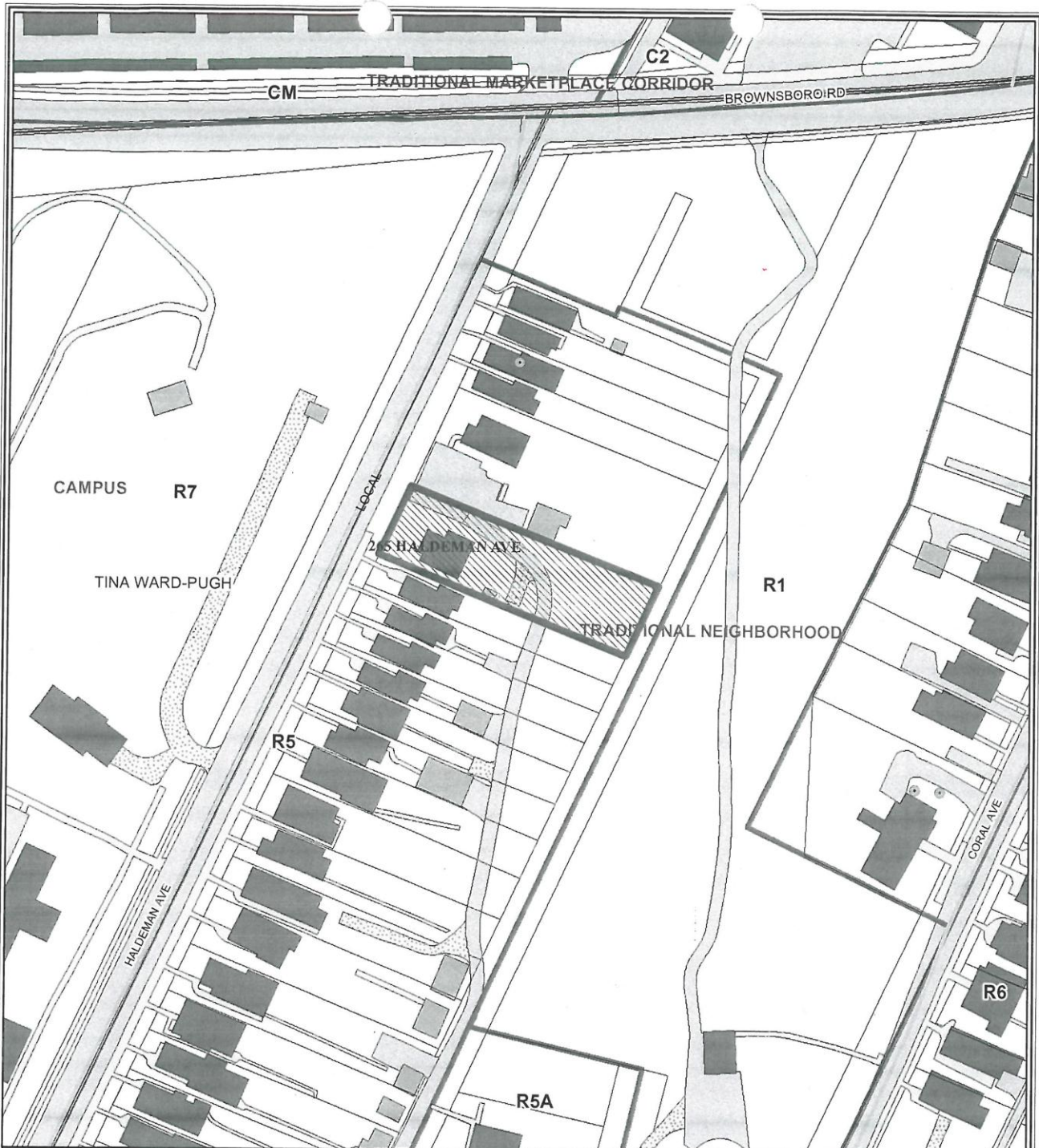
The construction of the detached two-car garage will be compatible to the existing neighborhood and has been reviewed and approved by the Clifton ARC Committee. The layout of the lot prevents the garage from being constructed in any other location on the lot. Its design and location will be consistent with the existing garages in the neighborhood. Also it will be constructed by the guidelines of the building regulations.

NOTIFICATION

The applicant received the required signatures of the adjacent property owners.

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Site Plan
4. Applicants Justification
5. Elevation Drawings
6. Photos
7. Clifton ARC Staff Report



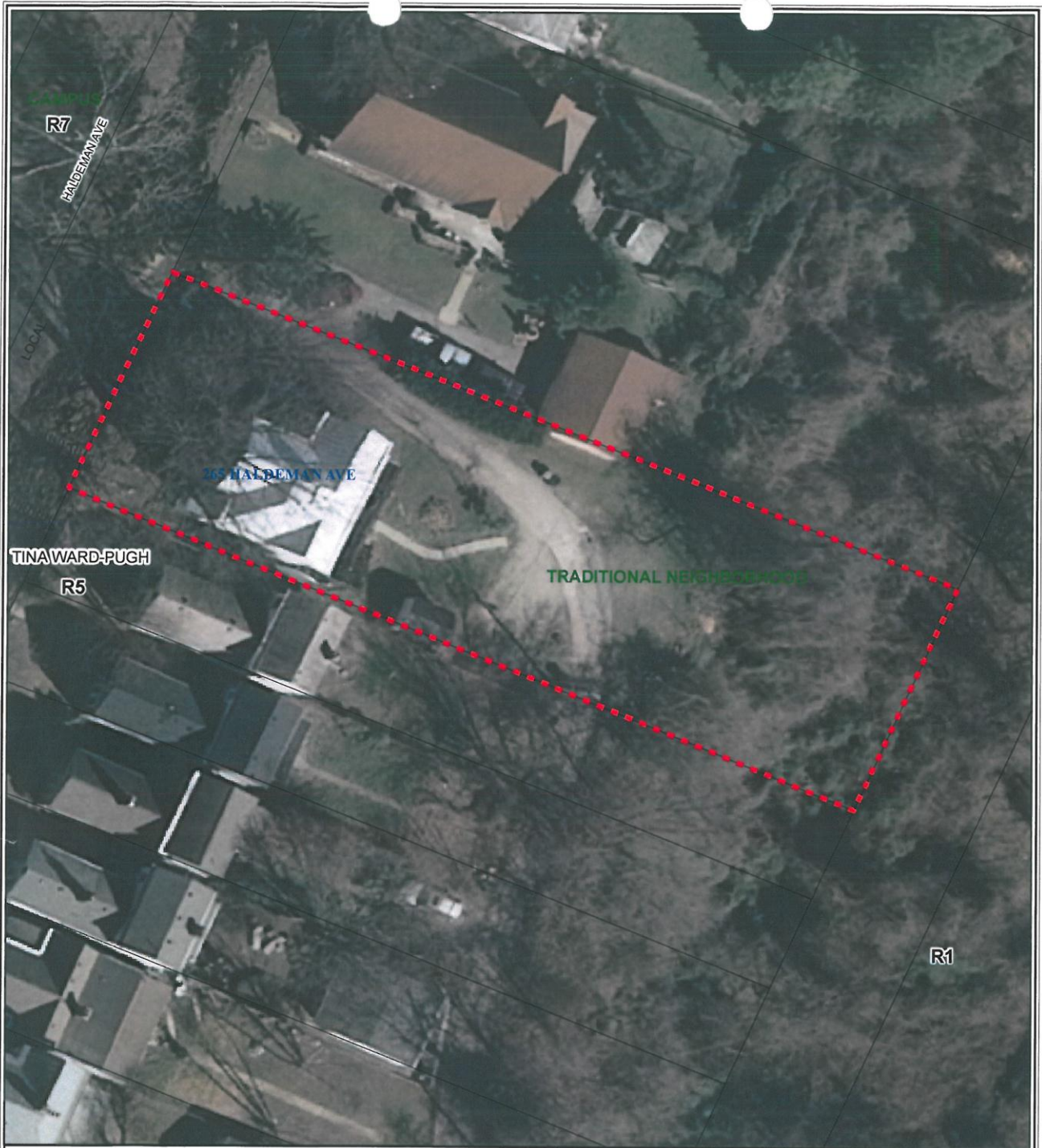
R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	



Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

**14VAR1091
 VARIANCE**
 Scale: 1:1338 Date: 10/13/2014





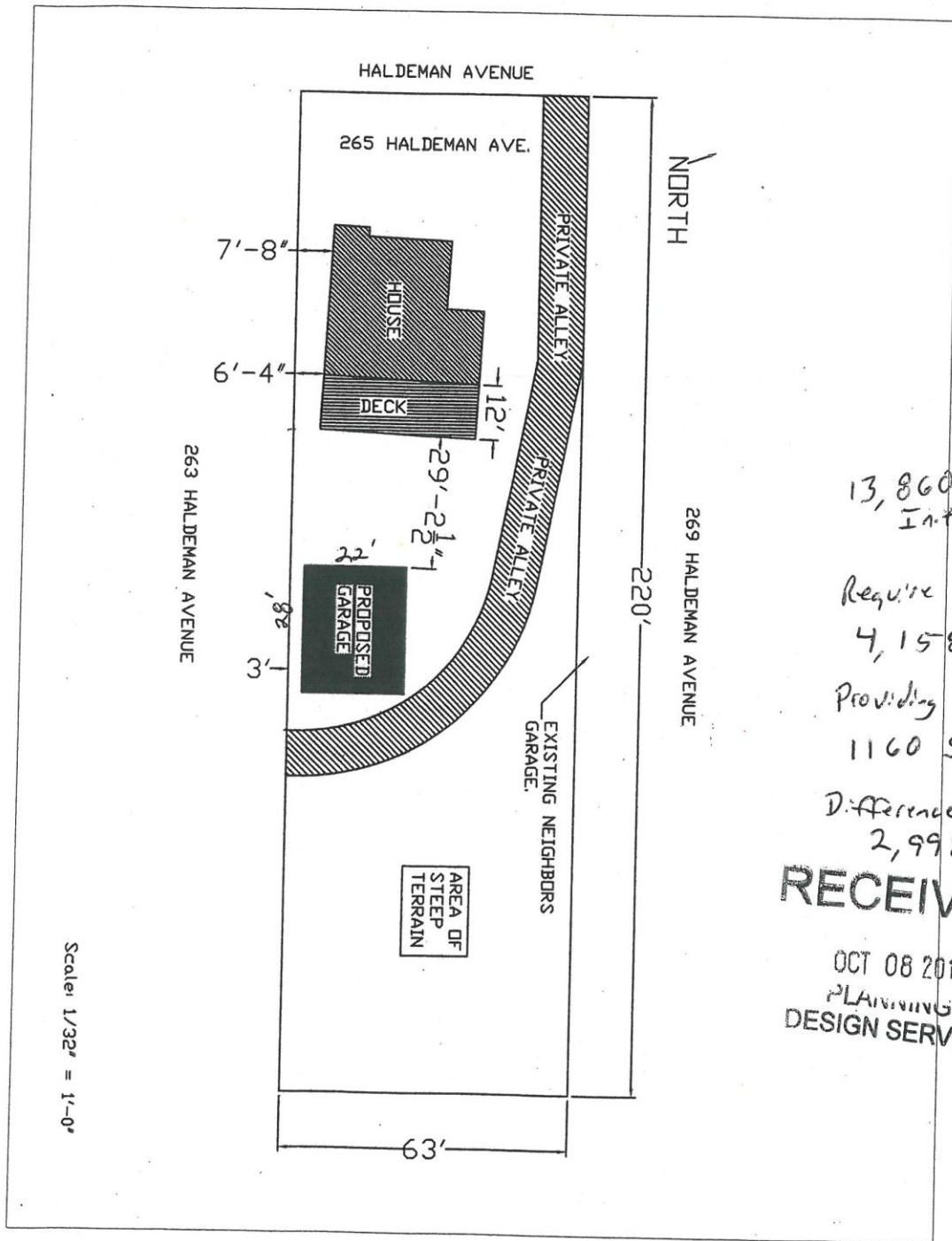
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Zoning District Map
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**14VAR1091
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 Scale: 1:422 Date: 10/13/2014





13,860 sqft
Initial lot

Require private
4,158

Providing
1160 sqft

Difference
2,998 sqft

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Additional Information

1. Reasons that the granting of the variance:

a) Will not adversely affect the public health, safety or welfare.

The proposed garage constructed in the rear yard of 265 Haldeman Avenue will be built and inspected using the current building code and Clifton's design criteria for accessory structures. The garage will provide secure storage for two vehicles and lawn equipment. The structure will be built to provide a secure parking and storage area along with increasing the property value.

b) Will not alter the essential character of the general vicinity.

The proposed garage will enhance the general vicinity providing cohesiveness between the primary structure and the garage.

c) Will not cause a hazard or a nuisance to the public.

The proposed garage will provide a safe and secure area for equipment and vehicles.

d) Will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The approval of the garage located in the rear of 265 Haldeman Avenue will not unreasonably circumvent the requirements of the zoning regulations. Given the steep terrain in the rear of the lot and the placement of the private alley the garage will still continue to be in line with the other garages in the alley.

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2. Additional considerations.

a) Whether the variance arises from special circumstances, which do not generally apply to land in the general vicinity; (Please specify/identify)

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The variance is being requested because the garage location proposed at 265 Haldeman Avenue does not meet the Land Development Code. The owners are requesting a reduction in the private yard area and an increase in the size of the accessory structure/use area. Please refer to chapter 5 part 4 D2 and E1.

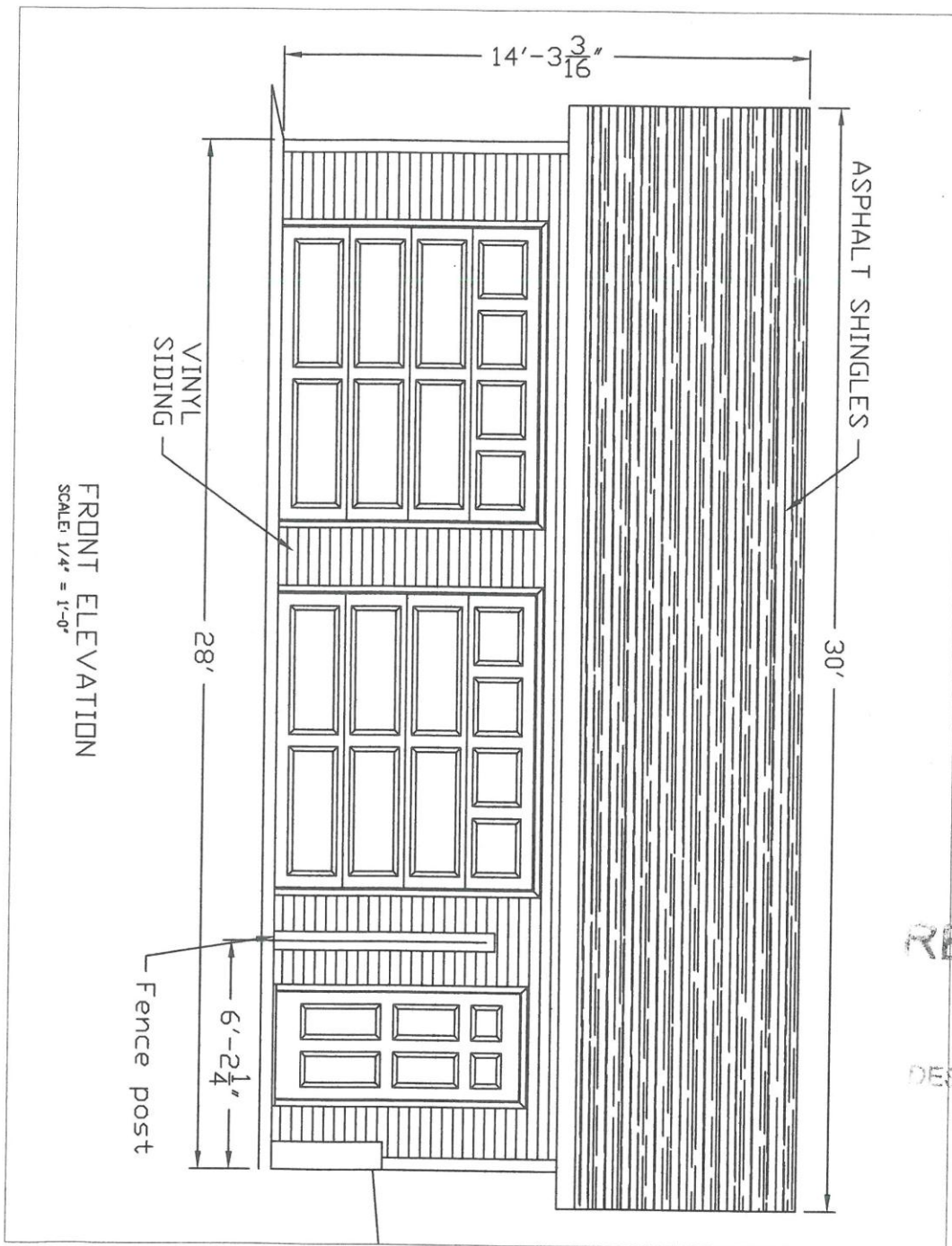
b) Whether the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship.

The current Land Development Code would deprive the owner of being able to build a garage without the approval of this variance. By requiring the garage to be built in rear of the yard on the steep hill side would create an economic hardship.

c) Whether the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought.

Relief from the current Land Development Code is being sought for the requirements in chapter 5 part 4.

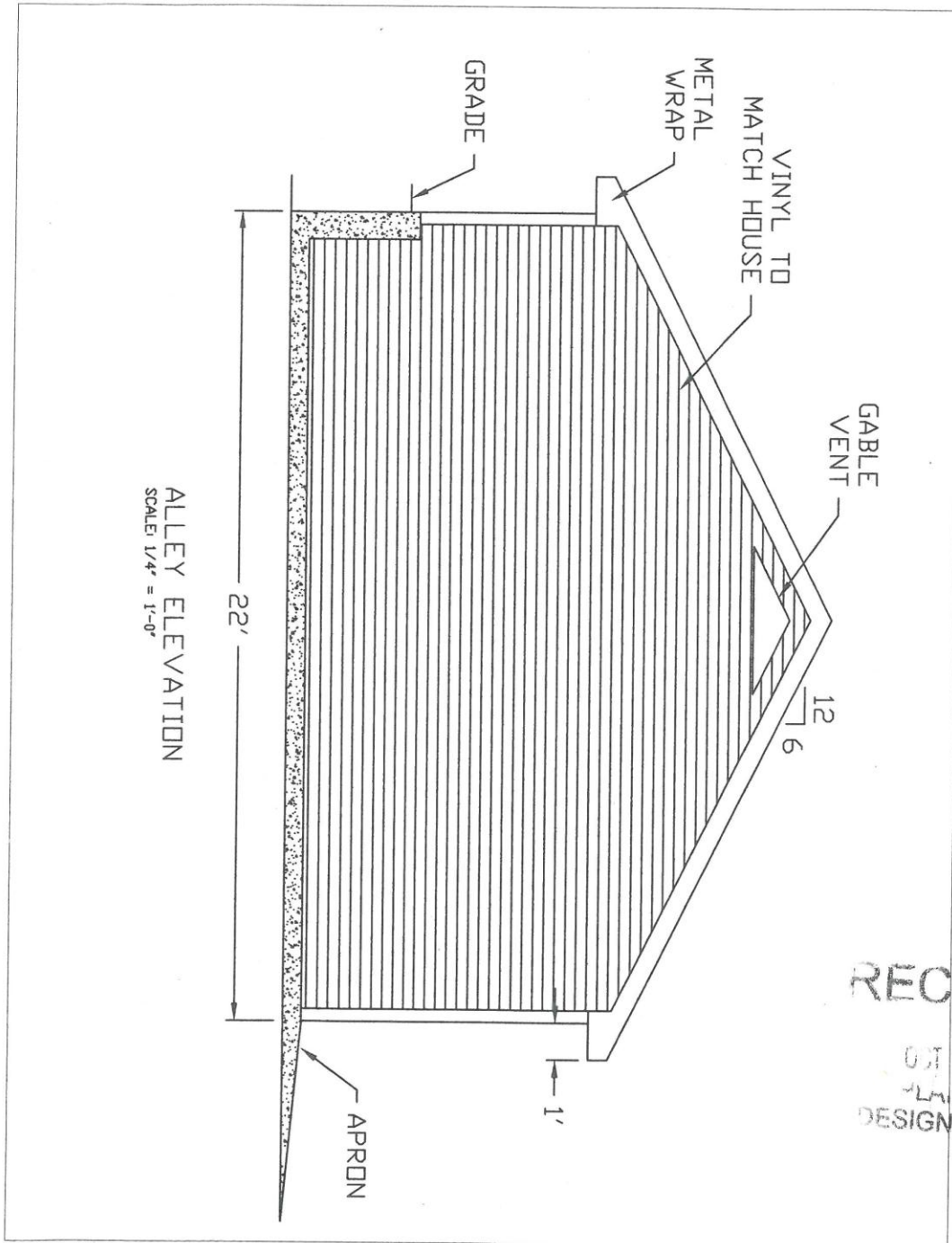
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FRONT ELEVATION
SCALE: 1/4" = 1'-0"

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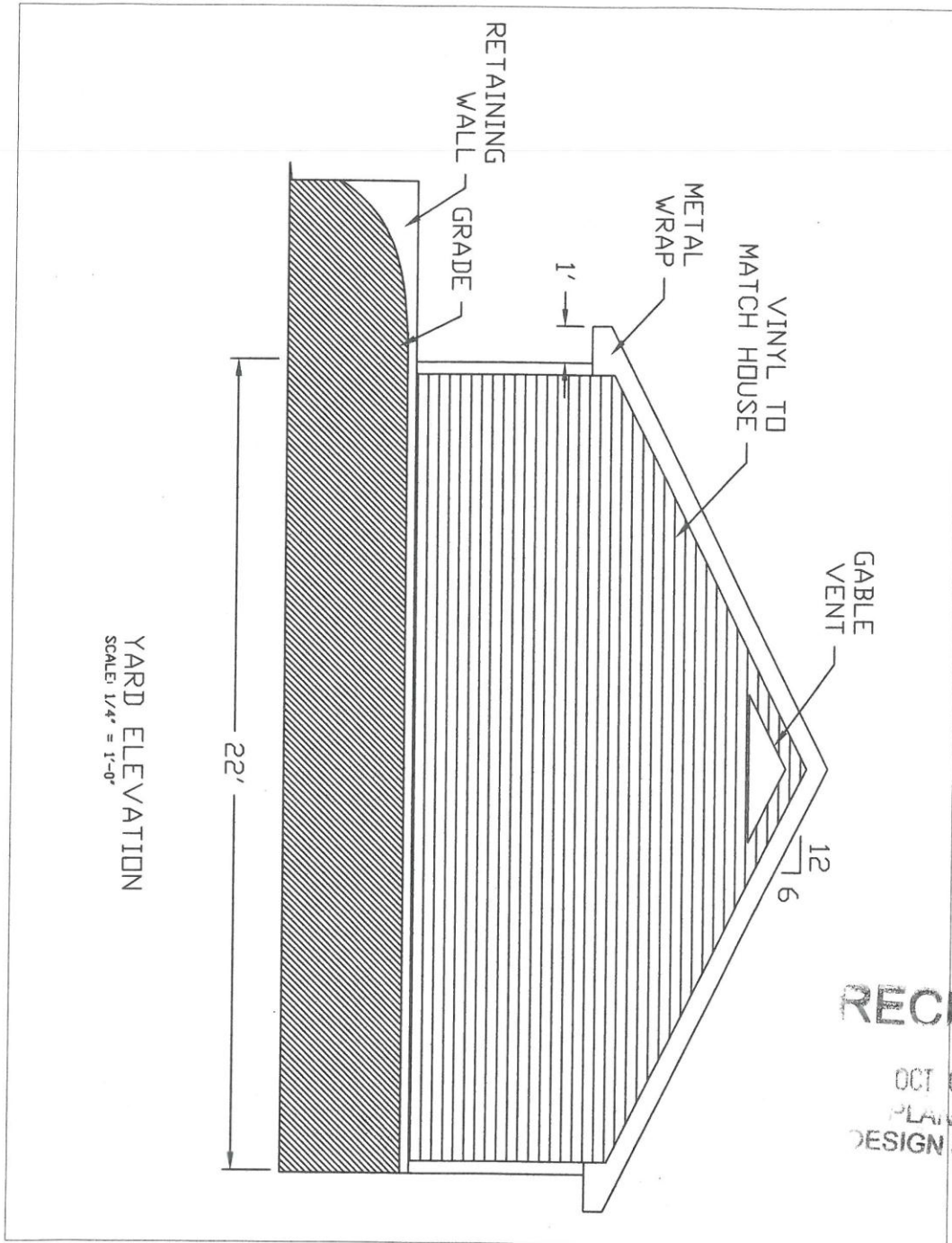


ALLEY ELEVATION
 SCALE: 1/4" = 1'-0"

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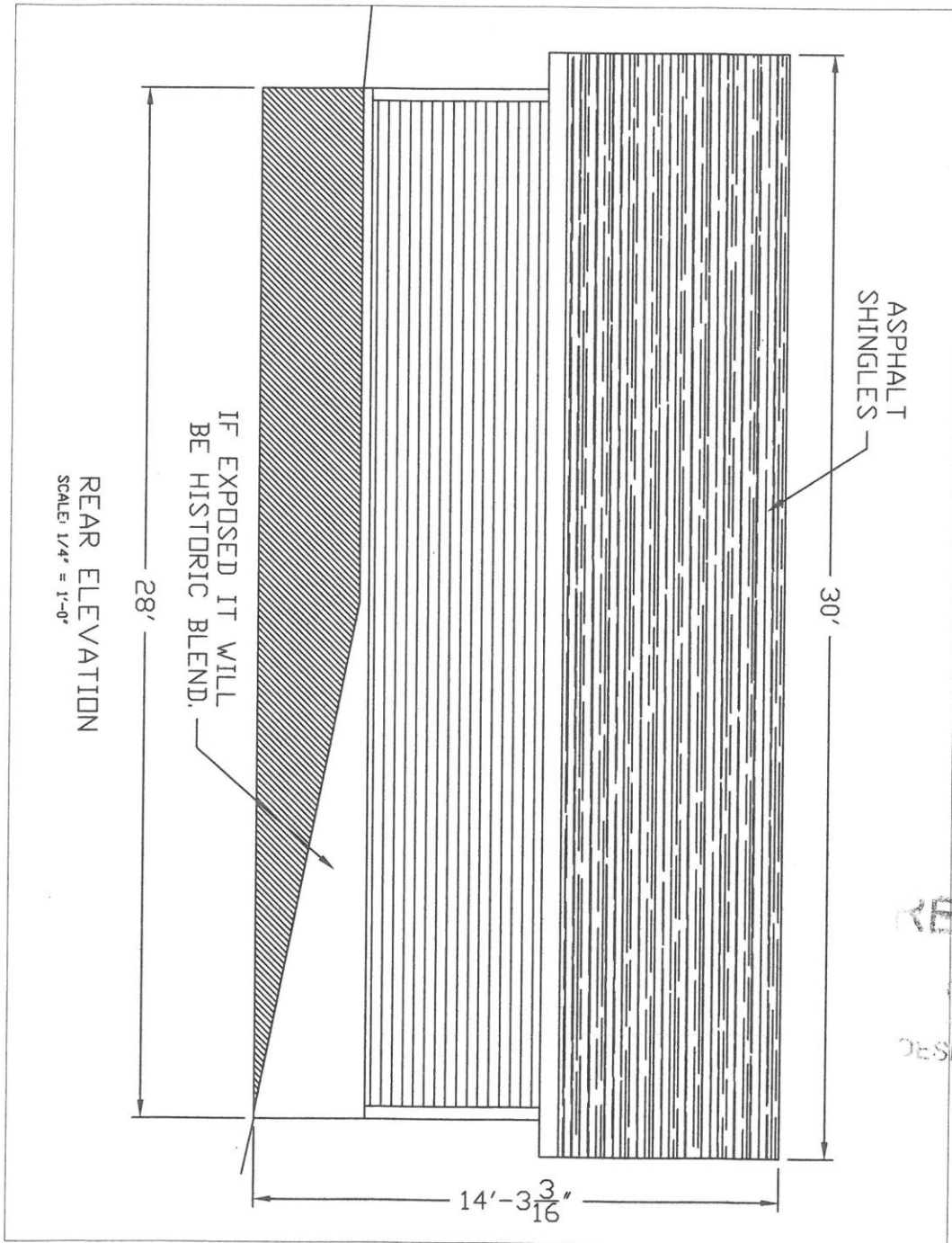
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**Historic Landmarks and Preservation Districts
Commission**

**Report of the Architectural
Review Committee**

To: Historic Landmarks and Preservation Districts Commission
Thru: Robert Keesaer, AIA, NCARB- Urban Design Administrator
From: Burcum Keeton, Architectural Projects Coordinator
Andrea Lauago, Associate Planner
Date: November 13, 2014

Case No: 14COA1207-CL
Classification: Committee Review

GENERAL INFORMATION

Property Address: 265 Haldeman Avenue

Applicant: David Arnett
265 Haldeman Avenue
Louisville, Kentucky 40206
Arnett7702@gmail.com

Owner: Same as Applicant

Architect: N/A

Contractor: TBD

Estimated Project Cost: \$10,000

Description of proposed exterior alteration:

The applicant seeks approval to construct a new 22'x28' 2 1/2 car garage and install a 6' foot tall white vinyl privacy fence on the north side. The new garage will have smooth-faced vinyl siding, 5" gutters, a 6/12 pitch gable roof with grey asphalt shingles. The north facing elevation will feature two single garage doors and a person door. The side elevations (facing the alley and yard) will feature a gable vent. The rear elevation will face the neighbor's privacy fence. The fence will be placed on the north side of the rear

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yard from the home to the garage along the private alley, enclosing the back yard and the person door of the garage.

Communications with Applicant, Completion of Application

The application was received on October 8, 2014. The application was determined to be complete and classified as requiring Committee Review on October 17, 2014. Staff contacted the applicant for additional site photos and information for the structure to be demolished.

The case was scheduled for a hearing at the regular meeting of the Clifton Preservation District Review Committee on November 12, 2014 with notice mailed not less than seven days before the meeting to the applicant and abutting property owners.

Committee members present were Scott Kremer, Chairman, Pam Vetter, Mike O'Leary, & Edith Nixon. The applicants and homeowners were also present. Neighbors from 241 and 223 Haldeman were also in attendance, and expressed their support of the proposed project.

Ms. Nixon made motion, seconded by Mr. O'Leary, to approve the application request, with conditions presented by Staff. Motion passed, with unanimous 4-0 vote.

FINDINGS

Guidelines

The following design review guidelines, approved for the Clifton Preservation District, are applicable to the proposed exterior alteration: **Demo, New Construction-Residential, Garage, Archaeology and Site**. The report of the Commission Staff's findings of fact and conclusions is attached to this report.

The following additional findings are incorporated in this report:

Site Context

The property is a double-lot on Haldeman across the street from the Kentucky School for the Blind and abutting Metro Parks property to the rear. The houses along this side of Haldeman Avenue are mainly wood frame single-story shotgun style houses and 1.5 to 2.5-story Victorian style houses. There are also Craftsman style houses interspersed throughout the block. The site is zoned R-5B (two-family residential) and is located within a Traditional Neighborhood Form District.

A private alley from Haldeman runs along the north side and through the middle of this property. Currently, there is a small shed structure in the rear yard between the home and the alley. Several other homes on Haldeman have garages accessible from the private alley.

Background

The 1928-1941 Sandborn map shows an accessory structure for this property. When compared to a Logic basemap, the location and shape of the structures are not exactly the same. The applicant has also provided evidence that the existing shed is not the original accessory structure that was on the property (see attached email).

Past Approved Case- 14COA1055 for a rear porch roof and deck

Conclusions

The proposed projects meet the Clifton Guidelines for **Demolition, New Construction, Garage, Archaeology and Site**. The shed is not a historic building. The new garage will be made of materials that match the primary structure and it is comparable to other garages in the area.

DECISION:

On the basis of the information furnished by the applicant, the Review Committee accepted the Staff's findings of fact, and approved the application for a Certificate of Appropriateness, **with the following conditions:**

1. That the finished side of the privacy fence faces out toward the alley.
2. That the vinyl siding for the garage is 4" horizontal-lap, smooth face and in a color that matches the home. 4" trim casing shall occur around all doors projecting at least 1/2" past the newly installed siding.
3. That any exposed cement block has a parge coating.
4. That all trash receptacles are screened or stored within the rear yard.
5. That half-round or ogee gutters are installed on the new garage.
6. That the garage doors are slightly recessed.
7. That any archaeological discoveries such as artifacts, features, and other archaeological deposits should be reported to Landmarks Commission staff.
8. That the new garage is constructed as per submitted drawings.

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.



Scott Bremer
Chairman, Clifton ARC



Date