

Board of Zoning Adjustment Non-Hearing Staff Report

November 16, 2015



Case No:	15Variance1075
Project Name:	New Garage
Location:	73 Valley Rd
Owner(s):	Vanessa L. Armstrong
Applicant:	Charlie Williams
Representative:	Charlie Williams
Project Area/Size:	0.1413
Jurisdiction:	Louisville Metro
Council District:	8-Tom Owen
Case Manager:	Laura Mattingly-Humphrey, Planner I

REQUEST

Variance request from the Land Development Code Section 5.4.1.E to allow a proposed garage to encroach into side and rear yard setbacks. Also a variance request from Section 5.4.1.D to allow a reduction in rear private yard area requirement.

Variance

Location	Requirement	Request	Variance
Private Yard	1846sf	1056sf	790sf
Side Yard (north)	3ft	1ft	2ft
Rear Yard	5ft	1ft	4ft

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to demolish an existing garage and construct a new detached garage on a single family parcel. The new structure will be a 2-story frame garage and storage space. This proposal requires 3 variances; a 790 SF reduction in private rear yard, a 2 foot reduction in the northwest side yard setback, and a 4 foot reduction in the rear yard setback.

This property is located in the Highlands neighborhood, southeast of the intersection of Barrett Ave and Castlewood Ave and on the east side of Valley Rd. It is surrounded on the west, east and south by R-3, single family homes and to the north by R-7, multi-family homes. The applicant has provided all the signatures necessary for a Non-Hearing.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Single-Family Residential	R-3	TN
Surrounding Properties			
North	Apartments	R-7	TN
South	Single-Family Residential	R-3	TN
East	Single-Family Residential	R-3	TN
West	Single-Family Residential	R-3	TN

PREVIOUS CASES ON SITE

B-105-03 – Variance for proposed addition to encroach into required side yard.

INTERESTED PARTY COMMENTS

None

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 variance will not adversely affect public health, safety or welfare as the proposed garage is in the rear of a private property and it does not obstruct any public right-of-way or the visibility of drivers or pedestrians.

- (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 as the size and configuration of residences in this area are a result of the shape and geography of the lots, resulting in an eclectic mix of sizes and styles. The proposed garage appears to be compatible to the primary residence as well as surrounding properties. In addition, the existing tree canopy is an integral part of the character of the neighborhood and will not be changed.

- (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 as the building addition is located at the rear of the property and intended for single family residential use only.

- (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 as the side yard and private rear yard reduction has been in place for a number of years. The proposed garage only slightly modifies the existing conditions.

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 arises from special circumstances as the site was developed before the current regulations; the current configuration of the lot does not allow strict application of the code.

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 as the garage design and location would have to be significantly altered.

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 construction of the new garage has created the circumstances which now require the applicant to seek relief to allow the private yard area and the side yard setback to be reduced.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

All adjoining property owners have signed in approval of the proposed variances; the variances appear to be adequately justified; and the Standard of Review has been met. Based upon the information in the staff report, the Board of Zoning Adjustments must determine if the proposal meets the standards for approving the variance.

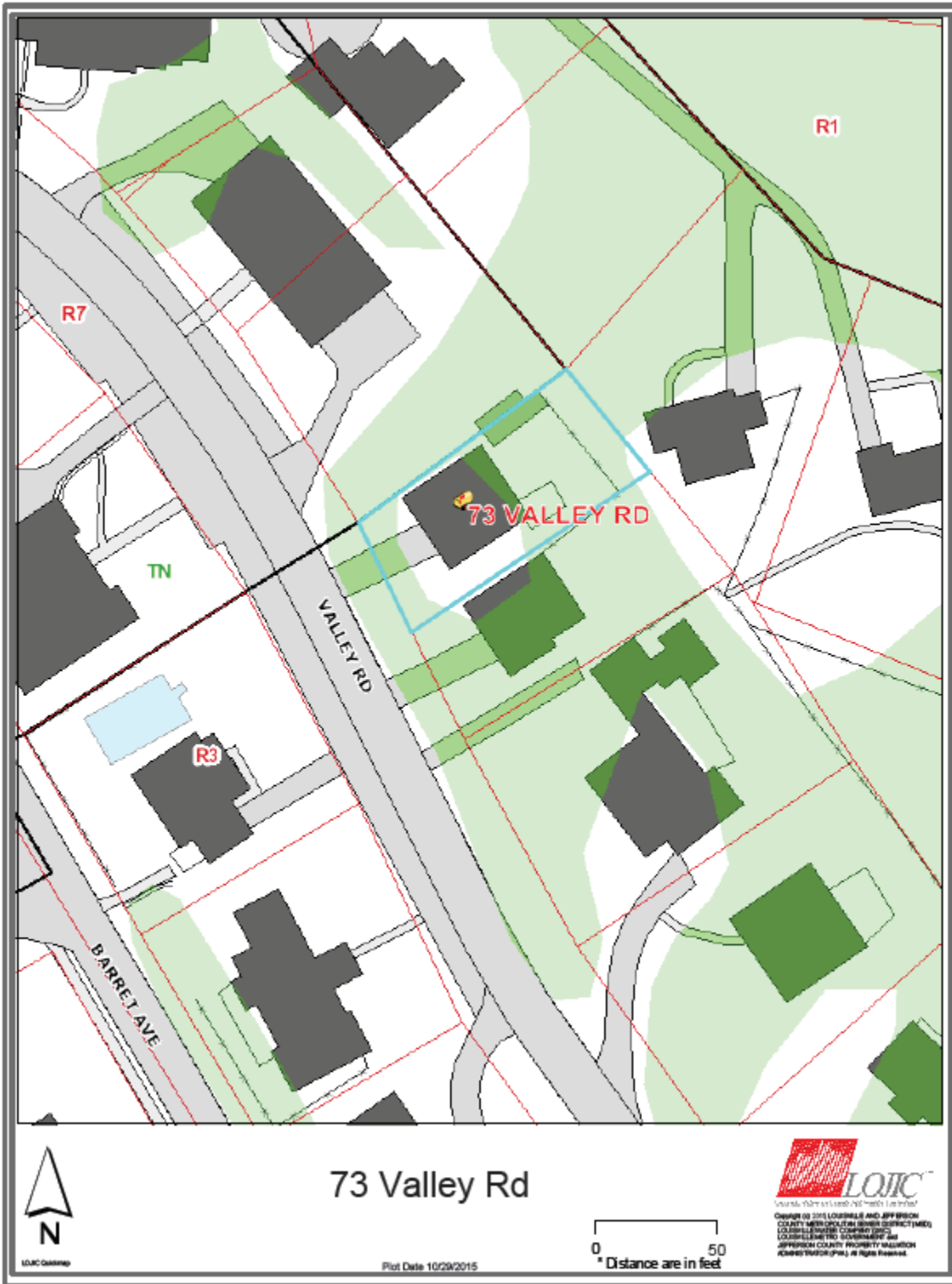
NOTIFICATION

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

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photographs
6. Applicant's Justification Statement
7. Adjoining Property Owner Signatures

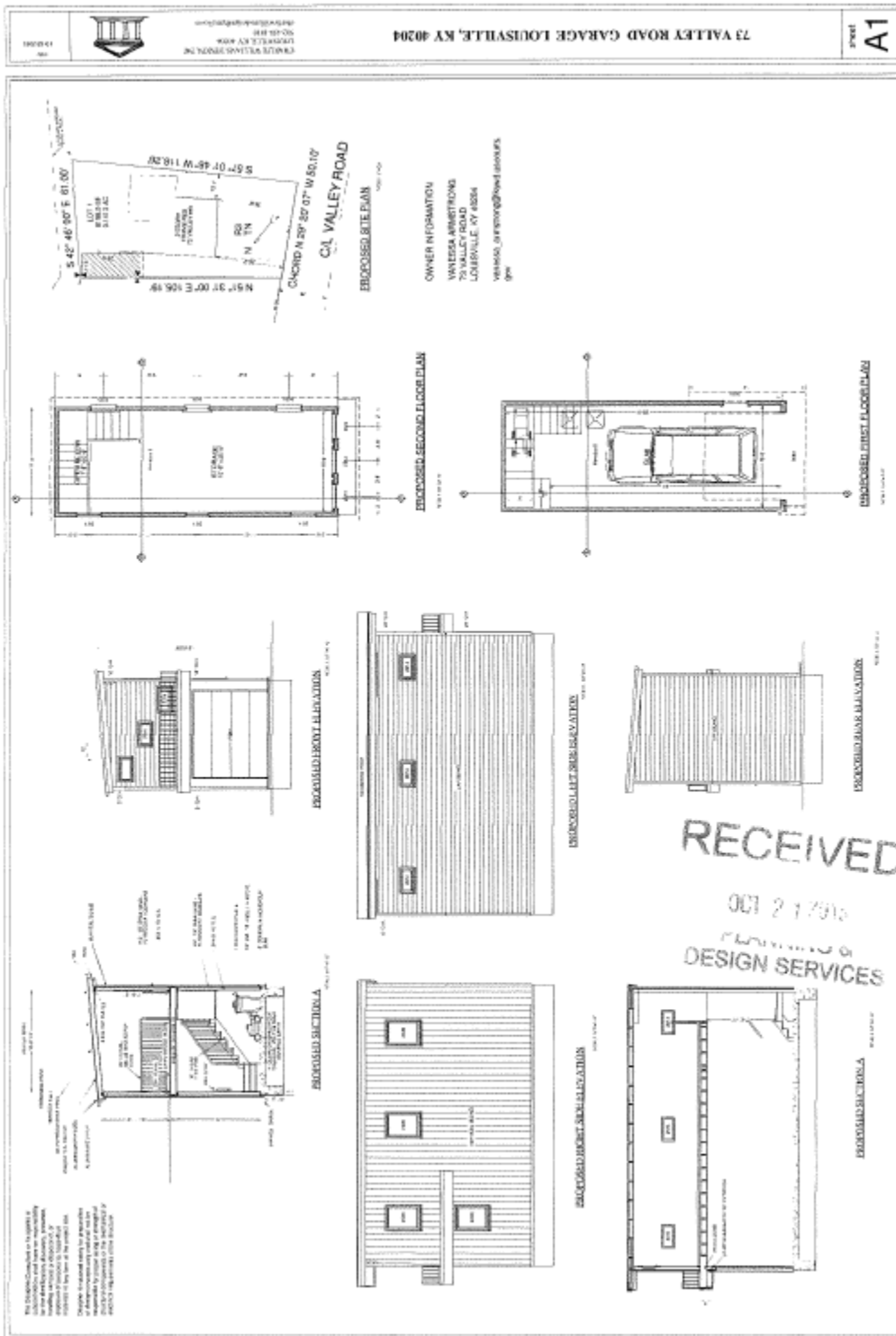
Attachment 1: Zoning Map



Attachment 2: Aerial Photo



Attachment 4: Elevations



Attachment 5: Site Photographs




CHARLES WILLIAMS DESIGN, INC.
1524 WINDSOR PLACE
LOUISVILLE, KY 40204
902.476.8118



73 VALLEY ROAD
LOUISVILLE, KY

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Attachment 6: Applicant Justification

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

Garage and rear yard on on a private lot with no access for the general public.

2. Explain how the variance will not alter the essential character of the general vicinity.

Existing garage encroaches the side setback and the existing private rear yard is not in compliance. Rear setback abuts a pathway easement.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not change the basic layout of the existing rear yard and there is no access for the general public.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Existing layout is out of compliance and this variance only slightly modifies the existing conditions.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Lot is very small with a very shallow rear yard.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

New expanded garage will supply storage. The existing house has no basement or attic space.

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3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No. The applicant is applying for the variance before any construction.

Attachment 7: Adjoining Property Owner Signatures

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 1

Qualifications for a Non-Public Hearing include:

1. Residential, non-corner parcels only.
2. All adjoining property owners must sign this affidavit. This includes all owners listed on the deed.
3. For each adjoining property that is held by a company, corporation, trust, etc. there must be a Certification Statement included with the affidavit.
4. All supporting documentation listed in the checklist must be included with the application.

Date: 10/18/15
I (We), JANISSE ARMSTRONG, owner(s) of the subject property under Case # _____

states as follows: It is hereby requested that the application for variance under Case # _____ be considered by the Board in open executive session without holding a public hearing on the proposal.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment's resolution of February 15, 1982 have been submitted to the Board so that the variance may be acted upon without a public hearing.

Print Name: JANISSE ARMSTRONG Signature of Owner: [Signature]
Print Name: _____ Signature of Owner: _____

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NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: 10/17/15

We have seen a drawing of the proposed (e.g. garage, addition) GARAGE
to be constructed at (address) 73 Valley Rd

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: 1330 Castlewood (owns 1332)
Owner Name: Jerry Curton Signature: Jerry Curton
Owner Name: Rita Taylor Signature: Rita Taylor

2. Address: 74 Valley Rd
Owner Name: Curt Martin Signature: Curt Martin
Owner Name: _____ Signature: _____

3. Address: 1334 Castlewood
Owner Name: Kathleen Haley Signature: Kathleen Haley
Owner Name: _____ Signature: _____

4. Address: 102 Valley Rd
Owner Name: THEODORE JACKSON Signature: Theodore Jackson
Owner Name: _____ Signature: _____

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, _____, in my capacity as _____, hereby
representative/authorized agent/other
certify that _____ is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.
is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: _____ Date: _____

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq, knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: 10-16-15

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) 73 Valley Road

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: 72 Valley Road 40204
Owner Name: Mark Beyer Signature: Mark Beyer
Owner Name: _____ Signature: _____

2. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____

3. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____

4. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc. or if someone other than the owner(s) of record sign(s) the application.

I, Mark Beyer, in my capacity as managing member herby
representative/authorized agent/other 2015
certify that Beyer Real Estate LLC is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

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