

# Board of Zoning Adjustment Staff Report

March 3, 2014



<b>Case No:</b>	14VARIANCE1006
<b>Project Name:</b>	149 William Street
<b>Location:</b>	149 William Street
<b>Owner(s):</b>	Michael Petrig
<b>Applicant:</b>	Ted Bressoud, Bressoud Architecture
<b>Representative(s):</b>	Same as Applicant
<b>Project Area/Size:</b>	0.089 Acres
<b>Existing Zoning District:</b>	R-5A
<b>Existing Form District:</b>	Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9- Tina Ward-Pugh
<b>Case Manager:</b>	Jessica Butler, Planner I

## REQUEST

- Variance from Land Development Code, Chapter 5.4.1.6b, to allow a structure to be built into the required side yard setback. Three (3) feet is required, and the applicant proposes to build at 0", allowing a variance of 3'.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant seeks approval for an addition to the rear of their existing residence that will be in the style of a 'camelback'. The house is currently sitting at a nonconforming, 0', setback to the neighboring house to the south. The design of this addition is to build straight back, in line with the current setback, therefore needing a variance of 3'.

This property is within the Clifton neighborhood and preservation district. The proposed addition was reviewed by the community's Architectural Review Committee February 12, 2014. The application was approved with conditions on its design (attached).

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single-Family Residential	R-5A	TN
<b>Proposed</b>	Single-Family Residential	R-5A	TN
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-5A	TN
<b>South</b>	Residential	R-5A	TN
<b>East</b>	Residential	R-5A	TN
<b>West</b>	Residential	R-5A	TN

## PREVIOUS CASES ON SITE

13COA1158 - Clifton preservation district architectural review of this proposed addition.

## INTERESTED PARTY COMMENTS

Staff communicated with a neighbor inquiring about the sign being placed on-site. When she was explained the proposal, she was in full support of the applicant receiving the variance.

## APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- 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 not adversely affect the public health, safety or welfare because the neighborhood is currently built with similar setback reductions and with like styling of structures.

(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 because throughout the neighborhood are similar 'camelback' structures.

(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 because the addition is entirely to the rear of the original structure, and it is built with ample setback from the alleyway or any public area.

(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 because lot sizes are small in this historic neighborhood, and most any modification of a house would need a variance or waiver.

## 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 subject house is currently sitting at a nonconforming setback and the applicant wishes, only, to continue the lines of that house.

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 design of any addition would need to come in further from the sidewall than the house currently does, making for design complexities.

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 is responsible for the placement of the new structure.

### 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 LDC Variance.

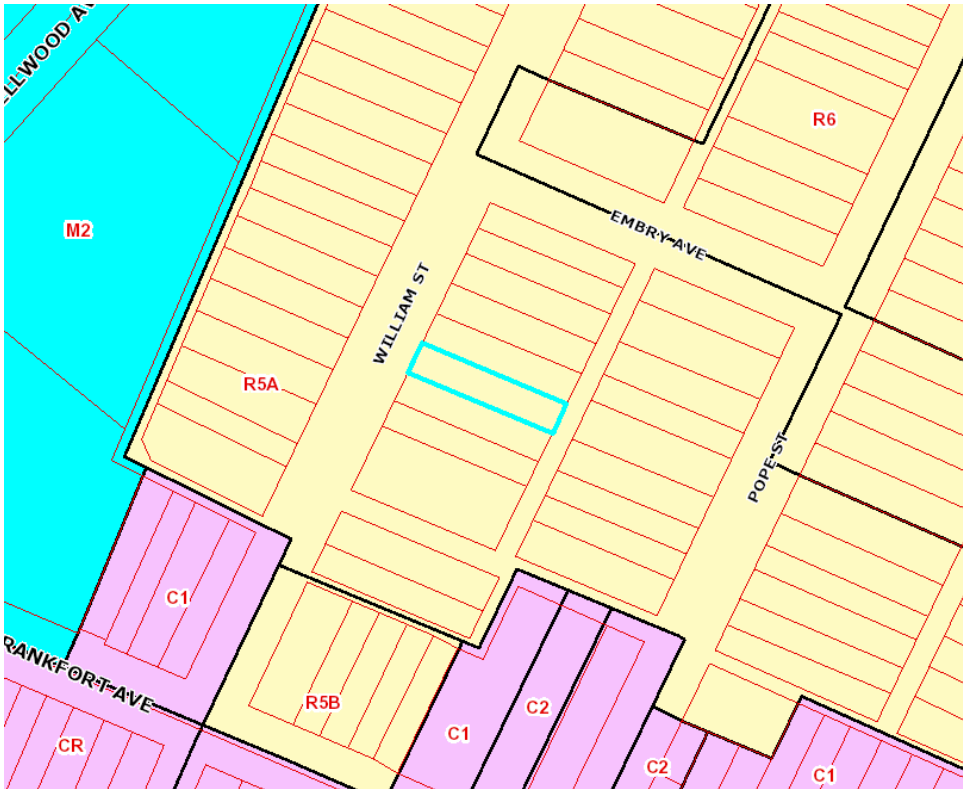
### NOTIFICATION

Date	Purpose of Notice	Recipients
2/19/14	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals

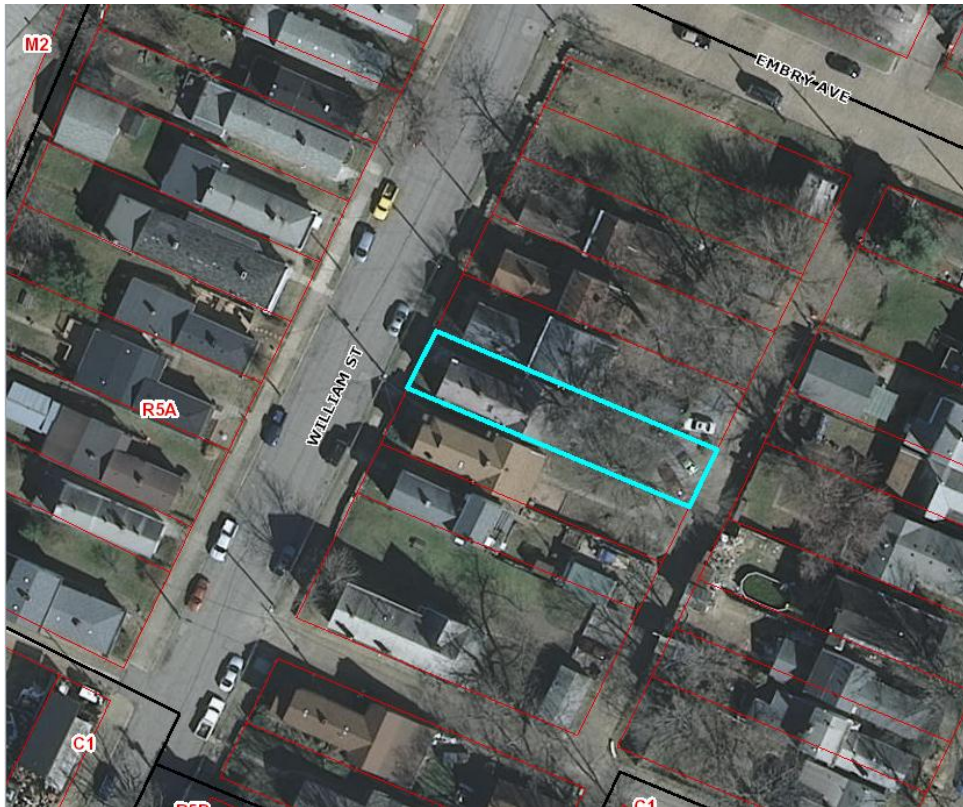
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist for variances
4. Applicant's Justification Statements
5. Site Plan

**Attachment 1: Zoning Map**



**Attachment 2: Aerial Photograph**



**Attachment 3: Cornerstone 2020 Staff Checklist for Variances**

18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.2, 3.5-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	+	The camelback addition to the existing house is entirely compatible with structures in the near vicinity. Setbacks throughout the Clifton neighborhood are traditionally less than today's 3' standard.
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**Attachment 4: Applicant's 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.

No public health issues are applicable

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

This type of addition is very common in the neighborhood.

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

No hazard or nuisance issues are applicable

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

The house already occupies the property line so this is merely a continuation of an exist. condition.

*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).

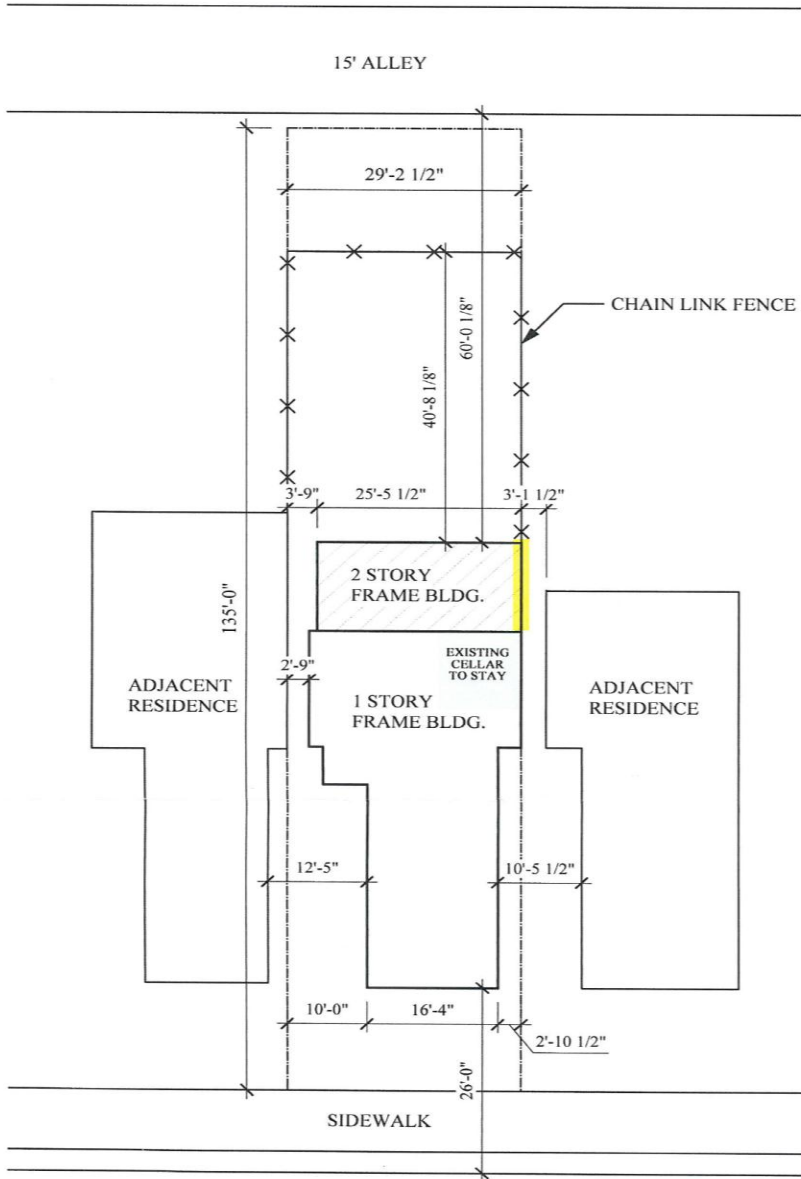
2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Because of the narrow lot the space inside the addition would be quite compressed w/ 3' setback

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

No.

**Attachment 5: Site Plan**



WILLIAM STREET 60' R/W



**SITE PLAN**  
Scale: 1" = 20 ft

ADDRESS: 149 WILLIAM STREET  
LOUISVILLE, KY 40206  
PARCEL ID#: 069A00480000

**NOT FOR CONSTRUCTION**

<b>Project #</b>	
<b>Date</b>	12/10/13
<b>PETRIG RESIDENCE</b> 149 WILLIAM STREET LOUISVILLE, KY 40206	
T.H. BRESSOUD ARCHITECT 230 So. Hite Ave. Louisville, KY 40206 Tel: 502 558-0740 email: tet@bressoud.com	
<b>A1</b>	1/20