

Board of Zoning Adjustment NON-HEARING Staff Report

May 19, 2014



Case No:	14VARIANCE1031
Project Name:	The Greer's Addition
Location:	2210 Payne Street
Owner(s):	Teresa Major Greer
Applicant(s):	Inman Home Services LLC
Representative(s):	Phil Inman
Project Area/Size:	sq. ft.
Existing Zoning District:	R-5A, Residential Multi-Family
Existing Form District:	Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	9 – Tina Ward-Pugh
Case Manager:	Regina Thomas, Associate Planner

REQUEST

- Variance from the Land Development Code to allow a residential structure to encroach into the side property line resultant of a rear one-story addition to the existing home.

Location	Requirement	Request	Variance
West Side Yard	3 ft.	1.48 ft.	1.52 ft.

CASE SUMMARY/BACKGROUND

The proposal is a one-story addition to the rear of the existing house. Per PVA's records the house was built 1900.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5A	Traditional Neighborhood
Proposed	Residential Single Family	R-5A	Traditional Neighborhood
Surrounding Properties			
North	Residential Single Family	R-5A	Traditional Neighborhood
South	Residential Single Family	R-5A	Traditional Neighborhood
East	Residential Single Family	R-6	Traditional Neighborhood
West	Residential Single Family	R-5A	Traditional Neighborhood

PREVIOUS CASES ON SITE

14COA1002 – Approved with design conditions (see attached Certificate of Appropriateness).

SITE CONTEXT

This site is located in the Clifton Historic Preservation District, the proposal was staff approved on January 15, 2014. Per PVA records the house has a detached 2 car garage on the rear of the lot. Photos submitted by the applicant reveals there are no trees in the proposed structure area.

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Land Development Code (Section 5.4.1.C.6.b)

Infill Context: The side yard setback shall either fall within the range of those of the two closest constructed residential properties or shall be 3 feet, whichever is greater.

STANDARD OF REVIEW ANALYSIS FOR VARIANCE (SIDE YARD SETBACK)

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

APPLICANT: "It will follow existing line of house."

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

APPLICANT: "Many houses in this area have extensions to their houses. We will also follow the existing look with construction material."

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

APPLICANT: "It is keeping within existing structure in local area."

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

APPLICANT: "We are following lines and appearance of existing house."

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.

APPLICANT: No response

STAFF: This house was originally built 1900 per PVA records although other homes in the area were built during the same period of time in the same location pattern, which took place prior to the current owner. Most addition to this structure will violate the Land Development Code for the above mentioned reasoning.

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.

APPLICANT: No response

STAFF: If this Variance is not granted the owner would not have the opportunity to expand her existing home to accommodate an art studio for hobby.

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.

APPLICANT: No response

STAFF: The owner wishes to expand her existing living space, this house was constructed prior to the current regulation adoption at which time the present owner did not own the property.

TECHNICAL REVIEW

The 5" aluminum gutters will direct the water to flow into the subject property's rear yard.

STAFF CONCLUSIONS

The owner is expanding the existing house to accommodate a hobby art studio as well as additional living space to the rear of the first floor. The houses in this neighborhood were constructed in the 1900's with the houses build closer together than the current regulation allows, any addition to these structures will incur Land Development Code encroachments. By view the pictures the applicant provided the addition will not be adjacent to exterior window of the neighboring properties nor will there be side windows on the addition, thus not impeding upon the neighbors privacy. A wood privacy fenced in rear yard will be constructed for public safety and privacy. The addition will be in alignment of the existing home not creating any further encroachment or nuisance upon the adjoining properties. This lot and structure was created and built prior to the regulations (built in 1900), the owner was not responsible for the location of this structure. With the configuration of the neighborhood the addition will be in character of the existing neighboring homes; the exterior siding will match the existing house

NOTIFICATION

The first tier adjoining property owners have signed the Non-Hearing Variance Consent form.

ATTACHMENTS

1. Zoning Map
2. Site Plan
3. Elevation Drawing
4. Photos
5. Certificate of Appropriateness



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

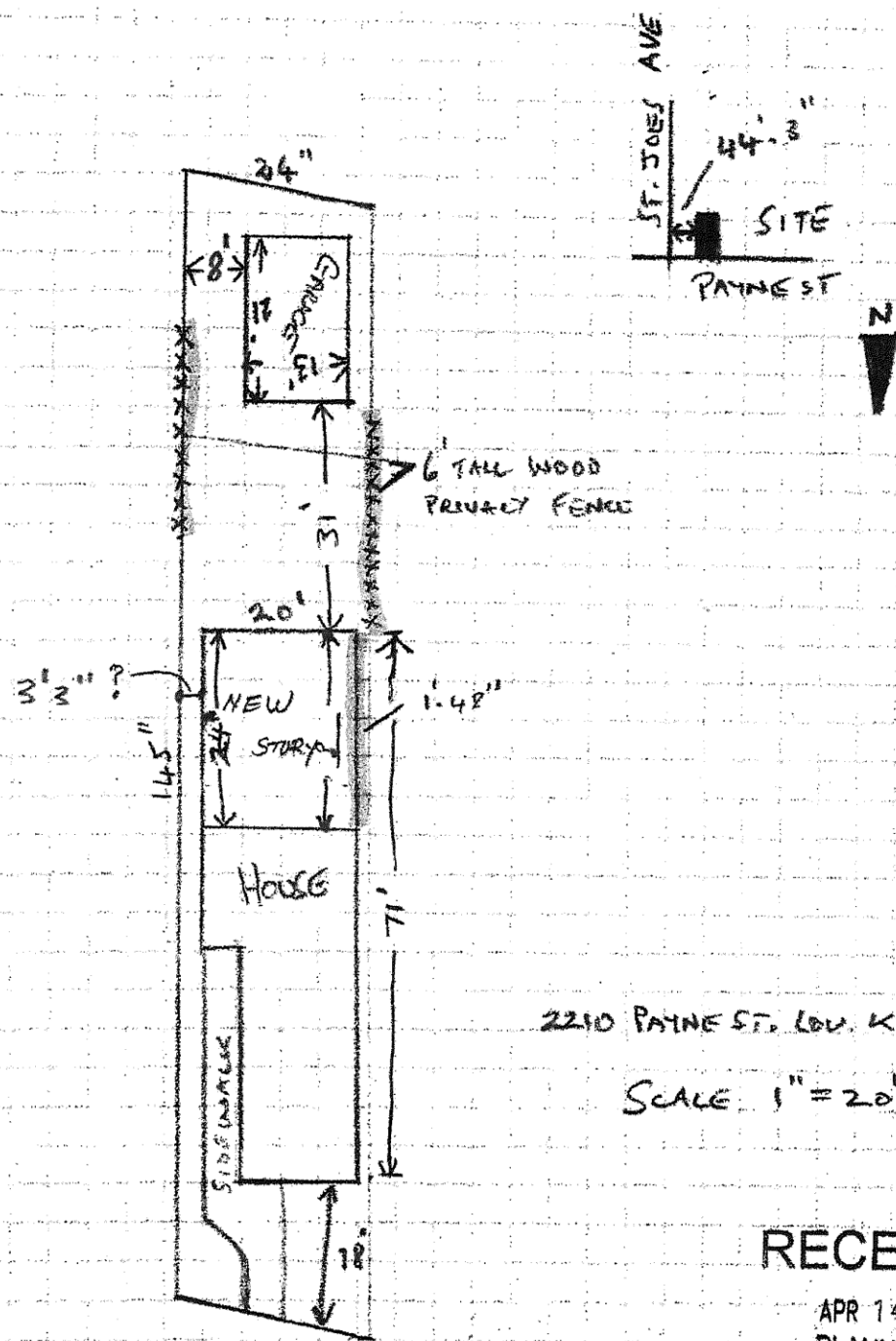
14VAR1031
VARIANCE

Scale: 1:540 Date: 04/17/2014



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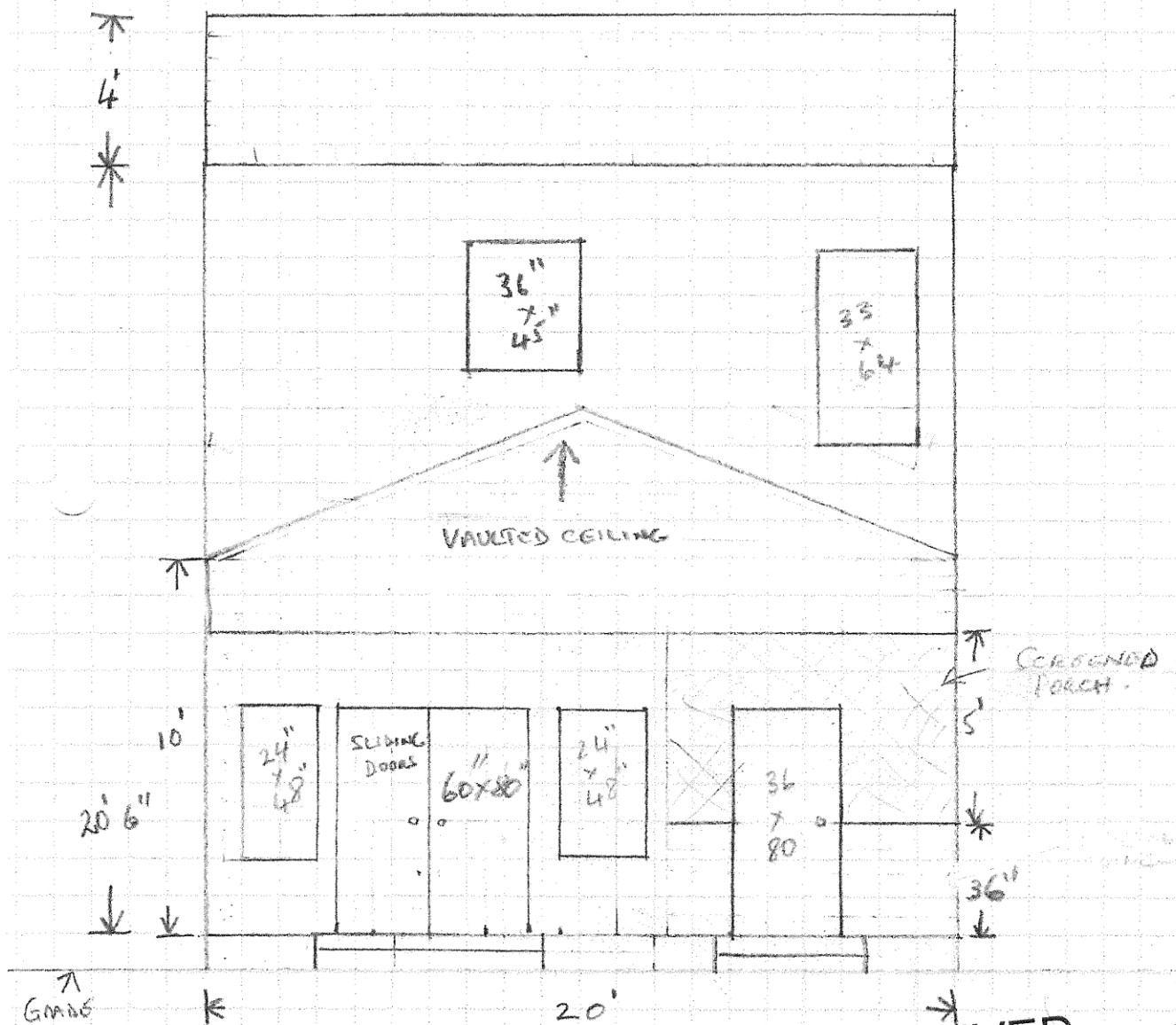
2210 PAYNE ST., LOU. KY 40206

SCALE 1" = 20'

RECEIVED

APR 14 2014
PLANNING &
DESIGN SERVICES

14VARIANCE1031



PROPOSED.

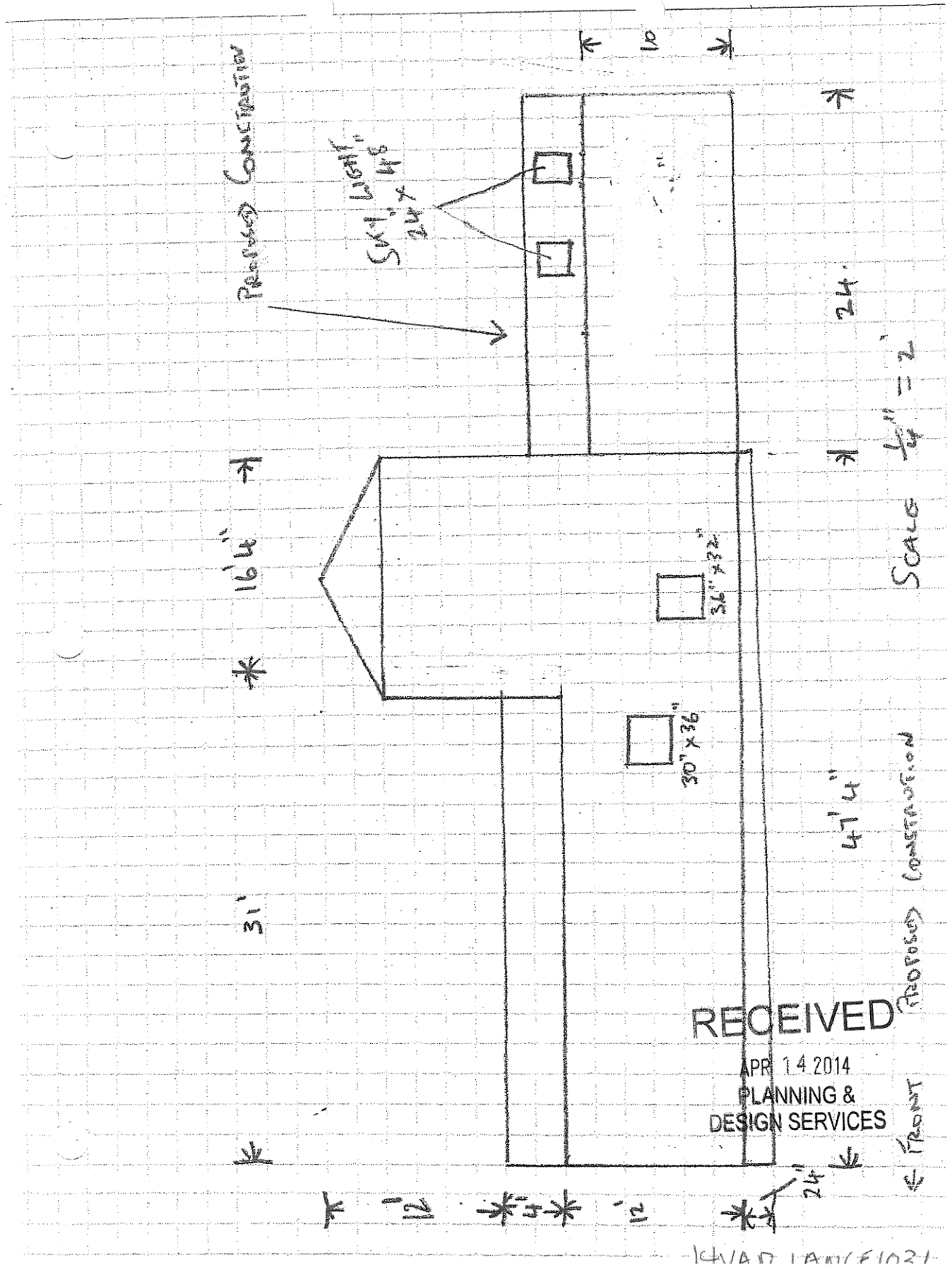
REAR ELEVATION

SCALE 1/4" = 1'

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2210 Payne St.

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2206
Payne St.

14VART (ANCE1031



Historic Landmarks and Preservation Districts Commission

Certificate of Appropriateness

To: **Teresa Major Greer**
Thru: **Bob Keesaer, AIA, NCARB- Supervisor**
From: **Becky Gorman, Historic Preservation Specialist**
Date: **January 15, 2014**

Case No: **14COA1002**
Classification: **Staff Review**

GENERAL INFORMATION

Property Address: **2210 Payne Street**

Applicant: **Phil Inman**
Inman Home Services, LLC
137 N. Bellaire Ave #1
Louisville, Kentucky 40206

Owner: **Teresa Major Greer**
2210 Payne Street
Louisville, KY 40206

Architect: **NA**

Estimated Project Cost: **\$24,000.00**

Description of proposed exterior alteration:

The applicant requests approval to remove an existing enclosed porch to construct a 480 sq.ft. addition that extends from the back of the house by 24' and is 20' wide sheathed with white vinyl siding. The addition has a gable roof with shingles to match those of the existing house and will include skylights. The project includes moving a window on the west elevation to coincide with a bathroom and closet redesign. The applicant also requests the installation of a 6' wood privacy fence along the rear sides of the property from the back end of the house to the garage (see site plan).

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Communications with Applicant, Completion of Application

The application was received on January 10, 2014. The application was determined to be complete and classified as requiring Staff Review on January 13, 2014. Staff spoke with the applicant on January 15, 2014.

FINDINGS

Guidelines

The following design review guidelines, approved for the Clifton Preservation District, are applicable to the proposed exterior alteration: **New Construction – Residential, Addition, Siding and Trim, and Roofing.** 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 site is zoned R5A, and listed within a Traditional Neighborhood form district. It is a wood frame shotgun style house with a camelback sheathed in aluminum siding located on the south side of Payne Street. It is surrounded by other shotgun camelback style houses.

Conclusions

The proposed changes meet the applicable Clifton Preservation District guidelines. The vinyl siding will be the same exposure of the existing siding and the asphalt shingles will match the existing roofing. Due to the new use of the interior space as a bathroom, the reconfiguration of a window on the west elevation is acceptable. Rear elevation windows will reflect existing 1/1 double hung windows.

RECOMMENDATION

On the basis of the information furnished by the applicant, the Certificate of Appropriateness is approved **with the following conditions:**

1. Shingles shall match existing shingles of main house.
2. Wood fence shall be painted or stained.
3. Rear elevation windows will reflect existing 1/1 double hung windows.
4. Foundation materials may be of a warm-toned poured concrete, split-face concrete block, or stuccoed concrete block that has a uniform, textured appearance.

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.

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