

Board of Zoning Adjustment
Staff Report
 April 20, 2015



Case No:	14CUP1017
Project Name:	Off-street parking for Linden Hill B & B
Location:	1612 Blue Horse Avenue
Owner(s):	HRC, LLC
Applicant(s):	HRC, LLC
Representative(s):	Kathryn Matheny
Project Area/Size:	6,237 square feet
Existing Zoning District:	R-7, Residential Multi-Family
Existing Form District:	Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	9– Bill Hollander
Case Manager:	Jon E. Crumbie, Planner II

REQUESTS

An application for a Conditional Use Permit to allow off-street parking in an R-7 Zoning District.

A waiver to omit the required landscape buffer area and plantings along the south property line

Location	Requirement	Request	Waiver
South P/L	5 feet	0	5 feet

A waiver to omit the required 3-foot street wall along Blue Horse Avenue

A waiver to allow a freestanding sign on property with less than 120 feet of street frontage

CASE SUMMARY/BACKGROUND

The applicant is requesting a Conditional Use Permit to allow 10 parking spaces which include a handicap space for the Linden Hill Bed and Breakfast. The bed and breakfast, and existing structure, is across the street and fronts on Frankfort Avenue. The parking lot will have an asphalt curb to catch drainage from the area. This water will be channeled to drain downhill toward the creek.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Lot	R-7	TN
Proposed	Parking Lot	R-7	TN
Surrounding Properties			
North	Residential	R-7	TN
South	Vacant Land	R-7, CM	TN
East	Residential	R-7	TN
West	Residential	R-7	TN

PREVIOUS CASES ON SITE

14COA1107-BT

The applicant requests approval for construction of a new asphalt parking lot, 10 spaces, as an accessory use for the Linden Bed and Breakfast. This request was approved by staff on March 10, 2015.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The surface of the lot will be asphalt. The proposal preserves the existing grid pattern of streets, sidewalks, and alleys. The proposal involves some landscape waivers due to the location of the parking and size of the lot, but some screening and buffering will be added along the north and east property lines.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with the adjacent land uses and general character of the area. The drainage, lighting, and appearance will be improved. The proposal will help in the restoration of an historic property to the west.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The proposal has been reviewed by Transportation Planning and MSD and both have approved the plan. The Louisville Fire District #2 did not comment on the case.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

STAFF: There are 6 items in the listed requirements for off-street parking and 5 have been met. **The applicant will be asking for a waiver of item B. and modification of item C.**

Off-Street Parking Areas

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

- A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property. **The applicant would like to omit the required 3-foot street wall along Blue Horse Avenue (See pages 4 and 10).**
- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot. **The parking is approximately 10 feet from the Blue Horse Avenue Front property line. The required front yard is 15 to 25 feet. The justification for this is listed as waiver 1 on pages 8 and 9 of the staff report.**
- D. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.
- E. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for traffic engineering prior to the public hearing on the Conditional Use Permit.
- F. The approval of all plans and specifications for all entrances exists, and lights shall be obtained from the department responsible for traffic engineering prior to the public hearing on the Conditional Use Permit.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (South Property Line – LBA/Plantings)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners because the adjacent properties are oriented toward Frankfort Avenue and the rear of several properties have parking lots which use the alley.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The proposal will not violate specific guidelines of cornerstone 2020 because landscaping will be added on the opposite side of the property to help mitigate the noise.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the wavier is the minimum necessary to afford relief to the applicant because of the existing location of the alley adjacent to the parking area.

(d) Either:

- (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
- (ii) 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 on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant reasonable use of the land. The applicant would have to revise the parking layout which could cause less parking.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(3-foot Street Wall)**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners because there are no street walls along Blue Horse Avenue.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The proposal will not violate specific guidelines of cornerstone 2020 because the street wall is not compatible with the surrounding neighborhood. The look and topography of the street does not suggest this type of structure.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the wavier is the minimum necessary to afford relief to the applicant. Two rows of shrubs and a street tree are proposed in the area along the property line.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) 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 on the applicant.

STAFF: The applicant has incorporated other design measures to mitigate the omission of the street wall. Two rows of shrubs and a street tree are proposed in the area along the property line. Tree canopy requirements will be met.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Freestanding Sign)**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners because it will be placed among the landscaping at the front of the property.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The proposal will not violate specific guidelines of cornerstone 2020 because the parking is not directly adjacent to the bed and breakfast a small sign is needed to identify business and parking area.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the wavier is the minimum necessary to afford relief to the applicant. The parking would be difficult to locate.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) 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 on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant reasonable use of the land. The applicant would not be able to identify the parking area.

TECHNICAL REVIEW

There are no outstanding technical review issues that need to be addressed.

STAFF CONCLUSIONS

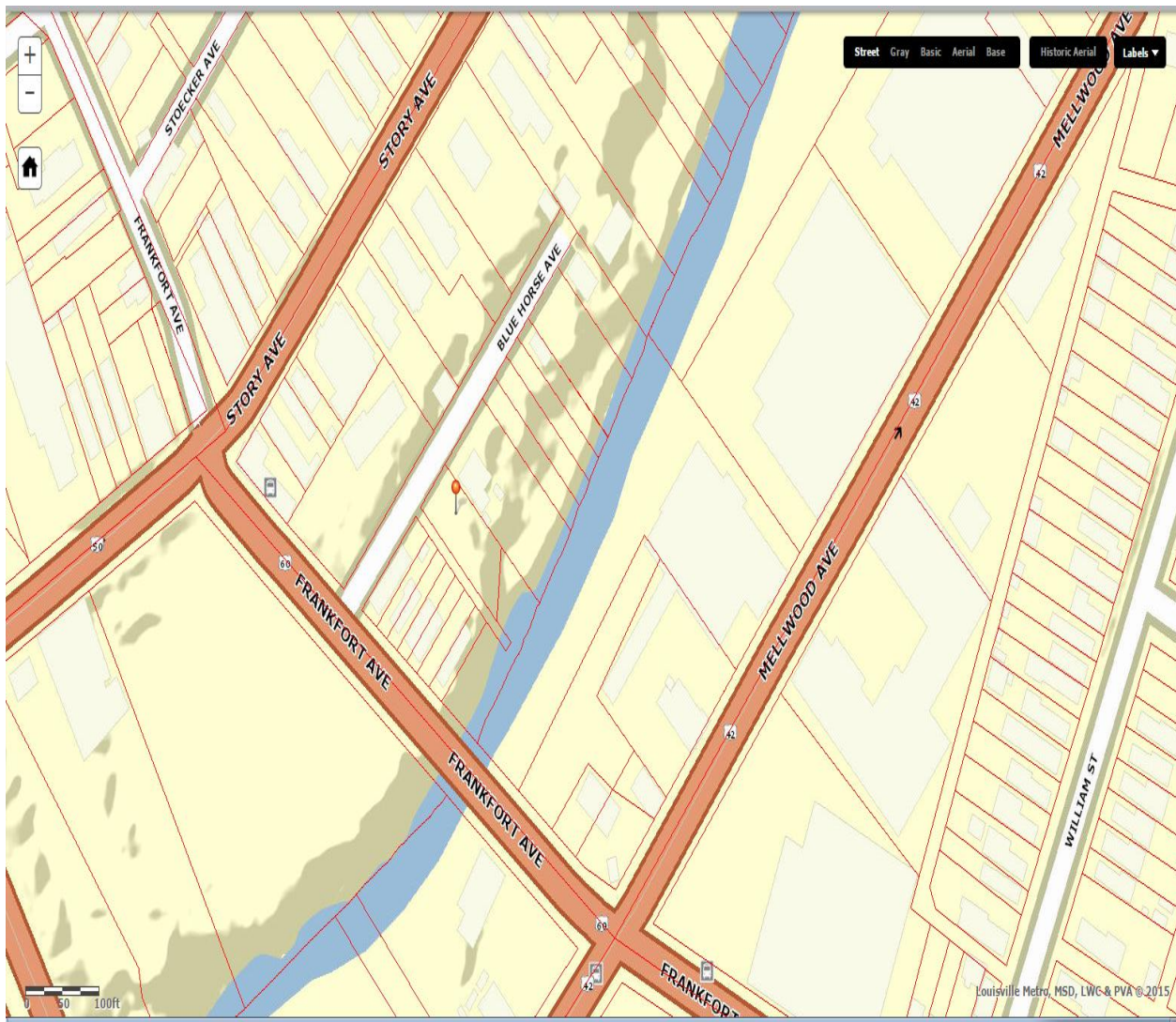
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a Conditional Use Permit and waivers established in the Land Development Code. The proposal has been reviewed and approved by Landmarks staff with conditions.

NOTIFICATION

Date	Purpose of Notice	Recipients
04/03/15	Hearing before BOZA	1 st tier adjacent property owners Registered neighborhood groups
04/06/15	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Neighborhood meeting/Applicant justification statements

Justification for LDC WAIVERS (Revised March 6, 2015)

**Linden Hill Bed & Breakfast
1612 Blue Horse Avenue
Off site parking LDC 4.2.27**

Case No. 14CUP1017

Three LDC waivers are requested as part of this CUP application.

1st Waiver A request to waive the design requirements of LDC 5.5.1.A.3.a and 5.9.2.C.4 to allow the proposed parking area to be located in the front yard setback.

2nd Waiver A request to waive the required 5 foot LBA in LDC 10.2.10 on the south side yard along the alley right of way.

3rd Waiver A request to waive the requirement for a street wall of LDC 5.5.1.A.3 to not provide the required 3 foot wall across the front of the parking area located adjacent to Blue Horse Avenue.

4th Waiver A waiver from LDC Table 8.3.2 to allow a freestanding sign on property with less than 120 feet of street frontage

1st LDC waiver

A waiver is requested from Sections of the Land Development Code 5.5.1.A.3.a and 5.9.2.C.4 to allow parking in the front set back. There would be a 5 foot setback from the right of way. The request is made because the lot's width and depth do not allow for too many options for parking layout. Also the diagonal shape and slope on the rear of the lot do not allow the parking area to be pushed further towards the rear of the lot towards the creek. The proposed number of spots is needed to adequately serve the adjacent historical Bed & Breakfast. The proposed layout, using the short dead end alley for maneuvering room, allows for safe pulling in and out of parking spots. Blue Horse Avenue is lightly travelled dead end street. Notwithstanding, the proposed layout protects these few motorists and allows for landscaping along the street.

The waiver should be granted for the following reasons.

1. The waiver should be granted because waiving the LDC requirement will not adversely affect adjacent property owners because there is adequate buffering between the parking area and one adjacent neighbor to the north. Two new trees and a double row of scrubs are proposed to screen the parking area from this house. The landowner has reviewed the Site Plan and does not object to this use. Across the alley, there are only the rears of houses facing the proposed parking lot. Two of theses buildings have small parking lots

in their rear yards. There are no houses across the street fronting on Blue Horse, only the side yard of the Bed and Breakfast and the rear garages of houses which face Story Avenue. Thus, the impact is minimal on the adjacent landowners.

2. The waiver should be granted because the waiver will not violate Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because in this instance the front yard setback is not being applied to a developed streetscape in a traditional neighborhood. Blue Horse Avenue is a one block dead end street which serves in part as a rear alley for Story Avenues. There are only 3 houses on Blue Horse Avenue.

3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the lot's width and depth are existing. Adequate parking is needed for the adjacent B&B to be viable.

4. The waiver should be granted because the strict application of the requirements of the Code will create an unnecessary hardship on the applicant because the proposed parking lot is designed for traffic safety and with adequate landscaping buffering for the area.

For these reasons, the applicant request that a waiver from LDC 5.5.1.A.3.a and 5.9.2.C.4 of the Land Development Code to allow parking in the front setback.

2nd LDC waiver

A waiver is requested from Section 10.2.10 of the Land Development Code to waive the required 5 foot LBA on the south side yard. The request is made to allow the proposed parking lot layout to use the side yard dead end alley as a partial maneuvering area. The Site Plan honors the 15 LBA on the north side where two existing trees are being preserved and there is a neighboring house which needs the buffering from the parking lot. On the south side, there is already an alley with the rears of houses which face Frankfort Avenue. Two of these buildings have small parking lots in the rear. It is a short (150 feet) dead end alley. The waiver is necessary because the lot is not wide enough to construct the 5 foot LBA along with the 15 foot LBA and the needed width for the parking area.

The waiver should be granted for the following reasons.

1. The waiver should be granted because waiving the LDC requirement will not adversely affect adjacent property owners. The landowner's across the alley buildings are oriented towards Frankfort Avenue. These are the rears of yards and two of them having parking lots which use the alley.

2. The waiver should be granted because the waiver will not violate Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because existing conditions and lot width constraints outweigh the need for compliance in this situation.

3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the lot's size and width are existing. The parking spaces need to be oriented in this location for pull out safety and to create an adequate number of spots to serve the Bed & Breakfast.

4. The waiver should be granted because the strict application of the requirements of the Code will create an unnecessary hardship on the applicant by necessitating a design with less parking and safe egress.

For these reasons, the applicant requests that a waiver from Section LDC 10.2.10 of the Land Development Code requiring a 5 foot LBA along the south side yard line.

3rd LDC Waiver

A request to waive the required 3 foot street wall of LDC 5.5.1.A.3 along Blue Horse Avenue based on existing conditions on Blue Horse Avenue. The street's topography does not call for a street wall. Also, a street wall is not compatible with the streetscape in this area.

1. The waiver will not adversely affect adjacent property owners because there are no street walls on Blue Horse Avenue. The west side of Blue Horse Avenue is at a much higher elevation and has garages and parking areas facing the street. The neighbor to the immediate north has no street wall but a traditional front yard which is slightly lower in elevation than Blue Horse Avenue. A 3 foot street wall is not compatible with the setting on this street.

2. The waiver should be granted because the waiver will not violate the intent of Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because the streetscape on this particular dead end street in a Traditional neighborhood does not need or merit a 3 foot street wall. The look and topography of the street does not suggest this type of feature. Two rows of scrubs and a street tree are proposed in the area along the right of way.

3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because the street wall is not needed in this area. A landscaping screen of two rows of bushes is proposed.

4. The waiver should be granted because the strict application of the requirements of Section 5.5.1.A.3 of the Code will create an unnecessary hardship on the applicant because it is an unnecessary requirement under these circumstances.

For these reasons, the applicant requests a waiver from Section 5.5.1.A.3 of the Land Development Code for the required 3 foot street wall along Blue Horse Avenue.

4th LDC Waiver

A request to waive the requirements from LDC Table 8.3.2 to allow a freestanding sign on property with less than 120 feet of street frontage. The request is for a simple 2 tall x 3 wide sign (6 square feet) to inform as to the ownership and purpose of the parking lot. The lot's zoning is residential which is the assumed purpose of this prohibition as to signage. However, since the use is off-site parking, a C.U.P., attached signage is not possible and a small sign is needed to inform the guest of the B & B that this is the parking area. The sign will also inform others that this is not public parking. A sign permit with details as to the signage in accordance with standards will be obtained.

1. The waiver will not adversely affect adjacent property owners because it is directional and small in size. It is placed among the landscaping at the front of the site.
2. The waiver should be granted because the waiver will not violate the intent of Cornerstone 2020, the Comprehensive Plan for Louisville and Jefferson County because the signage prohibit for residential property does not make sense when the use is a parking area. A small sign is needed to identify ownership and obviously attached signage is not possible.
3. The extent of the waiver of the regulation is the minimum needed to afford the applicant relief because some directional signage is needed.
4. The waiver should be granted because the strict application of the requirements of Section 5.5.1.A.3 of the Code will create an unnecessary hardship on the applicant because it is an unnecessary requirement under these circumstances.

For these reasons, the applicant requests a waiver from LDC Table 8.3.2 prohibiting free standing signs with less than 120 feet of street frontage.

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Letter of Explanation for CUP Off Site Parking LDC 4.2.27
1612 Blue Horse Avenue

This is a request for a C.U.P. for a 6237 square foot residential lot zoned R7 to be used for a parking lot for a new Bed & Breakfast located across the street. Blue Horse Avenue is a one block street which dead ends. It has three houses on the south side and the rear of houses (Story Avenue) on the north side with garages and parking areas. The Bed and Breakfast, an existing historic structure, is across the street and fronts on Frankfort Avenue. This lot will serve as the primary parking area for the Bed & Breakfast.

The Site Plan proposes 10 parking spots one of which is handicapped parking. Based on parking areas in the immediate vicinity, the parking lot is oriented with car pulling out towards a short dead end alley. This alley only serves the rear of the five buildings which front onto Frankfort Avenue. The houses are a mixture of residential uses. Two of the buildings have parking lots in the rear.

The parking lot will have an asphalt curb to catch drainage from the lot and Blue Horse Avenue (from Frankfort Avenue). This water will be channeled to drain downhill towards the creek. Because of the slope of the lot, a small retaining wall is proposed in the corner of the last parking spot to hold water and then let it drain through riprap down the hill towards the creek. This should result in no new drainage from the site going to the neighbor's house to the north or travelling north down Blue Horse Avenue.

The applicant will request a couple of waivers because of existing conditions and the size of the lot. This is a narrow lot on a small dead end street with parking and garages already on one side of the street. The lot is also adjacent to a perpendicular alley which has parking areas in it. The layout proposed has the parking lot connecting with the 150 foot dead end alley with the parking spaces being parallel to Blue Horse Avenue. The 15 foot LBA is maintained on the north side of the lot. The first waiver is to design standards which do not allow parking in the front yard area. The lot is not that deep and slopes dramatically to the rear so parking near Blue Horse Avenue is needed to get the 10 spots. A 5 foot landscaping area is proposed along Blue Horse Avenue's right of way. A second waiver is to waive the required 5 foot LBA along the south side yard which is the 150 foot alley. The lot is not wide enough to have this 5 foot LBA along with parking area and the 15 foot LBA on the north side. Also, this layout using the alley for additional backing up room makes for a safer layout and parking design. The third waiver is to waive the required 3 foot street wall along Blue Horse Avenue. Two rows of scrubs are proposed in this area. Blue Horse Avenue being a small one block dead end street with house only on one side and a large topographic slant is not conducive for a street wall feature. There

14 CUP1017

are no street walls on Blue Horse and only houses on one side. Thus, a street wall is not compatible with the area or is it a necessary feature for this site. For this reason a waiver is requested.

The Site Plan does provide extensive landscaping including 7 new trees and about 65 scrubs. Two existing trees are preserved on site and is the reason for the slight jog in the parking spaces. The proposed tree canopy greatly exceeds the required amount. All other LDC requirements are met.

This CUP parking area is a necessary component for the viability of the renovated historic structure next door which is the Linden Hill Bed & Breakfast. At the neighborhood meeting, all present had praise for the project and hopes that it would help the neighborhood. The Site Plan provides for 10 parking spots which are needed for the project.

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14CUP1017



Cardinal Planning & Design, Inc.

9009 Preston Highway
Louisville, KY 40219
502.969.2788 | 502.968.7077 fax
kmatheny@cardinalplanning.com | www.cardinalplanning.com

TO: Landowners near 1612 Blue Horse Avenue, Louisville, KY 40206

FROM: Kathryn Matheny, Cardinal Planning & Design, Inc.,
HRE, LLC Applicant and Isaiah Hoagland

RE: NOTICE for Neighborhood Meeting on Proposed C.U.P
for Off Site Parking LDC 4.2.27 14CUP1017

DATE: January 6, 2015

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A proposal to apply for a Conditional Use Permit (C.U.P.) for offsite parking at the above location is being prepared. The Parking area is for the Linden Hill Bed & Breakfast located at 1617 Frankfort Avenue. The C.U.P. is to allow a 10 space parking area on a 6237 square foot residentially zoned lot. (The lot is zoned R7 which allows apartments.) Blue Horse Avenue is a one block street which dead ends off of the 1600 block of Frankfort Avenue. The Bed and Breakfast, an existing historic structure, is across the street and fronts on Frankfort Avenue. This lot will serve as the primary parking area for the Bed & Breakfast. The Site Plan includes new landscaping consisting of approximately six trees and two rows of bushes for buffering. A C.U.P. or Conditional Use Permit is **not a zoning change** but rather a "USE" permitted for a specific purpose which in this case is parking. No other use can occur on this lot without Planning Commission approval after submittal of a new plan and notice to the neighborhood.

In accordance with the procedures of Louisville Metro Planning and Design Services, we are inviting adjoining and nearby property owners and neighborhood representatives to discuss this proposal **before** it is formally filed with that agency. The site layout has already been submitted to Louisville Metro Public Works and the Metropolitan Sewer District for review and comments. An informal meeting with the neighborhood to discuss this plan is scheduled for **Monday January 19th at 6:00 P.M.** The meeting will be in the Pigment Gallery of the Mellwood Arts Center at 1860 Mellwood Ave. A copy of the proposed site plan layout will be available for you to review. At the meeting, representatives of the project will be present and answer any questions you have on the plan. You may also call me, Kathy Matheny at 502 419-4648 if you have questions prior to the meeting. We encourage you to attend the meeting if you have any concerns. After this meeting, the plan will be formally submitted for review by the Metro Planning Commission. You will also receive additional notices on these meetings.

14CUP1017

Neighborhood Meeting

Jan. 19, 2015

1612 Blue Horse C.U.P

	Name	Address	Email
1.	Isaiah Hoagland	9103 Kingdom Way 40291	isaiahhoagland@gmail.com
2.	RICHARD MATHENY	6600 MT. WASHINGTON RD.	
3.	Kate Bringardner	1652 Story Ave	
		+ 1437 Story Ave (The Speaker Studio)	
4.			
5.	JOE BRINGARDNER	1652 STORY AVE.	
6.	Bill Hollander	9th Metro Council	
7.	Leah Dienes	1665 Story Ave	bringard@gmail.com
8.	Andy Cornelius	806 E Washington Street	Butcherstown & gmail.com
9.	Wade Miller	1616 Blue Horse Ave.	Butcherstown
10.	STEVE COURT	1658 Story Ave	

C+J.

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14CUP1017

Neighborhood Meeting
January 19, 2015
1612 Blue Horse 14CUP1017

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Meeting Notes

Meeting began about 6:05

Kathy Matheny discussed the Site plan, Layout, landscaping.

There was a general discussion on the progress of the Bed & Breakfast renovations.

Kate Brungardner asked about landscaping and also tree planting along Frankfort Avenue.

Kathy Matheny explained the landscaping proposed for the site.

Isaiah Hoagland discussed landscaping on the B & B site. Final decisions on new plantings have not been done.

No action needed on Site Plan

Wayne Miller- next door neighbor asked about drainage plan for the site.

Richard Matheny discussed the concept drainage plan for the site-an asphalt curb would catch water and funnel towards creek. Rip rap and a small retaining wall at the last parking spot would further direct and slow water as it went over slope towards the creek.

A further discussion occurred about the creek and its changes over the years.

No action needed on Site Plan

Kate Brungardner discussed the problems with the sharp curb on Story Avenue and the dangers. A general conversation about this occurred. This is not near the site and is not relevant to CUP. Just a general neighborhood issue.

No action needed on Site Plan

Another discussion on landscaping along Frankfort Avenue Street trees. Neighborhood project not directly relevant to this project.

No action needed on Site Plan

End meeting with some general neighborhood discussions.

14CUP1017



**Historic Landmarks and Preservation
Districts Commission**

Certificate of Appropriateness

To: Kathryn Matheny
Thru: Bob Keesaer, AIA, NCARB – Urban Design Administrator
From: Sherie' Long, Landscape Architect
Date: March 10, 2015

Case No: 14COA1107-BT
Classification: Staff Review

GENERAL INFORMATION

Property Address: 1612 Blue Horse Avenue

Project Name: Linden Hill B&B Off-Street Parking

Applicant: Kathryn Matheny
Cardinal Planning & Design, Inc
9009 Preston Highway
Louisville, KY 40219
(502)969-2788
kmatheny@cardinalplanning.com

Owner: Isaiah Hoagland
HRE, LLC
Louisville, KY 40291
(502)939-0889
isaiahhoagland@gmail.com

Estimated Project Cost: +/- \$35,000

Description of proposed exterior alteration:

The applicant requests approval for construction of a new asphalt parking lot, 10 spaces, as an accessory use for the Linden Bed and Breakfast located at 1607 Frankfort Avenue. This new parking lot is located north of an existing 10 foot unnamed alley located along the rear of several single family residential properties fronting Frankfort Avenue; south of several single family residential properties fronting Blue Horse Avenue; east of the Linden Bed and Breakfast establishment located across Blue Horse Avenue; and west of Beargrass Creek in the Butchertown Preservation District. The applicant is proposing to preserve three of

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the existing trees, (2) Walnut trees and (1) Hackberry tree, located within the parcel. Additional tree planting and shrub planting will be provided as required by the Chapter 10 of the Land Development Code. The required 15 foot LBA, Landscape Buffer Areas, are to be provided along the northern, and eastern perimeters while a 5 foot VUA LBA, Vehicle Use Area Landscape Buffer Area, will be provided between the new parking lot and the adjacent Blue Horse Avenue. The newly planted 6 foot high vegetative screen will separate the residential properties to the north from the new parking lot; and a 3 foot high vegetative screen will separate the parking lot from the street. However, the applicant is requesting a waiver to not provide the 5 foot LBA along the southern perimeter where the adjacent alley is to be used as maneuvering for access into and out of the proposed parking spaces. Wheel stops along with additional curbing will be provided along the perimeter of the parking lot to protect the proposed shrub and tree plantings. A small retaining wall will be provided along the northeastern portion of the parking lot to allow the last two parking spaces to be constructed. The required tree canopy will also be provided as required within the site. Plus, five (5) additional trees will be planted in the 25 feet stream buffer adjacent to Beargrass Creek. Locations of the stream buffer trees will be determined by a field visit to be conducted by MDS and PDS representatives.

Communications with Applicant, Completion of Application

The application was received on July 2, 2014. The application was determined to be complete and classified as requiring Staff Review on March 9, 2015.

FINDINGS

Guidelines

The following design review guidelines, approved for the Butchertown Preservation District, are applicable to the proposed construction of a new parking lot: **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 site is currently vacant but was the former location of an electrical sub-station. An existing concrete pad and several trees were removed prior to the applicant submitting the request to construct a parking lot on this parcel zoned R-7 in the Traditional Neighborhood Form District. The site is located on the east side of Blue Horse Avenue and north of Frankfort Avenue. The applicant has submitted an application for a "Conditional Use Permit" (CUP) to allow an off street parking lot on residential zoned property along with the following three waivers: (1) a request to eliminate the 5 foot LBA between the 10 foot alley and parking lot; (2) a request to allow parking in the front yard; and (3) a request to not provide the required 3 foot masonry wall along the Blue Horse Avenue frontage. The CUP and waiver requests are be reviewed by the Board of Zoning Adjustment (BOZA) April 20, 2015.

Conclusions

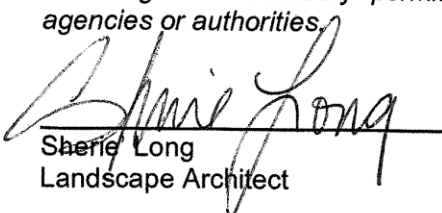
The proposed new parking lot, preservation of the three existing trees, and additional plantings including additional tree canopy is appropriately to the character of the neighborhood and meets the Landmarks Design Guidelines.

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. BOZA committee approval of the requested CUP to allow a parking lot on a residential zoned property.
2. Approval of the following three Land Development Code waivers: (1) a request to eliminate the 5 foot LBA between the 10 foot alley and parking lot; (2) a request to allow parking in the front yard; and (3) a request to not provide the required 3 foot masonry wall along the Blue Horse Avenue frontage.
3. A landscape plan shall be submitted to PDS for review and approval to ensure compliance with LDC Chapter 10 requirements.
4. All pavement, gravel, and debris shall be removed from the landscape buffer areas.
5. Tree plantings to be located in the Stream Buffer, (5) Type A trees a minimum of 1 3/4" caliper at time of planting, shall be provided and located as determined by a field visit conducted by MSD and PDS representatives.
6. A tree preservation plan showing the preservation and protection of three existing trees, (2) walnut trees (15"diameter and 24"diameter) and (1) hackberry tree (22"diameter), shall be approved prior to construction.
7. The proposed 2' x 3' sign shall be reviewed and approved by the Landmark Staff and Transportation Planning prior to installation.
8. A sign permit shall be obtained from Construction Permitting prior to installation.
9. A waiver shall be granted allowing a sign on property which has less than 120 feet of street frontage.
10. The material of the proposed retaining wall to be constructed along the last parking spaces shall be approved by staff prior to installation.
11. No lighting shall be installed on this site without landmarks staff approval prior to installation.

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.


Sherie Long
Landscape Architect

March 10, 2015
Date

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Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking without further review and approval by the Board.