

Board of Zoning Adjustment Staff Report

June 2, 2014



| | |
|----------------------------------|----------------------------|
| Case No: | 14CUP1006 |
| Project Name: | None (Accessory Apartment) |
| Location: | 1007 Sylvia Street |
| Owner(s): | Stephen F. Jones |
| Applicant(s): | Stephen F. Jones |
| Representative(s): | Glenn Price |
| Project Area/Size: | 8,687.27 square feet |
| Existing Zoning District: | R-4, Residential |
| Existing Form District: | Traditional Neighborhood |
| Jurisdiction: | Louisville Metro |
| Council District: | 10– Jim King |
| Case Manager: | Jon E. Crumby, Planner II |

REQUESTS

- Conditional Use Permit to allow a proposed accessory apartment in an R-4 zoning district.

SUMMARY/BACKGROUND

The applicant is requesting a Conditional Use Permit for an accessory apartment. The apartment is 1,024 square feet and the principal residence is 980 square feet. The principal residence is 1 ½ stories and the accessory apartment is 2 stories with 2 interior parking spaces on the ground floor.

SITE CONTEXT

The site is rectangular in shape and has frontage on Sylvia Street and George Ernst Way near Hoertz Avenue. The site has a school and church to the north, residential uses to the south, east, and west.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|---------------------------|--------|---------------|
| Subject Property | | | |
| Existing | Residential Single Family | R-5 | TN |
| Proposed | Residential Single Family | R-5 | TN |
| Surrounding Properties | | | |
| North | School, Church | R-5 | TN |
| South | Residential Single Family | R-5 | TN |
| East | Residential Single Family | R-5 | TN |
| West | Residential Single Family | R-6 | TN |

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. No lighting will be added. No new landscaping will be added. Plan element B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.

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 subject site is located in a residential area and is compatible with the surrounding neighborhood. All the residential uses in the area have similar appearance, size, scale, intensity, traffic, noise, and lighting.

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 Protection District did not comment on the proposal.

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

STAFF: There are 4 items in the listed requirements for an accessory apartment and item D. has been met. The applicant will be asking to modify item A., B., and C.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The property owner does not intend to reside in the principal residence.**
- B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater. **The accessory apartment is 1,024 square feet and the principle residence is 980 square feet.**
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The accessory apartment is 2-stories in height and the principle residence is 1 ½ stories.**

- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
 2. Traditional Neighborhood - at least one off-street space provided on the lot; and
 3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

TECHNICAL REVIEW

The site inspection done by staff appears to show the primary structure as being a duplex.

Accessory Apartment -A secondary residence located on the same parcel as a single family dwelling. The accessory apartment may be located in the same structure as the principal residence, or in a separate building. There shall be no more than two adults residing in the accessory apartment. The accessory apartment shall not constitute a dwelling unit for purposes of calculating permissible density, but shall be considered in calculating the permissible floor area.

STAFF CONCLUSIONS

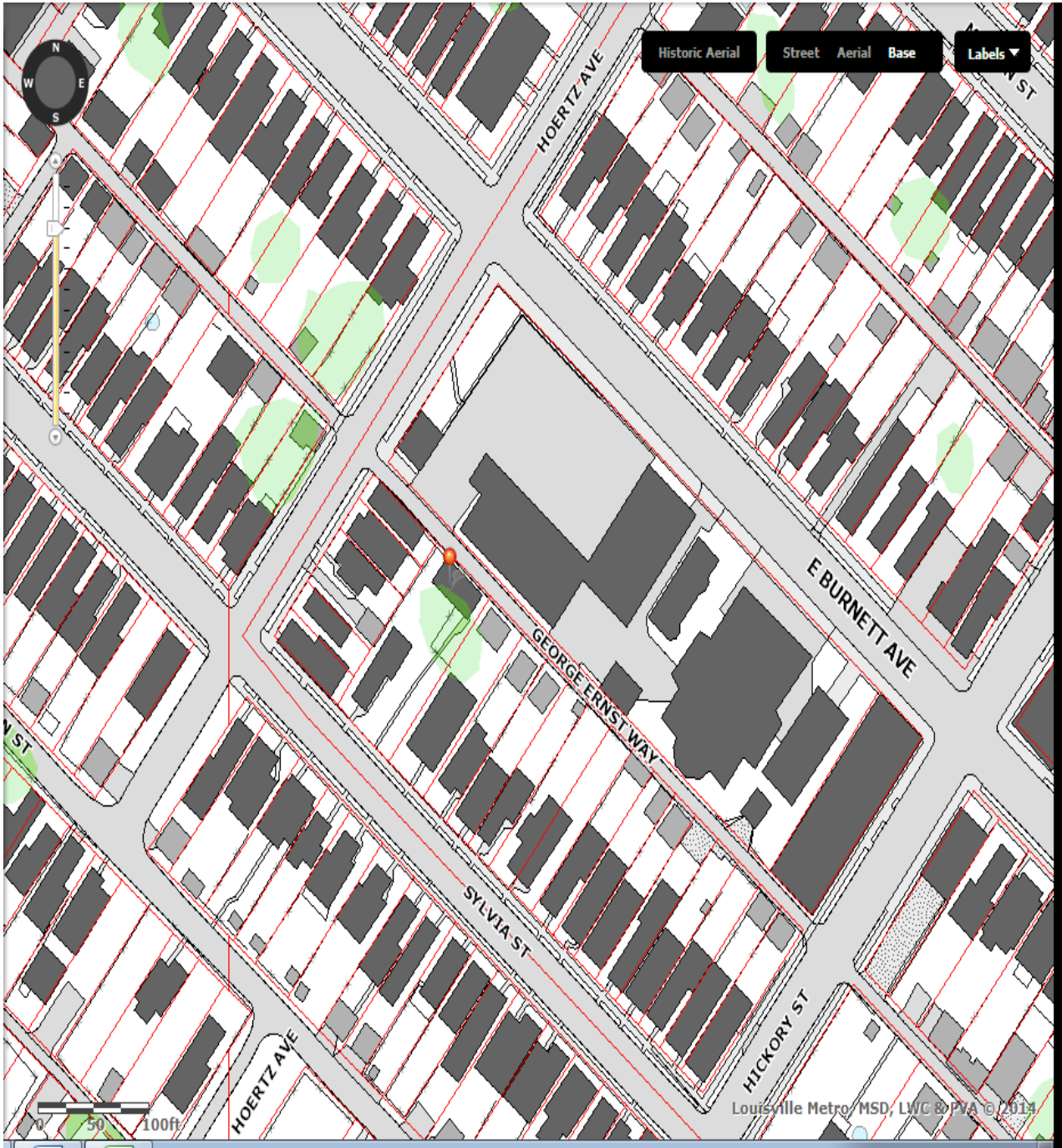
- This proposal is compatible with the surrounding residential area which includes several structures of this size and height. No new construction is proposed.
- The applicant is asking to not add addition landscaping and buffering.
- Three of the four Conditional Use Permit requirements will need to be modified.

NOTIFICATION

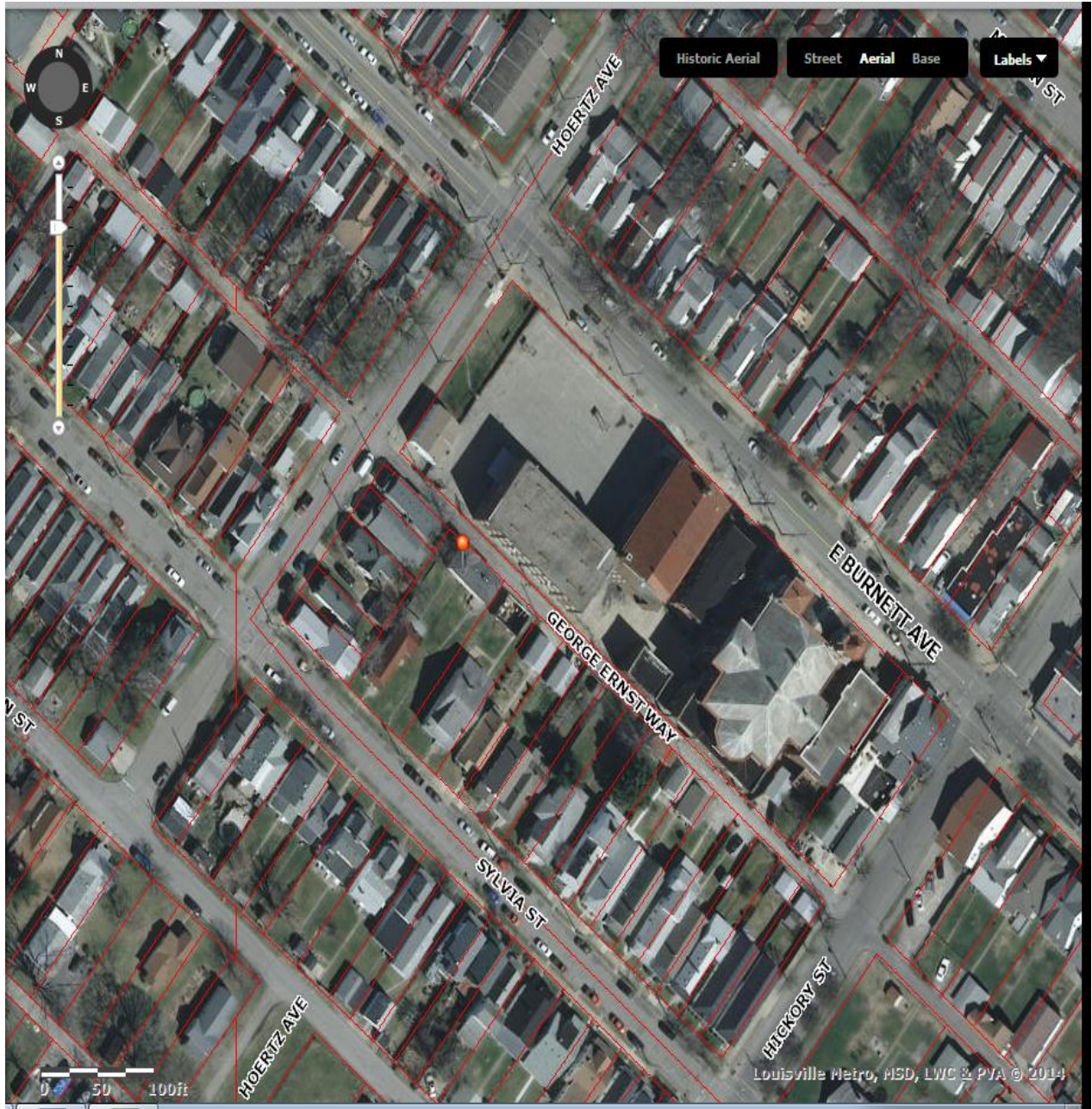
| Date | Purpose of Notice | Recipients |
|----------|-------------------|--------------------------------------|
| 05/16/14 | APO Notice | First tier adjoining property owners |
| 05/20/14 | Sign Posting | Subject Property Owner |

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

| # | Cornerstone 2020 Guidelines & Policies | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Pre-App Finding | Pre-App Comments | Final Finding | Final Comments |
|----|---|---|--|-----------------|---|---------------|--|
| 1 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 1: Community Form | B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys. | √ | Existing pattern of streets will be preserved. | | |
| 2 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 1: Community Form | B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses. | - | The proposed lotting pattern will not be consistent with the rest of the area. | √ | The lotting pattern does not change. |
| 4 | Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7 | Community Form/Land Use Guideline 1: Community Form | B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design. | √ | The proposal will preserve two residential structures. | | |
| 16 | Form Districts Goals C2-4, Objectives C2.2, C2.4, C3.2, 4.2, 4.5, 4.6, 4.7 | Community Form/Land Use Guideline 2: Centers | A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. | - | Parking is not shown on the proposal. | √ | There are 2 parking spaces on the ground floor of the accessory apartment. |
| 19 | 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.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.) | - | Building composition is not provided. | - | Building composition was not provided. |
| 20 | 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.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. | +/- | The existing structures are compatible with the area, but the applicant has not shown any mitigation. | √ | There will be no new construction. |

| | | | | | | | |
|----|---|---|--|---|--|---|---|
| 21 | 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.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | - | Public Works has reviewed the proposal and has comments. | √ | Public Works has approved the proposal. |
| 22 | 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.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. | - | Lighting is not shown on the plan. | √ | Lighting is not proposed. |
| 29 | 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.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. | √ | Setbacks, lot dimensions, and building are compatible. | | |
| 43 | Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3 | Livability/Environment Guideline 10: Flooding and Storm water | The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If stream bank restoration or preservation is necessary, the proposal uses best management practices. | - | MSD has reviewed the proposal and has comments. | √ | MSD has approved the proposal. |
| 45 | Quality of Life Goal J1, Objectives J1.1-1.2 | Community Facilities Guideline 14: Infrastructure | A.2: The proposal is located in an area served by existing utilities or planned for utilities. | √ | Existing utilities are located in the area. | | |
| 46 | Quality of Life Goal J1, Objectives J1.1-1.2 | Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | √ | Water is provided by the LWC. | | |
| 47 | Quality of Life Goal J1, Objectives J1.1-1.2 | Community Facilities Guideline 14: Infrastructure | A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. | √ | There is existing sewage treatment and disposal on site. | | |

4. Applicant's Justification Statement and Proposed Findings of Fact

Glenn Price
Member
502.779.8511 (t)
502.581.1087 (f)
gaprice@fbtlaw.com

April 30, 2014

Louisville Metro Planning and Design Services
444 South Fifth Street, 3rd Floor
Louisville, Kentucky 40204

Re: 1007 Sylvia Street
Application for conditional use permit
for accessory apartment

RECEIVED

MAY 13 2014
PLANNING &
DESIGN SERVICES

To Whom It May Concern:

This is an application pursuant to Land Development Code §4.2.3 for an accessory apartment.

Both the apartment and the principal residence on the lot are existing.

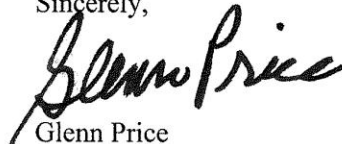
The following waivers of Listed Items are respectfully requested:

Listed Item A. The property owner does not intend to reside in the principal residence.

Listed Item B. The accessory apartment is 1,024 square feet. The principal residence is 980 square feet.

Listed Item C. The accessory apartment is 2-stories in height and the principal residence is 1-1/2 stories.

Sincerely,


Glenn Price

LOULibrary 0128591.0614401 1679250v1



Glenn A. Price Jr.
MEMBER
502.779.8511
GAPRICE@FBTLAW.COM

Neighborhood Meeting Notification

To: 1st and 2nd tier adjoining property owners of 1007-1009 Sylvania Street
Registered Neighborhood Group Representatives for District 10
Jim King, Metro Louisville Councilperson, District 10

From: Glenn A. Price, Jr. Attorney for Kentuckiana Jones Properties, LLC
Frost Brown Todd, LLC

Re: A Conditional Use Permit for an accessory apartment

Today's Date: March 28, 2014

An application for a conditional use permit to allow an accessory apartment for 1007-1009 Sylvania Street will be submitted to Louisville Metro Planning and Design Services. This will allow the existing rear building to be operated as a separate single family residence. No exterior changes are proposed. In accordance with the procedures of Louisville Metro Planning and Design Services, we invite adjoining property owners and neighborhood group representatives to discuss this proposal before it appears before a meeting of the Louisville Metro Board of Zoning Adjustment.

This will be an informal meeting to give you the opportunity to review the proposed plan, as well as to discuss the proposal with the owners and their representatives. This meeting will be held in addition to the established procedures of the Louisville Division of Planning and Design Services, including a full public hearing before the Louisville Metro Board of Zoning Adjustment.

The meeting to discuss this proposal will be held on:

- Date:** April 15, 2014
- Time:** 6:30 p.m.
- Place:** Greater St Mark Baptist Church
1425 Bland St
Louisville, KY 40217

At this meeting, representatives for the Applicant will explain the proposal and then discuss any concerns you may have. The purpose of this meeting is to increase your understanding of this case. We encourage you to attend this meeting and to share any concerns you may have about this proposal.

Should you have any questions prior to the meeting, please feel free to contact Glenn Price at 589-5400.

SUMMARY OF NEIGHBORHOOD MEETING
KENTUCKIANA JONES PROPERTIES, LLC
1007 SYLVIA STREET
CONDITIONAL USE PERMIT TO ALLOW ACCESSORY APARTMENT
HELD ON APRIL 15, 2014

On Tuesday April 15th, 2014, at 6:30 p.m. Kentuckiana Jones Properties, LLC (the "Applicant") hosted a Neighborhood Meeting to explain the proposal for a Conditional Use Permit to allow an accessory apartment on the property located at 1007 Sylvia Street. The meeting was held at the Greater St Mark Baptist Church.

There was 1 guest in attendance.

Those present on behalf of the applicant included:
Stephen F. Jones, Kentuckiana Jones Properties, LLC
Jonas Wilson, Frost Brown Todd LLC

Stephen Jones introduced himself and briefly discussed the proposal.

Q: Will you be dividing the lot?

A: That is not part of this proposal, but that would be the next step.

Mr. Kruer stated his objections to anything that would cause parking issues for the neighborhood. He mentioned that a proposal for a gym for the adjacent church was abandoned after parking issues arose. After repeating his objections to any proposal that did not include off street parking, the meeting was concluded.

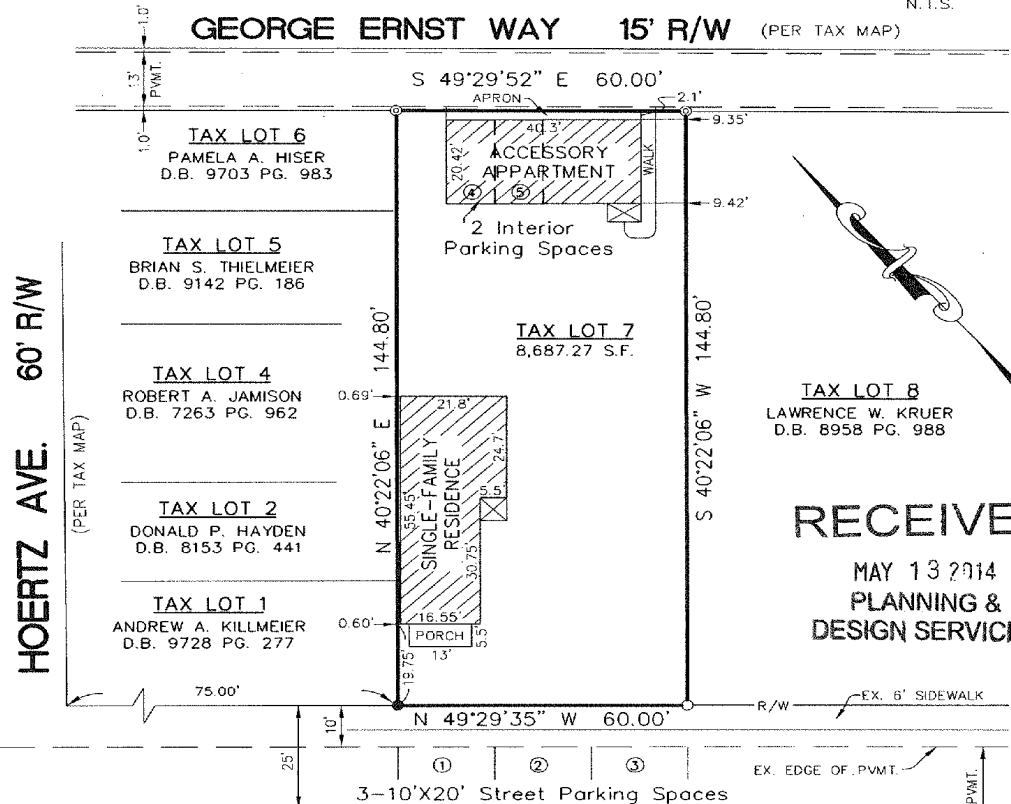
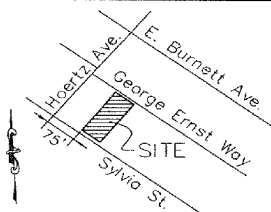
NOTES

The basis of bearings for this plat, are per Minor Subdivision Plot of Lots 19 & 20, Block 3 in Hydraulic Press Brick Co. Subdivision, recorded in Deed Book 8403, Page 316 of record in the Office of the Clerk of Jefferson County, Kentucky.

The parcel shown on this plat is subject to all legal easements, right-of-ways and restrictions of record, apparent or not.

From a personal review of firm no. 21111C0042E, the property does not lie within a flood zone area.

Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighborhood properties
5- Parking spaces



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MAY 13 2014
PLANNING & DESIGN SERVICES

CONDITIONS:

BY: *Tom Mullet*
DATE: *5-14-14*
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS

CUP PLAN
1007 & 1009 Sylvia Street
Louisville, KY 40217
D.B. 10042, PG. 189
Tax Block 26G, Lot 007
Zoning District R-5 Form District TN
JEFFERSON COUNTY, KY
Owner: Stephen F. Jones
3012 Hilltop Court
Prospect, KY 40059

CERTIFICATE OF APPROVAL
Approved this ___ day of ___, 20___
Invalid if not recorded before this date:
By: _____
Lou. Metro Planning Commission
Approval Subject to attached Certificates:
Special Requirement(s): _____
Docket Number: _____

Scale: 1" = 30' Date: Mar. 24, 2014

C. R. P. & ASSOCIATES, INC.
7321 New LaGrange Road, Suite 111
Louisville, KY. 40222
(502)423-8747

14CUP1006

14CUP1006

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 an accessory apartment without further review and approval by the Board.