

# Board of Zoning Adjustment NON-HEARING Staff Report

January 13, 2014



<b>Case No:</b>	13Variance1059
<b>Project Name:</b>	Addition
<b>Location:</b>	1628 Rosewood Avenue
<b>Owner(s):</b>	Timothy Wetzel & Melinda J. King
<b>Applicant(s):</b>	Timothy Wetzel
<b>Representative(s):</b>	None
<b>Project Area/Size:</b>	139.8 sq. ft.
<b>Existing Zoning District:</b>	R-5, Residential Single Family
<b>Existing Form District:</b>	Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Tom Owen
<b>Case Manager:</b>	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 addition to the existing home.

Location	Requirement	Request	Variance
South Side Yard	3 ft.	8 inches	2 ft. 4 in.

## CASE SUMMARY/BACKGROUND

The proposal is a first and second floor addition to the rear of the existing house. Per PVA's records the house was built in 1903.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

## PREVIOUS CASES ON SITE

There are no previous cases on the subject site.

### **SITE CONTEXT**

The site is located in the Highlands National Register District, no required review for this district; the property is not located in a platted subdivision, but is located in the Tyler Park Neighborhood. Per PVA records the house has a detached 2 car garage on the rear of the lot.

### **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.

OWNERS: "The proposed addition occurs at the rear of the existing house, in line with the existing sides of the house. All new construction on the west side wall will be constructed as a 1-hr rated firewall, which will increase the safety on that side. Footprint is only extended by 6 feet to the south."

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

OWNERS: "The proposed addition has been designed to match the style and details of the existing house and enhance the character of surrounding area. The design extends the existing structure in a seamless manner to the rear façade and is not visible from the street and only slightly visible from the alley."

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

OWNERS: "The requested variance only seeks to allow the proposed addition to be constructed along the line of the existing structure. The new wall will be 1-hour rated with no openings, much more protective than the existing construction"

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

OWNERS: "The variance will allow the addition to be constructed in line of the existing structure, extending an existing wall, not creating a new setback. The applicant is not requesting to encroach into the setback and additional distance(s), only to be permitted to rebuild and extend an existing rear enclosed porch."

### **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.

OWNERS: "The need for the requested variance arises from the location of the existing structure and configuration of the rear of the house. A previous porch had been enclosed in the early 20<sup>th</sup> century. Single board wall thickness and piece meal construction of porch floor are not energy efficient."

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.

OWNERS: "The existing structure is located within 3 feet of the west property line. Strict application of the current regulations would require offsetting the new wall and extensive new foundation and structural systems."

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.

OWNERS: "The applicant has taken no action. The existing structure was constructed in the existing location within the property's borders by a previous owner. The applicant is seeking relief to the regulation prior to taking any action."

**STAFF:** The structure was built prior to the current regulations (1903), the current owner had no control over the locality of the structure nor the size of the lot.

#### **TECHNICAL REVIEW**

The water flow from the gutters on the addition will flow out into the rear of the yard.

#### **STAFF CONCLUSIONS**

The owners of this 100+ year old house are constructing a safer more compliant first and second floor addition, which will be in character of the existing house and the neighborhood. The property has a fenced in rear yard where construction will take place, a safer construction area. The addition will be in alignment of the existing home with a 1-hour rated firewall not creating any further encroachment or nuisance upon the adjoining property. This lot and structure was created and built prior to the regulations (built in 1903), the owner was not responsible for the location of this structure. As the applicant explained a hardship would be upon them if they brought the structure into compliance with the regulations. Having to reconfigure the foundation of not only the addition but typically the whole house, which would decrease the desired additional square footage the owners desires.

#### **NOTIFICATION**

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

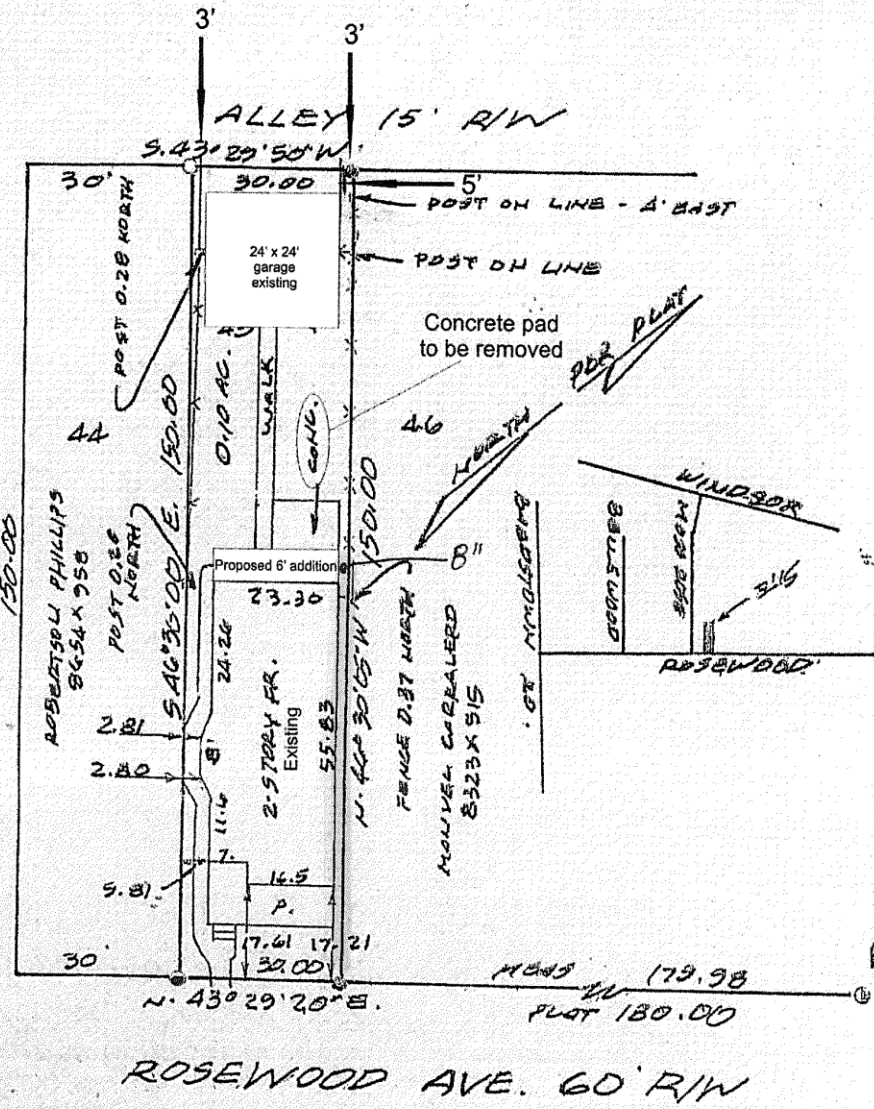
#### **ATTACHMENTS**

1. Zoning Map
2. Site Plan
3. Elevation Drawing
4. Photos



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17055 ROSE AVE. 60' R/W

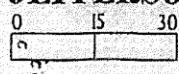


ROSEWOOD AVE. 60' R/W

- NOTE!
- ⊙ SET 5/8"X18" IRON PIN AND CAP #2542
  - ⊙ EX 5/8" IRON PIN ( FAMILY STYLE )
  - ⊙ EX 5/8" IRON PIN ( 0.39" SOUTH-0.51 EAST ) FAMILY STYLE

**PLAT OF SURVEY OF LOT 456 RIDGELAND ADD.**  
**RECORDED IN DB. 336 PG. 638 PG. 12 IN THE**  
**OFFICE OF THE COUNTY CLERK,**  
**JEFFERSON COUNTY KENTUCKY**

FILED IN city 75-B

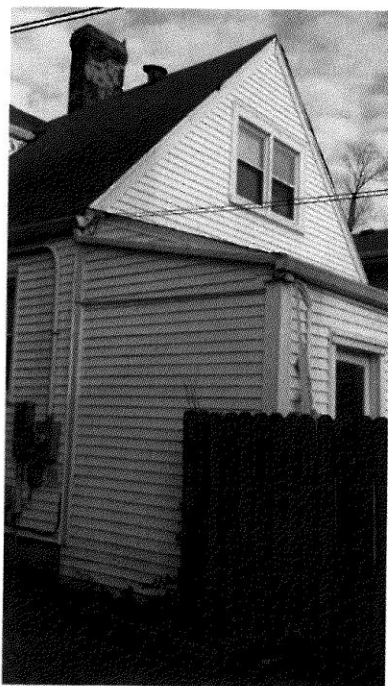


13 VARIANCE 1059

<p>Unadjusted closure for this tract is One part in 20386.17          This tract has been adjusted for closure by Compass Rule.          Bearings fro this tract have been ajusted to agree with          the deed bearing or plat bearing on the S. 46-30-00 E.          line of this tract and is the basis for the meridian shown herein</p>	<p>Present Owner          Name: TIMOTHY WETZEL          Address: 1628 ROSEWOOD AVE.          LOU. KY. 40204          TAX I.D. #</p>	<p>STAKE-SURVEY          CLIENT ; MARTY WETZEL          ADDRESS ; 1628 ROSEWOOD AVE.          LOU. KY. 40204</p>
<p>Land Surveyors Certificate          Class A Survey performed on true line and random traverse on This Date 12/02/06          I hereby certify that this plat and survey were made under my supervision</p>	<p><b>MORTGAGE FIRST</b>  <b>Land Surveying Company Inc.</b>          PAGE 5 of 8</p>	







1628 Rosewood Ave, WEST/Rear View



1628 Rosewood Ave, Rear View



1628 Rosewood Ave, Rear View

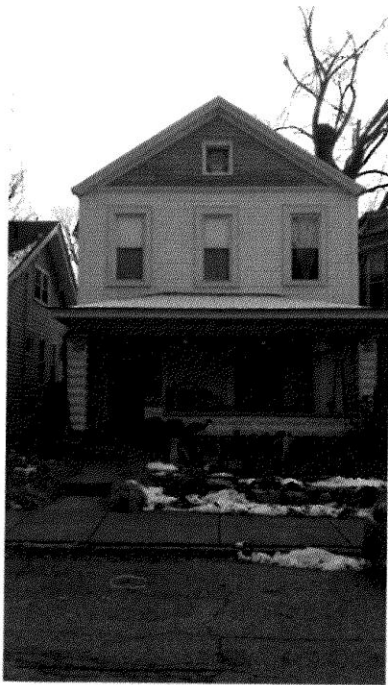


1628 Rosewood Ave, Rear View

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1628 Rosewood Ave, Front View



1628 Rosewood Ave, Front /Side View



1628 Rosewood Ave, WEST Side View



1628 Rosewood Ave, Rear/WEST Side View

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