

# Board of Zoning Adjustment

## Staff Report

October 30, 2017



|                          |                              |
|--------------------------|------------------------------|
| <b>Case No:</b>          | 17VARIANCE1072               |
| <b>Project Name:</b>     | 615 Park Avenue Addition     |
| <b>Location:</b>         | 615 Park Avenue              |
| <b>Owner(s):</b>         | Beth Milstead                |
| <b>Applicant:</b>        | Beverly Baker                |
| <b>Jurisdiction:</b>     | Louisville Metro             |
| <b>Council District:</b> | 6 – David James              |
| <b>Case Manager:</b>     | Dante St. Germain, Planner I |

### REQUEST

- **Variance** from Land Development Code section 5.4.1.D.3 for a reduction in the private yard area.

| Location          | Requirement | Request     | Variance   |
|-------------------|-------------|-------------|------------|
| Private Yard Area | 528 sq. ft. | 434 sq. ft. | 94 sq. ft. |

### CASE SUMMARY/BACKGROUND

The subject property is located in the Old Louisville neighborhood, and currently contains a 1½-story single-family residence. The applicant is proposing a one-story rear addition on the home. The applicant therefore requests a variance to allow a reduction in the private yard area.

Lots under 6,000 sq. ft. require the private yard area to be at least 20% of the total area of the property. The property is 2,639 sq. ft., therefore the required private yard area is 528 sq. ft., and the requested variance is 94 sq. ft.

Historic Landmarks and Preservation Commission staff approved the addition under case number 17COA1213. The Certificate of Appropriateness was issued September 25, 2017. See Attachment #6 for the conditions of approval.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

### STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and 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 variance established in the Land Development Code from section 5.4.1.D.3 to allow a reduction of the required private yard area.

## **TECHNICAL REVIEW**

- No technical review undertaken.

## **INTERESTED PARTY COMMENTS**

None received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3**

- (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 as the proposed addition will be constructed to comply with all building codes, including fire codes.

- (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 as the proposed addition was approved by Historic Landmarks and Preservation Commission staff.

- (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 as the proposed addition will be constructed according to building codes.

- (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 as significant private yard area will remain.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone as the addition as the lot is regular in shape and similar in size to surrounding properties.

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 by preventing the applicant from building an addition onto the existing structure.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

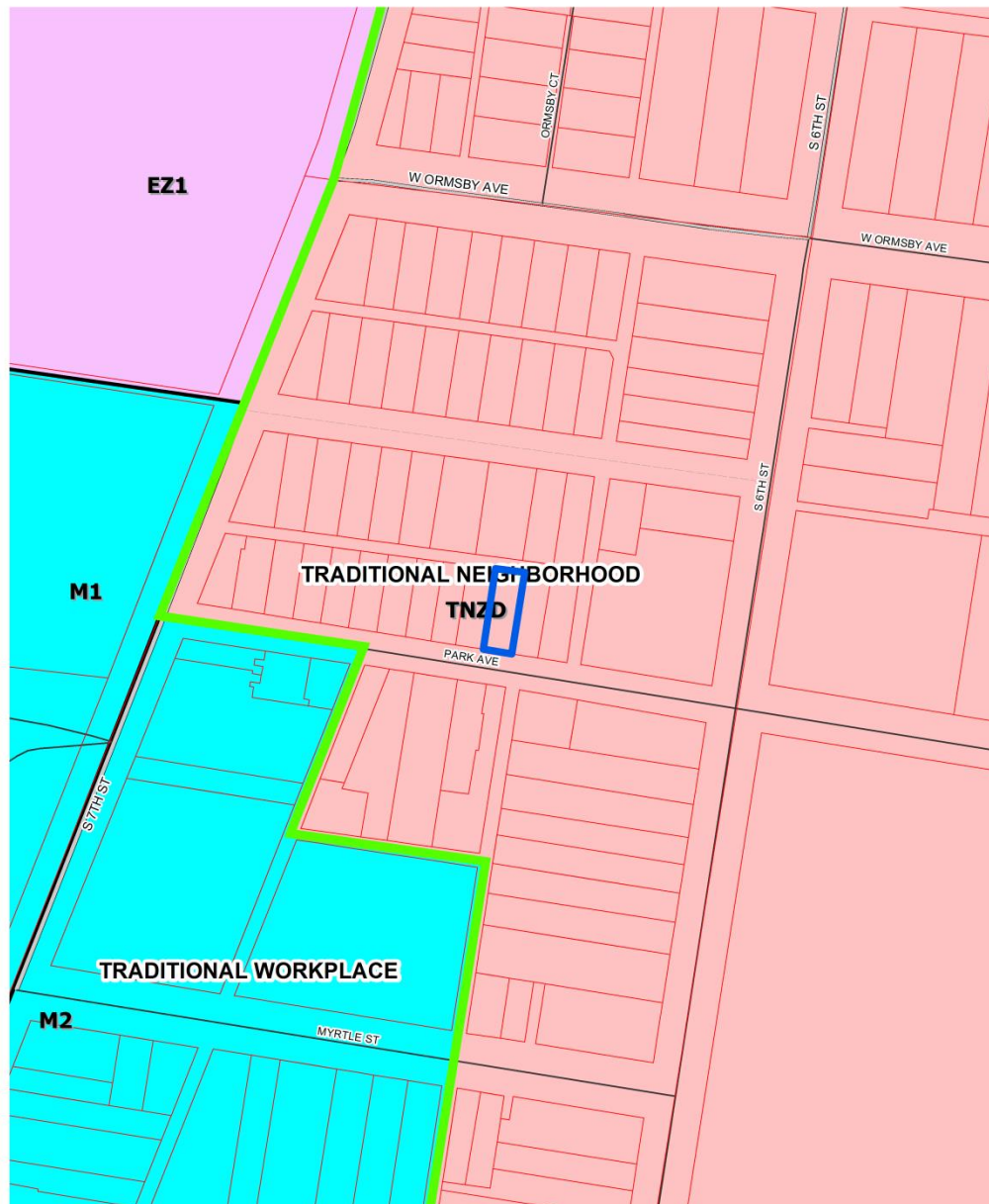
#### **NOTIFICATION**

| Date       | Purpose of Notice   | Recipients                             |
|------------|---------------------|--|
| 10/13/2017 | Hearing before BOZA | Not Required for Business Session Item |

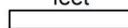
#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos
6. Certificate of Appropriateness

1. Zoning Map



615 Park Avenue  
feet



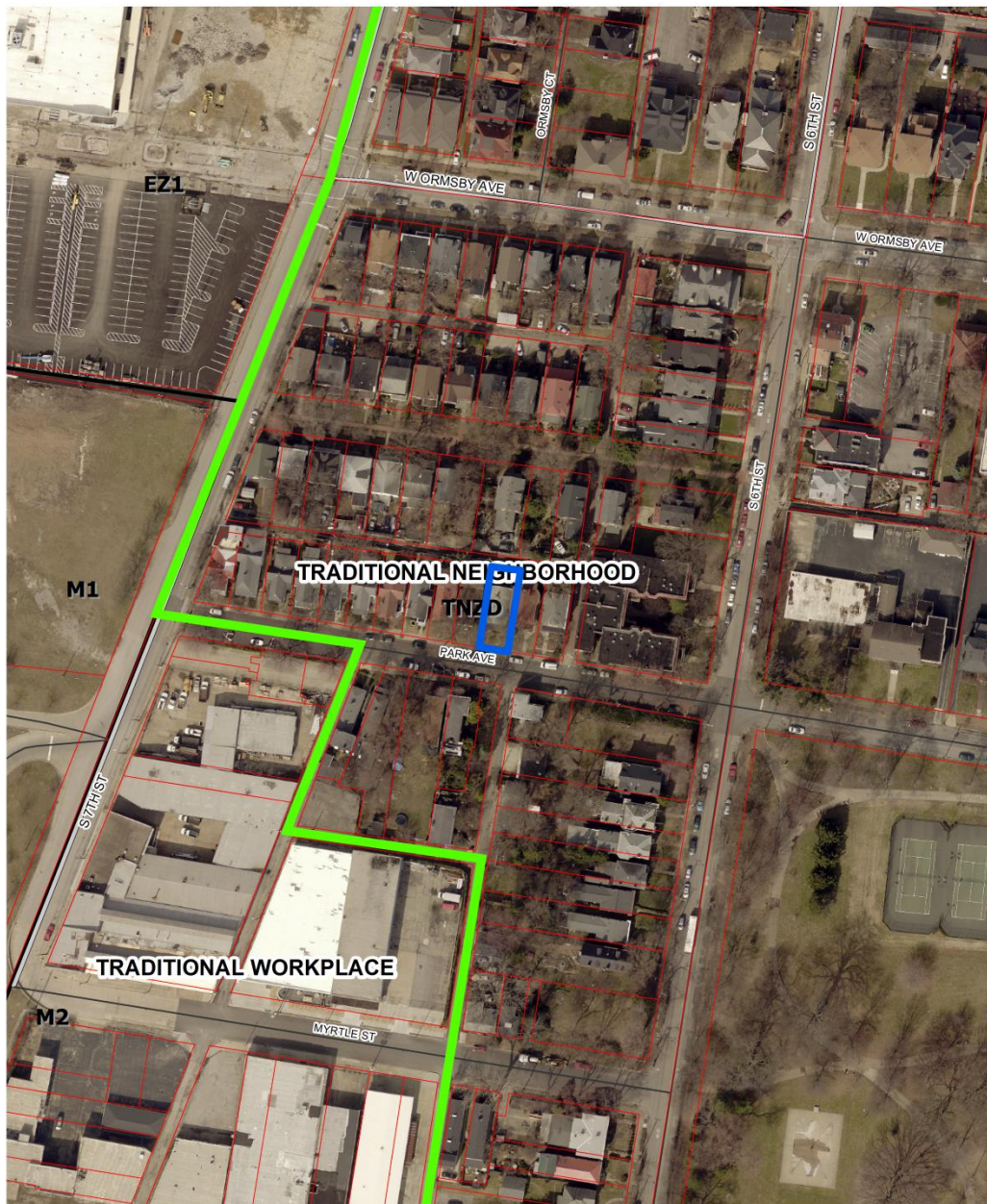
130

Map Created: 10/6/2017



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JEFFERSON COUNTY PROPERTY VALUATION  
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2. Aerial Photograph



615 Park Avenue

feet

130

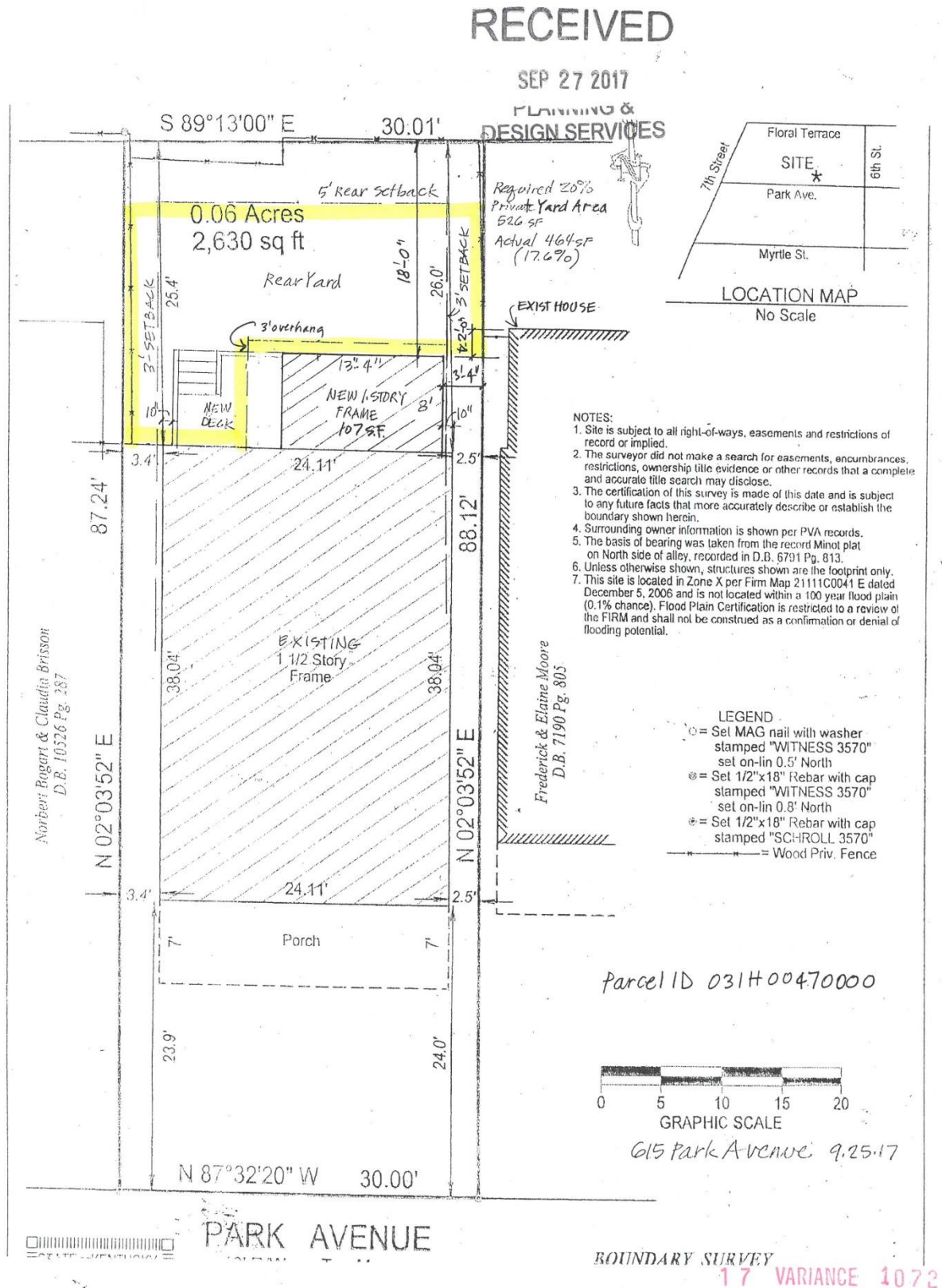
Map Created: 10/6/2017



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### 3. Site Plan

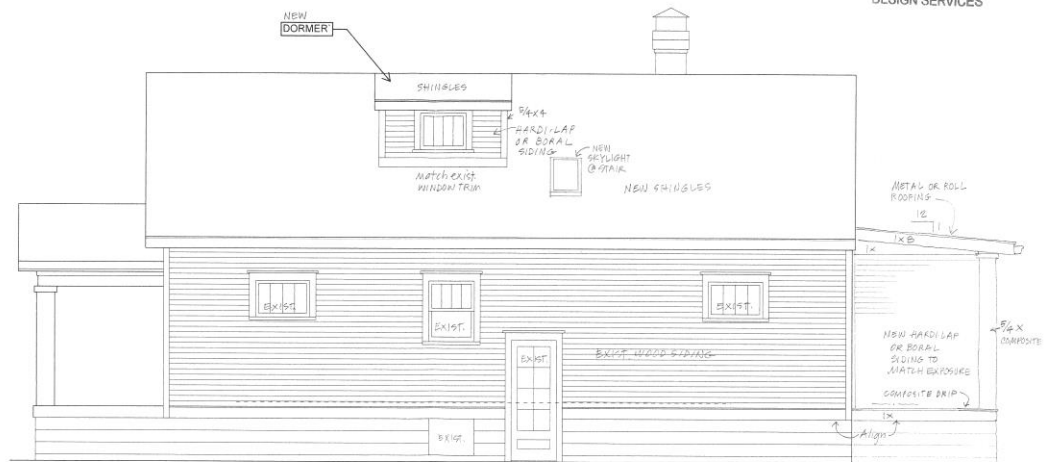


#### 4. Elevations



RECEIVED

SEP 27 2017  
DESIGN SERVICES



0 1 3 8 16'

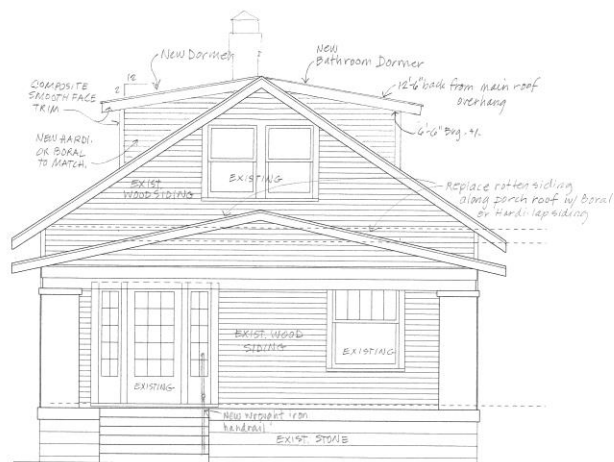
OPTION C EXTERIOR EAST ELEVATION

Milstead Resid.  
615 Park Avenue

17 VARIANCE 1072  
6 of 6

RECEIVED

SEP 27 2017  
DESIGN SERVICES



615 Park Ave 8-24-17

0 1 3 8 16'

Milstead Resid.  
615 Park Avenue

17 VARIANCE 1072  
3 of 6



5. Site Photos





6. **Certificate of Appropriateness**



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**Historic Landmarks and Preservation  
Districts Commission**

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**Certificate of Appropriateness**

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To: Beverly Baker and Beth Milstead  
Thru: Joe Haberman, Planning Manager  
From: Becky Gorman, Historic Preservation Specialist  
Date: September 25, 2017 *SDall*

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**Case No:** 17COA1213  
**Classification:** Staff Review

**GENERAL INFORMATION**

**Property Address:** 615 Park Avenue

**Applicant:** Beverly Baker  
Beverly D. Baker, Architect PLLC  
230 Albany Ave  
Louisville, KY 40206  
502.86.6186  
bdbaker@hotmail.com

**Owner:** Beth Milstead  
615 Park Ave  
Louisville, KY 40208  
210.240.1869  
bethmilstead@gmail.com

**Architect:** Same as Applicant

**Estimated Project Cost:** \$26,000

**Description of proposed exterior alteration:**

The applicant requests approval to construct a one-story frame addition with HardiPlank or Boral lap siding to match existing exposure on the rear elevation. The new addition will be 106 square feet and will extend 8'-0" out from the rear elevation of the house and will be 13'-4" wide. The structure will have a low-pitch standing seam metal or rolled rubber roof in a shed roof form. Gutters and

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downspouts proposed to match existing materials. Foundation will be split face concrete block. The rear elevation will feature 3 side-by-side 3-over-1 double hung windows. A new wood deck is proposed to extend from the new addition across the rear elevation. The applicant also requests approval for east and west side dormers to allow for headroom in the 2<sup>nd</sup> story living space and bathroom. The dormers will have a shingle roof in a shed roof form, HardiPlank or Boral lap siding to match the existing siding and a window with 4 mullions and window trim to match the existing window trim. A new skylight is proposed behind the east dormer. The applicant proposes to replace deteriorated siding on the rear elevation and front porch roof with HardiPlank or Boral lap siding to match the existing siding and install a new wrought iron handrail on the front porch stair.

#### **Communications with Applicant, Completion of Application**

The application was emailed on September 15, 2017. The application was determined to be complete and classified as requiring Staff Review on September 18, 2017.

#### **FINDINGS**

##### **Guidelines**

The following design review guidelines, approved for the Old Louisville Preservation District, are applicable to the proposed exterior alterations: ***Addition, New Construction-Residential, Porch, Roofing and Siding and Trim.*** 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 house is located on the north side of Park Avenue (a street which dead ends one block west) 3 lots west of the alley. The house sits on a hill and therefore the roof is largely hidden from street views. A generous canopy of trees aids in concealing the roof.

The house is zoned TNZD within the Traditional Neighborhood Form District. The house is a single-family, 1 ½ story frame house with a front gable roof and porch that extends across the front façade which also has a front gable roof.

##### **Conclusions**

The proposed addition meets the applicable Addition and New Construction-Residential Design Guidelines. The new addition is compatible with and subordinate to the existing house. The addition has a shed roof which is complimentary to the gable roof design. The east wall steps back 10" from the existing house distinguishing the new construction from the historic house.

The proposed new dormers meet the applicable design guidelines for Roofing. The new dormers are set back from the front façade and are compatible in size, scale, material and color with the main house. The roof of the house is not easily

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seen because of the elevated topography and the tree canopy around this property.

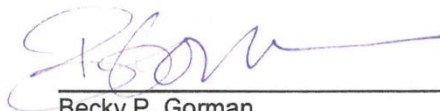
The proposed skylight will not be visible from the structure's primary façade. It will be behind the proposed east side dormer and therefore meets Roofing Guideline R17. Deteriorated wood siding on the porch and rear elevation will be replaced with smooth HardiPlank or Boral lap siding matching the existing exposure which meets the design guidelines for Siding and Trim. The proposed new handrail meets the Porch 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. The new wood deck shall be either painted or finished with an opaque stain.
2. Window trim will match the existing window trim.
3. The skylight should be flush (not the "bubble" type) with curbs painted to match the color of the roof material.
4. Any additional work or a change in the scope of work shall be submitted to staff for review and 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.*



Becky P. Gorman  
Historic Preservation Specialist

9/25/17  
Date

#### **Attached Documents / Information**

1. Staff Guideline Checklist

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