

**Board of Zoning Adjustment**  
**Staff Report**  
 March 16, 2020



<b>Case No:</b>	20-VARIANCE-0015 20-WAIVER-0018 and 20-WAIVER-0019
<b>Project Name:</b>	Ransdell Avenue Variance and Waivers
<b>Location:</b>	2530 Ransdell Avenue
<b>Owner:</b>	2019 Ransdell Avenue Trust
<b>Applicant:</b>	Lindsey Stoughton – LMS Design
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from Land Development Code section 5.1.12.a to allow a principal structure addition and an accessory structure to encroach into the required infill front yard setback
- **Waiver** from Land Development Code section 5.4.1.C.4 to allow a detached garage to not be setback 20 ft. from the front façade of the principal structure
- **Waiver** from Land Development Code section 5.4.1.B.1.e to allow parking in the Public Realm that does not lead to a garage or rear yard parking area

Location	Requirement	Request	Variance
Infill Front yard	57 ft. to 65 ft.	11 ft.	46 ft.

**CASE SUMMARY**

The subject property is located in the Cherokee Triangle neighborhood and preservation district, and currently contains a 2 ½ story single-family residence. The property is a double frontage lot on Ransdell Avenue and Longest Avenue. Planning & Design staff has determined Ransdell Avenue to be the primary street. The applicant is proposing to construct an addition that includes a carport that extends past the front façade of the existing principal structure and a detached garage that would also be in front of the principal structure. The proposed addition would be setback 20 ft. from the front property line and the detached garage would be 11 ft from the front property line. Infill standards require the front setback to be within the range of 57 ft. to 65 ft. The existing principal structure is setback 36 ft. from the front property line. Waivers are also required for the detached garage to not be setback 20 ft. from the front façade of the principal structure and to allow parking in the Public Realm area.

The Cherokee Triangle Architectural Review Committee approved the addition and proposed detached garage on condition under case number 19-COA-0171 on February 26, 2020. Planning & Design Staff does not have any recommended conditions.

**STAFF FINDING**

Staff finds that the requested variance is adequately justified and meets the standard of review. Staff finds that the requested waivers are adequately justified and meet the standards 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 5.1.12.a to allow a principal structure addition and an accessory structure to encroach into the required infill front yard setback. The Board of Zoning Adjustment must also determine if the proposal meets the standards for granting waivers from Land Development Code section 5.4.1.C.4 to allow a detached garage to not be setback 20 ft. from the front façade of the principal structure and from Land Development Code section 5.4.1.B.1.e to allow parking in the Public Realm that does not lead to a garage or rear yard parking area.

### **TECHNICAL REVIEW**

- The plan has received preliminary approval from Transportation Planning.

### **INTERESTED PARTY COMMENTS**

No interested party comments were received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.a**

- (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 structure 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 existing principal structure is already closer to the front property line than the neighboring properties. Also, Ransdell Avenue has a variety of lot sizes, shapes, and front yard setbacks.

- (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 and detached garage will be constructed to comply with all building codes, including fire 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 there is a wide range of front yard setbacks on Ransdell Avenue.

### **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 arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the subject property is a double frontage lot and the portion on the Longest Avenue side has a significant uphill grade toward the principal structure.

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 because the proposed addition and detached garage are located where other accessory structures and principal structures are located on Ransdell Avenue. Also, the subject property has topographical constraints behind the existing principal 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.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.4.1.C.4**

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed detached garage will be constructed to comply with all building codes, including fire codes and there are other accessory structures on Ransdell Avenue that are in front of the principal structure.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver does not violate specific guidelines of Plan 2040 as Plan 2040 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The proposed detached garage is consistent with the building design in the neighborhood. Alley access is promoted and preferred in the Traditional Neighborhood form, however, the alley in this case is usually a primary street and the access from Longest Avenue is difficult due to the topography.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the property has topographical constraints.

- (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 create an unnecessary hardship on the applicant because the proposed addition and detached garage are located where other accessory structures and principal structures are located on Ransdell Avenue. Also, the subject property has topographical constraints behind the existing principal structure. The applicant has also proposed a landscape buffer in between the detached garage and Ransdell Avenue.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.4.1.C.4**

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

STAFF: The waiver will not adversely affect adjacent property owners as the majority of properties on the south side of Ransdell Avenue have parking in the Public Realm area.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver does not violate specific guidelines of Plan 2040 as Plan 2040 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The parking is consistent with the design in the neighborhood. Alley access is promoted and preferred in the Traditional Neighborhood form, however, the alley in this case is usually a primary street and the access from Longest Avenue is difficult due to the topography.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the property has topographical constraints.

- (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 create an unnecessary hardship on the applicant because the proposed addition and detached garage are located where other accessory structures and principal structures are located on Ransdell Avenue. Also, the subject property has topographical constraints behind the existing principal structure. The applicant has also proposed a landscape buffer in between the detached garage and Ransdell Avenue.

**VARIANCE PLAN REQUIREMENT**

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>02/27/2020</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
<b>03/06/2020</b>	Hearing before BOZA	Notice posted on property

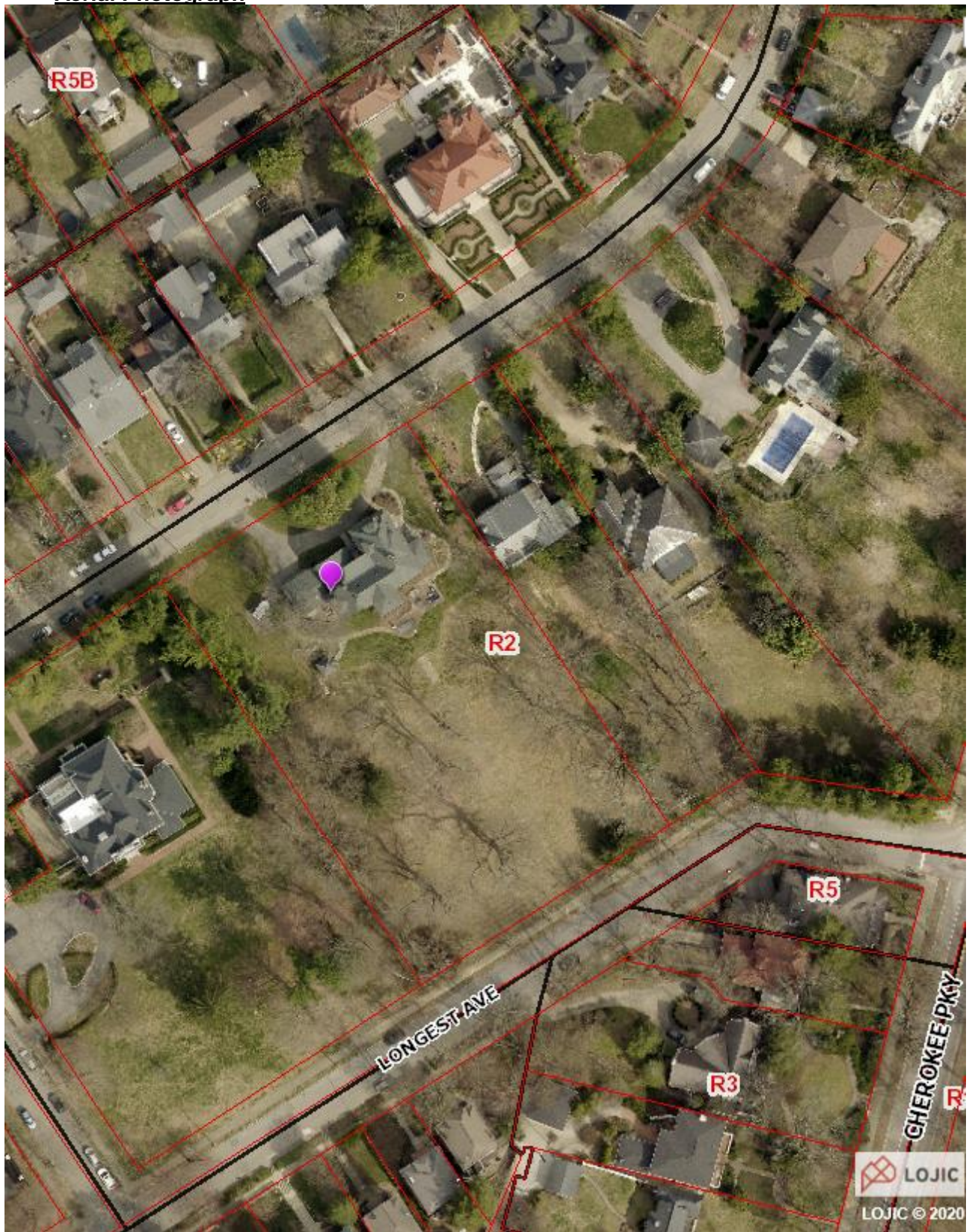
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

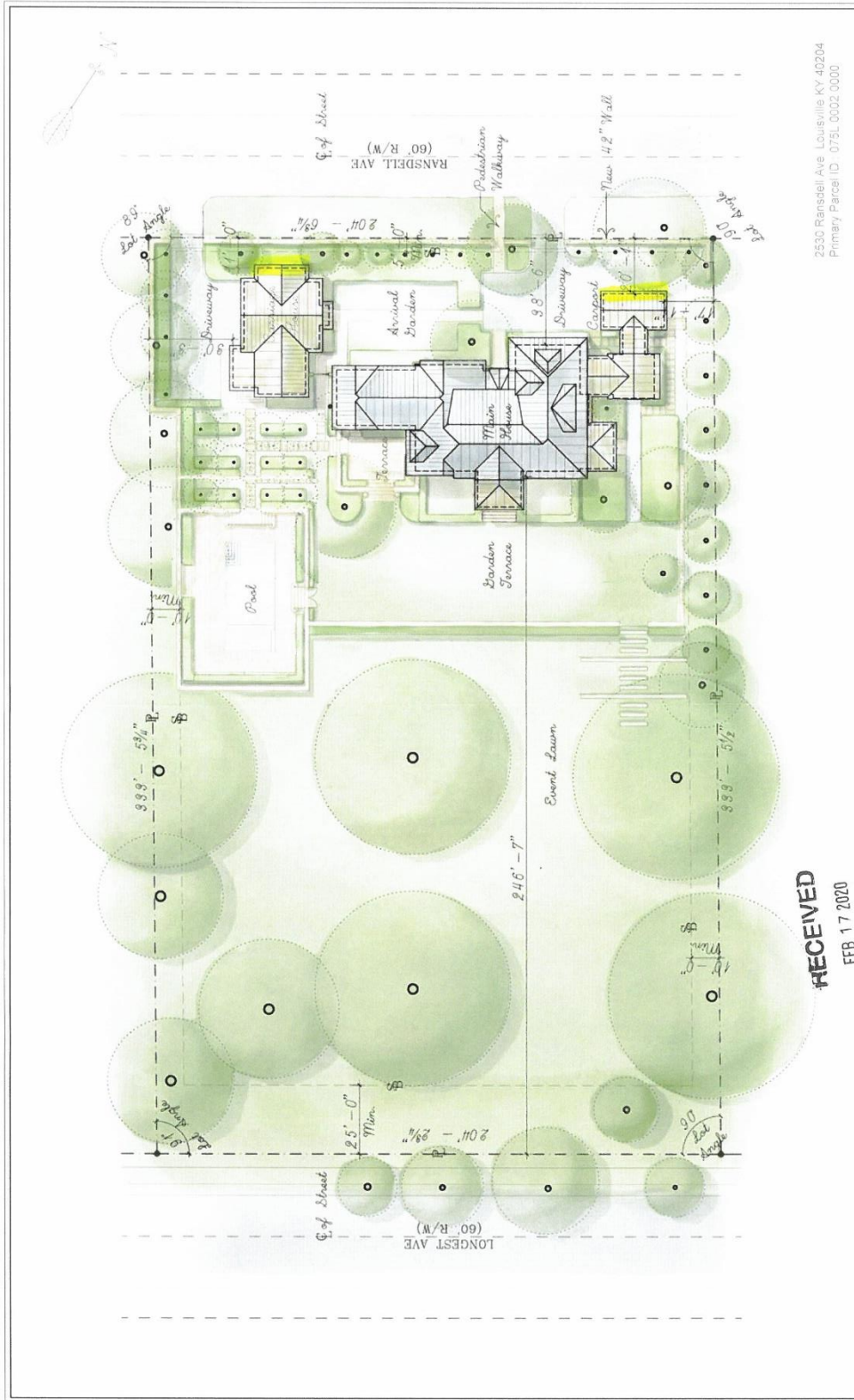
1. Zoning Map



2. Aerial Photograph



3. Site Plan



**RECEIVED**

FEB 17 2020

PLANNING &  
DESIGN SERVICES

2530 Ransdell Ave Louisville KY 40204  
Primary Parcel ID: 0751.0002.0000

20 - VARIANCE - 0015

Site Plan  
Scale: 1/8" = 1'-0"

February 17, 2020  
to the Louisville Planning Department



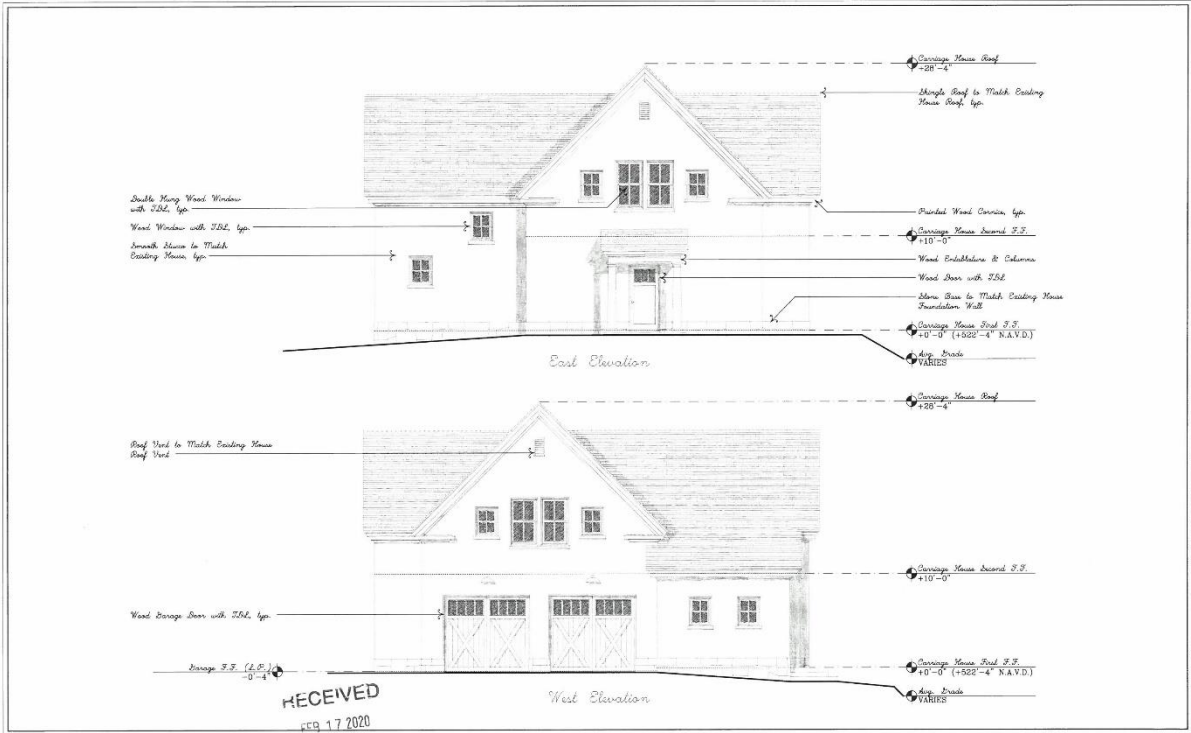
4. Elevations



February 07, 2020  
to the Lawrence Victoria Architects

Longest Avenue Street Elevation  
Scale: 1/16" = 1' - 0"

Paradise Station  
Cherokee Triangle, Kentucky  
20 - VARIANCE - 0015



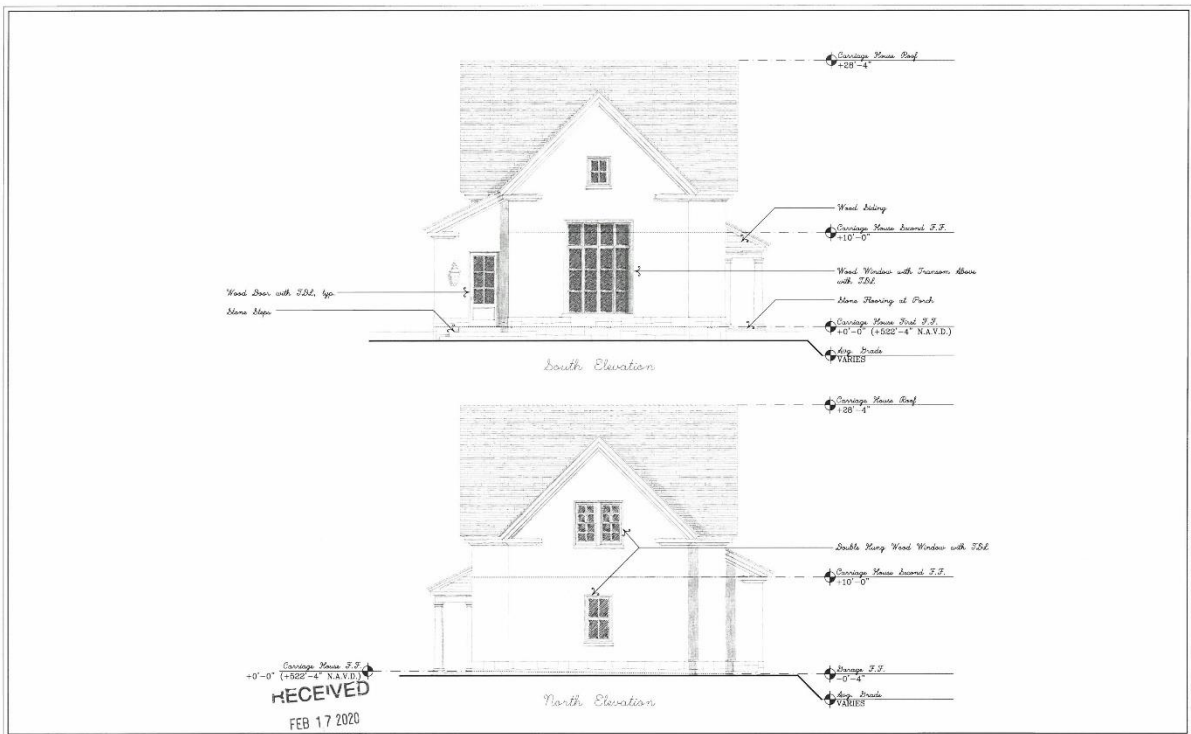
February 07, 2020  
 de la Guardia Pedersen Architects

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Carrriage House Elevations  
 Scale: 1/8" = 1'-0"

Barnwell Builders  
 Charaka Triangle, Kentucky

20 - VARIANCE - 0015



February 07, 2020  
 de la Guardia Pedersen Architects

RECEIVED  
 FEB 17 2020  
 PLANNING &  
 DESIGN SERVICES

Carrriage House Elevations  
 Scale: 1/8" = 1'-0"

Barnwell Builders  
 Charaka Triangle, Kentucky

20 - VARIANCE - 0015

5. Site Photos



Front of subject property.



Location of proposed addition.



Location of proposed detached garage.



Rear of property looking toward Longest Avenue.