

# Board of Zoning Adjustment NON-HEARING Staff Report

June 16, 2014



<b>Case No:</b>	14VARIANCE1039
<b>Project Name:</b>	1325 So. 3 <sup>rd</sup> St. Porch Addition
<b>Location:</b>	1325 South 3 <sup>rd</sup> Street
<b>Owner(s):</b>	GHP4, LLC
<b>Applicant(s):</b>	Paul Parker
<b>Representative(s):</b>	Bill Nunery
<b>Project Area/Size:</b>	682.5 sq. ft.
<b>Existing Zoning District:</b>	TNZN
<b>Existing Form District:</b>	Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Regina Thomas, Associate Planner

## REQUEST

- Variance from the Land Development Code to allow a proposed enclosed porch to encroach into the required rear yard.

Location	Requirement	Request	Variance
Rear Yard	3135 sq. ft.	1557 sq. ft.	1578 sq. ft.

## CASE SUMMARY/BACKGROUND

The proposal is a one-story addition to the rear of the existing house. Per PVA's records the house was built 1900.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

## PREVIOUS CASES ON SITE

Case numbers: 14326-OL, Request to remove existing temporary chain link construction fence and replace it with a 6' tall painted metal ornamental fence at 1323 & 1325 S. 3<sup>rd</sup> Street.

## SITE CONTEXT

This site is located in the Old Louisville Historic Preservation District the Old Louisville Preservation and Historic Landmarks District has approved with conditions the design of the proposed addition (see attached approved Certificate of Appropriateness).

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Land Development Code (Section 5.4.1.D.2)

**Dimensions.** The Private Yard Area shall be at least 30% of the area of the lot and shall be located between the principal structure and the accessory structure area. The private yard shall be composed of contiguous open area, and shall have a minimum dimension of 20 feet for lots that are 6,000 square feet in area or larger.

## STANDARD OF REVIEW ANALYSIS FOR VARIANCE (SIDE YARD SETBACK)

(a) The requested variance will not adversely affect the public health, safety or welfare.

APPLICANT: "It will follow existing line of house."

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

APPLICANT: "Many houses in this area have extensions to their houses. We will also follow the existing look with construction material."

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

APPLICANT: "It is keeping within existing structure in local area."

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

APPLICANT: "We are following lines and appearance of existing house."

**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.

APPLICANT: No response

**STAFF:** This house was originally built 1900 per PVA records although other homes in the area were built during the same period of time in the same location pattern, which took place prior to the current owner. Most additions to this structure will violate the Land Development Code for the above mentioned reasoning.

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.

APPLICANT: No response

**STAFF:** If this Variance is not granted the owner would not have the opportunity to expand her existing home to accommodate an art studio for hobby and to expand living space.

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.

APPLICANT: No response

**STAFF:** The owner wishes to expand her existing living quarters, this house was constructed prior to the current regulations adoption at which time the present owner did not own the property.

**TECHNICAL REVIEW**

The 5" aluminum gutters will direct the water to flow into the subject property's rear yard.

**STAFF CONCLUSIONS**

The owner is expanding the existing house to accommodate a hobby art studio as well as additional living space to the rear of the first floor. The houses in this neighborhood were constructed in the 1900's with the houses build closer together than the current regulation allows, any addition to these structures will incur Land Development Code encroachments. Viewing of the submitted photos the applicant provided the addition will not be adjacent to exterior window of the neighboring properties nor will there be side windows on the addition, thus not impeding further upon the neighbors privacy. A wood privacy fenced in the rear yard will be constructed for public safety and privacy. The addition will be in alignment of the existing home not creating any further encroachment or nuisance upon the adjoining properties. This lot and structure was created and built prior to the regulations (built in 1900), the owner was not responsible for the location of this structure. With the configuration of the neighborhood the addition will be in character of the existing neighboring homes; the exterior siding will match the existing house as well as the drainage system.

## **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
5. Landmarks & Preservation Districts Staff Report





R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	

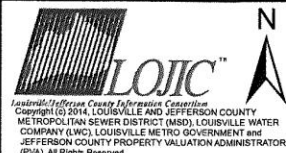


## Zoning District Map

Louisville/Jefferson Metro Government  
Planning and Design  
Services

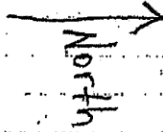
## 14VAR1039 VARIANCE

Scale: 1:1035 Date: 05/06/2014



Lot Size = 55' N to S  
190' E to W

1 block = 5'



Required Rear Yard

- 3135 ft<sup>2</sup>

Provided After Addition

- 1557 ft<sup>2</sup>

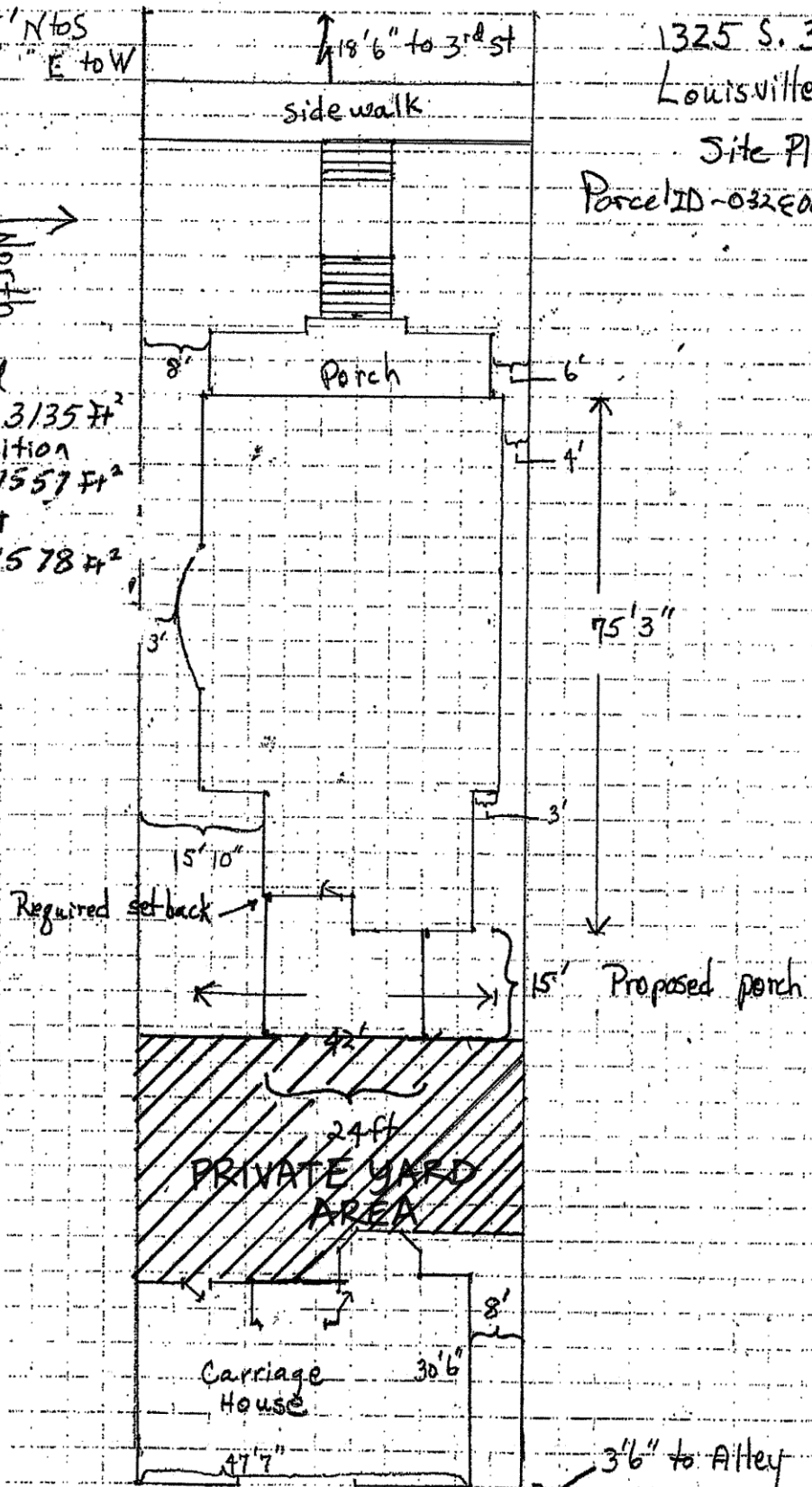
Variance Amount

- 1578 ft<sup>2</sup>

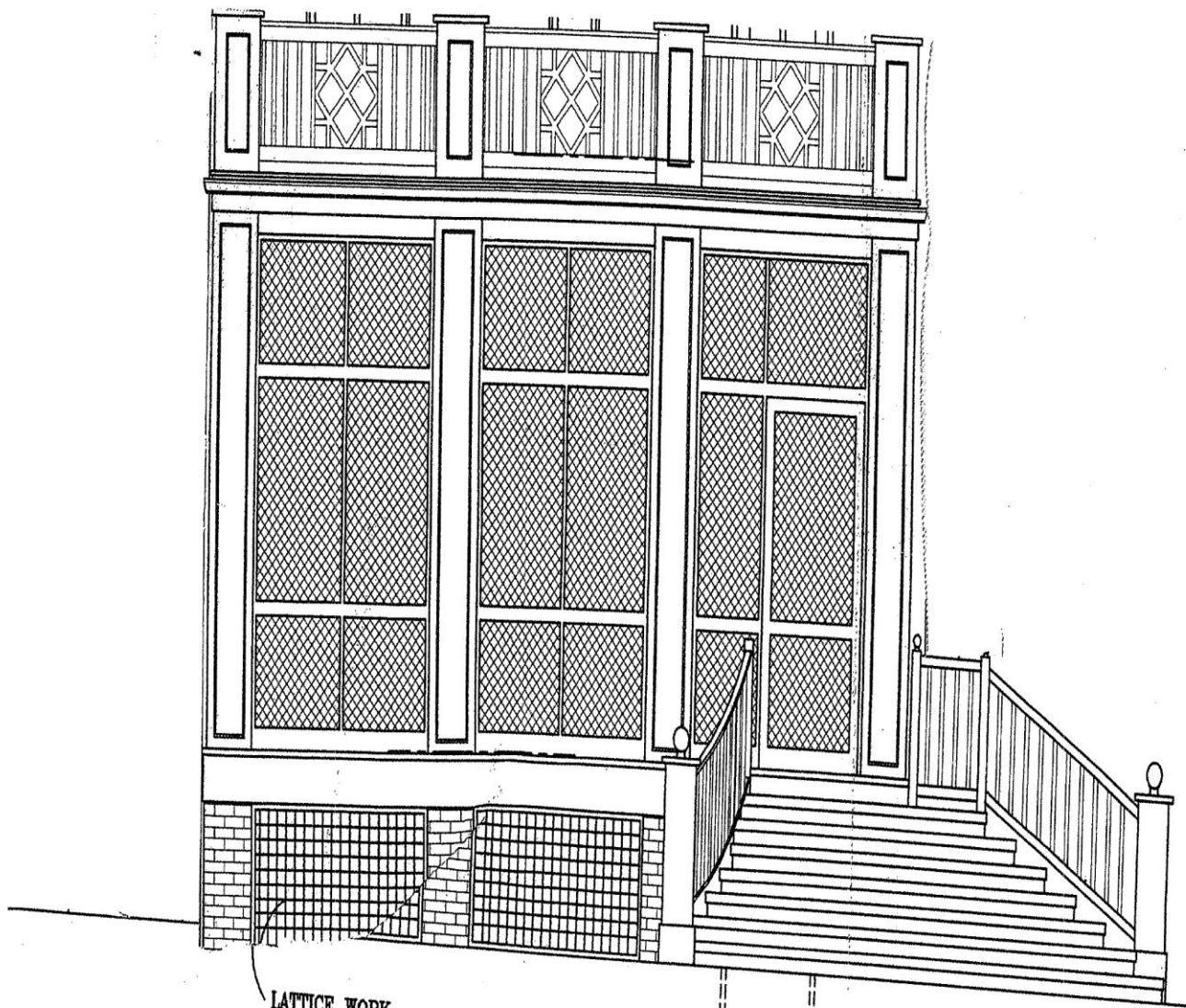
1325 S. 3<sup>rd</sup>  
Louisville,

Site Plan

Parcel ID - 032E0049



# REAR ELEVATION

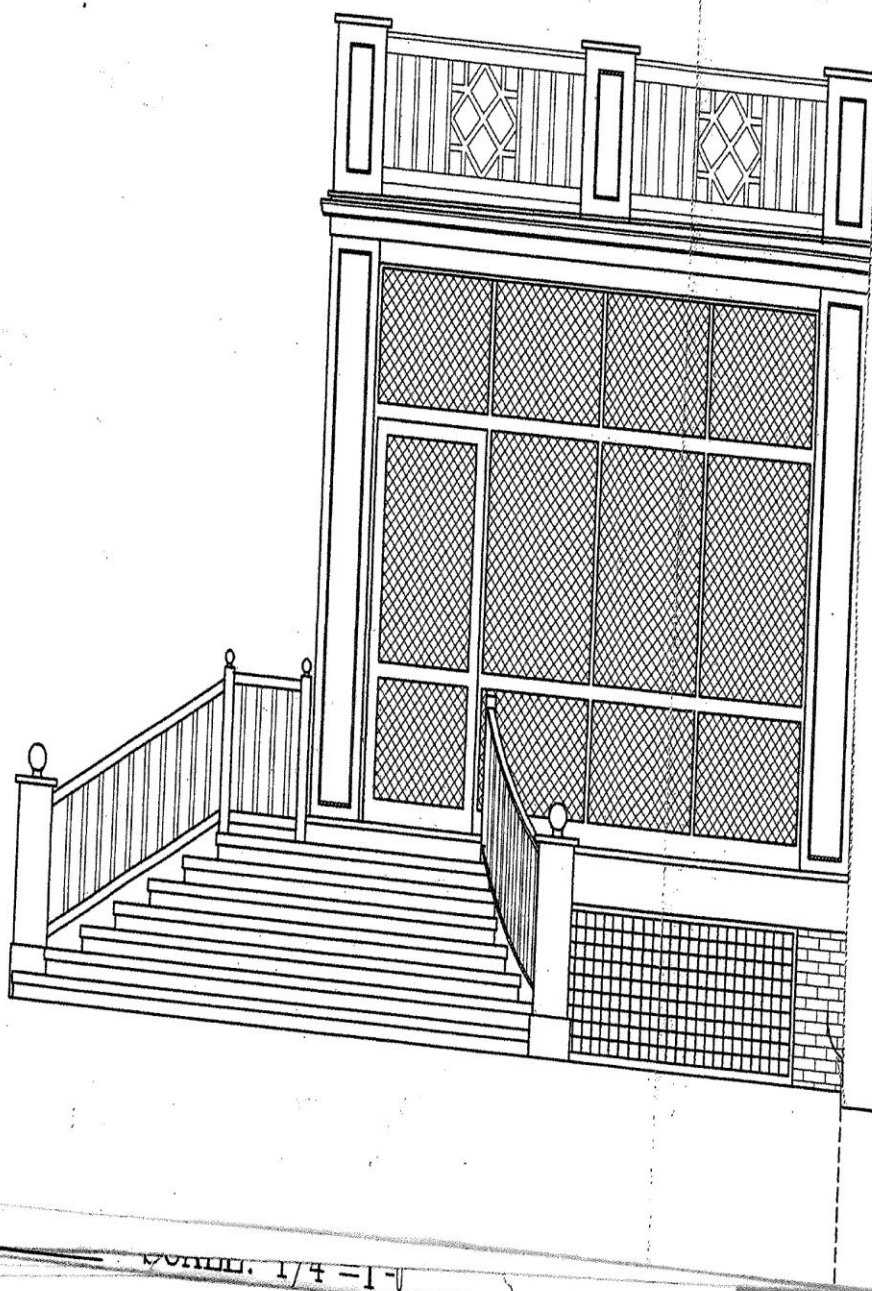


LATTICE WORK

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H. G. McCullough Designer, Inc."

TOP  
SUB.

# LEFT SIDE ELEVATION



SCALE: 1/4" = 1'-0"



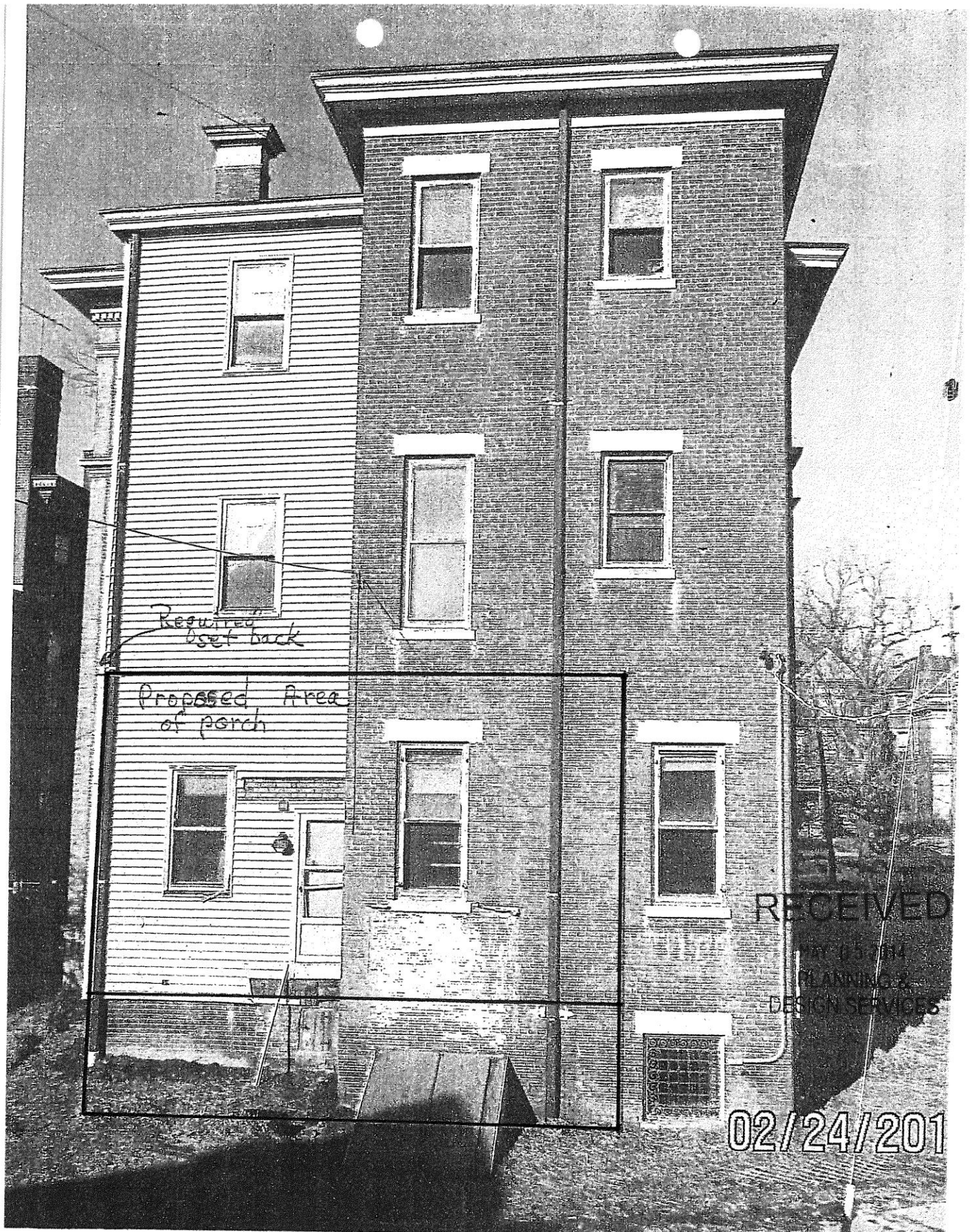
Proposed porch design  
for 1325 S. 3<sup>rd</sup> Street

Delete  
Pergola  
←

RECEIVED

MAY 05 2014  
PLANNING &  
DESIGN SERVICES

14VARIANCE1039

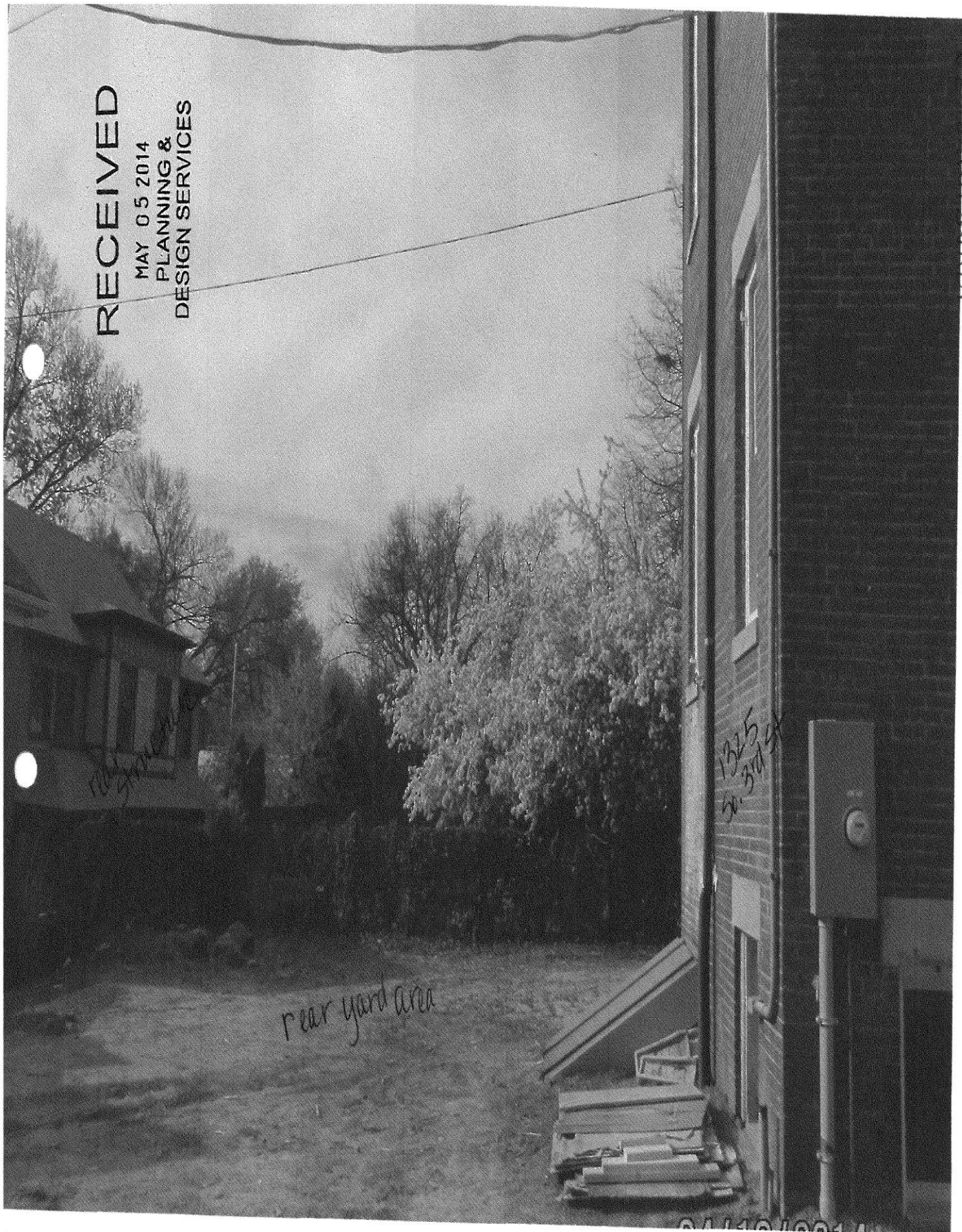


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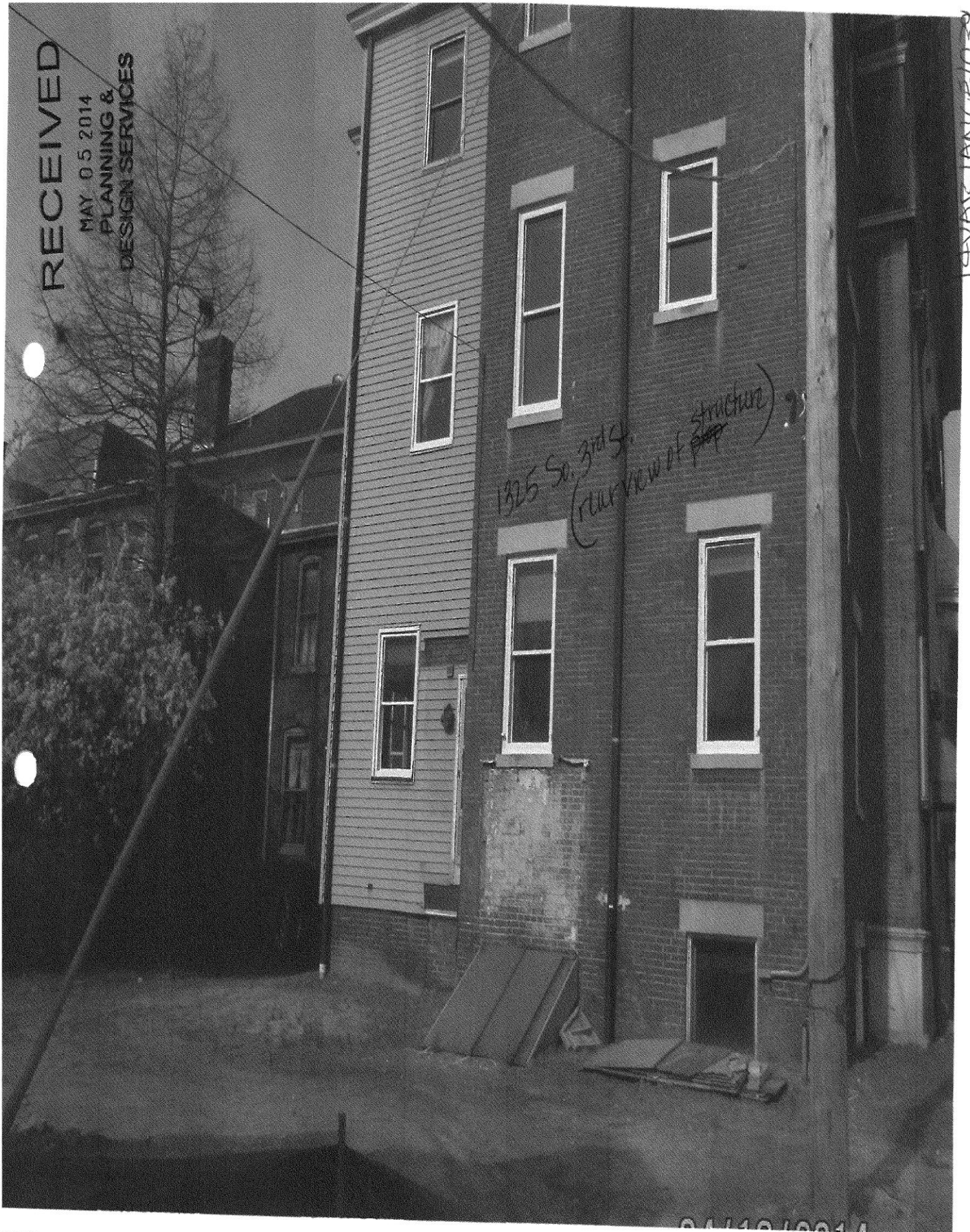


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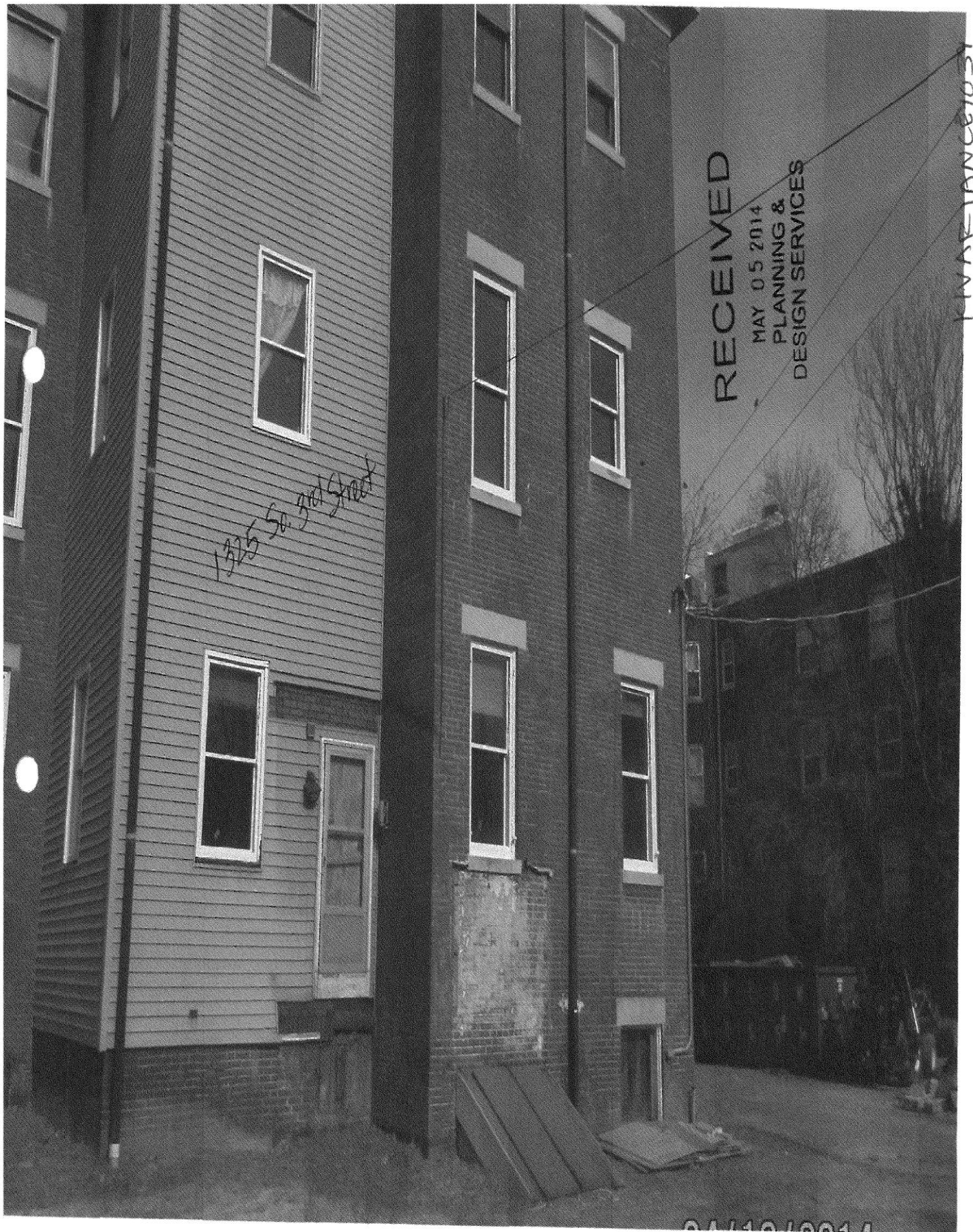
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PLANNING &  
DESIGN SERVICES



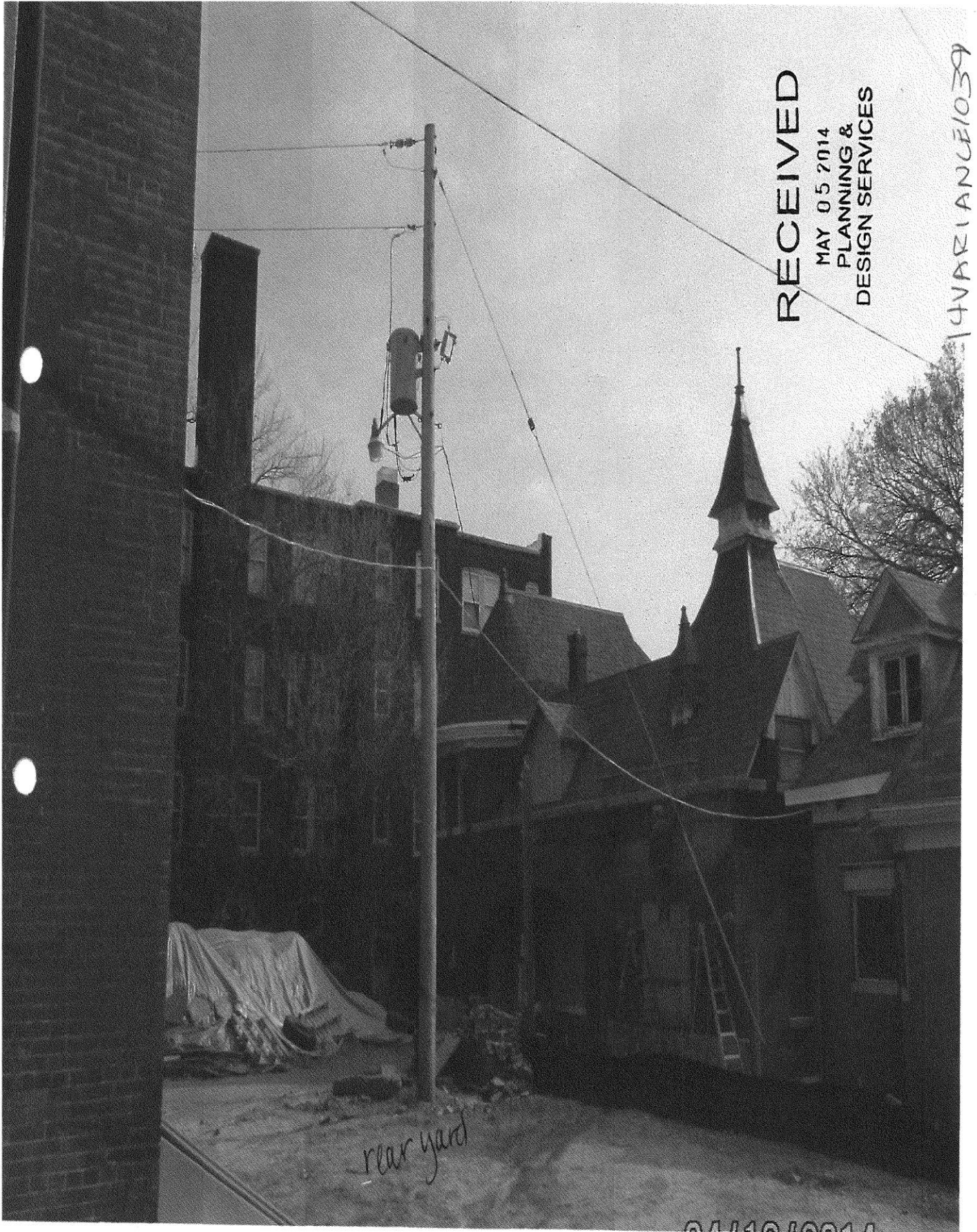


















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**Historic Landmarks and Preservation  
Districts Commission**

**Certificate of Appropriateness**

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To: William Nunery  
Thru: Bob Keesaer, AIA, NCARB- Supervisor  
From: Becky Gorman, Historic Preservation Specialist  
Date: May 28, 2014

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**Case No:** 14COA1070  
**Classification:** Staff Review

**GENERAL INFORMATION**

**Property Address:** 1325 S. 3<sup>rd</sup> Street

**Applicant:** Paul Parker  
Primera Services  
710 Grant Avenue  
Louisville, KY 40222  
502.639.7816

**Owner:** Bill Nunery  
GPH 4, LLC  
1323 S. 2<sup>nd</sup> Street  
Louisville, KY 40208  
317.509.5263

**Architect:** NA

**Contractor:** Same as Applicant

**Estimated Project Cost:** \$7,500

**Description of proposed exterior alteration:**

The applicant requests approval to construct a new screened-in rear porch with decorative deck railing on the roof or second level.

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

The application was received on May 5, 2014. Staff requested elevations from the applicant on May 12, 2014. The application was determined to be complete and classified as requiring Staff Review on May 22, 2014.

### **FINDINGS**

#### **Guidelines**

The following design review guidelines, approved for the Old Louisville Preservation District, are applicable to the proposed exterior alteration: Site and Addition. 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 structure is a 3-story brick house in an eclectic Italian Renaissance style with a hipped roof. It is zoned TNZD in a Traditional Neighborhood Form District. It is located on the east side of South 3<sup>rd</sup> Street and is 5 lots south of West Ormsby Ave.

#### **Conclusions**

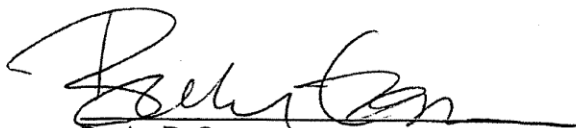
The proposed rear screened in porch meets the Design Guidelines for Site and Addition. The porch material is wood which is subordinate to the masonry main house and is inset from the main structure. The proposed screened porch takes place on the rear elevation of the home and will have a no visual impact from the pedestrian view points along South 3rd Street.

#### **DECISION**

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved with the following condition:**

- 1. The rear porch stairs shall be angled correctly as to not extend beyond the side of the building.**
- 2. All wood shall be painted or stained.**
- 3. All handrails and guardrails shall meet current building code standards.**

*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

5/30/14

Date

#### Attached Documents / Information

1. Staff Guideline Checklist
2. Application

## SITE

### Design Guideline Checklist

	Guideline	Finding	Comment
ST1	Consider the relationships that exist between the site and structure when making exterior alterations. Changes to one will affect the other. A primary goal should be to maintain a complementary relationship.	+	

## ADDITION

### Design Guideline Checklist

- + Meets Guidelines
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions as Noted
- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
A1	Ensure that the design of any new addition is in proportion with the size and scale of the historic building and district.	+	
A2	Design any addition so that it is subordinate to the original building. Generally, additions should not exceed half of the original building's total floor area or building footprint.	+	
A3	Generally, additions should be attached to secondary elevations and should be set back from the front façade, so as not to damage or obscure character-defining features.	+	
A4	Use materials that are the same as or subordinate to the primary material of the original building. Wood is subordinate to brick, and brick and stucco are subordinate to stone.	+	

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<b>A5</b>	Respect original roof forms when designing an addition. Additions should complement existing forms, not overwhelm them.	NA	
<b>A6</b>	Do not undertake any full-floor additions in residential preservation districts (adding an additional full floor on top of a building).	NA	
<b>A7</b>	Generally, the original orientation of a building should not be altered when constructing a new addition. An addition should not turn a secondary façade into primary façade.	+	
<b>A8</b>	Design any new addition so that the first-floor height is equal to or slightly lower than the original building. The floor-to-floor heights should be equal to or up to 10 percent less than the original building. In no case should the floor heights exceed those of the original building.	+	
<b>A9</b>	Design additions to have the same relationship of solids (wall surfaces) to voids (window and door openings) as the historic portion.	NA	
<b>A10</b>	Design additions so that there are subtle distinguishing characteristics between the historic portion and the new alteration. This may include simplifying details, changing materials, or slightly altering proportion.	NA	
<b>A11</b>	Set back additional stories from the historic wall plane of commercial or institutional structures when such an approach is required for a new use. The construction of additional stories should be as inconspicuous as possible and not damage or destroy character-defining features.	+	
<b>A12</b>	Do not design additions to appear older than the original building.	+	
<b>A13</b>	Comply with the Kentucky building code in such a way that a historic building's character-defining features are preserved.	+	
<b>A14</b>	Do not radically change or damage a building's character-defining features when adding a new code-required stairway or elevator. Any such addition should be compatible with the materials and scale of the historic structure.	NA	
<b>A15</b>	Install fire escapes only on secondary elevations. Respect the locations of original doors and windows and do not cause undue damage to historic materials. They should preferably be painted to match the color of the wall.	NA	
<b>A16</b>	Do not construct a deck on a front or side façade. Decks should be of wood construction and be either painted or finished with an opaque stain. Use the railing detail developed by the Landmarks Commission or other approved detail.	+	
<b>A17</b>	Design rear decks so that they do not extend beyond the side walls of the house and are not visible from the street.	+	See conditions.
<b>A18</b>	Wood fire stairs should be painted or stained and should be kept to a minimum functional size.	+	See conditions.