

# Board of Zoning Adjustment

## Staff Report

March 5, 2018



<b>Case No:</b>	18VARIANCE1008
<b>Project Name:</b>	1119 Reutlinger Avenue Addition
<b>Location:</b>	1119 Reutlinger Avenue
<b>Owner(s):</b>	Tran & P Properties LLC
<b>Applicant:</b>	Anthony Tran
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Dante St. Germain, Planner I

**REQUEST**

- **Variance** from Land Development Code table 5.2.2 to allow a second story addition to encroach into the required side yard setback

Location	Requirement	Request	Variance
<b>Side Yard Setback</b>	3 ft.	0 ft.	3 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Germantown neighborhood, and currently contains a one-story single-family residence. The applicant proposes to construct a new second-story camelback-style addition onto the rear of the existing structure. The existing structure is set back 3.01 feet on one side and 0 feet on the other side. The second story is proposed to follow the existing footprint, and therefore the applicant requests a variance for the 0-foot setback.

**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 table 5.2.2 to allow a second story addition to encroach into the required side yard setback.

**TECHNICAL REVIEW**

- No technical review was undertaken.

**INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2**

- (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 all construction will have to be performed in compliance with 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 camelback-style homes with reduced or no side yard setback are common in Germantown.

- (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 existing structure has no setback on one side, which has caused no known hazard or nuisance.

- (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 this style of house is common in Germantown and the second story cannot be set back farther from the property line than the existing structure without creating a costly engineering challenge with respect to the load-bearing walls.

### **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.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the existing structure has no setback on one side, and the second story addition is proposed to follow the existing footprint.

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 requiring the applicant to set back the second story more than the setback of the first story, which would create a costly engineering challenge by not lining up the addition with the load-bearing first-floor walls.

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.

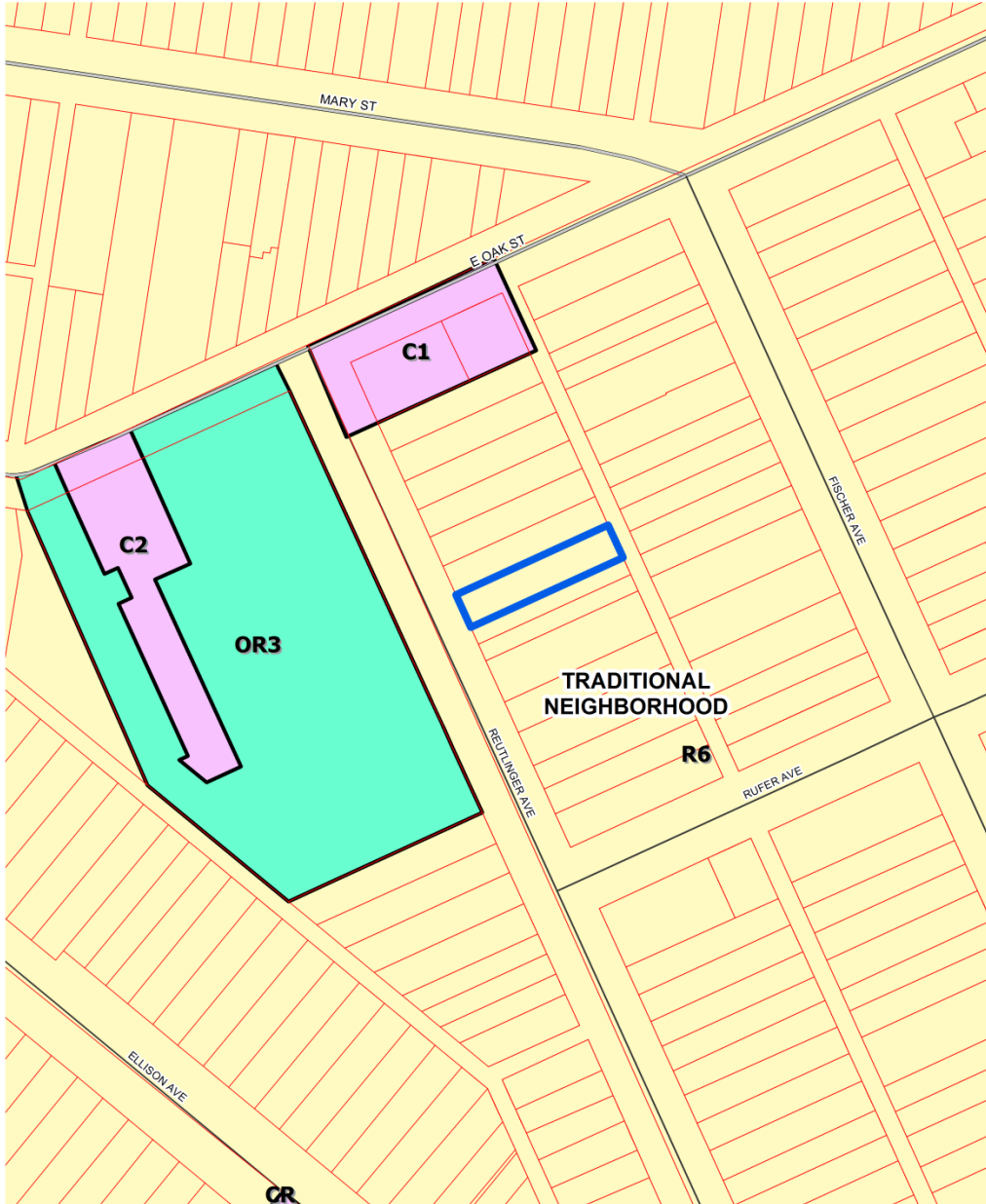
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>02/12/2018</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 10
<b>02/16/2018</b>	Hearing before BOZA	Notice posted on property

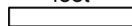
**ATTACHMENTS**

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

1. Zoning Map



1119 Reutlinger Avenue  
feet



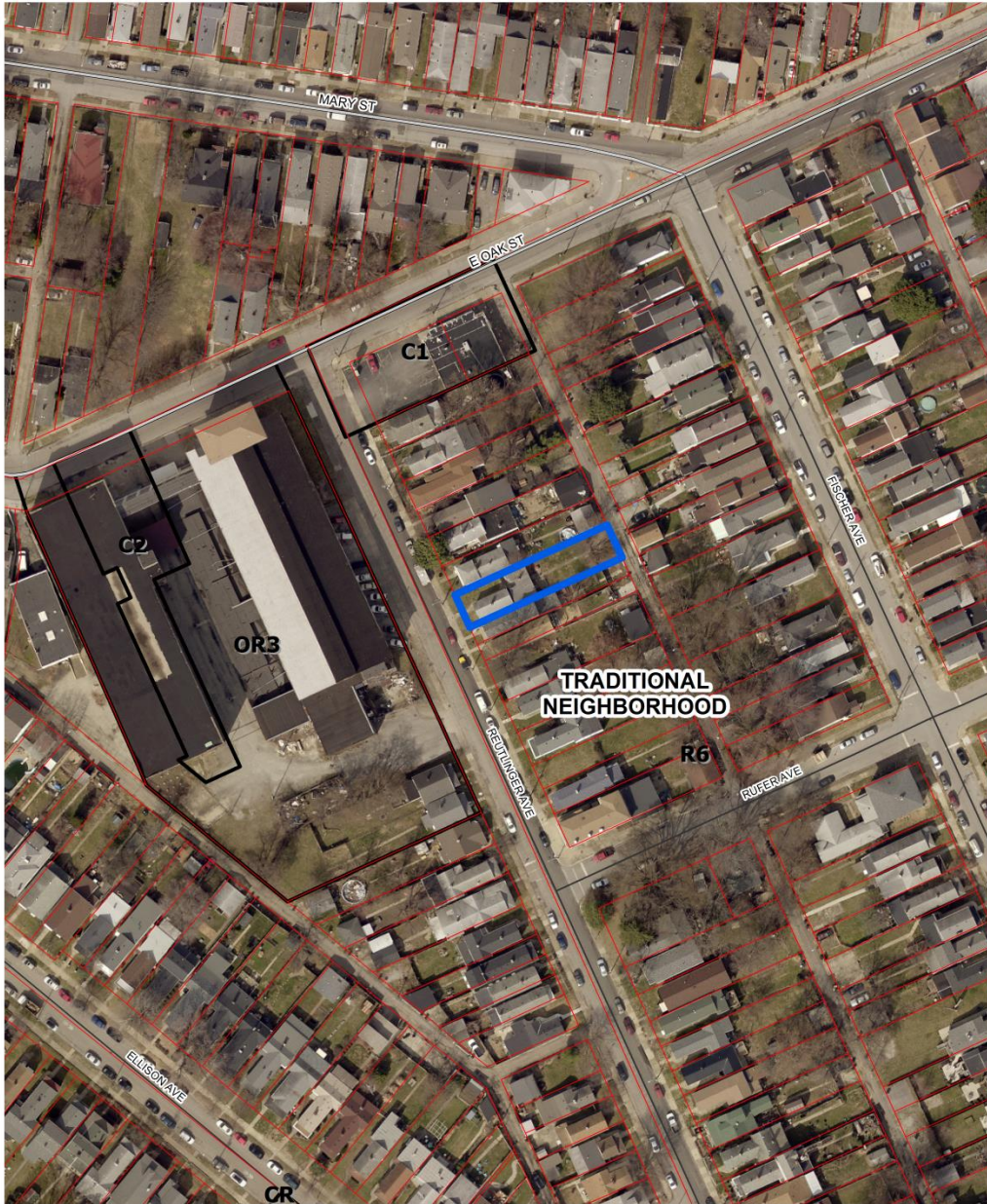
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Map Created: 2/19/2018

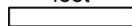


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2. Aerial Photograph



1119 Reutlinger Avenue  
feet



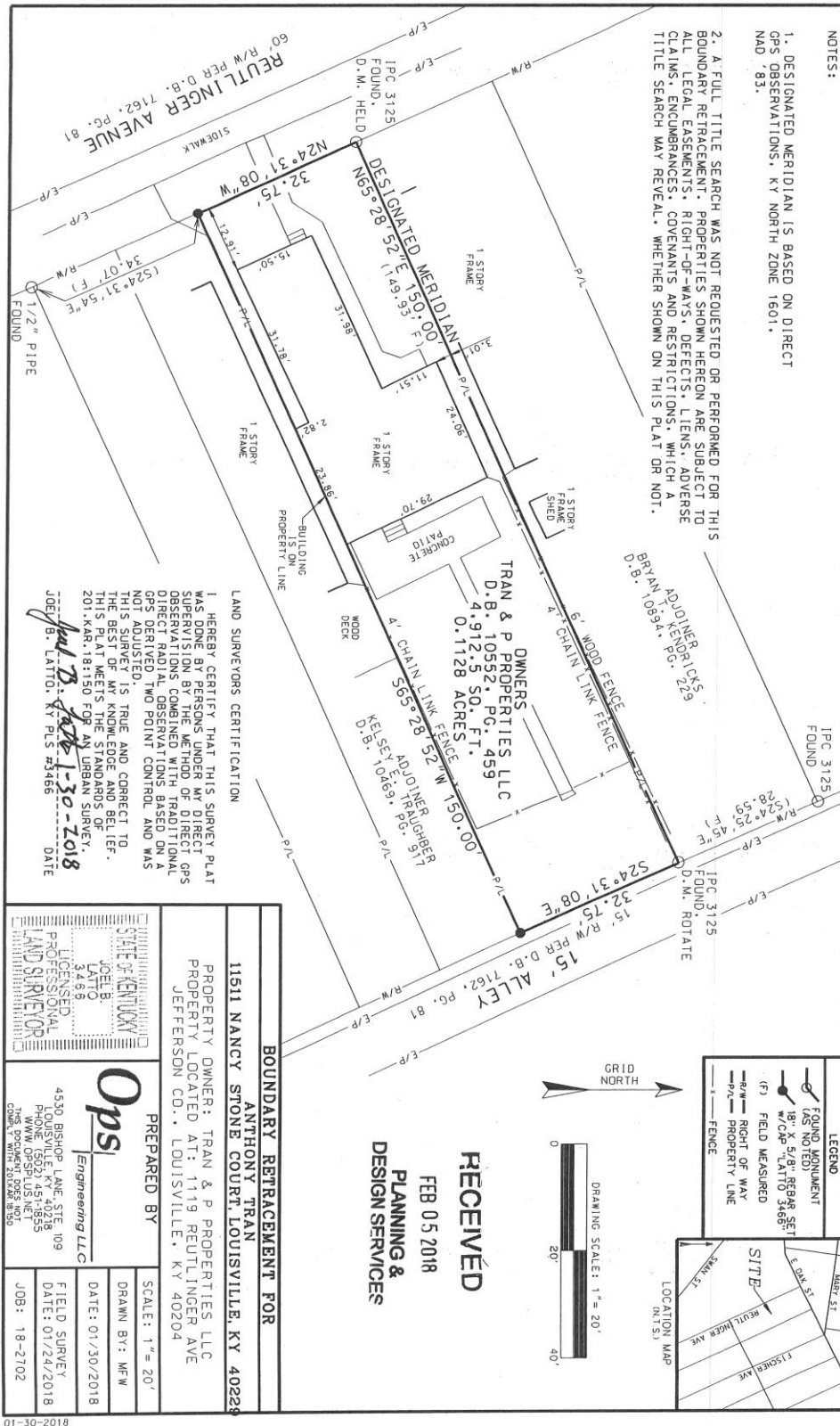
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Map Created: 2/19/2018



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3. **Site Plan**



**NOTES:**

1. DESIGNATED MERIDIAN IS BASED ON DIRECT GPS OBSERVATIONS, KY NORTH ZONE 1601, NAD '83.
2. A FULL TITLE SEARCH WAS NOT REQUESTED OR PERFORMED FOR THIS BOUNDARY RETRACEMENT. PROPERTIES SHOWN HEREON ARE SUBJECT TO ALL LEGAL EASEMENTS, RIGHT-OF-WAYS, DEFECTS, LIENS, ADVERSE CLAIMS, ENCUMBRANCES, COVENANTS AND RESTRICTIONS, WHICH A TITLE SEARCH MAY REVEAL. WHETHER SHOWN ON THIS PLAT OR NOT.

**LAND SURVEYORS CERTIFICATION**

I, HEREBY CERTIFY THAT THIS SURVEY PLAT WAS DONE BY PERSONS WHOSE METHOD OF DIRECT OBSERVATIONS COMBINED WITH TRADITIONAL DIRECT RADIAL OBSERVATIONS BASED ON A GPS DERIVED TWO POINT CONTROL AND WAS NOT ADJUSTED.

THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT MEETS THE REQUIREMENTS OF 201 KAR 18.150 FOR AN URBAN SURVEY.

DATE: **Feb 13, 2018**

JOE B. LATTO, KY PLS #3466

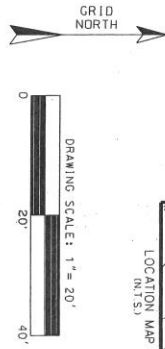
**BOUNDARY RETRACEMENT FOR**  
ANTHONY TRAN  
11511 NANCY STONE COURT, LOUISVILLE, KY 40229

PROPERTY OWNER: TRAN & P PROPERTIES LLC  
PROPERTY LOCATED AT: 1119 REUTLINGER AVE  
JEFFERSON CO., LOUISVILLE, KY 40204

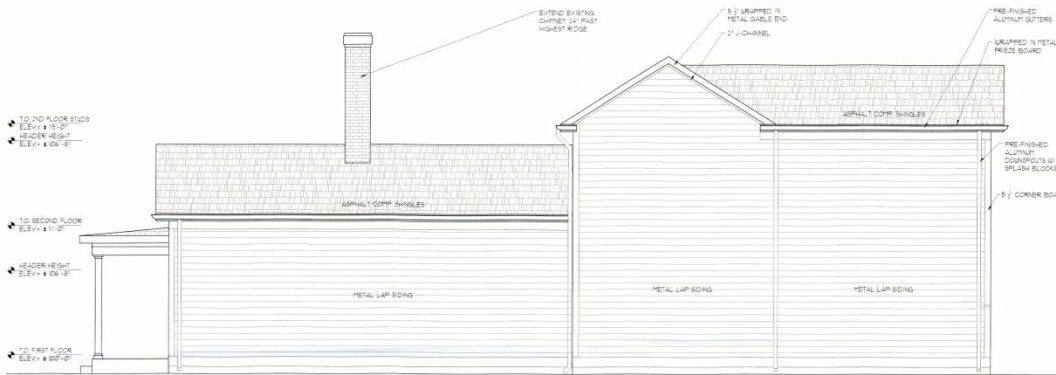
PREPARED BY: **Ops!** Engineering LLC  
4530 BISHOP LANE, SUITE 109  
LOUISVILLE, KY 40218  
PHONE: (502) 454-8855  
FAX: (502) 454-8855  
THIS DOCUMENT DOES NOT COMPLY WITH 201 KAR 18.150

SCALE: 1" = 20'  
DRAWN BY: MFW  
DATE: 01/30/2018  
FIELD SURVEY DATE: 01/24/2018  
JOB#: 18-2702

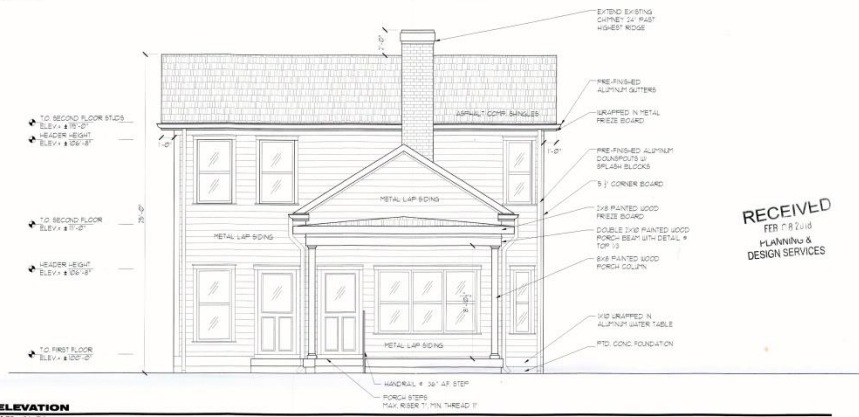
**RECEIVED**  
FEB 05 2018  
PLANNING &  
DESIGN SERVICES



# 4. Elevations



**2 RIGHT SIDE ELEVATION**  
SCALE 1/4"=1'-0"



**1 FRONT ELEVATION**  
SCALE 1/4"=1'-0"

RECEIVED  
FEB 28 2018  
PLANNING &  
DESIGN SERVICES

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CONCEPTS 21 PLLC THESE  
DRAWINGS ARE THE  
PROPERTY OF CONCEPTS 21  
PLLC AND ARE NOT TO BE  
REPRODUCED OR USED FOR  
ANY PURPOSE IN WHOLE OR  
PART WITHOUT THE  
EXPRESSED WRITTEN  
CONSENT

**CONCEPTS 21 PLLC**  
118 ROSSETT AVENUE  
PHONE: 502.282.7108  
EMAIL: HOURS@CONCEPTS11.NET

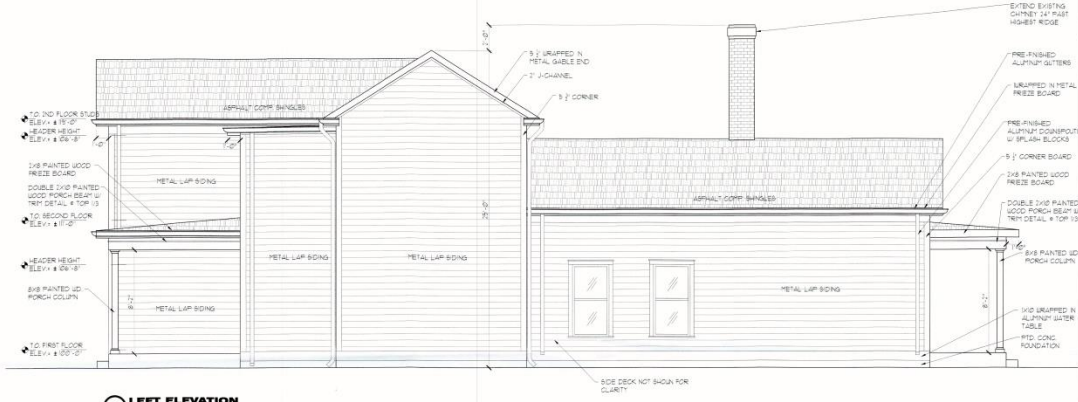
**1119 REUTLINGER AVE.**  
**RESIDENCE REMODEL**  
1119 REUTLINGER AVENUE  
LOUISVILLE, KENTUCKY 40204

DRAWING TITLE  
ELEVATIONS

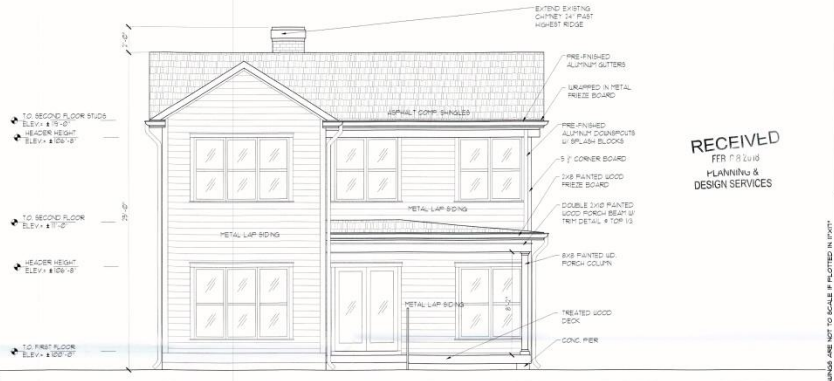
CONCEPTS 21  
DRAWN: JDN  
DATE: AUG. 28, 2017  
SCALE: 1/4"=1'-0"  
REV:

DRAWING NUMBER  
**A201**

18 VARIANCE 10 13



**2 LEFT ELEVATION**  
SCALE 1/4"=1'-0"



**1 REAR ELEVATION**  
SCALE 1/4"=1'-0"

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 CONCEPTS 21 PLLC  
 1115 ROSTERSVILLE CIRCLE  
 PHONE: 502.282.7128  
 EMAIL: INFO@CONCEPTS21.NET

**1119 REUTLINGER AVE.**  
**RESIDENCE REMODEL**  
 1119 REUTLINGER AVENUE  
 LOUISVILLE, KENTUCKY 40204

SHEET TITLE  
 ELEVATIONS  
 PERMIT DRAWING  
 DRAWN: JDN  
 CHECK: JDN  
 DATE: AUG 26 2011  
 SCALE: 1/4"=1'-0"  
 REV:  
 DRAWING NUMBER  
**A202**

18 VARIANCE 1000



5. Site Photos



The front of the subject property and the property to the right.



The property to the left of the subject property.



Bradford Mill Lofts is across Reutlinger Avenue.



The location of the requested variance.