

20-VARIANCE-0095

20-VARIANCE-0096

Baxter Avenue Variance



**Louisville Metro Board of Zoning Adjustment
Public Hearing**

**Zach Schwager, Planner I
December 7, 2020**

Request

- **Variance**: (20-VARIANCE-0095) from Land Development Code section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback and table 5.2.2 to allow the structure to encroach into the required side yard setbacks.
- **Variance** (20-VARIANCE-0096) from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.

Request

Location	Requirement	Request	Variance
Infill Front Yard Private Yard Area	15 ft. 713 sq. ft.	0 ft. 551 sq. ft.	15 ft. 162 sq. ft.

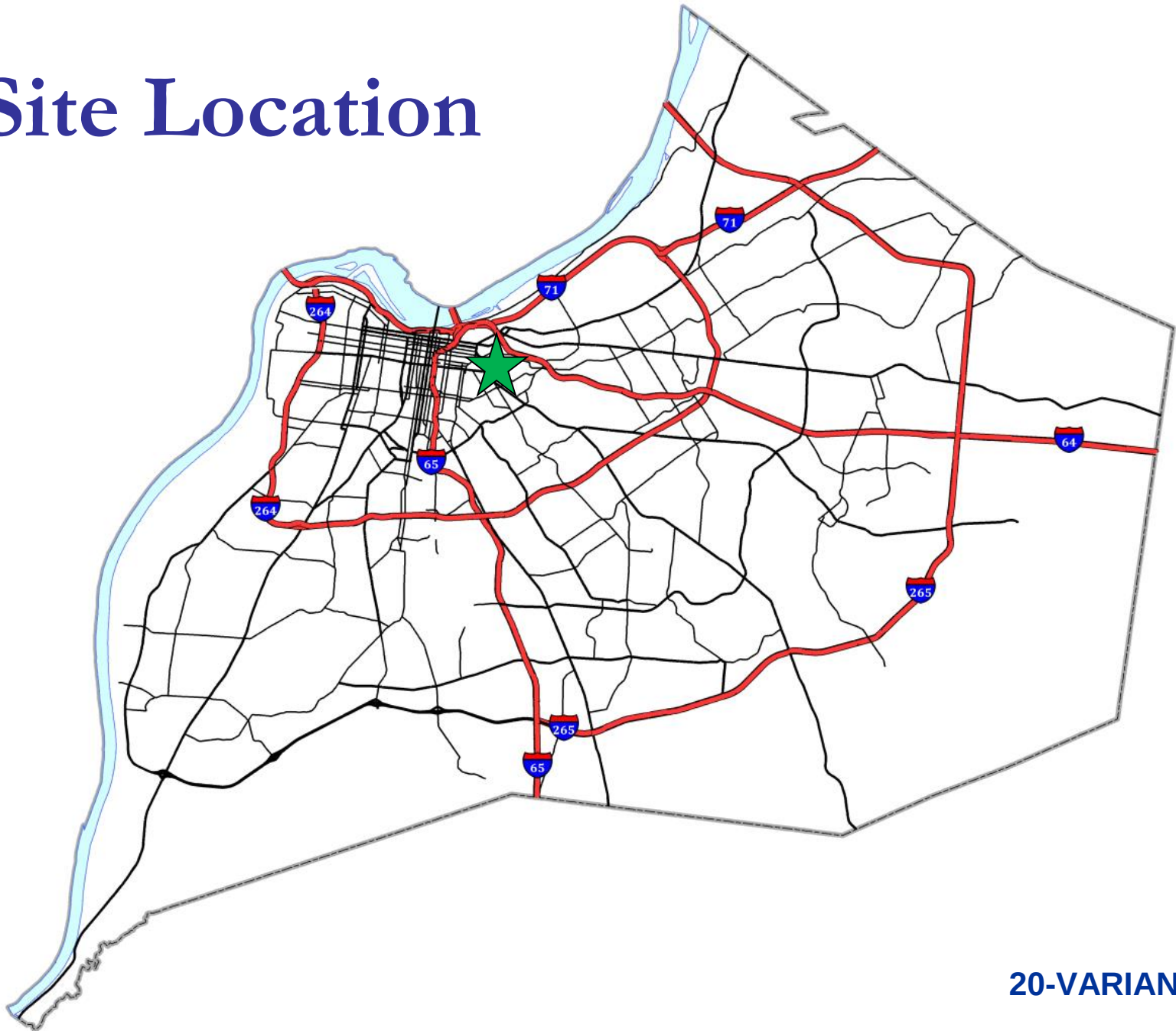
Case Summary / Background

- The subject site is zoned C-2 Commercial in the Traditional Neighborhood Form District in the Irish Hill neighborhood.
- It is currently vacant office space and the applicant wants to change the principal structure to a single-family structure with an accessory apartment at the rear of the property.

Case Summary / Background

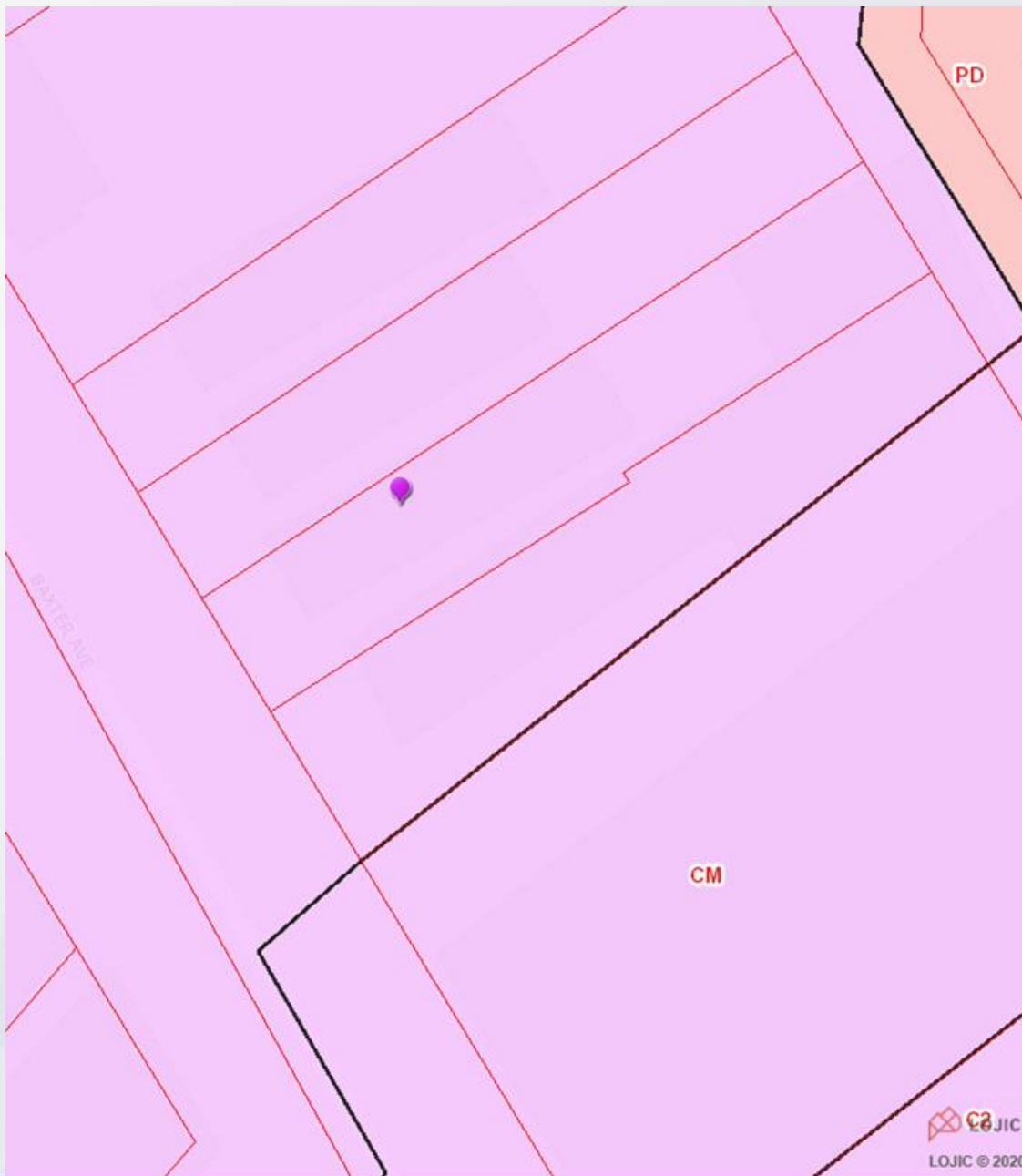
- The applicant is proposing to construct a two-story addition onto the front of the existing structure to make it completely two-stories.
- This addition would encroach into the infill front and side yard setbacks.
- There is also a proposed addition for the accessory structure that would reduce the private yard area to be less than the required 20% of the area of the lot.

Site Location



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Site Plan

NOTES

1. THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OR PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

2. THIS PROPERTY IS SUBJECT TO ALL LEGAL ROADWAYS, RIGHT-OF-WAYS, EASEMENTS IF ANY, WHETHER SHOWN OR NOT.

3. THE EXISTING BUILDINGS, DRIVEWAY AND IMPROVEMENTS ARE TO BE UNDISTURBED.

FLOOD NOTE

SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X" PER A REVIEW OF FIRM MAP #21111C0042E, EFFECTIVE 12/5/06. BASED ON THE ABOVE INFORMATION THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100-YR FLOOD PLAIN.

SITE DATA

SIZE: 3,106.90 S.F. / 0.07 AC
EX. ZONING: C-2
EX. FORM DIST.: TNFD
PROP. ZONING: UNCHANGED
PROP. FORM DIST.: UNCHANGED
EX. USE/S.F.: OFFICE/1,938 S.F.
STORAGE BLDG./1,052 S.F.
PROP. USE/S.F.: SINGLE FAMILY RESIDENTIAL/
3,097 S.F. (EXP./REMODEL)
ACCESSORY APARTMENT
(EXP./REMODEL)/1,444 S.F.
TOTAL SIZE: 4,541 S.F.
FLOOR AREA RATIO: 0.73 (1.0 MAX.)
MIN. LOT AREA: N/A
MIN. LOT WIDTH: N/A
MIN. FRONT YARD: PER INFILL REQUIREMENTS

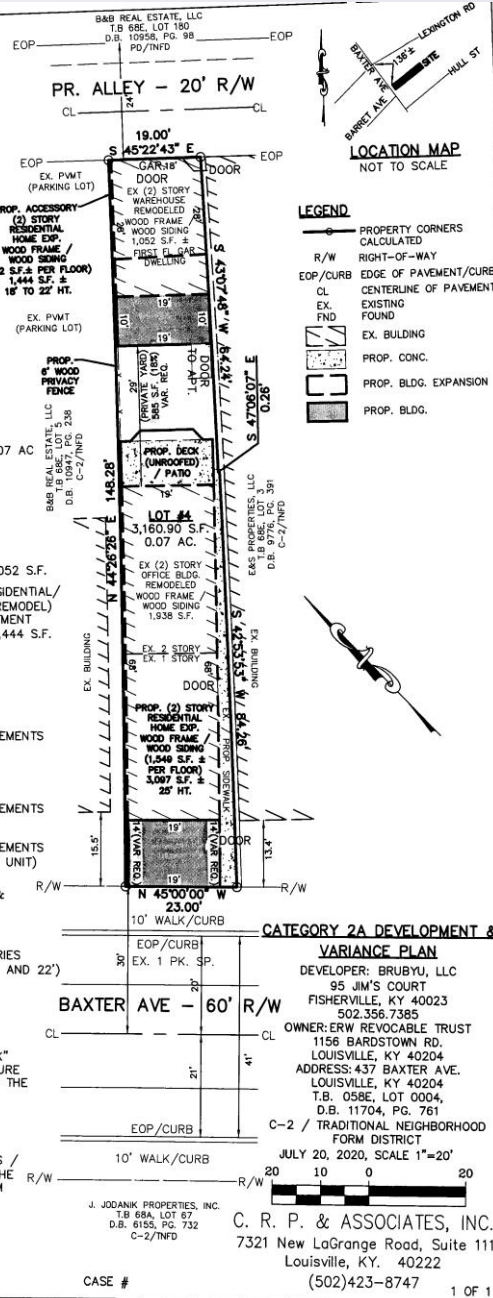
MIN. ST. SIDE YARD: 3' (N/A)
MAX. FRONT
SETBACK: PER INFILL REQUIREMENTS
MIN. SIDE YARD: NONE
MIN. REAR YARD: PER INFILL REQUIREMENTS
PARKING REQ. 2 SPACE (1 SP. / UNIT)
PARKING MAX: 3 SPACE

PARKING PROVIDED: 1 STREET SPACE &
1 GAR SPACE
2 TOTAL
MAX. BLDG. HT.: 45' FT. OR 3 STORIES
(PROVIDED 25' HT. AND 22")

VARIANCE REQUEST(S):

LAND DEVELOPMENT CODE INFILL
DEVELOPMENT REGULATIONS SECTION
5.1.12.A.2.a. "INFILL DIMENSIONAL
REQUIREMENTS / FRONT YARD SETBACK"
TO ALLOW FOR THE PROPOSED STRUCTURE
EXPANSION TO BE CONSTRUCTION PAST THE
TWO NEAREST LOTS TO THE
RIGHT-OF-WAY.

LAND DEVELOPMENT CODE INFILL
DEVELOPMENT REGULATIONS SECTION
5.4.1.D.3. "TRADITIONAL FORM DISTRICTS /
PRIVATE YARD AREA" TO ALLOW FOR THE
PRIVATE YARD AREA BE REDUCED FROM
20% TO 18%.



CATEGORY 2A DEVELOPMENT & VARIANCE PLAN

DEVELOPER: BRUBYU, LLC
95 JIM'S COURT
FISHERVILLE, KY 40023
502.356.7365
OWNER: ERW REVOCABLE TRUST
1156 BARDSTOWN RD.
LOUISVILLE, KY 40204
ADDRESS: 437 BAXTER AVE.
LOUISVILLE, KY 40204
T.B. 058E, LOT 0004,
D.B. 11704, PG. 761

C-2 / TRADITIONAL NEIGHBORHOOD
FORM DISTRICT

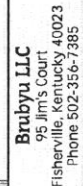
JULY 20, 2020, SCALE 1"=20'

C. R. P. & ASSOCIATES, INC.
7321 New LaGrange Road, Suite 111
Louisville, KY. 40222

(502)423-8747 1 OF 1

Garage Rear Elevation
12' x 12'

 METRO
Louisville



JUL 27 2020

PLANNING & DESIGN
SERVICES

Remodel Existing Building For
Single Family Residence
437 Baxter Avenue
Louisville KY 40204-1145

EDesign
an ARCHITECTURE 502-342-8
8801 Hermitage
Louisville, KY 402

Exterior Elevations
5/26/2020
2003
EDC
© 2020 ec Design

A1.3

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Site Photos-Subject Property



Front of subject property.

20-VARIANCE-0095

20-VARIANCE-0096

Site Photos-Subject Property



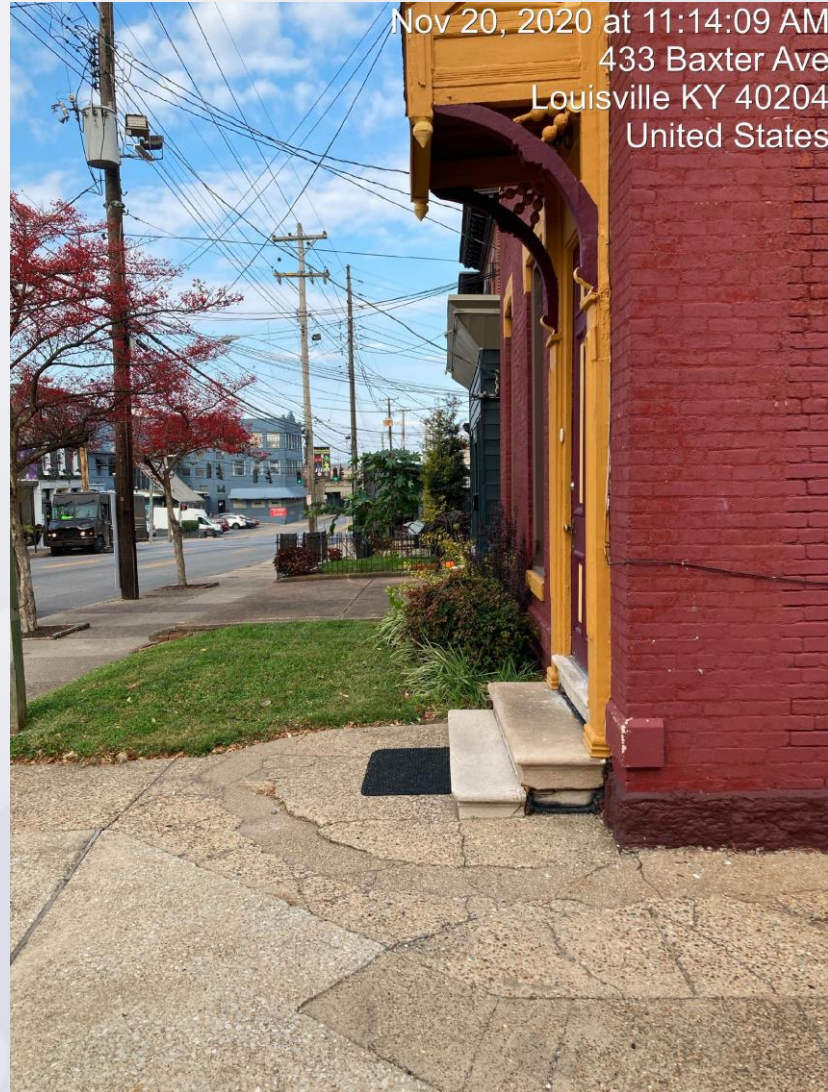
Site Photos-Subject Property



Site Photos-Subject Property



Site Photos-Subject Property



Variance area.

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Site Photos-Subject Property



Site Photos-Subject Property



Existing accessory
structure on the right.

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Site Photos-Subject Property



Site Photos-Subject Property

Nov 20, 2020 at 11:18:17 AM
433 Baxter Ave
Louisville KY 40204
United States



Conclusion

- Staff finds that the requested variance for 20-VARIANCE-0095 meets standard (c) but staff is concerned that the variance request does not meet standards (a), (b), and (d) as described in the standard of review and staff analysis.
- Staff finds that the requested variance for 20-VARIANCE-0096 is adequately justified and meets the standard of review.

Required Action

- **Variance:** (20-VARIANCE-0095) from Land Development Code section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback and table 5.2.2 to allow the structure to encroach into the required side yard setbacks.
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Approve/Deny

Required Action

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