



Louisville Metro Planning & Design Services

APPLICATION FOR VARIANCE

For staff use only

Docket No. B-74-05 Date Filed 4/25/05 Intake Staff SPW Fee \$201

Please submit Application Forms in person to PDS Customer Service

1. This is an application for a variance from Section 5.4.1 C of the Land Development Code Regulations for property located in the R-7 Zoning District and the TN Form District to permit PROPOSED GARAGE IN REAR ON ALLEY.

2. The address/location of the property is: 1505 ROSEWOOD AVE.
LOUISVILLE, KY 40207

Give street address. If no street address, list the number of feet from nearest intersecting street and which side of street (i.e., north, east, west or south side) the property fronts on.

3. In order to justify approval of any variance, the Board considers four criteria. Please answer all of the following four items. (Use additional sheets, if needed.)

a. The requested variance arises from special circumstances, which do not generally apply, to land in the general vicinity, or in the same zone. (Please specify/identify)

SEE ATTACHED

b. How 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.

SEE ATTACHED

c. Are the circumstances (as identified in a. above) the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought?

SEE ATTACHED

d. Reasons that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

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4. If this property has been the subject of action by either the Metro Louisville Planning Commission or the Board of Zoning Adjustment, please give:

Docket Number _____ Date of action _____

5. The property is recorded in: Deed Book(s) 8488 Page(s) 274
Tax Block 027E Lot No. 0079

6. Environmental Constraints on Site?

Note: Certain development activities are exempt from compliance with the environmental constraints regulations; refer to Section 4.6.1.B. of the Land Development Code.

- 1. Are there unstable soils on-site? Yes No
- 2. Are there slopes of 20% or greater on site? Yes No
- 3. Are there hydric soils or wetlands on-site in excess of 0.1 acres? Yes No
- 4. Are there blue line streams on or adjacent to the property? Yes No
- 5. Are there lakes and/or impoundments in excess of 3 acres on site? Yes No
- 6. Is the development located in a local regulatory flood plain or conveyance zone? Yes No

Note: Preliminary determination of presence of the constraints listed above may be based on the Development Info Tool in LOJIC (www.lojic.org). Wetlands information is also available from the National Wetlands Inventory website: <http://wetlands2.nwi.fws.gov/sites/nwi/>.

If you answered yes to questions 1 or 2, your development is subject to review under Chapter 4 Part 7.
If you answered yes to questions 3, 4, or 5, your development is subject to Chapter 4 Part 8.
If you answered yes to question 6, contact the Metropolitan Sewer District.

Owner (Signature is Required)

Print Name HIGHLANDS RESTORATION GROUP LLC Signature [Signature]
Address 11915 Creel Lodge Dr Ancha, Ky Zip Code 40223 Daytime Phone 5025530280

Print Name Highland Restoration Group LLC Signature [Signature]
Address 11915 Creel Lodge Dr Ancha, KY Zip Code 40223 Daytime Phone 502-314-4782

Applicant (if other than owner)

Print Name KEVIN R. ORR Signature [Signature]
Address 3911 LEANS RD. Zip Code 40207 Daytime Phone 235-8899

Agent for Applicant

Print Name _____ Signature _____
Address _____ Zip Code _____ Daytime Phone _____

3a. The proposed garage on the property at 1505 Rosewood replaces a garage that was previously in place. The building has had parking on the alley for many years, there is an existing garage with space for two vehicles. The variance request, supported by the adjoining property owner (see attached), would enable us to build the garage without the required 3 foot clearance between the structure and the property line. There is no building in the rear yard of the adjoining property.

3b. Strict application of the regulations would not allow enough space for two vehicles to be parked behind the building on the alley. **This unnecessary hardship would require additional parking to occur on Rosewood Ave. and limit access to the rear of the building for elevator access to condominium units.** The location of the existing garage (on the alley) and the additional few feet requested will provide the necessary width for 2 parking spaces.

3c. These circumstances are the result of the changing of zoning and building codes over the history of the building. Parking for this building has always been to the rear of the lot (along the alley). Because this building supercedes all of its context (streets, alleys, neighboring buildings) it is impossible to arrive at a solution that is consistent with all the requirements that are place on new construction on an empty lot. The variance is needed to get the lot as close as possible to current codes.

3d. Given the historic significance of the structure and its importance to the history of the neighborhood it would be advantageous to make this lot consistent with the context. The new garages would continue the pattern established along the alley, as well as update the structure for appropriate usage. The garages have been configured to meet all possible setbacks and create a visual rhythm that is consistent with like structures. The new garage does not create unnecessary hardship, does not create access problems for adjoining property, and the adjoining property owner has agreed to the proposed structure.

- 1) A proposed garage to be built → replaces GARAGE → requires 0
- 2) Also AN existing GARAGE [GARAGE/unit #9]

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