

# Board of Zoning Adjustment NON-HEARING Staff Report

August 18, 2014



<b>Case No:</b>	14VARIANCE1068
<b>Project Name:</b>	Second Floor Addition
<b>Location:</b>	2502 Hale Avenue
<b>Owner(s):</b>	Lolita Lawson
<b>Applicant(s):</b>	Owner
<b>Representative(s):</b>	N/A
<b>Project Area/Size:</b>	787.55 sq. ft.
<b>Existing Zoning District:</b>	R-5
<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 second floor addition to the existing home.

Location	Requirement	Request	Variance
Side Yard	3 ft.	.62 ft.	2.38 ft.

## CASE SUMMARY/BACKGROUND

The proposal is an addition to the existing home. Per PVA's records the house was built 1920.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Single Family	R-5	Traditional Neighborhood
<b>Proposed</b>	Residential Single Family	R-5	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-5	Traditional Neighborhood
<b>South</b>	Residential	R-7	Traditional Neighborhood
<b>East</b>	Residential	R-5	Traditional Neighborhood
<b>West</b>	Residential	R-5	Traditional Neighborhood

## PREVIOUS CASES ON SITE

None

## SITE CONTEXT

This site is located in the Harris Subdivision plat book 2 page 300. There are no recorded easements on the lot nor any additional reviews required within Planning & Design for this proposal.

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Land Development Code (Section 5.4.1.C.6.b)

**INFIELD CONTEXT:**...The side yard setback shall either fall within the range of those of the two closest constructed residential properties or shall be 3 feet, whichever is greater. Exception: Corner buildings with non-residential, multi-family and mixed uses shall use Table 5.2.2.

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

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

APPLICANT: "Hale Avenue already has set precedence for having two story homes with less than three feet or less clearance between properties and it has in no way adversely affected the public health, safety or welfare of the neighborhood and I have lived at this address since 1990."

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

APPLICANT: "The variance will not alter the essential character of the block or neighborhood vicinity since it will simply blend in with the other homes that are two story structures. Out of the sixteen homes on the 2500 block of Hale Avenue, my home is the only structure that is not two stories."

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

APPLICANT: "The variance is for my private residence which family has lived in for 24 years. The change is not intended as a venue for commercial or entertainment purposes."

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

APPLICANT: "The variance will not be an unreasonable circumvention of the requirements because it will be within the current zoning regulations."

**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: "If the variance were not approved, then it would deprive my growing family of the additional living space which is needed and create unwanted financial hardship."

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:** The neighborhood original placement of homes was not the result of the owners'. This design/placement was common at time of construction/creation; any addition to the structure would result in acquiring a variance or not expanding the structure for additional needed 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's not the original owner of this property. The owner controls the current actions and changes to the property or structures on the property, doing so in relations to the zoning regulations by applying for the required variance.

**TECHNICAL REVIEW**

All drainage must be directed onto the subject property.

## **STAFF CONCLUSIONS**

The owner is expanding the existing house to accommodate needed additional second story living space. The owner has stated the majority of the homes in the same block have two stories, so this addition will not alter the character or design of the neighborhood. The addition will not encroach upon the adjacent properties no more than the current home; the addition will be constructed atop the existing home in alignment of the existing walls. Exterior material will match the existing home having vinyl siding and shingle roofing. All drainage must be onto the subject property.

## **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



R-R RURAL RES.  
R-E RES. EST.  
R-1 RES. S.FAM.  
R-2 RES. S.FAM.  
R-3 RES. S.FAM.  
R-4 RES. S.FAM.

R-5 RES. S.FAM.  
RRD RES. REDEV  
R-5A RES. M-FAM.  
R-5B TWO-FAM.  
R-6 RES. M-FAM.  
R-7 RES. M-FAM.

R-8A RES. M-FAM.  
OR-1 OFF./RES.  
OR-2 OFF./RES.  
OR-3 OFF./RES.  
OTF OFF./TOUR  
C-N NEIGH. COMM.

C-R COMM./RES.  
C-1 COMM.  
C-2 COMM.  
C-3 CBD  
C-M COMM. MAN.  
EZ-1 ENTERPRISE

M-1 IND.  
M-2 IND.  
M-3 IND.  
CRO CRO. REVIEW OV  
PRO PLAN. RESEARCH  
PEC PLAN. EMP. CEN.

DRO DEV. REVIEW OV.  
W-1 WATERFRONT  
W-2 WATERFRONT  
W-3 WATERFRONT  
WRO WATER. REVIEW OV.

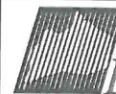


## Zoning District Map

Louisville/Jefferson Metro Government  
Planning and Design  
Services

## 14VAR1068 VARIANCE

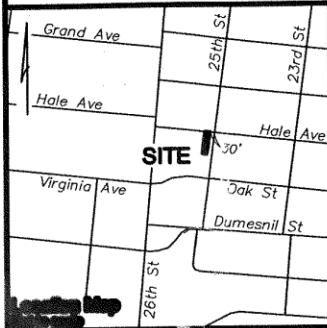
Scale: 1:523 Date: 07/22/2014



Louisville/Jefferson County Metro Information Consortium  
Copyright (c) 2014, LOUISVILLE AND JEFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER  
COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR  
(PVA). All Rights Reserved.



- Indicates a found "X" cut
- Indicates a found 5/8" rebar
- Indicates a found 1" pipe
- ⊠ Indicates a calculated point (No monument found or set)

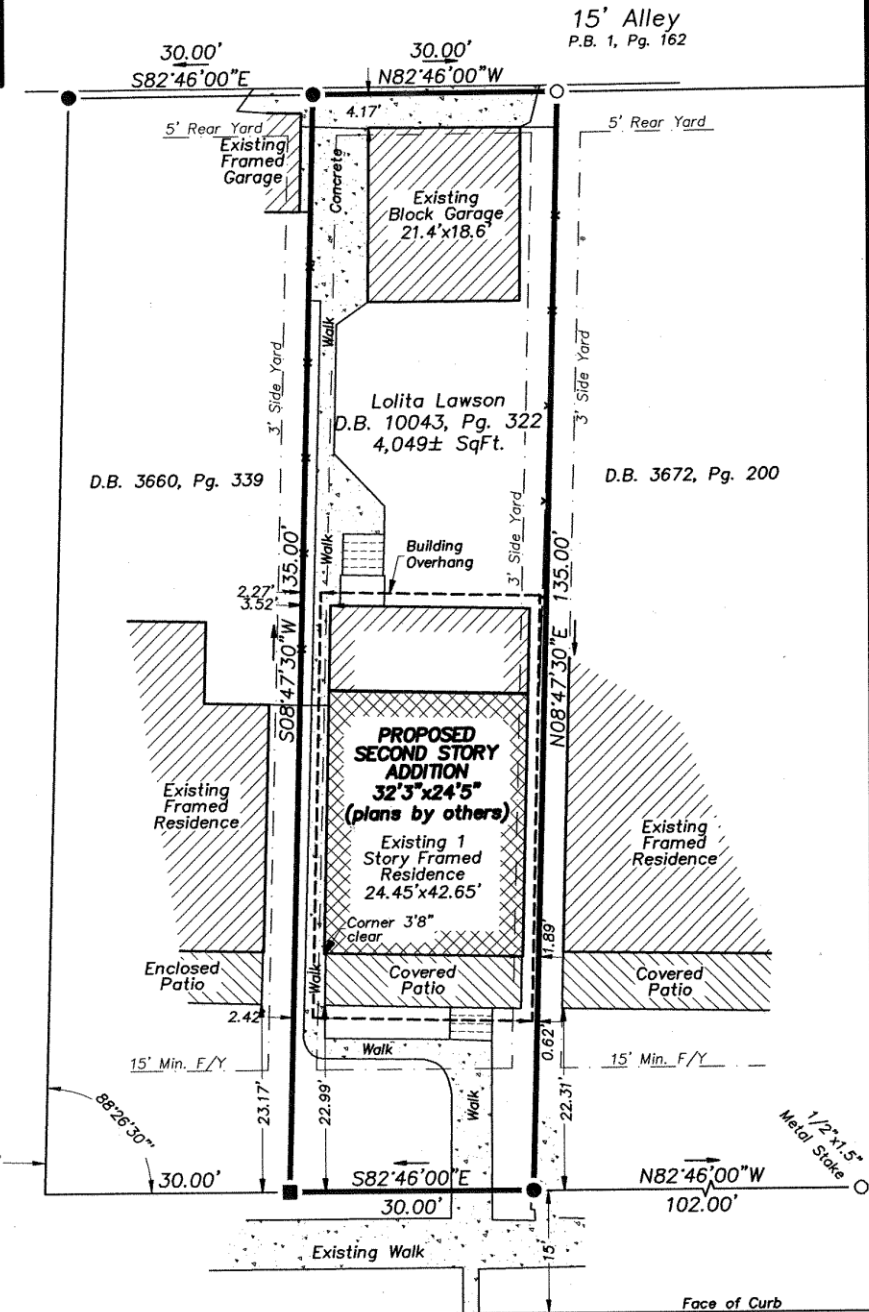


Traditional Neighborhood  
Zoned: R5

Min. Front Setback: 15 ft  
Max. Front Setback: 25 ft  
Min. Side Yard (each): 3 ft  
Min. Rear Yard: 5 ft  
Max. Building Height: 45 ft



encumbrances, easements and restrictions whether shown on this plat or not.

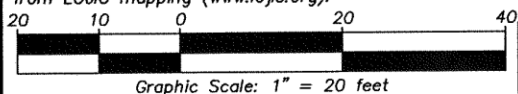


#### FLOOD NOTE

Flood plain determination is restricted to a review of the Flood Insurance Rate Maps (F.I.R.M.) latest revisions and shall not be construed as a conformation of or denial of flooding potential. The property shown hereon is in Zone "X", which is NOT in a flood area as located by F.E.M.A. Map No. 21111-C-0040-E, Dated 12-05-2006.

#### BEARING DATUM

The horizontal datum for this plat, bearing S82°46'00"E, was scaled from LOJIC mapping ([www.lojic.org](http://www.lojic.org)).



#### LAND SURVEYORS CERTIFICATION

I, Kenneth Jason Graves, hereby certify that I am a Licensed Professional Land Surveyor in compliance with the laws of the Commonwealth of Kentucky, and I further certify that this plat of survey was completed by me. This survey was completed by the method of

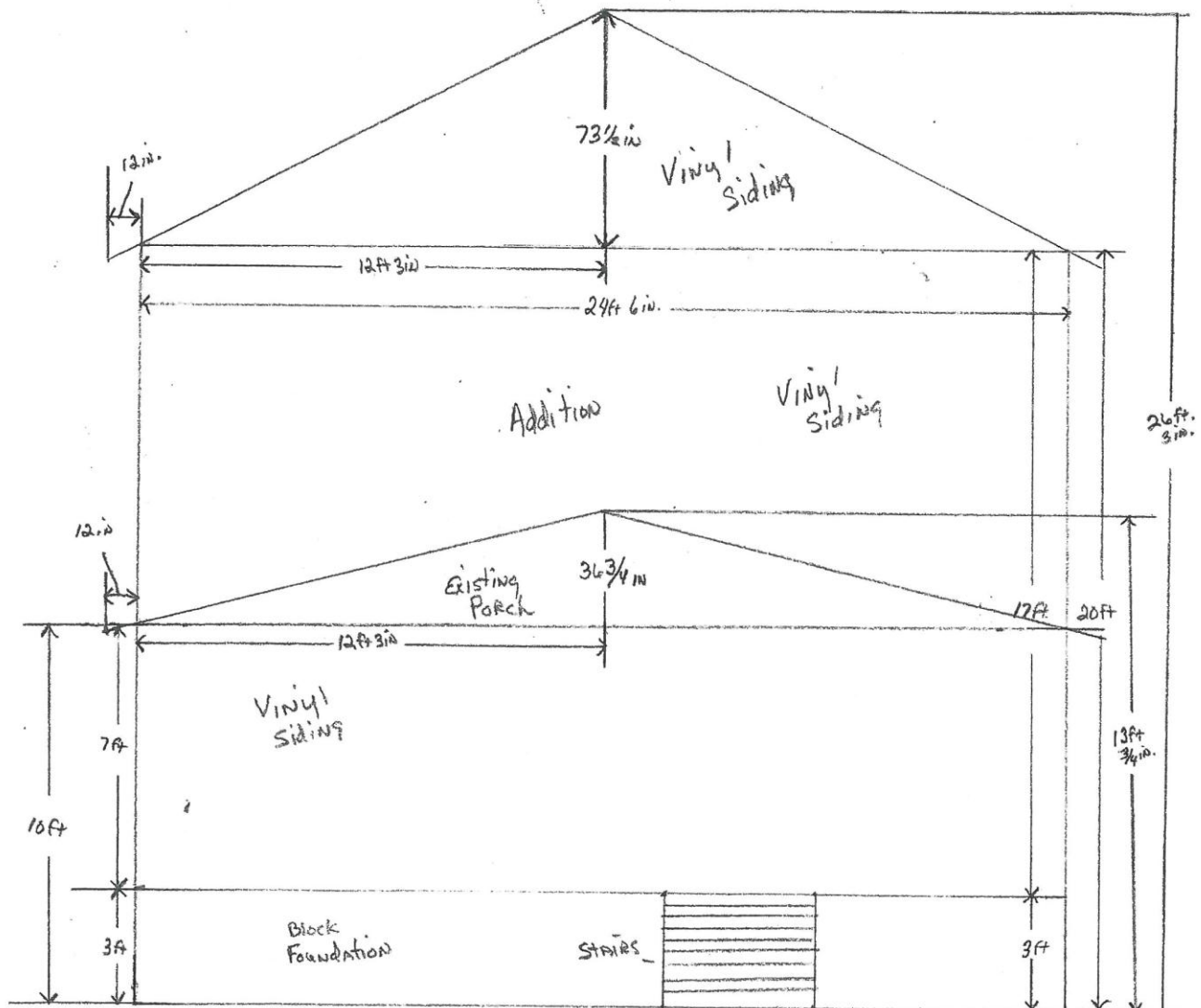
Hale Avenue  
(formerly Bismark Avenue)  
~ 60' R/W ~  
P.B. 1, Pg. 162

## RETRACEMENT SURVEY & SITE PLAN FOR

Property Owner & Client Name: Lolita Lawson  
Client Address: 2502 Hale Avenue, Louisville, KY 40210  
Property Located at: 2502 Hale Avenue, Louisville, KY 40210  
Source of Ownership: Deed Book 10043 Page 322  
Tax Block: 0386, Lot: 0097, Sub-Lot 0000  
(See LOJIC Zoned R 5 Form District: Traditional Neighborhood)

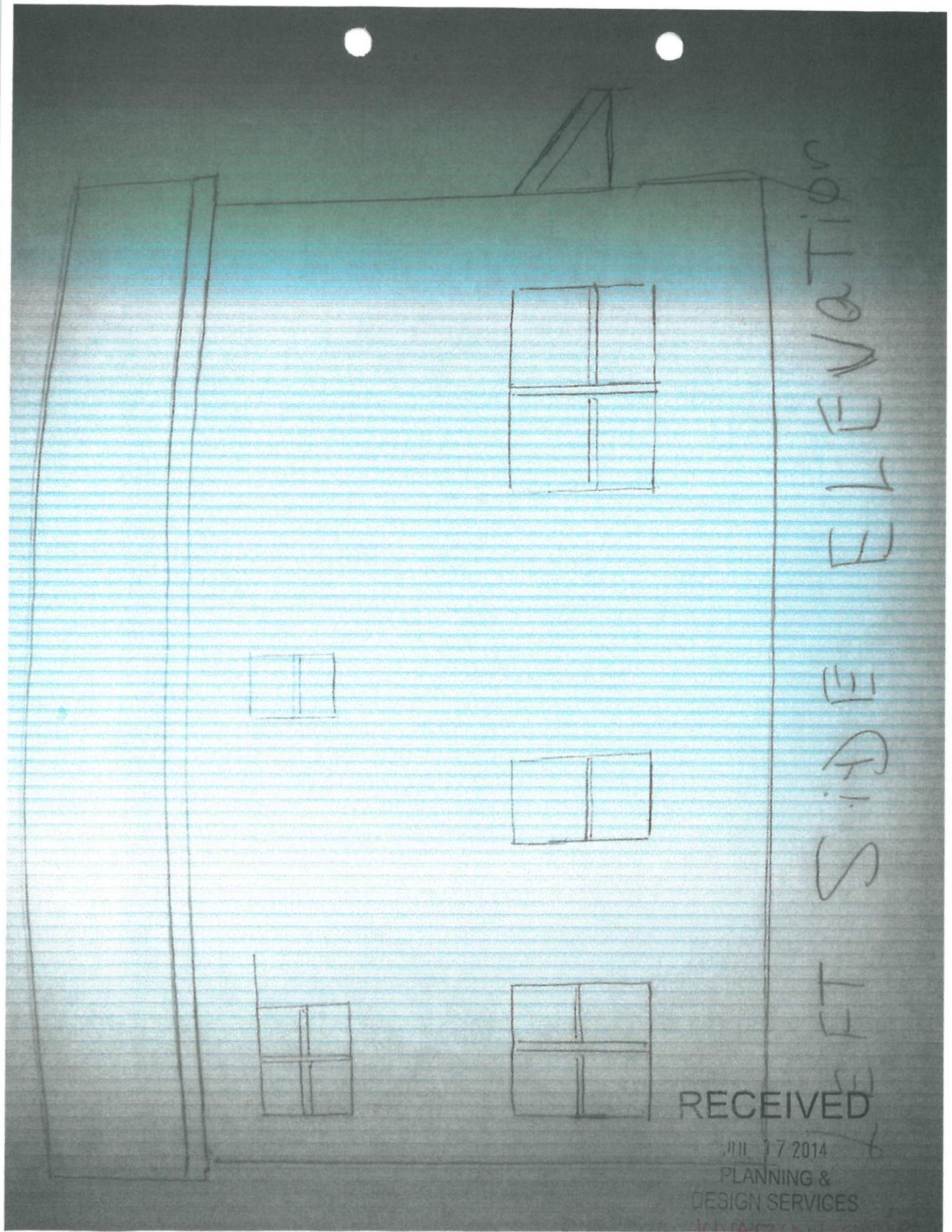
212 Hale Ave.  
FRONT ELEVATION

RECEIVED  
MAY 17 2014  
PLANNING &  
DESIGN SERVICES



VARIANCE 1068





RECEIVED

JUL 17 2014

PLANNING &  
DESIGN SERVICES

ICAD/TKR/AMK



1145-1199 S 25th St  
Louisville, KY 40210 - approximate address  
S 25th St

Street View - Aug 2011



Image capture: Aug 2011 S 25th St © 2014 Google

*Photo printed from Google Maps*

2501 Hale Ave  
Louisville, KY 40210 - approximate address  
Hale Ave

Street View - Aug 2011



Photo printed from Google Maps



2500-2502 Hale Ave  
Louisville, KY 40210 - approximate address  
Hale Ave

Street View - Aug 2011



Image capture: Aug 2011 Hale Ave © 2014 Google

Photo printed from Google Maps











