

**Board of Zoning Adjustment  
Staff Report**  
August 18, 2014



<b>Case No:</b>	14Variance1072
<b>Project Name:</b>	(none) Residential
<b>Location:</b>	2045 Alta Avenue
<b>Owner(s):</b>	Nathan Cole & Eleanor Patterson
<b>Applicant:</b>	Nathan Smith, Part Studio LLC
<b>Representative:</b>	Nathan Smith, Part Studio LLC
<b>Project Area/Size:</b>	0.1287 acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8- Tom Owen
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

**REQUEST**

- Variance from the Land Development Code, Section 5.4.1.C.6(b) to allow a two story addition to encroach into the required side yard.

**Variance**

Location	Requirement	Request	Variance
Side Yard (North)	3 feet	2 feet 1 inch	11 inches

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant seeks approval for a two story addition to be located on the rear of the house. The addition will enlarge the kitchen on the first floor and add an additional bedroom on the second floor. The house is located on the west side of Alta Avenue and is zoned R5A within a Traditional Neighborhood Form District. The house is surrounded by other wood frame and sided two story houses.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

The site is zoned R-5A in the Traditional Neighborhood Form District (TN). It is surrounded by residential properties also zoned R-5A in the TN.

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single-family residential	R-5A	TN
<b>Proposed</b>	Single-family residential	R-5A	TN
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-family residential	R-5A	TN
<b>South</b>	Single-family residential	R-5A	TN
<b>East</b>	Single-family residential	R-5A	TN
<b>West</b>	Single-family residential	R-5A	TN

## PREVIOUS CASES ON SITE

14COA1090-CL: Clifton Preservation District Certificate of Appropriateness was approved for façade improvements in June, 2014. -

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR BOTH VARIANCES

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed addition is in the rear of the property; and the northern wall will meet the fire-rated construction requirements necessary to be located 11 inches off the property line.

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

STAFF: The requested variances will not alter the essential character of the general vicinity because the proposed structure will be constructed with materials which are compatible with the surrounding existing structures; and the new addition will continue the existing setback of the existing structure.

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

STAFF: The requested variances will not cause a hazard or nuisance to the public because the new addition will be located in the rear and at the same setback as the existing structure. The addition will be located at the approximate location of the existing porch and the adjacent house's two story addition. No views will be impeded from the adjacent property.

- (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 because the addition is in the rear and in line with the existing house maintaining the existing side yard setback.

## 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. This is a narrow lot; however the addition is maintaining the same setback as the existing structure.

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 not allow the proposed addition to be built which would be an unnecessary hardship to the applicant and also deprive the applicant of a reasonable use of the land.

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.

STAFF: The circumstances are the result of actions of that the applicant has taken subsequent to the adoption of the zoning regulation from which relief is sought. Yes, the applicant is proposing to construct an addition which will encroach into the 3 foot side yard setback. However, the location of the addition does maintain the existing side yard setback along the northern property line.

#### **TECHNICAL REVIEW**

No outstanding technical review items.

#### **STAFF CONCLUSIONS**

The standard of review and staff analysis has been met for the requested variance. The location, architectural design, and material selection are all appropriate for the addition, plus the addition will maintain the existing setback of the existing house.

Based upon the information in the staff report, 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 as established in the Land Development Code.

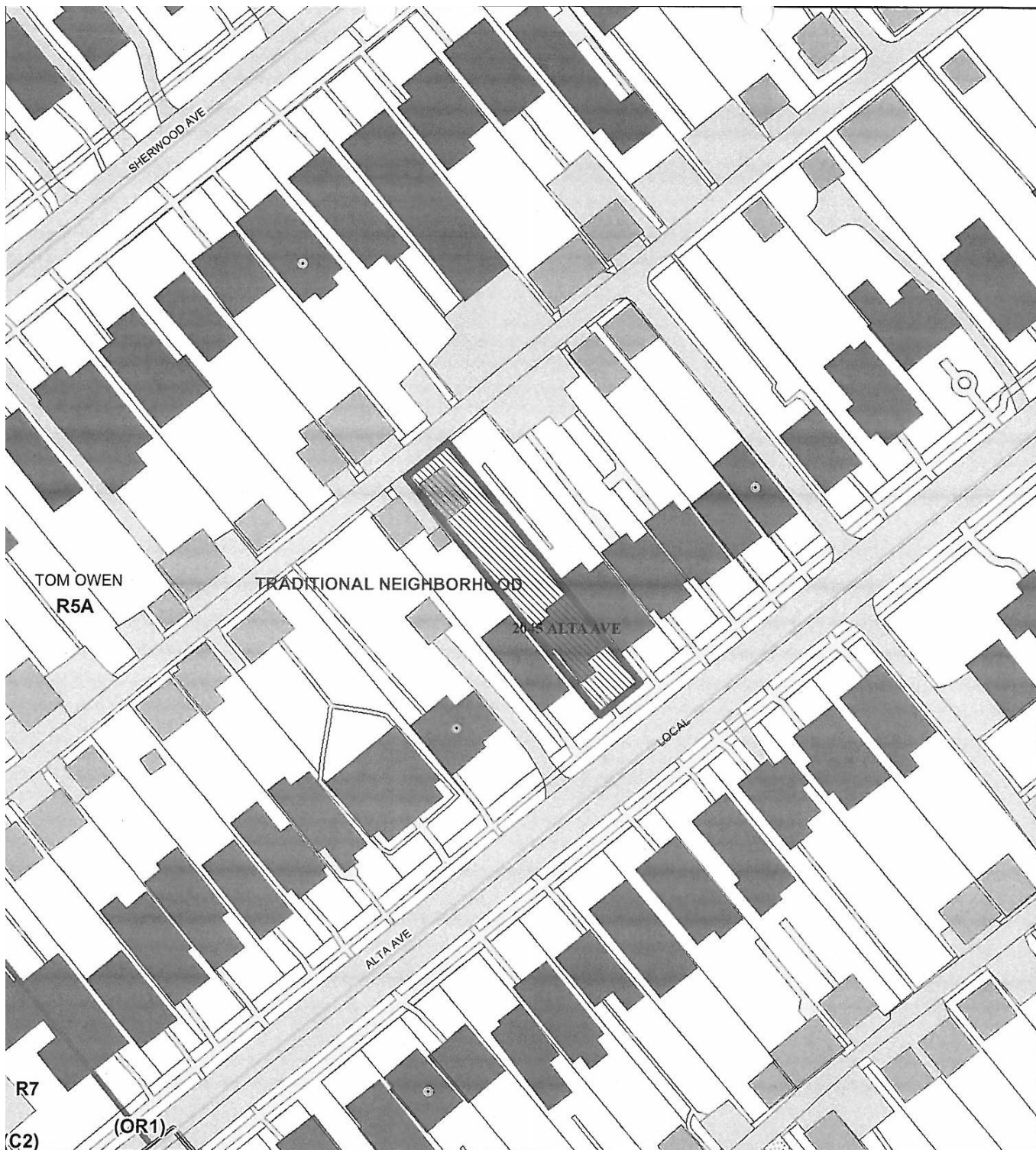
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
08/01/2014	BOZA Hearing	1 <sup>st</sup> tier adjoining property owners Neighborhood notification recipients
07/31/2014	Sign Posting	Subject property

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photographs
6. Applicant's Justification

## Attachment 1: Zoning Map



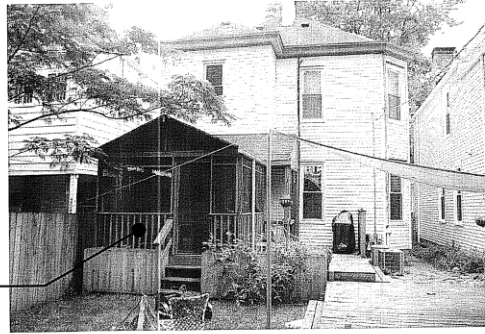
Attachment 2: Aerial Photograph



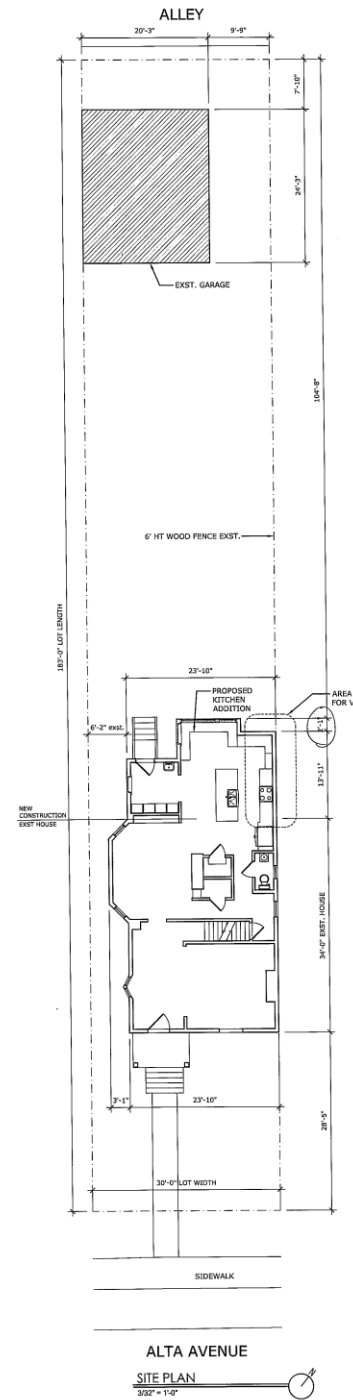
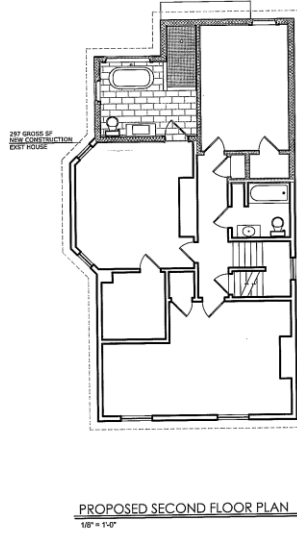
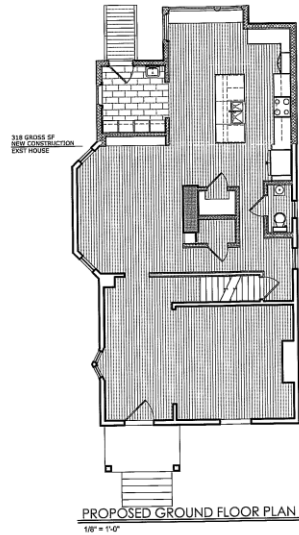
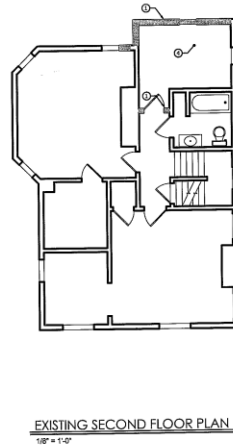
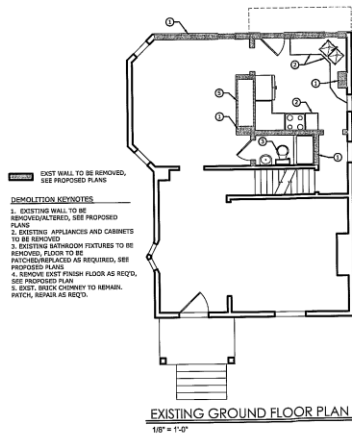


# Attachment 3: Site Plan

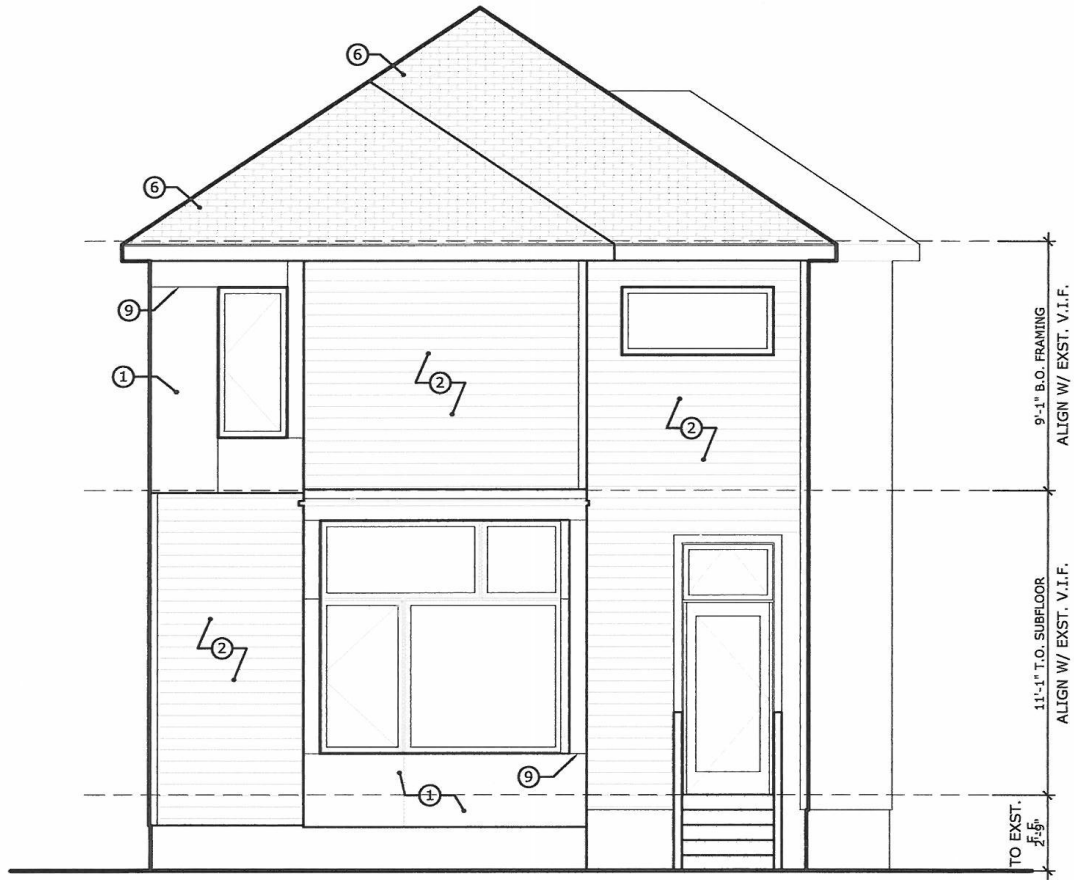
NOTE: PROPOSED ADDITION WILL REPLACE THE FOOTPRINT OF AN EXISTING COVERED PORCH AREA IN DISREPAIR



VIEW OF EXST RESIDENCE



# Attachment 4: Elevation



NORTH ELEVATION 3/16" = 1'-0"



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## ELEVATION KEYNOTES

1. SMOOTH HARDIE PANEL SIDING, REVEAL TO MATCH PANEL COLOR (DARK GRAY)
2. 5" REVEAL FACTORY FINISH HARDIE BOARD SIDING
5. BOUNDARY OF EXISTING ROOF
6. ASPHALT SHINGLE ROOF, HIP EXTENSION TO MATCH EXISTING SLOPE
7. 3.5" HARDIE TRIM, PT. TO MATCH INTEGRAL HARDIE BOARD SIDING COLOR
9. REVEALS ALIGNED W/ ADJACENT EDGE, SEE ELEVATIONS, TYP.

ELEVATION @ ADDITION	date: 07.23.14 drawn by: MF/NS	PART STUDIO <small>PART STUDIO llc 711 Brent Street Louisville KY 40406</small>	ALTA RESIDENCE 1406	SK-02
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14VARIANCE1072

**Attachment 5: Site Photographs**



**Front view of house**



**Rear view of house.**





**Addition to replace existing porch.**



**House next to proposed addition.**

## Attachment 6: Applicant's Justification

### Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

ALL CODES ARE REQUIRED TO BE MET IN THE CONSTRUCTION, INCLUDING CONTINUOUS FIRE-RATED CONSTRUCTION AT THE WALL IN QUESTION.

2. Explain how the variance will not alter the essential character of the general vicinity.

ALL CONSTRUCTION/RENOVATION WORK IS DONE TO A HIGH STANDARD WHILE IMPROVING THE EXISTING BUILDING APPEARANCE & MATERIALITY.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

THIS IS A BACK YARD ADDITION EXTENDING 16'5" FROM THE EXISTING BUILDING EDGE, WHICH IS CURRENTLY NEAR/AT THE PROPERTY LINE. ALL CODES ARE TO BE MET AND NO VIEWS WILL BE IMPEDED.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

THERE IS NO CHANGE OF USE IN THE FAMILY RESIDENCE, JUST AN ENLARGED KITCHEN AND BEDROOM FOR A GROWING FAMILY (3 SONS)

### *Additional consideration:*

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

THE ADJACENT PROPERTY MOST AFFECTED BY THE EXTENSION IS ALREADY 1 STORY TALLER AND EXTENDS ~ 12' BEYOND THE CURRENT RESIDENCE @ 2045 ALTA. THE EXTENSION SEEKS TO PRESERVE EXISTING ROOF LINES, HEIGHTS & PROPORTIONS.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

THE EXISTING STRUCTURE, IN ORDER TO BE EXTENDED IN A LOGICAL, AFFORDABLE MANNER, NECESSITATES ALIGNMENT W/ EXISTING STRUCTURE & ROOFLINES AS WELL AS PLUMBING LOCATIONS.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

N/A

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