

**Board of Zoning Adjustment
Staff Report**
August 3, 2015



Case No:	15VARIANCE1040
Project Name:	None (Residence)
Location:	1142 Delor Avenue
Owner(s):	Vicki Liwo
Applicant(s):	Vicki Liwo
Representative(s):	Sarah Almy
Project Area/Size:	162 square feet
Existing Zoning District:	R-5, Residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	10 – Steve Magre
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variance from the Land Development Code to allow a proposed carport to encroach into the required side yard.

Location	Requirement	Request	Variance
North Side Yard	2'	9"	1' -3"

CASE SUMMARY

The applicant is proposing to add a carport onto the existing residence. The addition will be approximately 162 square feet. Gutters and down spouts are not shown on the site plan.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-5	TN
Proposed	Residential Single Family	R-5	TN
Surrounding Properties			
North	Residential Single Family	R-5	TN
South	Cemetery	R-5	TN
East	Residential Single Family	R-5	TN
West	Residential Single Family	R-5	TN

SITE CONTEXT

The site is irregular in shape and located on the south side of Delor Avenue near the intersection of Keswick Boulevard and Delor Avenue. The property has residential uses to the north, east, west, and south.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

Staff has received a phone call and letter of opposition concerning the carport addition. This information is attached on page 11.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (Side Yard)

(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 because the proposed carport will be attached to the existing structure.

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare because the proposed carport will line up with the front of the existing residence.

(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 because the proposed carport will not affect adjacent residential properties to the east.

(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 carport will just be covering the existing driveway.

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 site is located in a Traditional Neighborhood which is characterized by small lot with structures close together.

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 because the addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

TECHNICAL REVIEW

The applicant will need to discuss the gutter and down spout location.

STAFF CONCLUSIONS

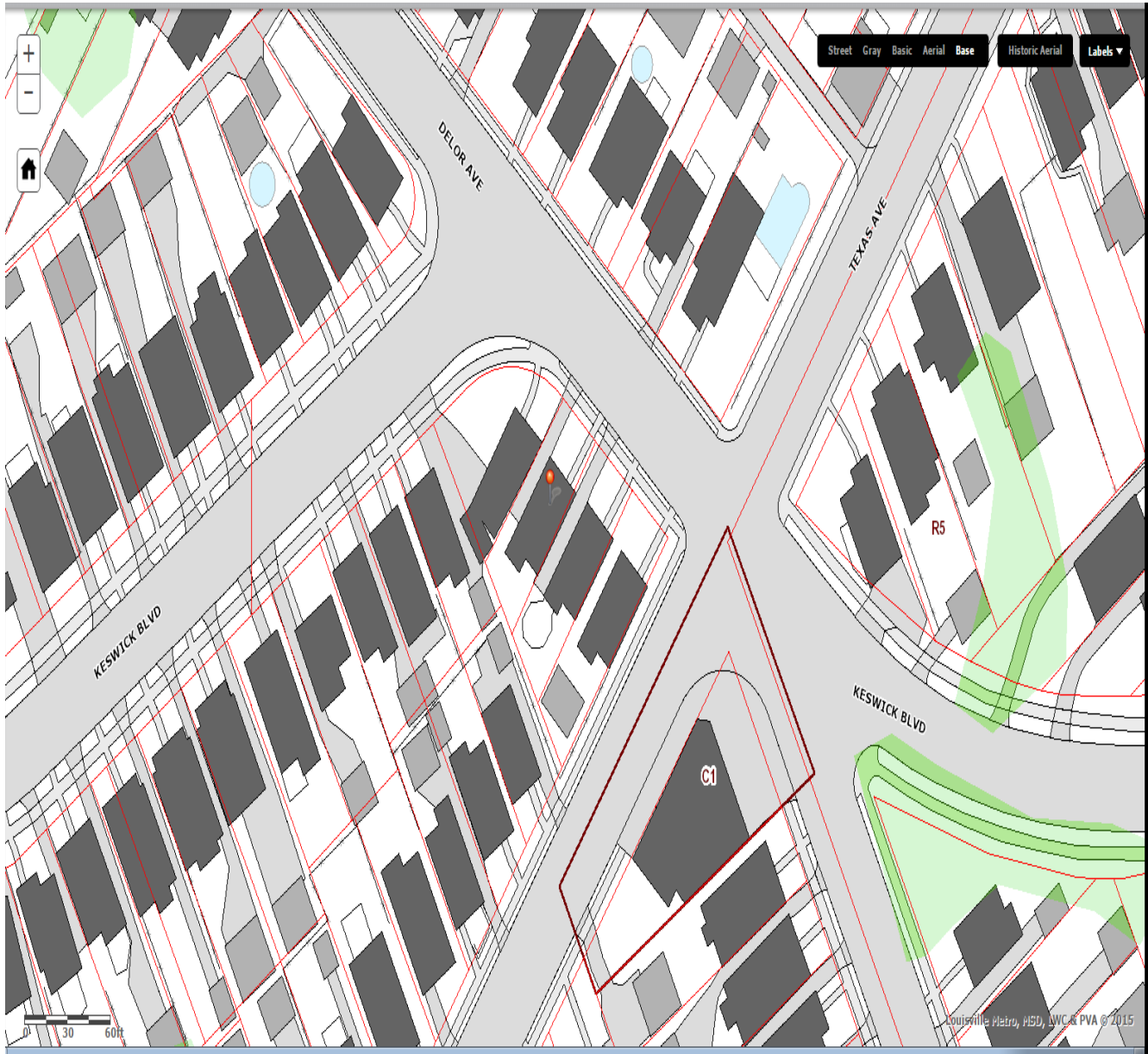
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
07/17/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
07/17/2015	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

RECEIVED

JUN 08 2015

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.

PLANNING & DESIGN SERVICES

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

The variance merely permits a carport to be built within the side yard setback & will have no negative effects on public health, safety or welfare.

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

The variance is for a thin metal carport which will barely be seen from the street.

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

The variance will only affect the driveway between two houses. It will cause no nuisance or hazard to the public.

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

The houses in this subdivision are very close together but to cover the existing driveway will not circumvent zoning regulations & will only affect the side yard setback.

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 lot is too small for a garage but the driveway is wide enough for a carport to protect the owner's vehicle.

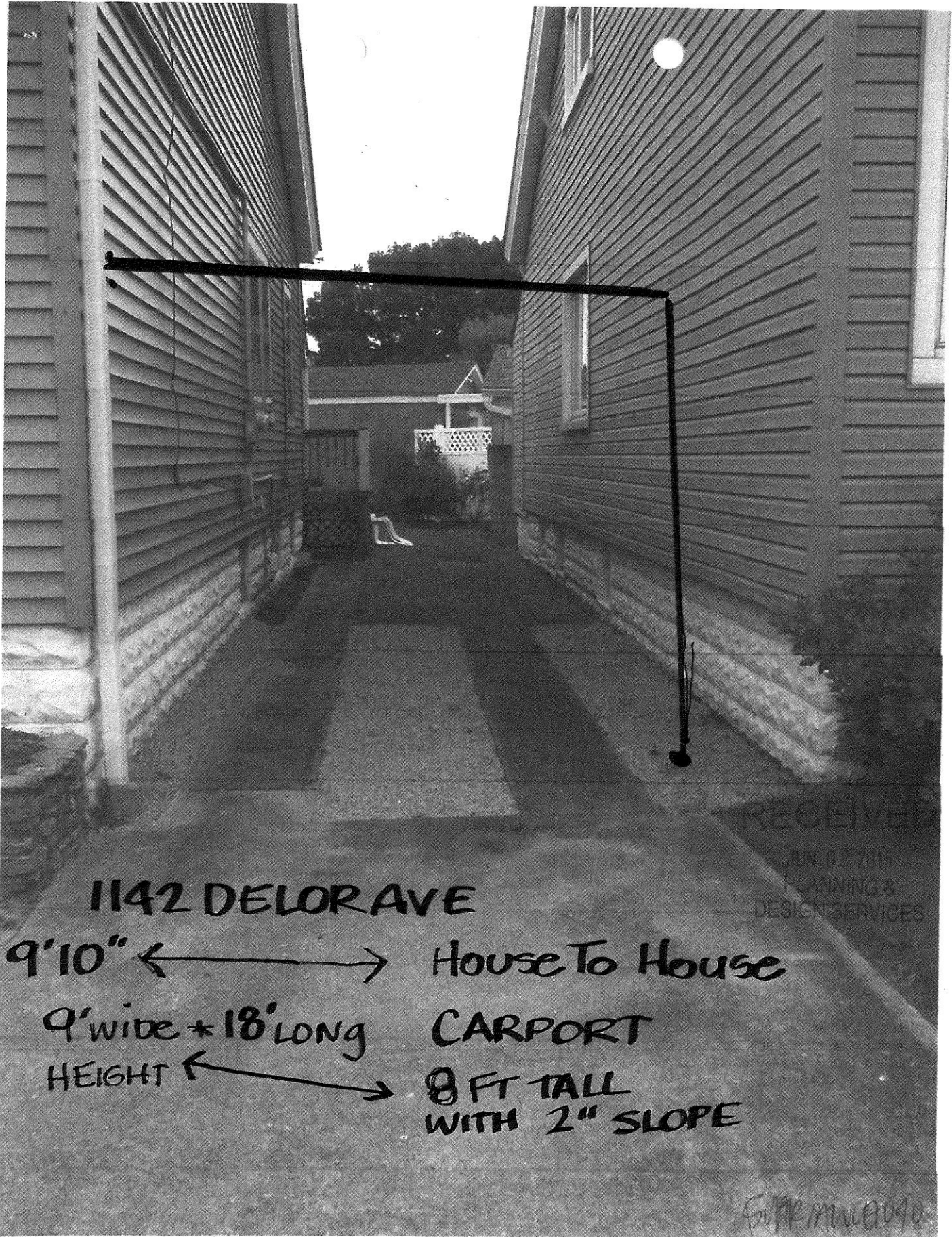
2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The applicant owns a 1973 corvette which requires protection from the weather. The carport is the only reasonable way to protect this vintage vehicle without the

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

Yes - hardship of paying storage fees.

BRUCE M... 10/20



1142 DELOR AVE

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PLANNING &
DESIGN SERVICES

9'10" ← → House To House

9' wide * 18' long CARPORT

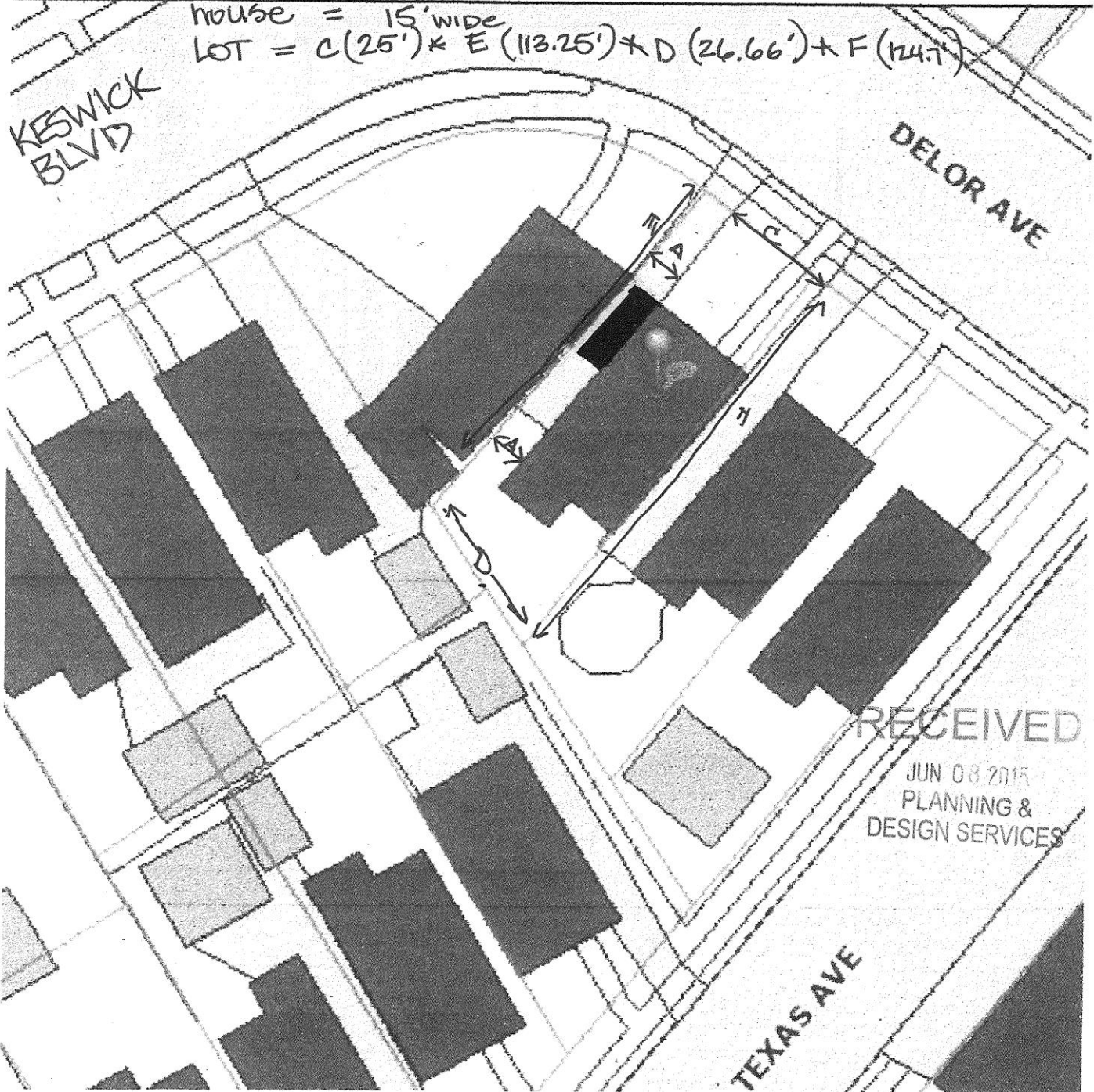
HEIGHT ← → 8 FT TALL
WITH 2" SLOPE

5/11/15/15090

A = 9'10" house to house
 B = 60' driveway
 Carport = 18' L x 9' W



house = 15' wide
 LOT = C (25') x E (113.25') x D (26.66') x F (124.7')



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 PLANNING &
 DESIGN SERVICES

1142 Delor Ave.
 40217

Scale 1/4" = 20 FT.
 FVARRANCE704

May 19, 2015

Hi, sorry that I don't know your name(s) I live next to you in the green house. My name is Vicki. What I wanted to know if I have your permission to put two poles on the side of your house for a car port? They will be about were the stones are, they will not touch your house at all. I need to get something in writing stating you do not mind/or you do mind. It needs to be dated, signed before I can have it done.

Thanks,



Vicki Liwo

1142 Delor Ave

Louisville, KY 40217

502 931-5199

Work Arch L Heady-Russman Funeral Home 1201 E. Oak Street Lou, KY 40202 502-636-4120

You can just call if you have any questions, or just stick it in my mail box!

May 23, 2015

1140 Delor Ave
Louisville, KY 40217

Ms. Liwo,

Thank you for your letter. I'm sorry we have not had a chance to meet properly since you moved into the neighborhood. My name is Mary Beth.

In regard to your letter dated May 19, I understand why you would like a carport. However, for a variety of reasons, I regretfully must decline my consent.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Beth Williams", with a long horizontal flourish extending to the right.

Mary Beth Williams

Crumbie, Jon

From: Mary Beth Williams <marybethwilliams8@hotmail.com>
Sent: Tuesday, July 28, 2015 10:40 AM
To: Crumbie, Jon
Subject: Metro Zoning 15Variance 1040 request
Attachments: LiwoLetter5-19-15.pdf; LiwoReply5-23-15.pdf

Mr. Crumbie,

I am writing in regard to Ms. Vicki Liwo's request to install a carport at her property 1142 Delor Avenue 40217. As the adjacent property owner of 1140 Delor Avenue I strongly oppose her request. Our properties are situated so closely that constructing a carport to the edge of her property line would be only about one foot from my own house; as a result it would impede my ability to care for and maintain my property on that side of my house. Furthermore I also feel that having a carport located so closely to my house could negatively impact its property value or appeal to buyers should I ever want to sell my home in future.

On May 19, 2015 Ms. Liwo wrote me a letter asking for my permission for her to construct a carport. I replied on May 23rd respectfully declining my consent (see both letters attached).

Easement and zoning laws are in place for a reason, and I don't feel that this situation warrants a variance to the existing code. I respectfully ask that the Board of Zoning Adjustment deny Ms. Liwo's request.

Please let me know if you need any additional information.

Thank you for your time,
Mary Beth Williams