

Board of Zoning Adjustment

Staff Report

March 5, 2018



Case No:	18VARIANCE1010
Project Name:	119 N. Jane Street Deck
Location:	119 N. Jane Street
Owner(s):	Russell Crenshaw
Applicant:	Russell Crenshaw
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	3 ft.	0 ft.	3 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Clifton neighborhood and historic preservation district. The property currently contains a 1 ½-story single-family residence. The applicant proposes a new deck to be constructed on the side of the existing principal structure, and requests approval for a variance to allow the deck to encroach into the side yard setback.

Historic Landmarks and Preservation Commission staff approved the deck under case number 18COA1018. The Certificate of Appropriateness was issued February 9, 2018. See Attachment #6 for the conditions of approval.

Staff has received signatures from all adjoining property owners approving of the proposed construction and therefore a public hearing is not required.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and 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 established in the Land Development Code from table 5.2.2 to allow a structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2

- (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 as the proposed deck will be constructed to comply with all building codes, including fire codes.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the proposed deck was approved by Historic Landmarks and Preservation Commission staff.

- (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 as the proposed deck will be constructed according to building codes.

- (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 as the footprint of the residence will still be similar to the surrounding homes after the proposed deck is built.

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 does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the property is irregular in shape and gets narrower moving toward the rear of the property.

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 as the proposed deck would help to prevent a potential safety issue. The side door where the proposed deck is to be located is elevated off of the ground and could be a potential hazard. The proposed deck would allow for better ingress and egress.

3. The circumstances are not 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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

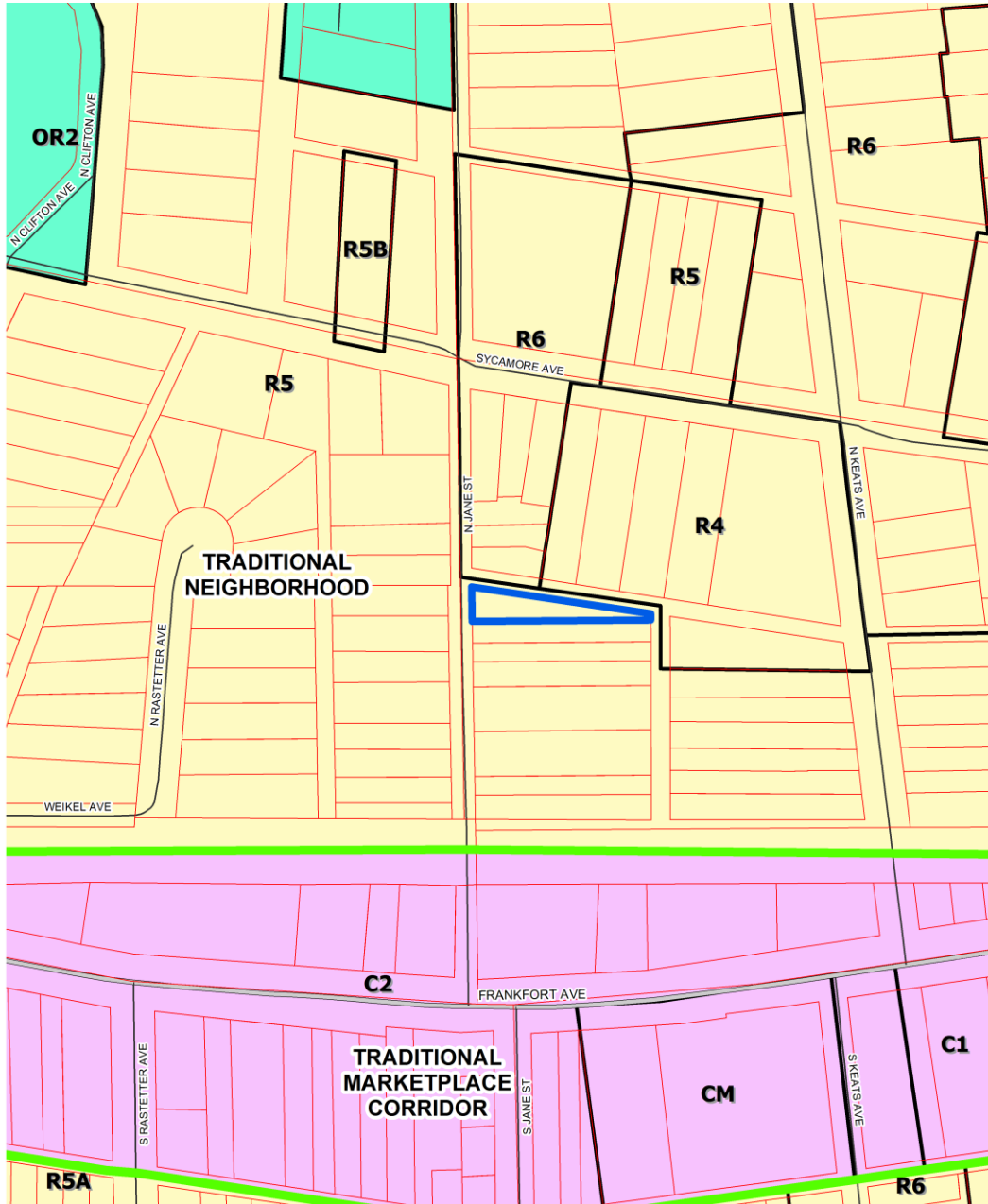
NOTIFICATION

Date	Purpose of Notice	Recipients
02/16/2018	Hearing before BOZA	Not Required for Business Session Item

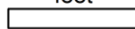
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos
6. Certificate of Appropriateness

1. Zoning Map



119 N Jane Street
feet



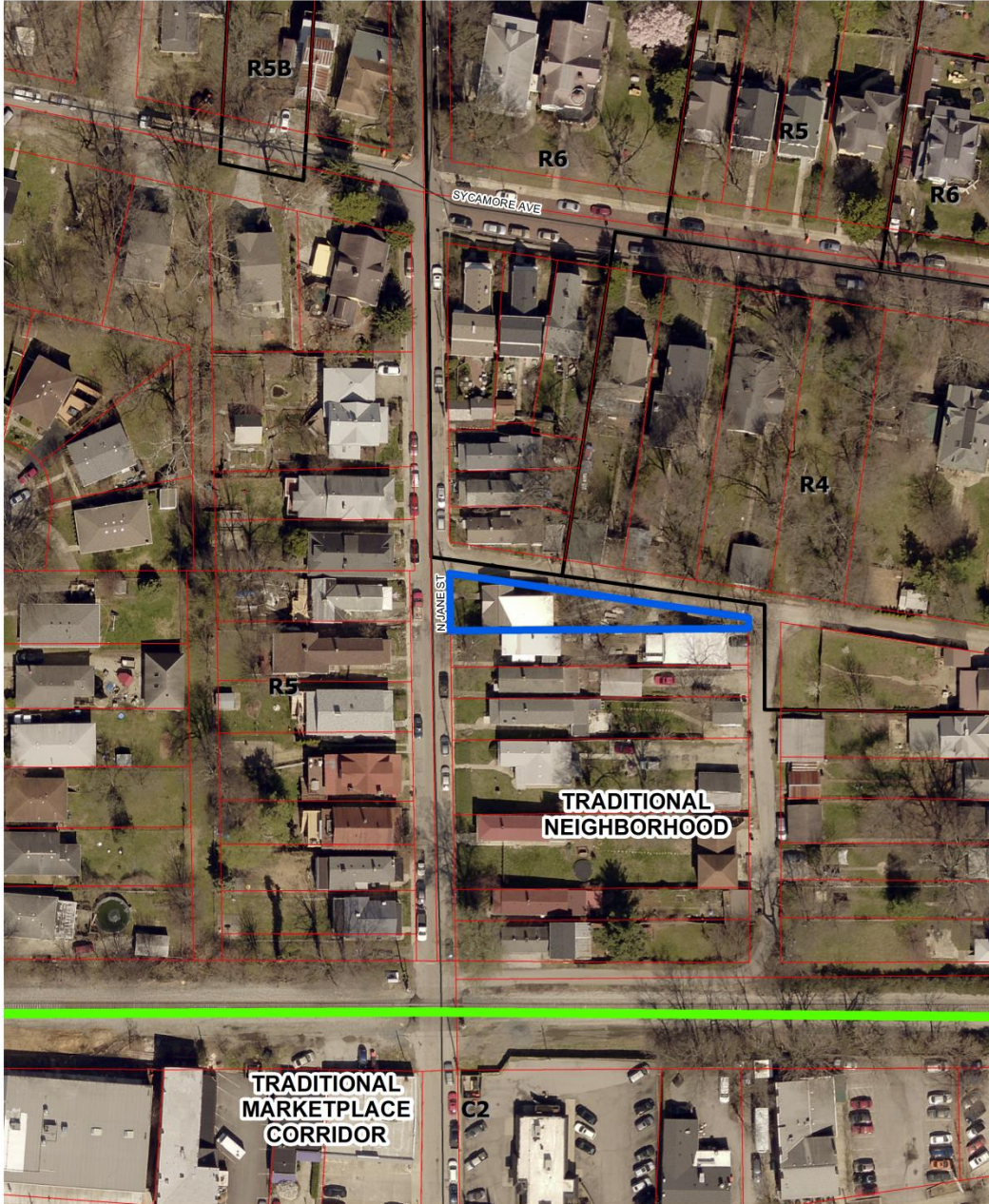
140

Map Created: 2/22/2018

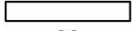


Copyright (c) 2018, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



119 N Jane Street
feet



80

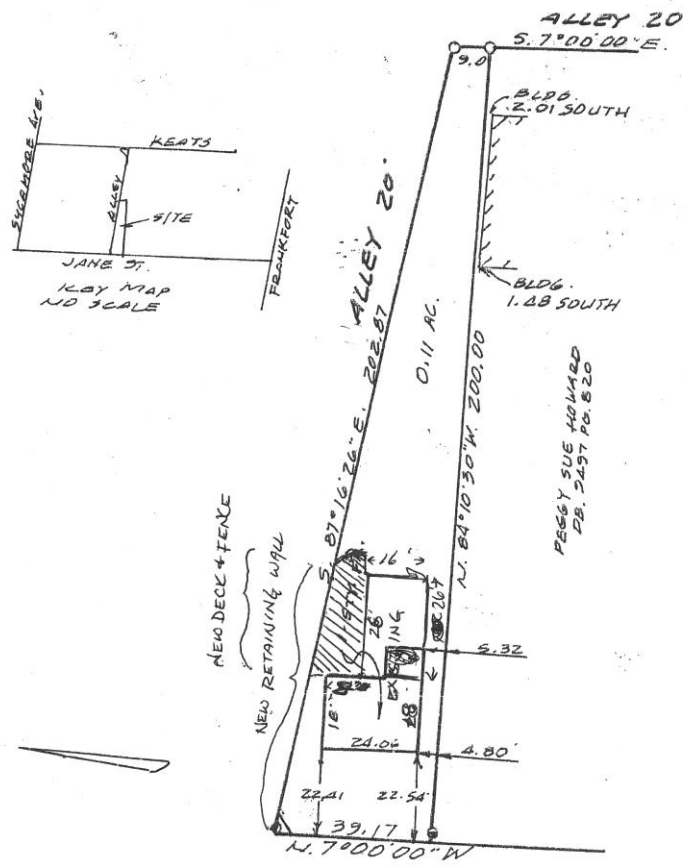
Map Created: 2/22/2018



Copyright (c) 2018, 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.

3. **Site Plan**

111 N JANE ST.
 RUSSELL CRENSHAW, OWNER



RECEIVED
 FEB 08 2018
 PLANNING &
 DESIGN SERVICES

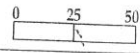


JANE ST. R/W VARIES

- SET 1/2"X18" IRON PIN AND CAP #2542
- SET 1/2"X18" REF. IRON PIN AND CAP 2.00 EAST #2542
- SET 1/2"X18" REF. IRON PIN AND CAP 1.00 EAST #2542

PLAT OF SURVEY OF DB. 8883 PG. 624
 RECORDED IN THE OFFICE OF THE
 COUNTY CLERK OF JEFFERSON COUNTY KY.

FILED IN CITY BLK. 72-B



Unadjusted closure for this tract is One part in 57824.95
 this tract has been adjusted for closure by Compass Rule.
 bearings for this tract have been adjusted to agree with
 the deed bearing or plat bearing on N.07-00-00 W. line
 of this tract and is the basis for the meridian shown herein.

OWNER
 NAME : RUSSELL CRENSHAW
 ADDRESS : 4607 BELLEVUE AVE.
 LOU. KY. 40215

Land surveyor's Certificate
 Class & Survey performed on True Line and Random Traverse On This Date
 06/15/18

I hereby certify that this plat and survey were made under my supervision,
 and that the angular and linear measurements as witnessed by monuments
 shown hereon, are true and correct to the best of my knowledge and belief.
 This survey and plat meets or exceeds the minimum standards of governing
 authorities.

ROBERT W. GRAY SR. PLS #2542
 I certify that the improvements as shown on this plat ARE NOT
 a flood prone area as shown by F.I.A. Map #210120 0027 E.
 20.8.08

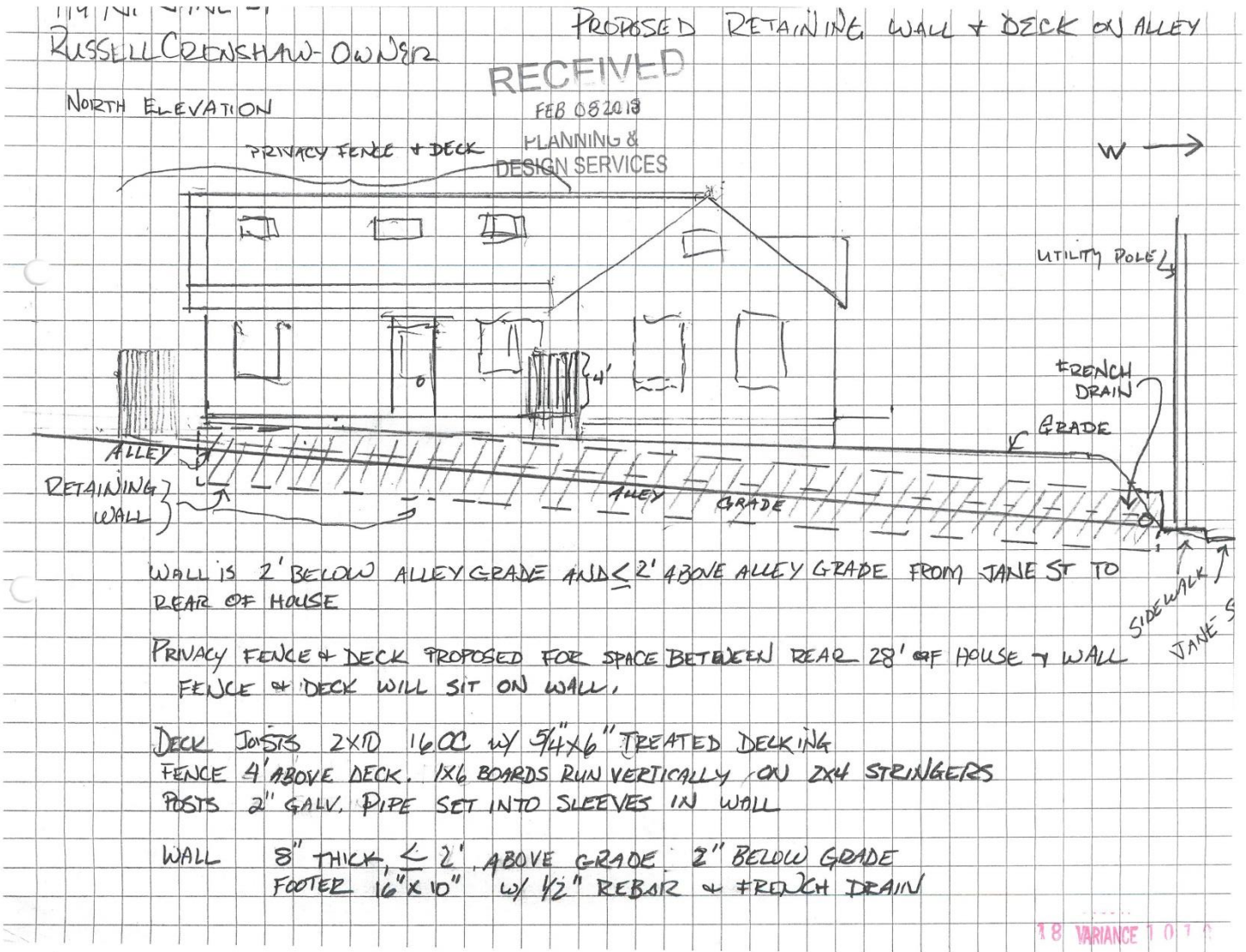


Site Surveys subject to all legal roadways,
 easements, and rights-of-way, if any. Invoice # 20100123
 Party Chief: T. STAYTON

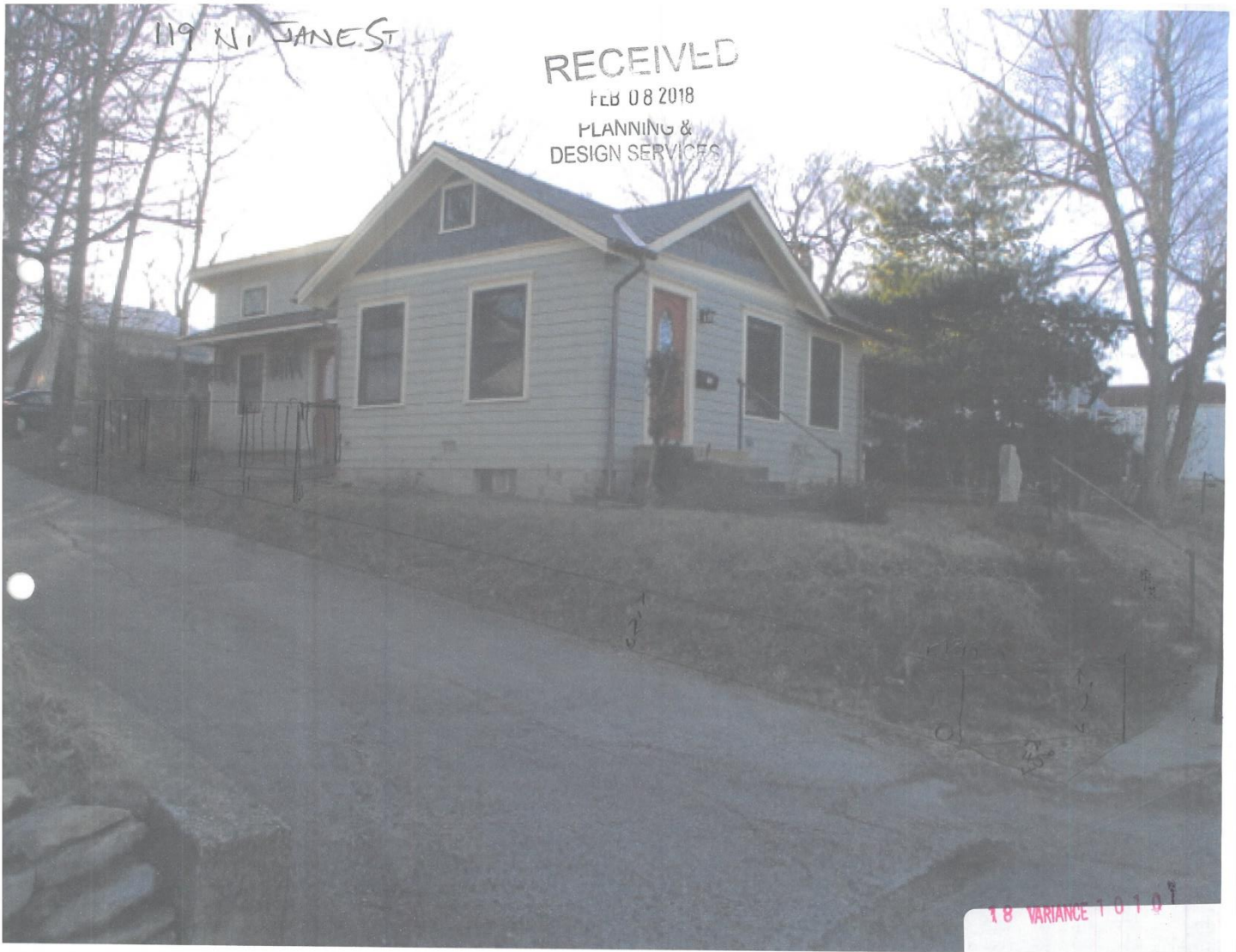
MORTGAGE FIRST
 Land Surveying Company Inc.
 317 West Woodlawn Ave.
 Louisville, KY. 40214
 Phone 361-7615
 Location: 119 JANE STREET
 Description: JEFFERSON COUNTY
 DB.8883 PG.624
 Buyer: N/A
 Scale: 1"=530 Date: 06/15/10
 Drawn & Calc. By R.GRAY

18 VARIANCE 1010

4. Elevations



5. Site Photos





6. Certificate of Appropriateness



Historic Landmarks and Preservation
Districts Commission

Certificate of Appropriateness

To: David Coyte
Thru: Cynthia Elmore, Historic Preservation Officer
From: Savannah Darr, Historic Preservation Specialist
Date: February 9, 2018

Case No: 18COA1018
Classification: Staff Review

GENERAL INFORMATION

Property Address: 119 N. Jane Street

Applicant: David Coyte
203 N. Clifton Avenue
Suite B
Louisville, KY 40206
502-632-2545
dvdct2@gmail.com

Owner: Russell Crenshaw
119 N. Jane Street
Louisville, KY 40206
502-368-7422

Estimated Project Cost: \$6,000

Description of proposed exterior alteration:

The applicant requests approval to construct a poured concrete retaining wall along the alley on the north side of the property. The wall will be approximately 85' long and 2' tall. The applicant also seeks approval to construct a wood deck from the rear entry door located on the north elevation. The rear portion of the deck will actually sit on the retaining wall. Lastly, the applicant seeks approval to construct a 4' tall wood privacy fence that will enclose the deck area.

Communications with Applicant, Completion of Application

The application was received on February 2, 2018 and was considered complete and requiring staff review on February 5, 2018.

Case #: 18COA1018-CL
Page 1 of 6

FINDINGS

Guidelines

The following design review guidelines, approved for the Clifton Preservation District, are applicable to the proposed exterior alterations: **Addition** and **Site**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

The following additional findings are incorporated in this report:

Site Context/ Background

The R5 zoned property within the Traditional Neighborhood Form District is located on the northeast corner of N. Jane Street and an alley. The frame, one-story Minimal Traditional style home is surrounded by predominately one to two-story bungalow and shotgun style homes.

On February 28, 2012, staff approved a COA (17150-CL) for the construction of a rear addition, a 4' tall concrete retaining wall along the northern property line, a 2' tall concrete retaining wall along the front property line, and a new roof. On September 26, 2016, the Clifton ARC approved a COA (17949-CL) to replace the front windows.

Conclusions

The project generally meets the Clifton design guidelines for **Addition** and **Site**. Due to the slope of the yard and the proximity of the north alley, the retaining wall is necessary to retain the earth at the property line, which keeps spilling into the alley. The poured concrete retaining wall will be constructed similarly to the historic wall to the north. There is clear precedent on this portion of N. Jane Street for retaining walls. The lot on which the property is situated is quite narrow toward the rear. Thus, the rear entry door is actually located on the side (north) elevation. For this reason, the deck will be constructed in this location, which is set back from the front façade of the house but still visible from the street. The 4' tall privacy fence will enclose the deck area for screening.

DECISION

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved with the following conditions**

1. **Historic concrete mix shall be used for the retaining wall.**
2. **The finished side of the privacy fence shall face out, away from the house.**
3. **The wood elements of the deck and fencing shall be opaque stained or painted.**
4. **If the design changes, the applicant shall contact staff for review and approval.**
5. **All other Planning & Design approvals shall be obtained prior to construction.**

Case #: 18COA1018-CL
Page 2 of 6

The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.


 Savannah Darr
 Historic Preservation Specialist

2/9/18
 Date

Addition

Clifton Design Guideline Checklist

- + Meets Guidelines
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions
- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
A1	The design of any new addition or expansion should be compatible and in proportion with the mass and scale of the historic building, adjacent structures, and the district.	+	Rear/side (north elevation) deck
A2	New additions should be designed in a manner that makes clear what is historic and what is new. Do not design additions to appear older than the original building.	+	Rear/side (north elevation) deck
A3	Additions should be designed so there are subtle distinguishing characteristics between the historic portion and the new alteration. This may include simplifying details, changing materials, or slightly altering proportion. Do not duplicate the exact form, material, style, and detailing of the historic building in the new addition.	+	
A4	Additions should be attached to side or rear elevations (façades) and should be set back from the street front façade, and should not damage or obscure character-defining features.	+	Rear/side (north elevation) deck
A5	The design of the new addition should be subordinate to the original building. Rear and side additions should not exceed half of the original building's total floor area or building footprint.	NA	
A6	The original street front orientation of a building should not be altered when constructing a new addition. An addition should not turn a secondary façade into primary façade. (The side or the rear of the house should not become the front of the house.)	NA	
A7	The new addition should be designed so the first-floor height is equal to or slightly lower than the original building. The floor-to-floor heights should be equal to or up to 10 percent less than the original building. In no case should the floor heights exceed those of the original building.	NA	
A8	The new addition should be designed with the intent to maintain the same relationship of solids (wall surfaces) to voids (window and door openings) as the historic portion. The size and placement of doors and windows should be proportional to the number, size, and shape of the new wall elevation as compared to the mass and scale of the historic building. See Door and Entrance and Window guidelines for more details.	NA	

Case #: 18COA1018-CL
 Page 3 of 6