

Board of Zoning Adjustment

Staff Report

March 18, 2019



Case No:	19VARIANCE1004
Project Name:	Bishop Street Variance
Location:	606 Bishop Street
Owner:	Charles J. Green
Applicant:	Charlie Williams – Charlie Williams Design, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code table 5.2.2 to allow a principal structure to encroach into the required front yard setback.
- **Waiver** from Land Development Code section 5.4.1.C.3 to allow an attached front loaded garage to exceed 50% of the front façade.

Location	Requirement	Request	Variance
Front yard	15 ft.	5 ft.	10 ft.

CASE SUMMARY

The subject property is located in the Irish Hill neighborhood, and currently contains a one-story duplex. The applicant is proposing to demolish the existing structure and construct a two-story single-family residence. The new structure is proposed to encroach into the front yard setback by 10 ft. The first story of the residence will be a front loaded two-car garage that will exceed 50% of the front façade.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review. Staff finds that the requested waiver 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 principal structure to encroach into the required front yard setback, and if the proposal meets the standards for granting a waiver from the Land Development Code from section 5.4.1.C.3 to allow an attached front loaded garage to exceed 50% of the front façade.

TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning.

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 structure 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 structure will align with the existing street wall due to the requested variance.

- (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 existing structure is in disrepair and the new structure will be constructed to comply with all building codes, including fire 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 structure will help to keep the existing street wall and will be built in the same location as the existing structure.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 because the lots on Bishop Street are irregular in shape and the subject property is not as deep as most of the other lots on the block.

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 may create an unnecessary hardship on the applicant because by requiring them to meet the setback requirement they would have to apply for a private yard area variance.

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.4.1.C.3

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the front loaded two-car garage will help alleviate on street parking on a narrow right-of-way.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver does not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The existing building is not consistent with the building design in the neighborhood. Also, the existing building is in disrepair and will need to go through the new demolition ordinance. Alley access is promoted and preferred in the traditional neighborhood form, however, there is no alley access for the subject property

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the property does not have alley access.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) 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.

STAFF: The strict application of the provisions would deprive the applicant of the reasonable use of the land as there would be no other way to construct or access a garage.

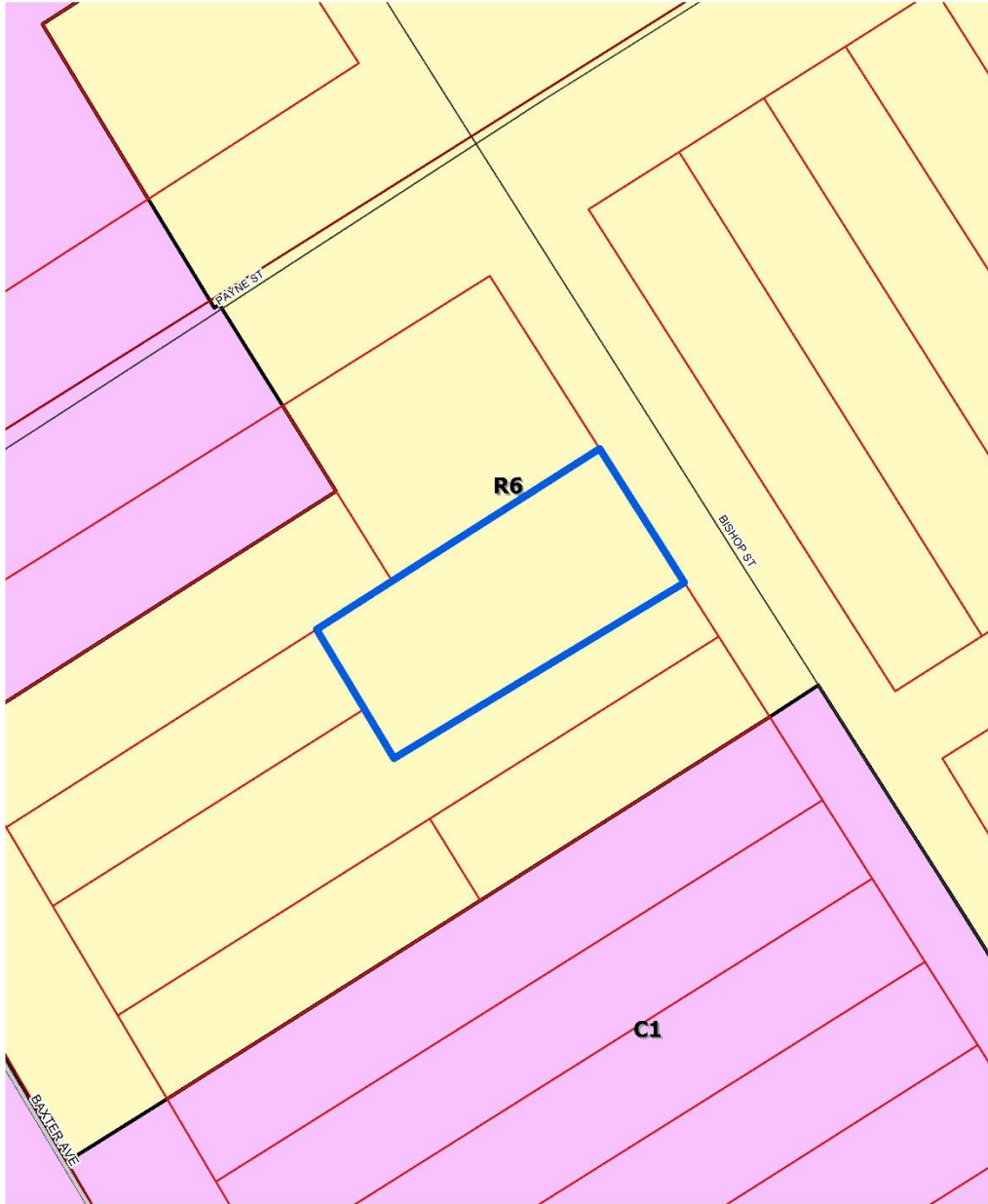
NOTIFICATION

Date	Purpose of Notice	Recipients
02/25/2019	Hearing before BOZA	1 st tier adjoining property owners
03/04/2019		Registered Neighborhood Groups in Council District 4
03/01/2019	Hearing before BOZA	Notice posted on property

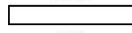
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Site Plan
- 4. Elevations
- 5. Rendering
- 6. Site Photos

1. Zoning Map



606 Bishop Street
feet



30

Map Created: 2/19/2019

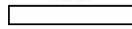


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2. Aerial Photograph



606 Bishop Street
feet



30

Map Created: 2/19/2019

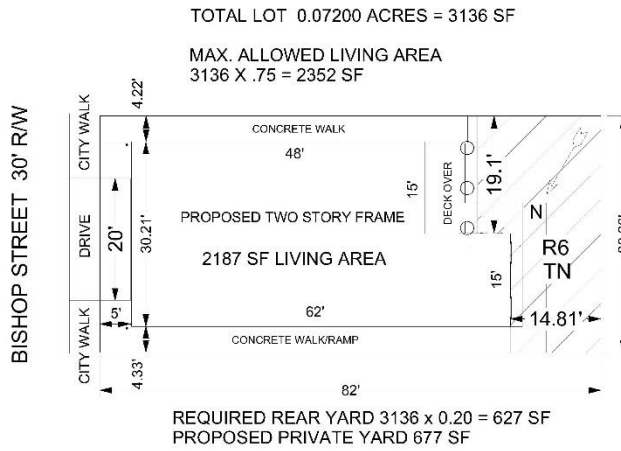


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3. Site Plan

606 BISHOP ST
LOUISVILLE, KY 40204

3-7-2019



Land Development Report
November 13, 2018 10:32 AM
About LDR

Location	Parcel ID: 0863004000
Parcel LRSN:	68185
Address:	606 BISHOP ST
Zoning	RE
Form District:	TRADITIONAL NEIGHBORHOOD
Plan Certain #:	NONE
Proposed Subdivision Name:	NONE
Proposed Subdivision Docket #:	NONE
Current Subdivision Name:	NONE
Plot Book - Page:	NONE
Related Cases:	NONE
Special Review Districts	
Overlay District:	NO
Historic Preservation District:	NONE
National Register District:	HIGHLANDS
Urban Renewal:	NO
Enterprise Zone:	YES
System Development District:	NO
Historic Site:	NO
Environmental Constraints	
Flood Prone Area	
FEMA Floodplain Review Zone:	NO
FEMA Floodway Review Zone:	NO
Local Regulatory Floodplain Zone or Contained Sewer Floodprone Area:	NO
Local Regulatory Conveyance Zone:	NO
FEMA Flood Panel:	2111C2042E
Protected Waterways	
Potential Wetland (Hydro Soil):	NO
Stream (Approximate):	NO
Surface Water (Approximate):	NO
Slopes & Soils	
Potential Steep Slope:	NO
Unstable Soil:	NO
Geology	
Karst Terrain:	YES
Sewer & Drainage	
MSD Property Service Connection:	NO
Sewer Rehabilitation Fee Area:	NO
Drainage Credit Program:	CSO153 - Projects Value between \$.04 - \$1.5
Services	
Municipality:	LOUISVILLE
Council District:	4
Fire Protection District:	LOUISVILLE #4
Urban Service District:	YES

OWNER INFORMATION
CHARLES J. GREEN
502-641-5109
charliegreen@twc.com



CHARLIE WILLIAMS DESIGN, INC.
1626 WINDSOR PLACE
LOUISVILLE, KY 40204
502-459-1810

4. Elevations

606 BISHOP ST
LOUISVILLE, KY 40204

3-7-2019



PROPOSED REAR ELEVATION
SCALE 1/8"=1'-0"



PROPOSED FRONT ELEVATION
SCALE 1/8"=1'-0"



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606 BISHOP ST
LOUISVILLE, KY 40204

3-7-2019



PROPOSED LEFT SIDE ELEVATION
SCALE 1/8"=1'-0"



PROPOSED RIGHT SIDE ELEVATION SCALE 1/8"=1'-0"



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1636 WINDSOR PLACE
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5. **Rendering**

606 BISHOP ST
LOUISVILLE, KY 40204

3-7-2019



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6. Site Photos



Front of subject property.



Property to the left.



Property to the right.



Property across Bishop Street.



Existing street wall looking south on Bishop Street.



Looking north on Bishop Street toward Payne Street.