

Board of Zoning Adjustment Non-Hearing Staff Report

November 16, 2015



Case No:	15Variance1077
Project Name:	Carriage House
Location:	1455 S 6 th St
Owner(s):	Connie and Eric Light
Applicant:	Charlie Williams
Representative:	Charlie Williams
Project Area/Size:	0.143 acres
Jurisdiction:	Louisville Metro
Council District:	6-David James
Case Manager:	Laura Mattingly-Humphrey, Planner I

REQUEST

Variance request from the Land Development Code Section 5.4.1.E to allow a proposed carriage house to encroach into side yard setback on north side of property.

Variance

Location	Requirement	Request	Variance
Side Yard (north)	3ft	1ft	2ft

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a carriage house on a single family residential property in the Traditional Neighborhood Zoning District of Old Louisville. The proposed structure requires a 2 foot variance for side yard setback on the north side of the property. This property is located on the east side of S 6th Street, north of the intersection of 6th and Hill Streets. It is surrounded by single family homes, except on the east side across the rear alley, which are multi-family homes. The new carriage house will be 2 story frame with a two car garage on the first floor and finished space on the second. The proposed carriage house has received Landmarks approval under case number 15COA1182. The applicant has provided all the signatures necessary for a Non-Hearing.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Single Family Residential	TNZN	TN
Surrounding Properties			
North	Single Family Residential	TNZN	TN
South	Single Family Residential	TNZN	TN
East	Multi-Family Residential	TNZN	TN
West	Single Family Residential	TNZN	TN

PREVIOUS CASES ON SITE

1. 15COA1182 - Landmarks approval for carriage house.

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- 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 as the proposed garage is in the rear of a private property. It does not obstruct any public right-of-way or the visibility of drivers or pedestrians.

- 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 carriage home design appears to be consistent with the primary residence as well as surrounding homes. In addition, carriage houses are a traditional element of the Old Louisville neighborhood.

- 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 carriage house is on a single family lot and is intended for uses permitted within the TNZD; and the adjacent property owners have no objection to the 1 foot side yard setback.

- 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 applicant is allowing a three foot setback on the south side of the property and many properties in this area have structures built at or near the side and rear property lines due to the typical size and shape of lots in the neighborhood.

ADDITIONAL CONSIDERATIONS:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

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 carriage house design would not be able to be built as proposed.

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 construction of the new carriage house has created the circumstances which now require the applicant to seek relief to allow the side yard setback to be reduced.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

All adjoining property owners have signed in approval of the proposed variance; the variance appears to be adequately justified; and the Standard of Review has been met. Based upon the information in the staff report, the Board of Zoning Adjustments must determine if the proposal meets the standards for approving the variance.

NOTIFICATION

The applicant received the required signatures of the adjacent property owners.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photographs
6. Applicant's Justification Statement
7. Adjoining Property Owner Signatures

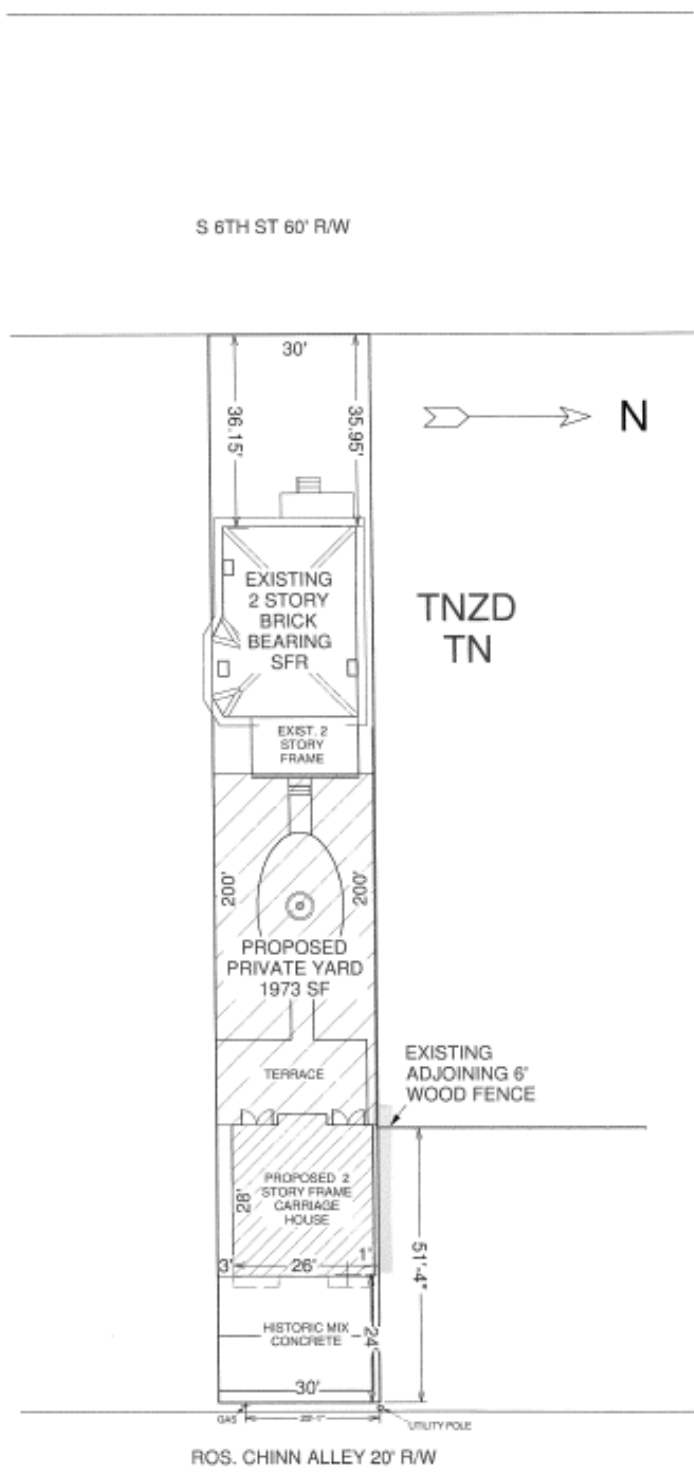
Attachment 1: Zoning Map



Attachment 2: Aerial Photo



Attachment 3: Site Plan



TN ZD
TN

CHARLIE WILLIAMS DESIGN, INC.
1626 WINDSOR PLACE
LOUISVILLE, KY 40204
502.459.1810

8-20-2015
CARRIAGE HOUSE
1455 S 6TH ST
LOUISVILLE, KY 40208

SITE PLAN

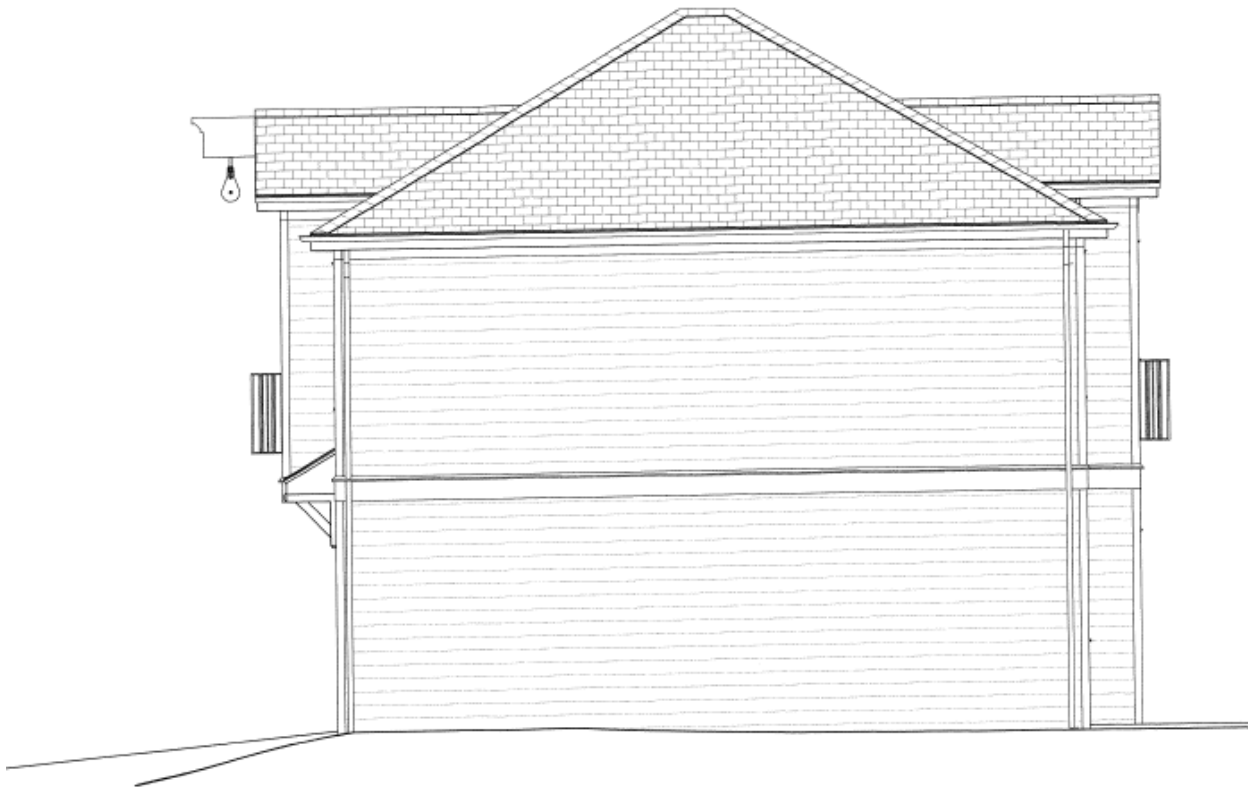
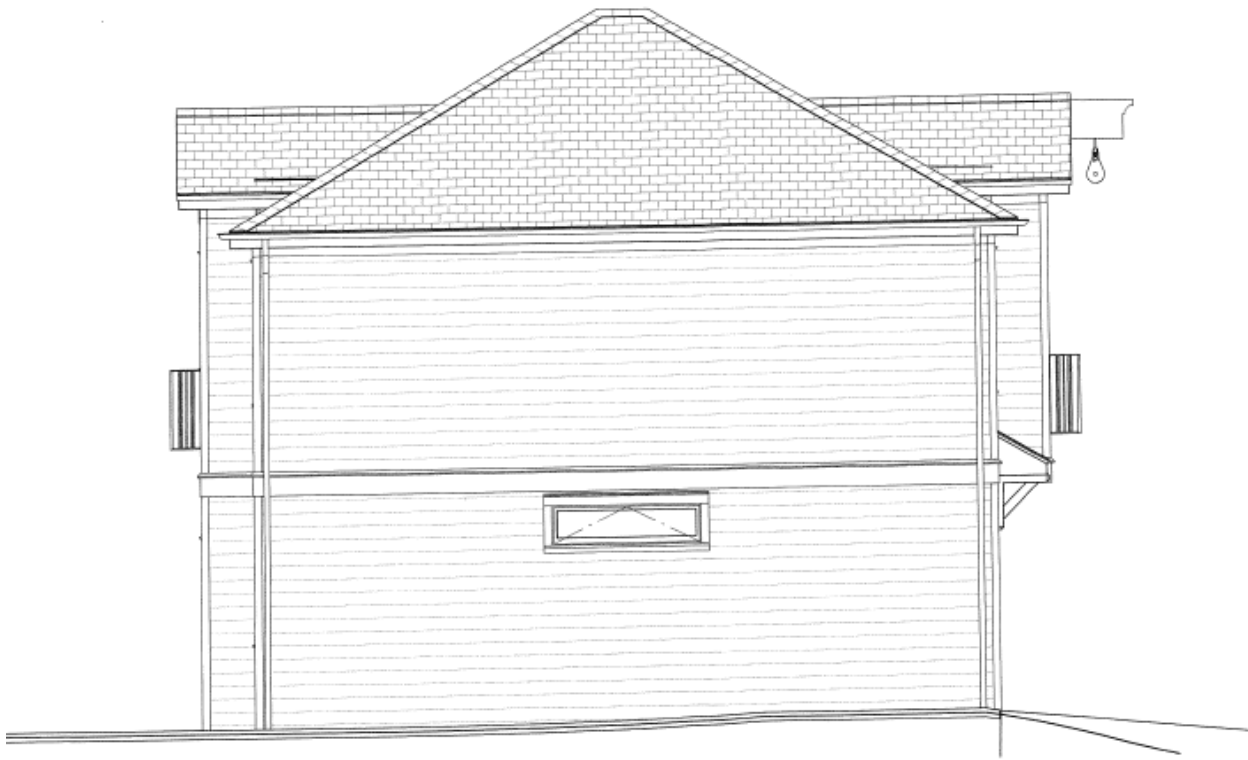
SCALE 1"=20'

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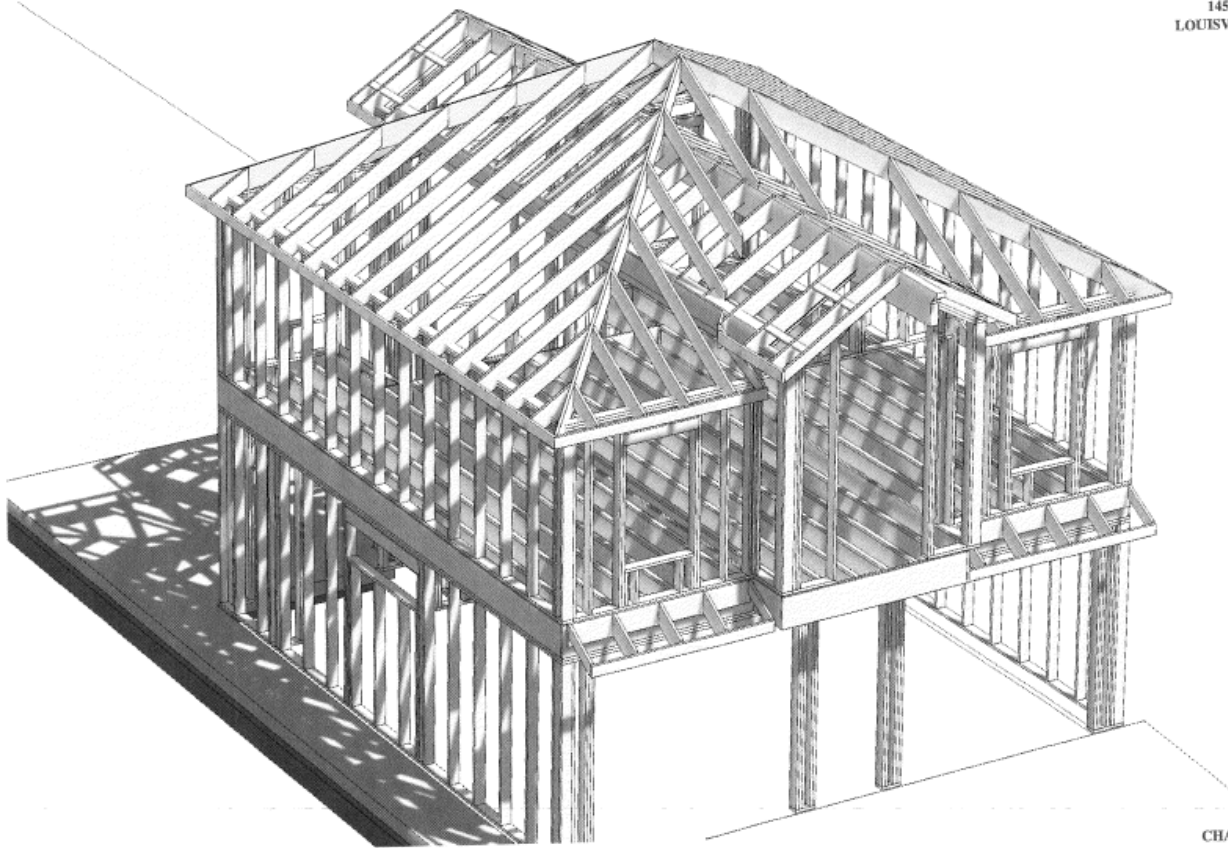
OCT 29 2015
CHARLIE WILLIAMS DESIGN SERVICES
15VARIANCE 1677

Attachment 4: Elevations





CARRI
1455
LOUISVI



CHA

CARRIAGE HOUSE
1455 S 6TH ST
LOUISVILLE, KY 402

8-20-2015



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Attachment 5: Site Photographs

1455 S 6TH ST
LOUISVILLE, KY 40208
8-27-15



ALLEY LOOKING WEST



ALLEY LOOKING NORTH



ALLEY LOOKING WEST



ALLEY LOOKING SOUTHWEST

Attachment 6: Applicant 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.

Garage is on private property with no access to the general public.

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

Proposed garage design and site layout has been approved by Landmarks with Old Louisville Committee Review # 15COA1182 9/28/15

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

Garage is on private property with no access to the general public.

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

Private yard requirement and south side setback are met.

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).

Lot is extremely deep, but quite narrow.

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.

Owner desires to use this as primary parking and is uses an accessible van w/ lift. The extra width is required for accessing the lift.

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

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 since the applicant is requesting a variance prior to construction.

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Attachment 7: Adjoining Property Owner Signatures

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 1



Qualifications for a Non-Public Hearing include:

1. Residential, non-corner parcels only.
2. All adjoining property owners must sign this affidavit. This includes all owners listed on the deed.
3. For each adjoining property that is held by a company, corporation, trust, etc. there must be a Certification Statement included with the affidavit.
4. All supporting documentation listed in the checklist must be included with the application.

Date: 10-26-15

I (We), Connie and Eric Light, owner(s) of the subject property under Case # _____ states as follows: It is hereby requested that the application for variance under Case # _____ be considered by the Board in open executive session without holding a public hearing on the proposal.

The signatures of all adjoining property owners required by the Board of Zoning Adjustment's resolution of February 15, 1982 have been submitted to the Board so that the variance may be acted upon without a public hearing.

Print Name: Eric Light Signature of Owner: 
Print Name: Connie Light Signature of Owner: 

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: _____

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) _____.

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

- 1. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____
- 2. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____
- 3. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____
- 4. Address: 1457 S 6th St
Owner Name: G & J Investments LLC Signature: *Gregory W. Jarnagin*
Owner Name: _____ Signature: _____

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, GREGORY JARNAGIN, in my capacity as OWNER/MANAGER, hereby
representative/authorized agent/other

certify that G & J INVESTMENTS LLC is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: *Gregory W. Jarnagin* Date: 10/20/15

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.040 et seq, knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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Variance Application – Planning & Design Services

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NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: _____

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) _____

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____

2. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____

3. Address: _____
Owner Name: _____ Signature: _____
Owner Name: _____ Signature: _____

4. Address: 1460 St James Ct
Owner Name: Shirley L Romo Signature: Shirley L. Romo
Owner Name: _____ Signature: _____

Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Shirley L. Romo, in my capacity as Trustee, hereby
representative/authorized agent/other
certify that SHIRLEY L ROMO REV TRUST is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.
is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: Shirley L. Romo Date: 10/23/15

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq, knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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OCT 29 2015

NON-PUBLIC HEARING VARIANCE AFFIDAVIT FOR THE SUBJECT PROPERTY OWNER(S): Part 2

Date: _____

We have seen a drawing of the proposed (e.g. garage, addition) _____
to be constructed at (address) _____.

As owners of the property adjacent to the above address, we give our consent and do not object to the planned construction or to the variance that will be required.

Please note: If the property is in joint ownership, all owners must sign or an authorized person must sign (authorized persons must also complete the certification statement). If there is a POA, the property owner is deceased or there are extenuating circumstances, please indicate on the signature line. For additional signatures, use additional copies of the affidavit form.

1. Address: 1451 S. 6th St Louisville KY 40208

Owner Name: Jessica Flores Signature: Jessica Flores

Owner Name: Steve Flores Signature: [Signature]

2. Address: 1451 S 6th St Louisville KY 40208

Owner Name: John Ellis Signature: [Signature]

Owner Name: _____ Signature: _____

3. Address: _____

Owner Name: _____ Signature: _____

Owner Name: _____ Signature: _____

4. Address: 1456 St James Ct

Owner Name: Concord Housing LLC Signature: [Signature]

Owner Name: _____ Signature: _____

Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, John E. Crum, in my capacity as Member, hereby
representative/authorized agent/other

certify that Concord Housing LLC is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: [Signature] Date: 04.20.2015

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq, knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

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