

Board of Zoning Adjustment Staff Report

July 11, 2016



Case No(s):	16CUP1015
Project Name:	None
Location:	1832 Alfresco Place
Owner(s):	Danielle Oatley
Applicant(s):	Danielle Oatley
Representative(s):	Danielle Oatley
Project Area/Size:	1,040 square feet
Existing Zoning District:	R-5, Residential
Existing Form District:	TN, Traditional Neighborhood Form District
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUEST

- Conditional Use Permit to allow an accessory apartment in a R-5 zoning district
- The Board must decide if the existing landscaping is sufficient.

CASE SUMMARY

The applicant is requesting to build a 1,040 square feet accessory apartment at the rear of the property. The applicant will live in either the apartment or the main house. The existing garage will be torn down and a new two-story, three car garage with an apartment on the second floor will be built. The garage will be accessed via the alley in the same way the current garage is. The backyard is large and has plenty of space to accommodate the new garage. The new garage will be 21 feet tall and the existing residence is 25 feet tall.

SITE CONTEXT

The property is located in a Traditional Neighborhood Form District and located on the southwest corner of Alfresco Place and Rosedale Avenue.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	R-5	TN
Proposed	Residential, Accessory Apartment	R-5	TN
Surrounding Properties			
North	Residential	R-5	TN
South	Residential	R-5	TN
East	Residential	R-5	TN
West	Residential	R-5	TN

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. The proposal preserves the existing grid pattern of streets, sidewalks, and alleys. Also the proposal is generally compatible within the scale and site design of nearby detached garages and with the form district's pattern of development.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with the surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Transportation Planning and MSD have reviewed and approved the proposal. The Louisville Fire District #4 did comment on the proposal and will require a wrecking permit to remove the existing garage.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements. The applicant will be asking to modify item A. and B. Item C. and D. will be met.

A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The owner would like to live in either the house or accessory apartment.**

B. The accessory apartment shall be no greater than 650 sq. ft. or 30% of the floor area of the principal residence, whichever is greater. **The accessory apartment will be 1,040 square feet.**

C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
- 2 Traditional Neighborhood - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

NOTIFICATION

Date	Purpose of Notice	Recipients
6/24/16	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Subscribers of Council District 21 Notification of Development Proposals
6/27/16	Hearing before BOZA	Sign Posting on property

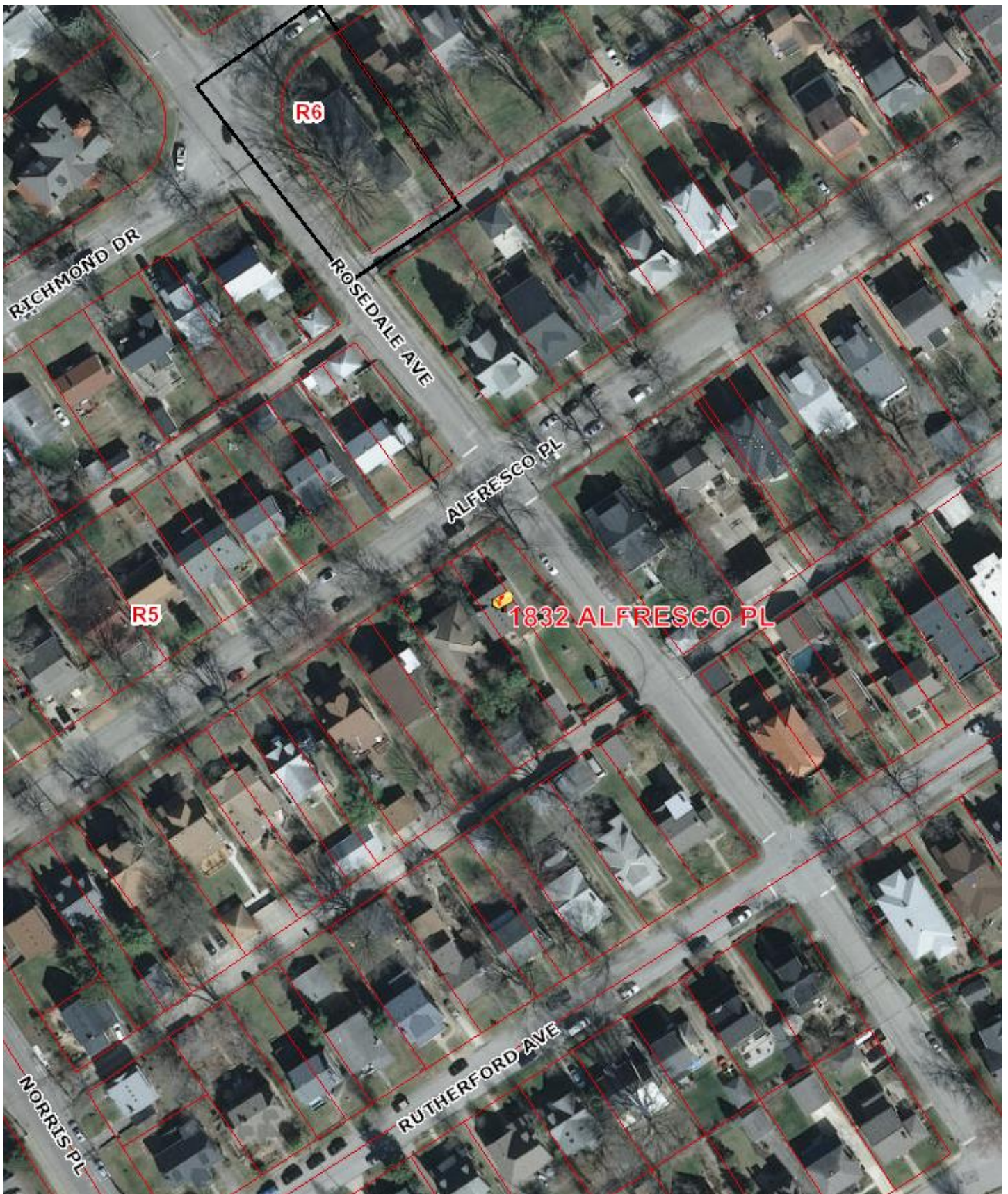
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Letter of Explanation/Neighborhood Meeting
4. Elevations
5. Site Plan
6. Conditions of Approval

1. Zoning Map



2. **Aerial Photograph**



3. **Justification/Neighborhood Meeting**

Danielle Oatley
1832 Alfresco Pl.
Louisville, KY 40205

May 23, 2016

Louisville Metro Planning & Design Services
444 South 5th St., Suite 300
Louisville, KY 40202

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To Whom This May Concern:

My Conditional Use Proposal is for a main house with an accessory apartment to be used for rental income. I would like to tear down my existing one-car garage and build a two-story, three-car garage with an apartment on the second floor. The new garage will be accessed via the alley in the same way the current garage is. The backyard is large and has plenty of space to accommodate the new garage.

I would like permission to live in either the main house or the garage with accessory apartment. When I bought the house, it was my intention to live there with a roommate, sharing both the space and the mortgage. Shortly after buying it, I found myself to be its sole occupant. I love the neighborhood, and I love the house. I would like to build the garage with accessory apartment and live there myself, as I do not need the space of the house. This would allow me to supplement my income and still maintain my property by renting out the main house to a nice couple or family. Then, one day, when I want to have a family of my own, I will return to the main house and rent out the garage with accessory apartment.

My house is 2650 sq feet total space. I would like permission to build an accessory apartment of 1040 sq feet. This is 39% of the principal residence, but the new structure will not be taller than the house. My house is 28 ft. tall, and the garage with accessory apartment will be 21 feet tall.

I can be reached at oatley77@gmail.com or 502-509-2080 if there are any questions.

Thank you,


Danielle Oatley

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Community Property Meeting Minutes
Danielle Oatley – Owner
1832 Alfresco Place, Louisville, KY 40205

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Meeting started at 12:05 pm

Present:

Danielle Oatley (owner)

Donna Wachtek – 1834 Alfresco Place 40205 (415-0975)

Gail Howard on behalf of Bob Strohmén – 1830 Alfresco Place 40205 (502-451-4779)

Art Cestaro (representative of Deer Park Neighborhood Association) – 1936 Ivanhoe Court 40205 (451-0503)

Richard Oatley (father of owner)

Erica Ridge (took minutes)

- Owner starts the meeting explaining that she is proposing a three-car garage with a two-bedroom apartment on top. Owner shows the site plan and layout of garage and apartment to people present (handout). She passes around the handouts. Everyone has their own copies of the site plans to take with them.
- Owner explains that a condition of permit is that she lives on property. She explains that she will have a vested interest in selecting tenants that will not make a lot of noise, be responsible, and take care of her property. She will not allow having noisy neighbors. Owner has to live on the property. Owner is thinking about living in the apartment herself and renting out house to a nice family. Owner explains that she was expecting a roommate, but it fell through when she moved in. She loves the neighborhood and would like to stay and feels like this would be an excellent solution. She reiterates that since she will one day move back into the house, she will be especially concerned with finding tenants who will take care of the property.
- Donna: Where would the parking be? More on the street?
 - Answer: Garage will face the alley. Apartment is on top. Owner only needs one spot. The tenants will have two spots. Therefore, there will not be cars out in the alley or on the street. The tenant parking will all be taken care of in the garage.
- Owner: What other questions can I answer for you?
- Donna: Someone has built a garage down the street that I don't like. It doesn't fit in the neighborhood. It's so tall.
 - Answer: I have taken pictures for my application of examples of different garages one block to the left and one block to the right [of the house] to show examples of different sizes, styles, and designs in our neighborhood.
 - Answer from Art as follow up: Holes in the process have existed in the past. Process used to be that you would put a sign and make a petition. Just need to ask the neighbors.
 - Follow up answer from owner: The house is 28 feet tall, the garage will be 21 feet tall; provision is that the garage cannot be taller than the main house. (this info is on the handout)
 - Answer from Donna: Oh, okay. Good.
- Donna: How long will the process take to tear down and build?
 - Answer: about 6 weeks estimated, but could take longer. Process will start most likely around August.
- Gail: Bob is concerned that it will be an AirBnB.
 - Answer: Owner does not want that. She wants a long-term tenant. She lives by herself, so she wants to make sure she is safe. She would prefer to have a professor renting it. Maybe graduate or doctoral students [if it is the garage with accessory apartment]. She reiterates she wants to find people that will take care of the property.
 - More questions about AirBnB in general

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- Donna: Do you live in the house now?
 - Answer: Yes, since October 30th
 - Donna has lived in there for about 30 years.
- Donna: How long do you want your leases to be?
 - Answer: At least one year. She would prefer to have someone there longer.
- Owner reiterates: (Seeing Donna looking at the site plan) The cars for the tenants will be in the garage.
- Donna: Is this a done deal? Do the neighbors have a chance to say yay or nay?
 - Answer: If you had a legitimate reason why you are opposed to it, and I can't resolve it, you can call my case manager and talk to him about it.
 - Art: If there is something you are concerned about it, you can go to the hearing.
 - Richard: Is there a concern that you still have that we can talk about?
- Danielle: Yes, we want to make sure that we talk to you now and that you're okay with everything. Is there anything that you'd like to talk about or have questions about?
 - Answer from Donna: No.
- Art (explaining what was discussed when issue was brought up at neighborhood association meeting): Questions were about how tall it is, if was going to be an issue. If neighbors are fine with it, association is okay with it. Our next meeting is at Bardstown Road Presbyterian on June 8th. (To Danielle) If you would like to come, the association would be happy to write you a letter of support.
- Art: Who is your case manager?
 - Answer: John Crumbie is case manager.
- Owner: Does my answer on AirBnB address Bob's concerns?
 - Answer from Gail: I think so, but I can't speak for him.
- Art: When is the hearing?
 - Answer: We're aiming for July 11th, but it is not finalized yet.
- ADonna: Would the carriage house make the property value higher or lower?
 - Answer: It will make it higher. Someone would want to buy the house because it comes with a revenue stream.
 - Art: It makes the Highlands the Highlands. Highlands's prices during the recession stayed consistent. We like having the apartment houses because it allows younger people to live in the neighborhood.
- Owner ends the meeting at 1:00 pm: Says that they can contact her if there are any other questions or concerns. Gives out phone number and email if they need to reach out.

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NEIGHBORS IN ATTENDANCE

Name
(Optional)

Address

Zip Code

502 - 451 - 4779
Phone #

1830 Alfresco Pl.

SAIL Howard on behalf of Robert Strohm

415-0975 ← DONNA WACHTEK 1834 ALFRESCO PLACE 40205

MRT CESTANO 1936 JUANITO CT 40205 451-0503

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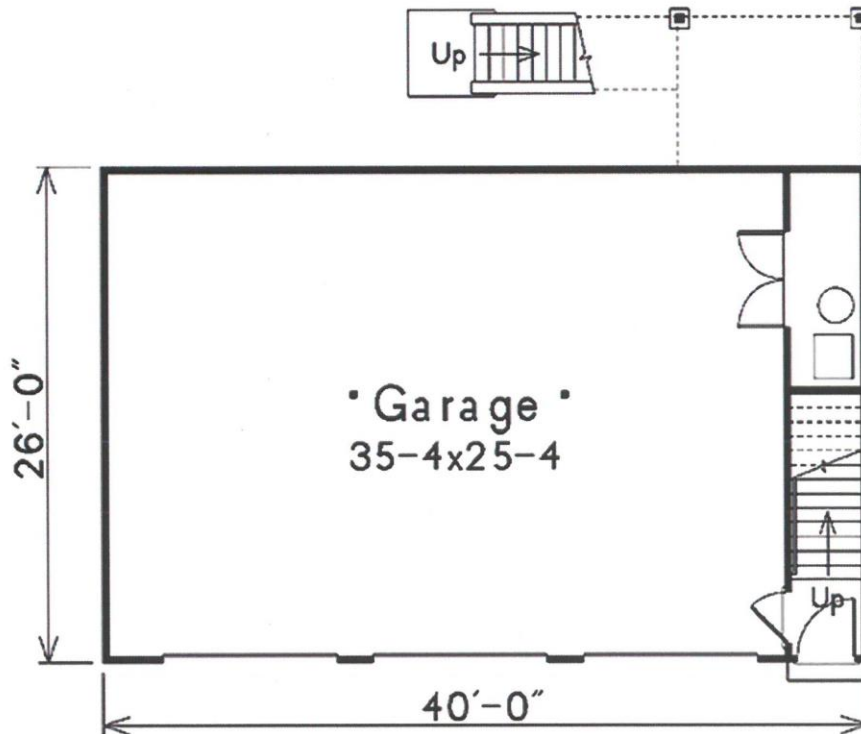
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1832 Alfresco Place

garage with accessory apartment proposal (p. 1 of 2)



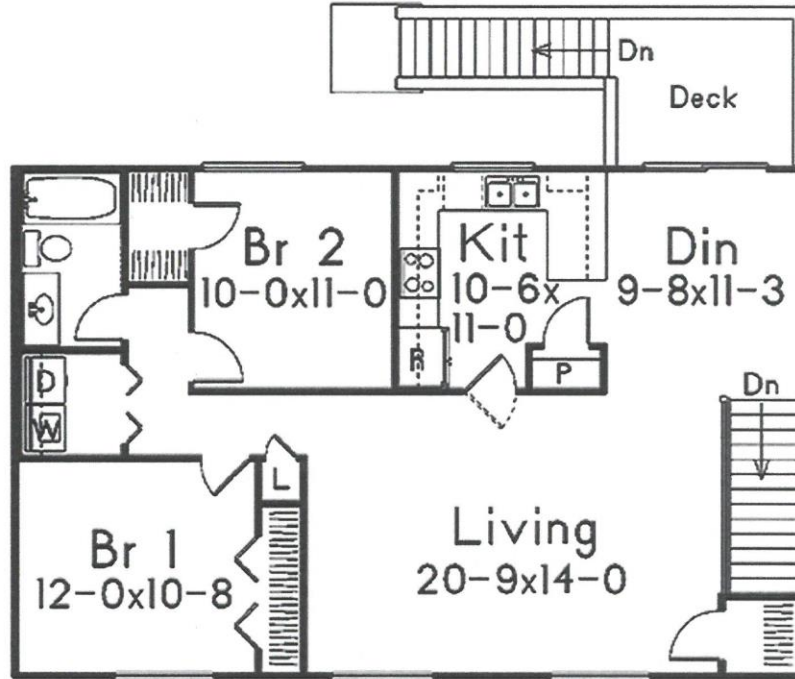
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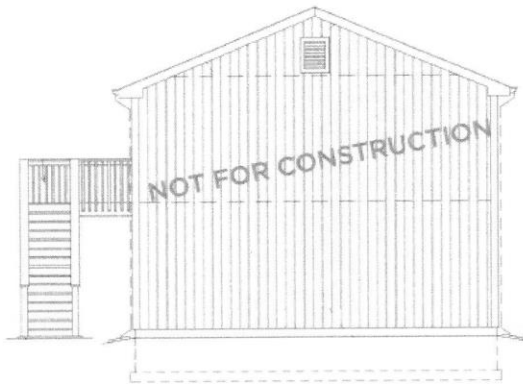
1832 Alfresco Place

garage with accessory apartment proposal (p. 2 of 2)

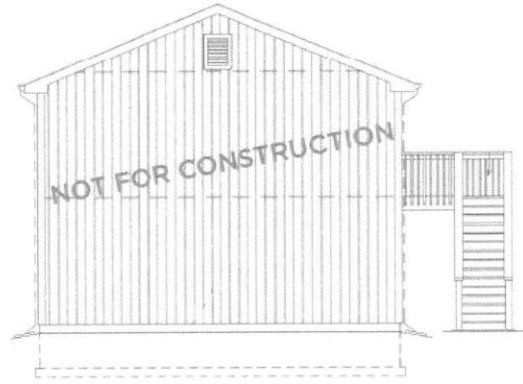


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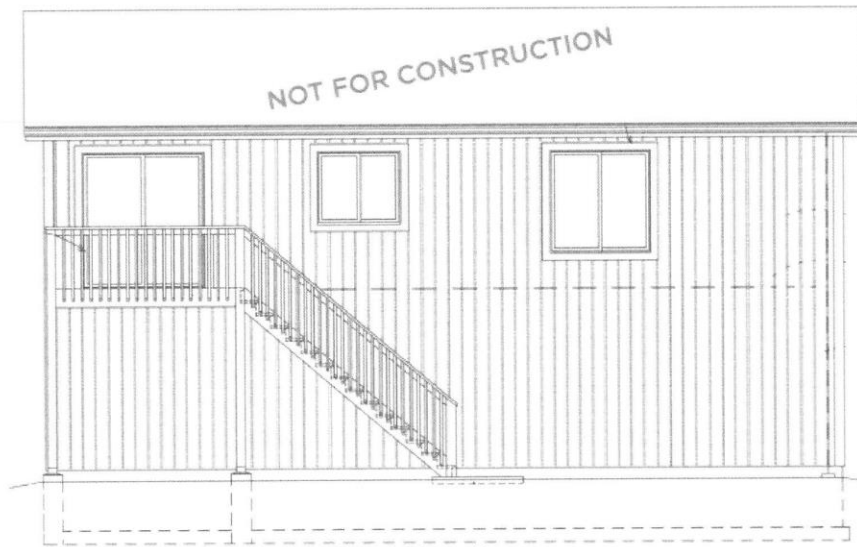
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Left Elevation



Right Elevation



Rear Elevation

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PROPOSED PLOT PLAN FOR DANIELLE M. OATLEY AT 1832 ALFRESCO PLACE.
PROPERTY RECORDED IN DEED BOOK 10441, PAGE 579.

NOTES:

TO BE PERFORMED: DEMOLISH EXISTING GARAGE, CONSTRUCT NEW GARAGE.

PROPERTY IS LOCATED WITHIN ZONE: R-5 RESIDENTIAL

CONSTRUCTION TO BE PERFORMED BY FORTE RESIDENTIAL BUILDER, 7417 TURNER RIDGE RD., CRESTWOOD, KY.

MITIGATION MEASURES FOR DUST CONTROL SHALL BE IN PLACE DURING CONSTRUCTION TO PREVENT FUGITIVE PARTICULATE EMISSIONS FROM REACHING EXISTING ROADS AND NEIGHBORING PROPERTIES.

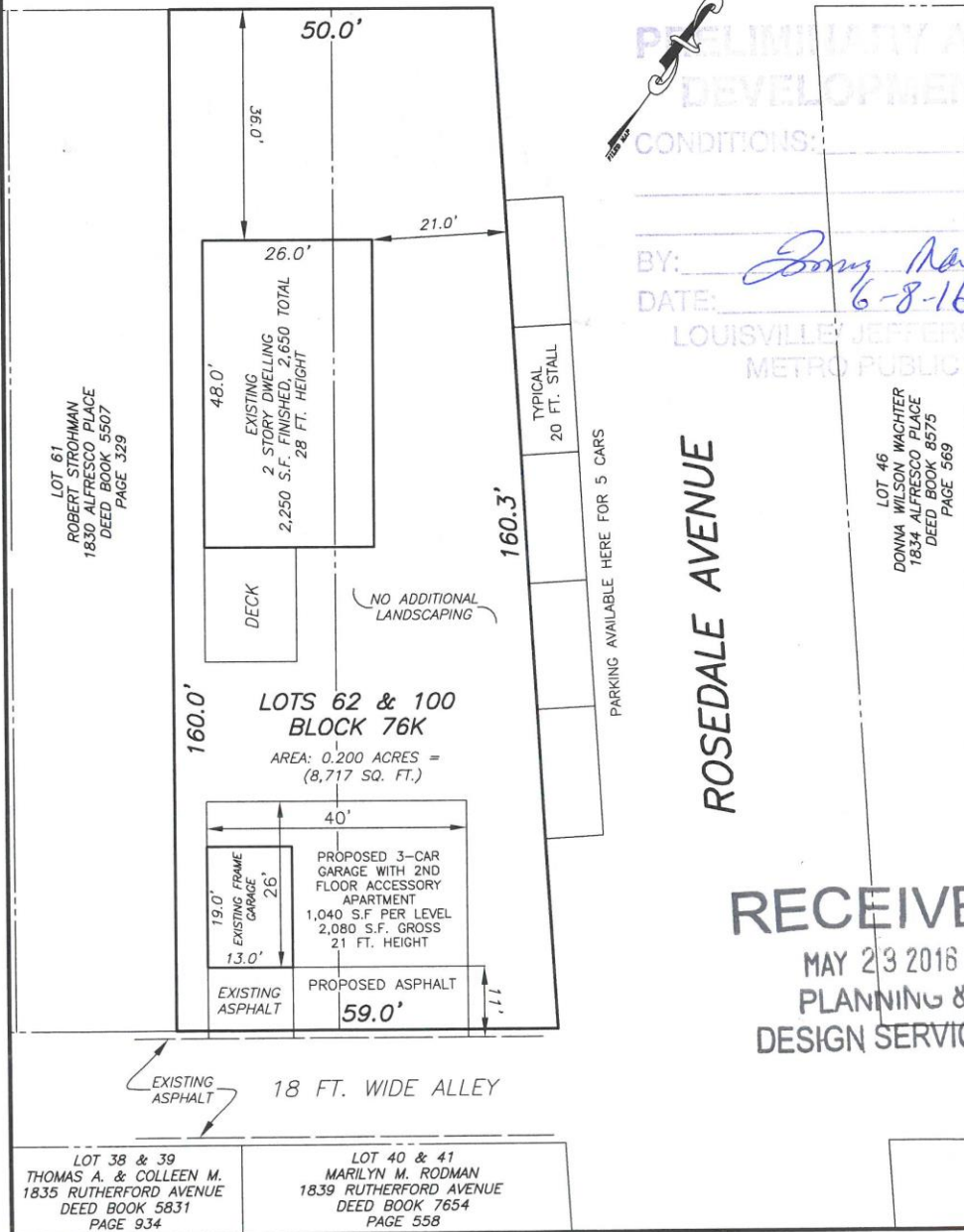
LIGHTING WILL BE CODE COMPLIANT.

MSD SINGLE LOT RESIDENTIAL CONSTRUCTION PERMIT REQUIRED PRIOR TO RECEIVING BUILDING PERMITS FROM LOUISVILLE METRO

MEASURED DIMENSIONS SHOWN ARE FROM OWNER'S MEASUREMENTS. BOUNDARY DIMENSIONS SHOWN ARE FROM GIS DATA LOJIC ONLINE MAP.

DRAWING SCALE: 1 IN. = 20 FT.

ALFRESCO PLACE



PRELIMINARY APPROVAL
DEVELOPMENT PLAN
CONDITIONS:

BY: *Jonny Nallet*
DATE: 6-8-16

LOUISVILLE JEFFERSON COUNTY
METRO PUBLIC WORKS

ROSEDALE AVENUE

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Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an accessory apartment without further review and approval by the Board.