

Board of Zoning Adjustment
Staff Report
December 2, 2019



Case No:	19-CUP-0180
Project Name:	Accessory Apartment
Location:	4554 South Second Street
Owner/Applicant:	Matthew Iles
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow an accessory apartment in an R-5 Zoning District and Traditional Neighborhood Form District.

CASE SUMMARY/BACKGROUND

The 0.233 acre property is located on the west side of South Second Street between Wampum Avenue and Wellington Avenue in the Beechmont Neighborhood. The applicant is requesting approval to allow a second floor 900 square foot accessory apartment above a two car garage along with a carport. The accessory apartment is allowed to be no greater than 650 square feet or 30% of the floor area of the principal residence, (1,553 square feet x 30% = 465 square feet) whichever is greater. Using the 650 square feet, the proposed accessory apartment is 250 square feet more than allowed. The applicant will be requesting relief from this listed requirement. The Land Development Code states that there shall be no more than two adults residing in an accessory apartment.

STAFF FINDING / RECOMMENDATION

There are four listed requirements and all have been met, except item B. the square footage allowed. 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 established in the LDC for a Conditional Use Permit.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on September 5, 2019, but no invitees attended.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal does not conflict with Comprehensive Plan policies.

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

STAFF: The proposal is compatible with surrounding development.

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

STAFF: The subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site.

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

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 up on the granting of a conditional use permit and compliance with the listed requirements. There are four listed requirements and all have been 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 property owners reside in the principal dwelling.

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 proposed accessory apartment will be 900 square feet, 250 square feet more than allowed. The applicant is requesting relief from this listed requirement.

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.

The proposal meets the guidelines of the Traditional Neighborhood Form District .

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.

The site is within a Traditional Neighborhood and has parking available in the garage, carport and driveway.

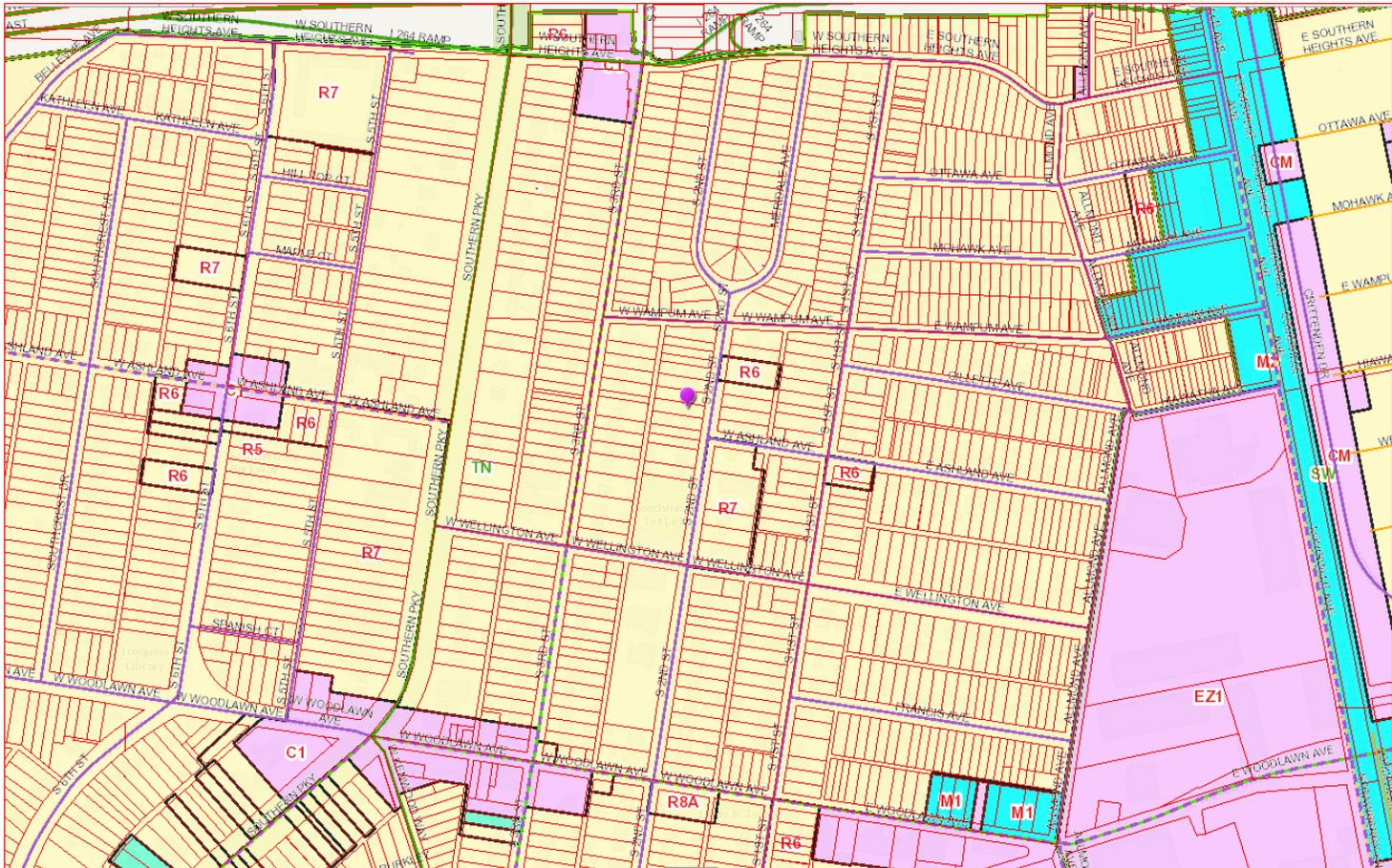
NOTIFICATION

Date	Purpose of Notice	Recipients
11/15/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners
11/13/2019		Registered Neighborhood Groups in Council District 21
11/22/2019	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Explanation Letter
4. Site Plan
5. Floor Plans
6. Elevations
7. Neighborhood Meeting Minutes
8. Plan 2040 Checklist
9. Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



Matthew & Ashley Iles
4554 South 2nd Street
Louisville, KY 40214

20 September 2019

Dear Board of Zoning:

My wife, and I moved to Louisville one year ago and closed on our first home together on August 6th, 2018. The story of landing in Louisville goes back a few years, and I feel it is pertinent to this conditional use request. Therefore if one would oblige, I will tell it here.

We were in our last year of training in Family Medicine residency, had gotten married only 6 months prior, and we were starting to dream and pray about where God might have us lay down our roots. There are many great cities from which to choose and even greater number of neighborhoods. Honestly, the task of choosing was a little overwhelming. But for us Louisville always made the most sense. It is located half-way between our parent's homes along I-65, where we had our wedding, a city with diversity in people and experiences, moderately sized, and has so much potential.

Though perhaps more important than finding a city is finding a neighborhood to call home. Underpinning that decision lies the reality and difficulty of disparity. We feel that disparity is reconciled in service to one's neighbors - as Jesus advises us to "love the LORD your God with all your heart and your neighbor as yourself." We also recognize that we are on one end of that disparity and many of our neighbors in Beechmont are on the other. And what's more, many of them have come from very far away places and have not had the choice of neighborhood or city - it was made for them. We were drawn to Beechmont for many of the same reasons others choose to live here: it is quiet, close to downtown, diverse and has a ton of character/history. We felt that this would be the best place to start planting our roots, grow as a family, and learn from our neighbors how great and vast is the diversity of this world. We have enjoyed getting to know our closest neighbors and look forward to getting to know those a bit further away as we settle in.

Once we settled on a neighborhood, we had to find a home. We chose our specific property because it is well maintained older home with charm and offered the potential for expansion/additions. The first phase of renovations is the addition of a carriage house to the back part of the property that has alley access. We intend to use this space for family, friends and/or someone within our sphere of influence (e.g. a student from one of the local universities or as a means of outreach to families in need of a safe space). It has been an eye-opening experience, to say the least, regarding the process to obtain a permit for such construction project but ultimately we feel it is worth it as a way to serve our neighbors.

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SEP 20 2019
DESIGN SERVICES
19 - 1 CUP - 0181
19 - 1 CUP - 0180

Matthew & Ashley Iles
4554 South 2nd Street
Louisville, KY 40214

Regarding the CUP for Multi-family dwelling, we feel that this project will not change the character of the existing neighborhood as there are innumerable examples of these carriage houses up and down the alley's of Southern parkway and its neighboring streets including our own South 2nd Street. Regarding the CUP application for short-term rental (STR) status, we felt that with the new legislation passed in the last 9 months it would make more sense to secure STR allowance even if the intended use may not be made up of a majority of STR time. Gaining STR status would also allow what the law intends as natural barrier to over expansion of STR's in neighborhoods. And as home-owners and physical neighbors, we feel the burden of this quite acutely.

We have spoken with our immediate neighbors individually and held the neighborhood meeting as required for the "1st and 2nd tier neighbors" and have not heard anything except support and encouragement. We hope that you, the Board, will feel the same way. We look forward to the formal hearing and welcome any questions our concerns regarding this proposal.

The details of the property are as follows:

Owner's Occupations: Physicians

Dwelling unit (upper floor only - lower level is garage and will not be rented): 1-Bedroom 1-Bath apartment with kitchen.

Sincerely,

Matthew & Ashley Iles

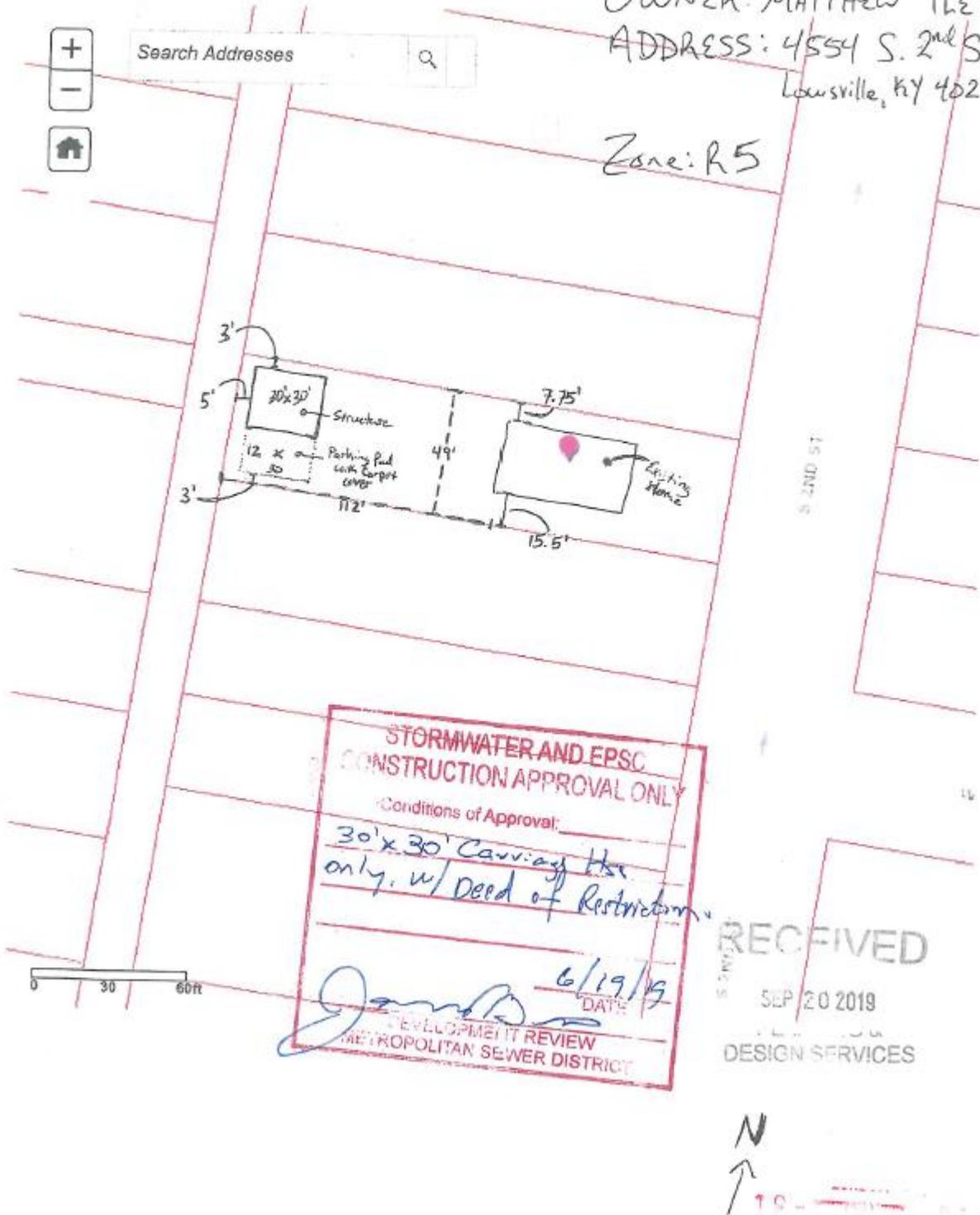
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SEP 20 2019

OWNER: MATTHEW ILES
ADDRESS: 4554 S. 2nd St.
Louisville, KY 40214

Zone: R5

Search Addresses

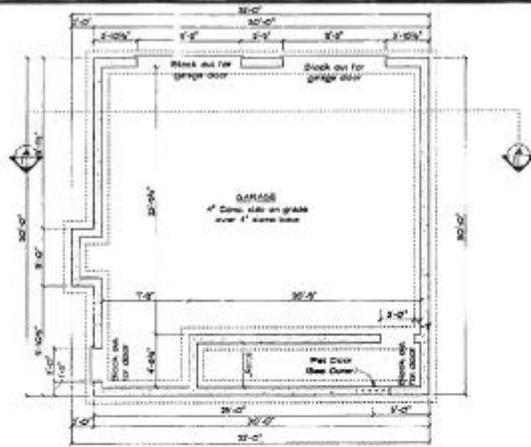


**STORMWATER AND EPSC
CONSTRUCTION APPROVAL ONLY**
Conditions of Approval:
*30' x 30' Carrying Hse
only, w/ Deed of Restrictions*
6/19/19
DATE
DEVELOPMENT REVIEW
METROPOLITAN SEWER DISTRICT

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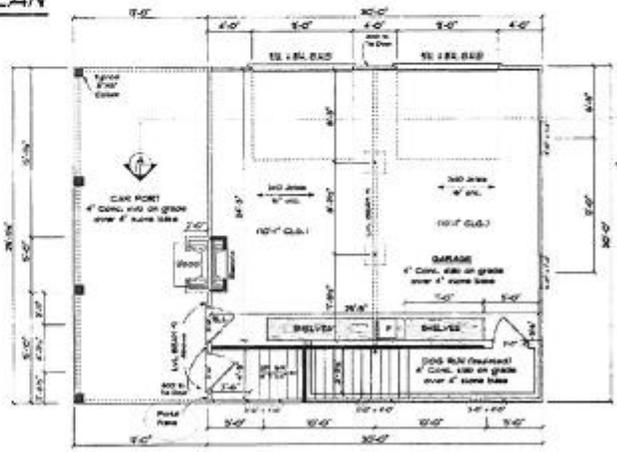
NOTE
 BUILDING SHALL OBTAIN INSURANCE
 TO BE MAINTAINED THROUGHOUT
 THE TERM OF THE CONTRACT AND SHALL
 BE IN FULL FORCE AND EFFECT AT ALL
 TIMES. THE CONTRACTOR SHALL BE
 RESPONSIBLE FOR OBTAINING AND
 MAINTAINING THE SAME. CONTRACTOR
 SHALL BE RESPONSIBLE FOR OBTAINING
 ALL NECESSARY PERMITS AND
 SHALL BE RESPONSIBLE FOR OBTAINING
 ALL NECESSARY INSURANCE.



FOUNDATION PLAN



2nd FLOOR PLAN



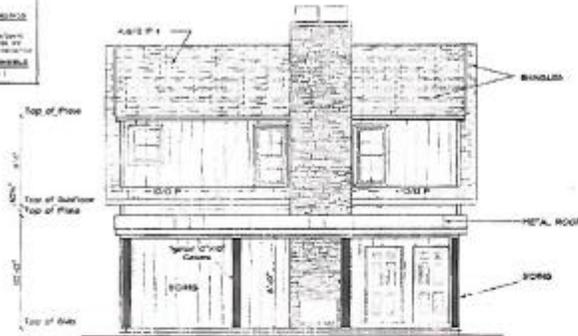
1st FLOOR PLAN

Space Storage
 3rd Floor - 400 sq. ft.

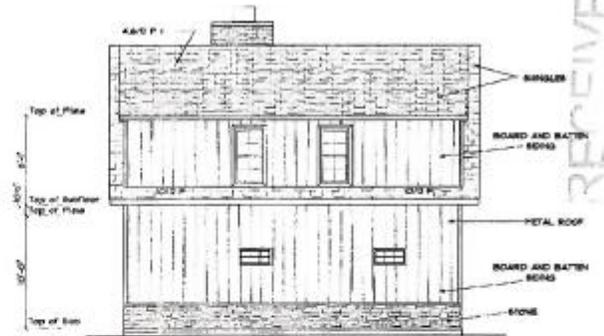
CARRIAGE HOUSE DESIGN FOR MATT ILES

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 11/20/2019
 DESIGN SERVICES

NOTE:
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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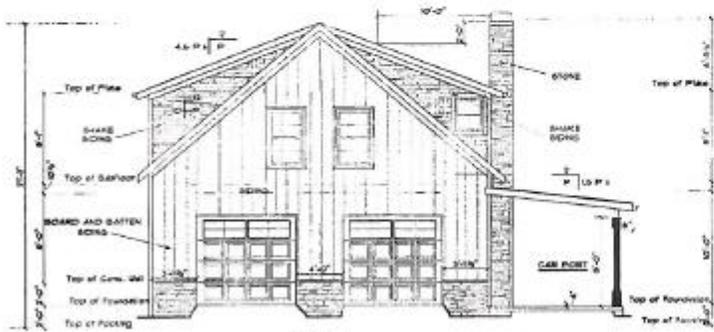
LEFT ELEVATION



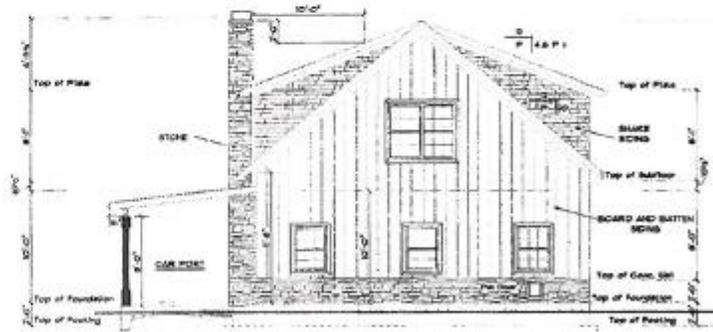
RIGHT ELEVATION

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JUL 20 2019



REAR ELEVATION



FRONT ELEVATION

Neighborhood Meeting
19-CUPPA-0102

5th September 2019

Attendee
Matthew ILSS (owner)

Signature


No one attended.

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Plan 2040 Checklist

Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	Within Traditional Neighborhood Form District
Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	+	
Housing: Goal 1		
Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	+	Accessory Apartment
Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.		
Develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing.		
Housing: Goal 2		
Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.		
Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.		
Encourage the inclusion of residential uses above retail and office uses in mixed-use, multi-story buildings. Provide flexibility to allow live-work units.		
Housing: Goal 3		
Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.		
Encourage the use of innovative methods such as clustering, mixed use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	+	

Conditions of Approval

1. The proposal 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 proposal shall not be used for an accessory apartment without further review and approval by the Board.