

**Board of Zoning Adjustment
Staff Report**
June 15, 2015



Case No:	15VARIANCE1030
Project Name:	None (Residence)
Location:	1204 Rogers Street
Owner(s):	Vonako and timothy Engle
Applicant(s):	American Home Design
Representative(s):	American Home Design
Project Area/Size:	3,500 square feet
Existing Zoning District:	R-6, Residential Multi-Family
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Variances from the Development Code to allow a proposed addition to encroach into the required side yard and to allow a reduction in the required private yard.

Location	Requirement	Request	Variance
East Side Yard	2'	0	2'
Private Yard Area	700'	431'	269'

CASE SUMMARY

The applicant is proposing to add a room addition onto the existing residence. The addition will be approximately 210 square feet. Gutters and down spouts are not shown on the site plan.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-6	TN
Proposed	Residential Single Family	R-6	TN
Surrounding Properties			
North	Residential Single Family	R-6	TN
South	Cemetery	R-6	TN
East	Residential Single Family	R-6	TN
West	Residential Single Family	R-6	TN

SITE CONTEXT

The site is rectangular in shape and located on the south side of Rogers Street near the intersection of Cooper Street and Rogers Street. The property has residential uses to the north, east, west, and a cemetery to the south.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (Side Yard)

(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 because the proposed addition will be matching the current condition on site.

(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 because the proposed addition will be compatible with the existing structure and match the existing building alignment.

(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 because the proposed addition will not affect adjacent residential properties to the east.

(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 because there are similar encroachments of this type throughout the surrounding area.

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 site was developed before the current regulations.

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 because the addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (Private Yard Area)

(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 because the proposed addition will be matching the current condition on site.

(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 because the proposed addition will be compatible with the existing structure and match the existing building alignment.

(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 because the proposed addition will not affect adjacent residential properties to the east.

(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 because even without the addition the private yard will not meet the requirement.

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 site was developed before the current regulations.

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 because the addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

TECHNICAL REVIEW

The applicant will need to discuss the gutter and down spout location.

STAFF CONCLUSIONS

The new addition will be compatible with the surrounding residential neighborhood. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
05/28/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
05/29/2015	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Appeals must be satisfied that the applicant has answered all of the following items. If an individual item is not answered by "yes, no, or N/A" is not acceptable.

1. Explain how the variance will not affect the public health, safety or welfare.

This 10x21 room addition will be built onto the rear of the existing house; thus, it will not be visible or accessible to Rogers Street.

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

See #1 above. Because the houses are close together, it will not be visible by those on Rogers Street or Cooper Street.

3. Explain how the variance will not cause a change in the use of the property.

The proposed addition will not be accessible to the public. It will in no way increase the scale or intensity of the use, and will not affect scale or design of the streetscape.

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

The use of the property will not change.

Additional consideration:

1. Explain how the variance arises from special circumstances, which distinguish this property from the general vicinity (please specify/identify).

The owners only want to enhance the functionality and value of their home.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, and/or create an unnecessary hardship.

See #1 above. Extending the house 10 feet into the back yard will not substantially change the character of the property and denial would deprive them of the opportunity to improve the livability of the home.

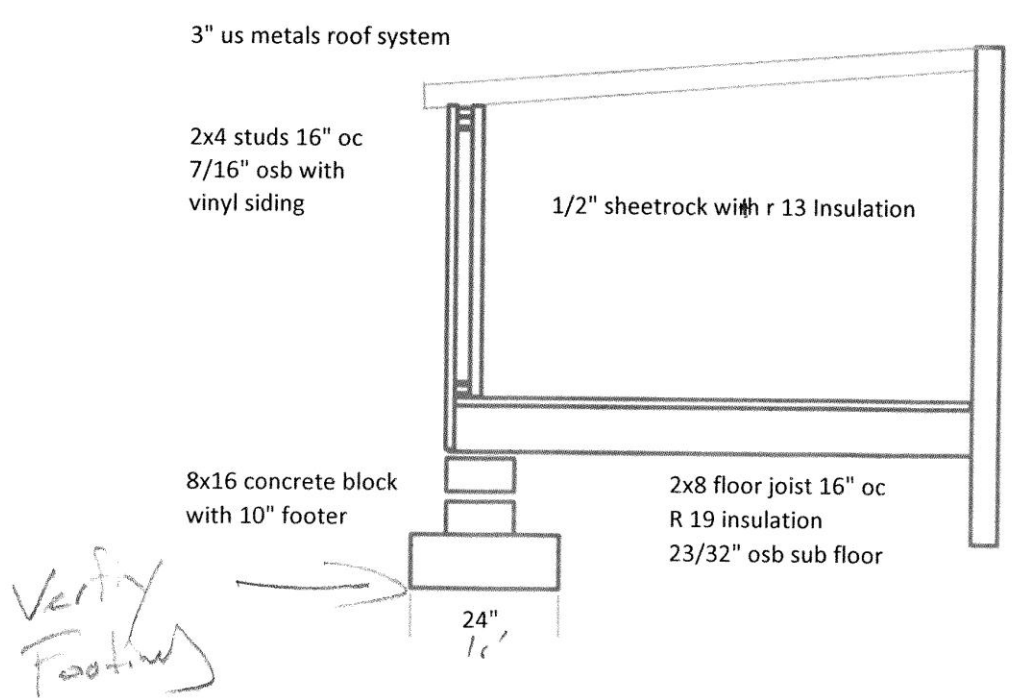
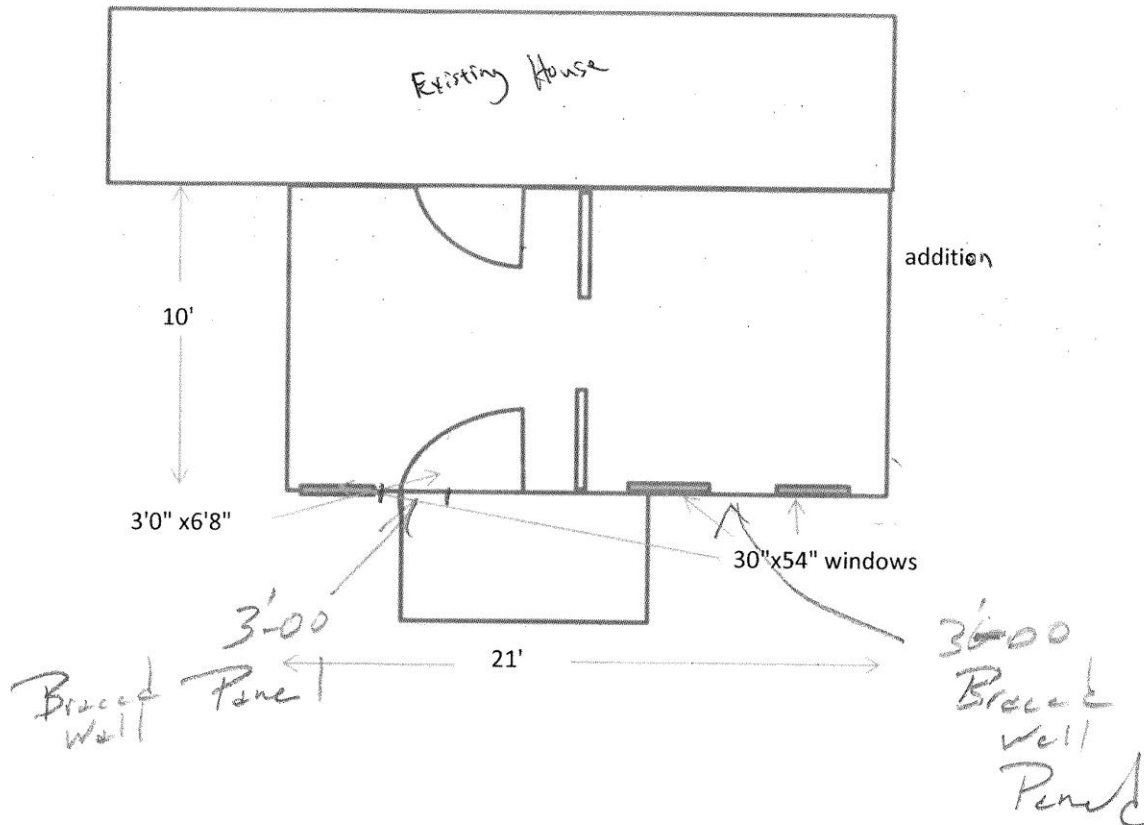
3. Are the circumstances the result of failure of the applicant to comply with the regulation from which relief is sought?

No.

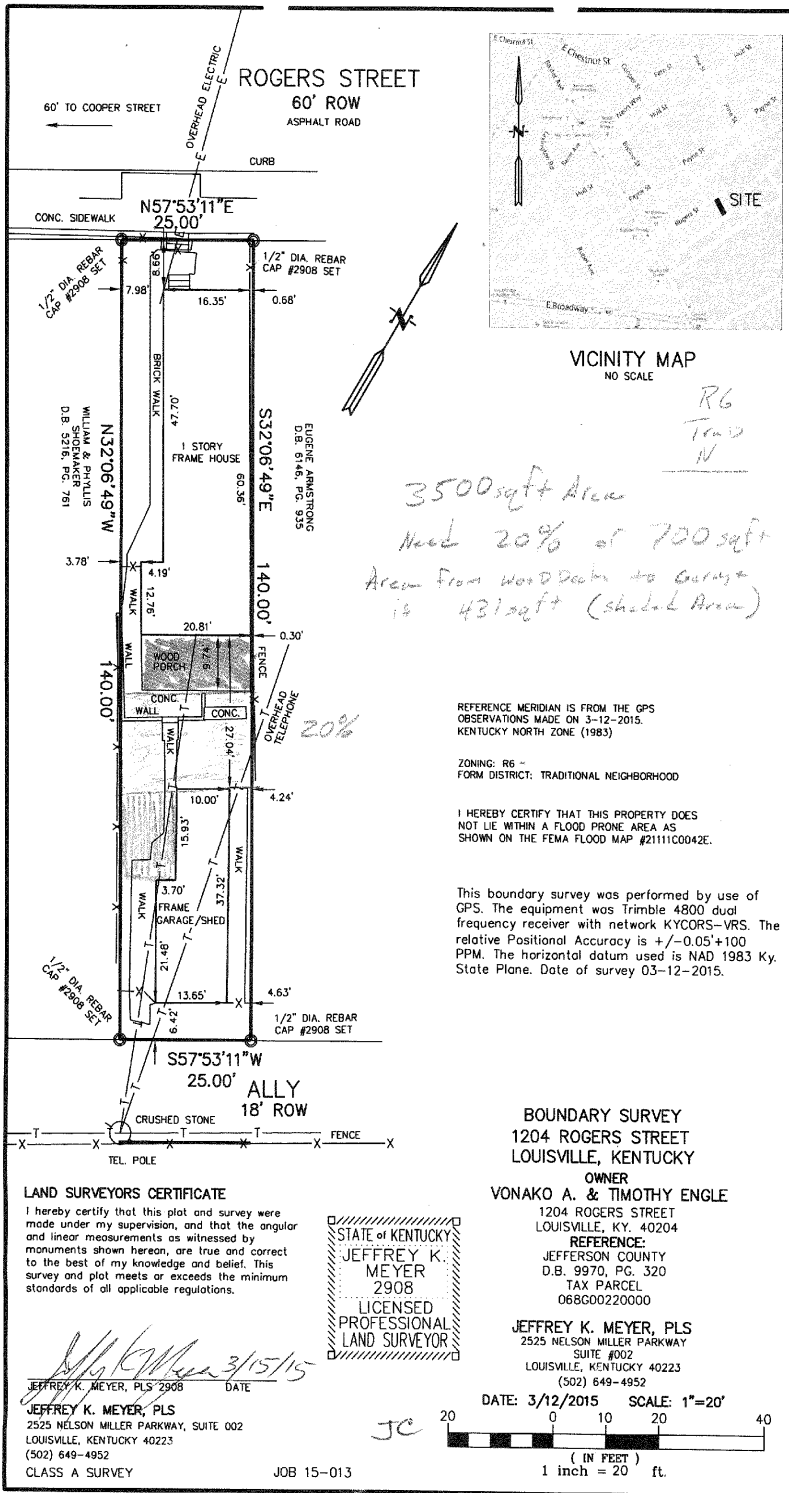
RECEIVED

MAY 15 2015

PLANNING &
DESIGN SERVICES



KIMBERLY AN KFF1030



3500sqft Area
 Need 20% of 700sqft
 Area from Wood Porch to Garage
 is 431sqft (shaded Area)

REFERENCE MERIDIAN IS FROM THE GPS
 OBSERVATIONS MADE ON 3-12-2015.
 KENTUCKY NORTH ZONE (1983)

ZONING: R6 -
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD

I HEREBY CERTIFY THAT THIS PROPERTY DOES
 NOT LIE WITHIN A FLOOD PRONE AREA AS
 SHOWN ON THE FEMA FLOOD MAP #21111C0042E.

This boundary survey was performed by use of
 GPS. The equipment was Trimble 4800 dual
 frequency receiver with network KYCORS-VRS. The
 relative Positional Accuracy is +/-0.05+100
 PPM. The horizontal datum used is NAD 1983 Ky.
 State Plane. Date of survey 03-12-2015.

LAND SURVEYORS CERTIFICATE
 I hereby certify that this plot 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 plot meets or exceeds the minimum
 standards of all applicable regulations.

STATE OF KENTUCKY
 JEFFREY K.
 MEYER
 2908
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

JEFFREY K. MEYER, PLS #2908 DATE 3/15/15
 JKM
 JEFFREY K. MEYER, PLS
 2525 NELSON MILLER PARKWAY, SUITE 002
 LOUISVILLE, KENTUCKY 40223
 (502) 649-4952
 CLASS A SURVEY JOB 15-013

BOUNDARY SURVEY
 1204 ROGERS STREET
 LOUISVILLE, KENTUCKY

OWNER
 VONAKO A. & TIMOTHY ENGLE
 1204 ROGERS STREET
 LOUISVILLE, KY. 40204

REFERENCE:
 JEFFERSON COUNTY
 D.B. 9970, PG. 320
 TAX PARCEL
 068G00220000

JEFFREY K. MEYER, PLS
 2525 NELSON MILLER PARKWAY
 SUITE #002
 LOUISVILLE, KENTUCKY 40223
 (502) 649-4952

DATE: 3/12/2015 SCALE: 1"=20'
 20 0 10 20 40
 (IN FEET)
 1 inch = 20 ft.

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