Board of Zoning Adjustment

Staff Report

April 2, 2018

Case No.	18CUP1021
Project Name	Garage with Accessory Apartment
Location	608 Rawlings Street
Owner	Cameron Gover
Applicant	Cameron Gover
Jurisdiction	Louisville Metro
Council District	15 – Marianne Butler
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Conditional Use Permit for an Accessory Apartment (LDC 4.2.3)

CASE SUMMARY/BACKGROUND

The applicant proposes to construct a free-standing accessory structure on a parcel within an R-5 Residential Single-Family zone/Traditional Neighborhood form district. The 0.4317 acre parcel is currently developed with a 1,600 sq. ft. single-family residence. It is adjoined by R-5 single-family residences on all sides.

The 608 sq ft accessory apartment will occupy a portion of the second story of a proposed detached garage via an exterior stairway. The ground floor of the structure will accommodate a workroom, office, restroom and single garage space.

STAFF FINDING

The request meets the standard of review for the requested CUP.

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 standards for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

No technical review items remain to be resolved.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on March 11, 2018. An additional comment from a neighbor can be found in the Legistar file for this case.

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 is consistent with the Comprehensive Plan, as shown in the Cornerstone Checklist (Attachment 3).

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 and appearance?

STAFF: The proposal is compatible with existing development in the vicinity and the general character of the area.

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 proposal has received preliminary approval from MSD and Transportation Planning.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

4.2.3. Accessory Apartments 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:

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.

STAFF: The proposal meets this requirement.

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.

STAFF: 30% of the 1,600 sq ft principal residence is 480 sq ft; therefore, the maximum permitted size is 650 sq ft. At 608 sq ft, the proposed accessory apartment meets this 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.

STAFF: The proposal meets this requirement. The proposed structure, located within a TNFD, does not exceed the maximum permitted R-5 building height of 45 ft and does not exceed the 27 ft height of the existing principal residence. The proposed structure is not located within 25 feet of any property line.

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.

STAFF: The site is located in a Traditional Neighborhood form district. Proposed site development includes a one-vehicle garage and an additional outdoor parking space.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/11/2018	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
3/16/2018	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
		Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Conditions of Approval

1. Zoning Map


R1
BLAND ST
RAWLINGS ST
R5
E BRANDEIS AVE
HANCOCK CROSSWAY
N BARBEE WAY

2. Aerial Photograph

3. Cornerstone 2020 Checklist

✓ Meets Guideline
+ Exceeds Guideline
- Does Not Meet Guideline
+/- More Information Needed
NA Not Applicable

TRADITIONAL NEIGHBORHOOD: RESIDENTIAL

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal does not alter the existing grid pattern.
2	B.2: The lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses.	✓	The proposal does not alter the existing lot.
3	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	NA	
4	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominant neighborhood building design.	NA	
Community Form/Land Use Guideline 2: Centers			
5	A.1. Locate activity centers within the Traditional Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	The proposal is not part of an activity center.
6	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	The proposal is not non-residential or mixed-use.
7	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	NA	The proposal is not part of an activity center.
8	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	The proposal is not part of an activity center.
9	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	The proposal is not part of an activity center.
10	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	The proposal is not part of an activity center.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
11	A.8/11: Allow centers in the Traditional Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	The proposal is not part of an activity center.
12	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	The proposal is not part of an activity center.
13	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	The proposal is not part of an activity center.
14	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	The proposal is not part of an activity center.
15	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	NA	The proposal is not part of an activity center.
16	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	NA	The proposal is not part of an activity center.
17	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	The proposal is not part of an activity center.
Community Form/Land Use Guideline 3: Compatibility			
18	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	The proposal meets compatibility requirements associated with the request.
19	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	NA	The proposal is not residential infill and does not require consideration of building materials.
20	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation 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.	✓	The proposal is compatible with adjacent residential areas.
21	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal will create minimal traffic impacts.
22	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal will be required to meet lighting requirements when constructed.
23	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	The residential accessory structure creates a new housing type compatible with the form district.
24	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	NA	The proposal is not a higher intensity or density use.
25	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	—	The proposal does not created housing for the elderly or disabled.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
26	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposal creates compatible housing.
27	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	NA	The proposal does not create substantial differences in scale.
28	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	NA	The proposal is not incompatible with adjacent development.
29	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposal meets form district standards.
Community Form/Land Use Guideline 4: Open Space			
30	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	There are no open space requirements associated with the proposal.
31	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	NA	There are no open space requirements associated with the proposal.
32	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no open space requirements associated with the proposal.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
33	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no features of this kind associated with the proposal.
34	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There are no features of this kind associated with the proposal.
35	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no features of this kind associated with the proposal.
Mobility/Transportation Guideline 7: Circulation			
36	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	NA	The proposal requires no roadway construction or improvements.
37	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	No transportation facilities are proposed.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
38	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	NA	No ROW dedication is required.
Mobility/Transportation Guideline 8: Transportation Facility Design			
39	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No transportation facilities are proposed.
40	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	NA	No transportation facilities are proposed.
41	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	No transportation facilities are proposed.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
42	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	NA	The proposal does not require changes to existing facilities.
Livability/Environment Guideline 10: Flooding and Stormwater			
43	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has issued preliminary approval of the proposal.
Livability/Environment Guideline 13: Landscape Character			
44	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no features of this kind associated with the proposal.
Community Facilities Guideline 14: Infrastructure			
45	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is served by existing utilities.
46	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal is served by existing utilities.
47	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal is served by existing utilities.

4. Conditions of Approval

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).

2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If not so exercised, the site shall not be used for an Accessory Apartment without further review and approval by BOZA.