

# Board of Zoning Adjustment NON-HEARING Staff Report

April 7, 2014



<b>Case No:</b>	14Variance1021
<b>Project Name:</b>	Addition
<b>Location:</b>	2543 Wood Creek Road
<b>Owner(s):</b>	Fredrick Ryan & Elizabeth Ann Keith
<b>Applicant(s):</b>	Milestone Design Group
<b>Representative(s):</b>	John M. Thomas
<b>Project Area/Size:</b>	1048 sq. ft.
<b>Existing Zoning District:</b>	R-5, Residential Single Family
<b>Existing Form District:</b>	Neighborhood
<b>Jurisdiction:</b>	Seneca Gardens
<b>Council District:</b>	8 – Tom Owen
<b>Case Manager:</b>	Regina Thomas, Associate Planner

## REQUEST

- A variance from the Land Development Code to allow a proposed addition to the principal structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Northeast Side Yard	5 ft.	3.1 ft. At closest point	1.9 ft.

## CASE SUMMARY/BACKGROUND

The site is zoned R-5 (Residential Single-Family) in the Neighborhood Form District. The proposal is a two story addition to an existing home. There is no easement on the subject site. Information from the Land Development Report, the property is not located in a registered subdivision nor located in any overlay districts, neither requiring any additional board/committee reviews.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Residential Single Family	R-5	Neighborhood
<b>Proposed</b>	Residential Single Family	R-5	Neighborhood
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Residential	R-5	Neighborhood
<b>South</b>	Residential	R-5	Neighborhood
<b>East</b>	Residential	R-5	Neighborhood
<b>West</b>	Residential	R-5	Neighborhood

### PREVIOUS CASES ON SITE

None

### SITE CONTEXT

The site is located in in the City of Seneca Gardens, governed by the Land Development Code.

### INTERESTED PARTY COMMENTS

None

### APPLICABLE PLANS AND POLICIES

Land Development Code (Table 5.2.2)

#### **Minimum Yard Requirements:**

b. Side Yards using R-5 zoning: 5 feet

**STANDARD OF REVIEW ANALYSIS FOR VARIANCE  
(SIDE YARD SETBACK)**

(a) The requested variance will not adversely affect the public health, safety or welfare.

OWNERS: "The variance is requested for a home addition which will encroach on less than 2 feet of the side yard setback of 5 feet; moreover, the home will remain approximately 12 feet away from the structure on the adjacent property, and will not have facing windows for fire safety and privacy concerns."

(b) The requested variance will not alter the essential character of the general vicinity.

OWNERS: "The home addition utilizing the variance is in the style of the existing structure and other structures in the neighborhood, specifically including a front-facing, attached 2 car garage (1<sup>st</sup> floor) and master bedroom suite (2<sup>nd</sup> floor)."

(c) The requested variance will not cause a hazard or nuisance to the public.

OWNERS: "The variance will not cause a hazard or nuisance to the public because the home addition described above consists solely of private interior space, for the exclusive use of the single family residing in the home."

**STAFF: As previously stated by the applicant/owner the constructed addition will be 12 feet from adjacent structure along the northeast property line.**

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

OWNERS: "The variance will allow the replacement of a 1 car garage with a new 2 car garage, on the existing driveway, consistent with the original home design, and improving the property use insofar as the current garage is not useable; further, as stated, most of the side yard setback will be preserved."

**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.

OWNERS: "The variance is required to allow the construction of an attached 2 car garage at the indicated location. There is less than 18 feet between the main part of the home and the side yard boundary, and the garage is designed to be 19.54 feet wide."

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.

OWNERS: "Strict application of the provisions of the regulation would render the applicant unable to construct a 2 car garage on the property which is consistent with the original home design, is attached to the home and supports additional useable space, and is in a location safe for cars to enter and exit."

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.

OWNERS: “?”

**STAFF:** Yes, the owner desires to construct a 2 car garage more befitting today standard needs for homeowners. But the owner is not responsible for the size or situational placement of the existing home on the lot.

#### **TECHNICAL REVIEW**

No additional reviews are required for this proposal.

#### **STAFF CONCLUSIONS**

The 1048 sq. ft. two story addition to the existing home will serve the owners with additional needed living space, which will be in compliance with the building code. Also, the neighborhood exhibits other variances for such encroachments.

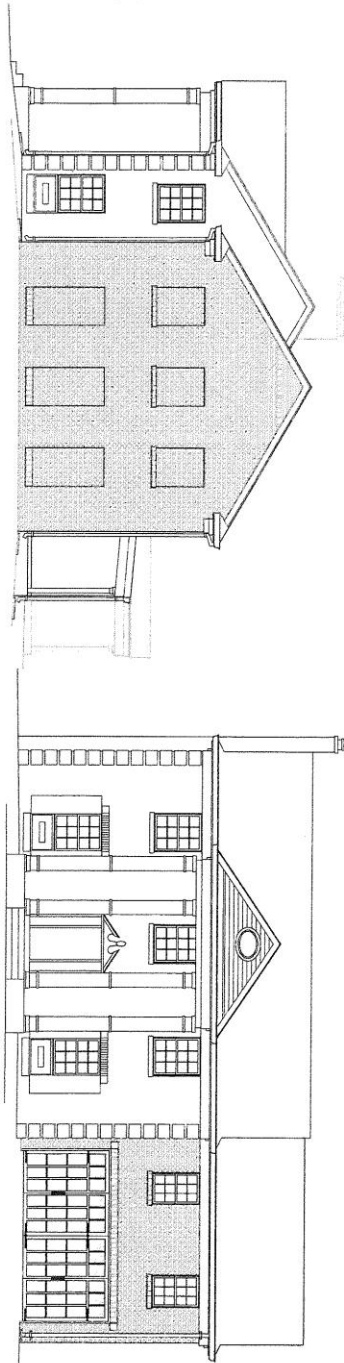
#### **NOTIFICATION**

The first tier adjoining property owners have signed the Non-Hearing Variance Consent form.

#### **ATTACHMENTS**

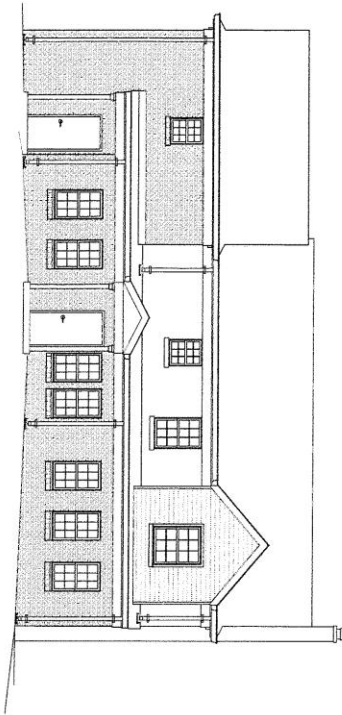
1. Zoning Map
2. Site Plan
3. Elevation Drawing
4. Photos



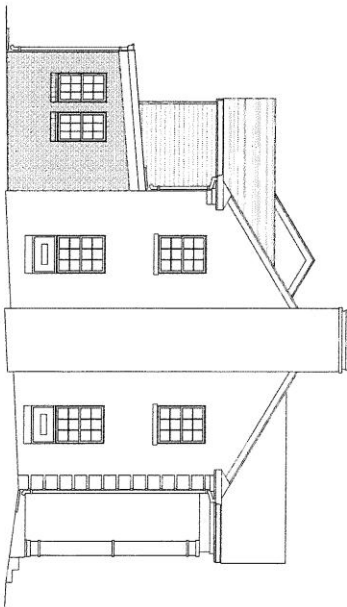


LEFT SIDE ELEVATION  
SCALE: 3/8" = 1'-0"


FRONT ELEVATION  
SCALE: 3/8" = 1'-0"



REAR ELEVATION  
SCALE: 3/8" = 1'-0"



RIGHT SIDE ELEVATION  
SCALE: 3/8" = 1'-0"

 studio	studio kremer architects 3258 Ruckriegel Parkway, Louisville, KY 40299 TEL: 502.499.1100 FAX: 499.1101	Existing Conditions Exterior Elevations Addition & Renovation to The Keith Residence 2543 Wood Creek Road Louisville, Kentucky	DATE: 1-15-2014 DRAWN BY: bsa CHECKED BY: bsa APPROVED: 2-13-98 WS2.1
---	--	--	--

14/VAR14NCE1021



