

# Board of Zoning Adjustment Staff Report

July 11, 2016



<b>Case No:</b>	16VARIANCE1039
<b>Request:</b>	To allow a proposed attached garage to reduce the Private Yard Area below the minimum required 20% of the lot area.
<b>Project Name:</b>	Garage 1827 Deer Park Ave.
<b>Location:</b>	1827 Deer Park Avenue
<b>Area:</b>	.06070 or 2,644.092 sf.
<b>Owner:</b>	Stepheni Wilson
<b>Applicant:</b>	Phillip Mass
<b>Representative:</b>	Phillip Mass
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Tom Owen
<b>Case Manager:</b>	Ross Allen, Planner I

## REQUEST

- Variance from the Land Development Code section 5.4.1.D.3. to allow a proposed attached garage to reduce the private yard area.

Location	Requirement	Request	Variance
Private Yard Area (PYA)	20% of total lot area (530 sf.)	Approx. 37% of PYA (196 sf.)	Approx. 63% of PYA (334 sf.)

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct an attached garage onto the rear of the principal structure measuring 16 feet wide by 21 feet long (total area of addition 336 sf.) on an R-5 zoned parcel within a Traditional Neighborhood Form District. The applicant is proposing to retain a deck at the rear of the property and situate the steps on the eastern side of the deck leading down to the floor level all within the confines of the proposed attached garage, at the rear of the property. The proposed addition (attached garage) will require the removal of a vinyl fence in the rear of the property, reconfiguration of the deck staircase, and extend the concrete walkaway on the eastern side of the property. The completed garage will have a five foot side yard setback on the western side, a 3.5' ft. side yard setback on the eastern side and have a five foot setback from the rear property line as required by code.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

## PREVIOUS CASES ON SITE

No other cases were associated with the subject site.

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (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 since the proposed attached garage will not impede public view or alley access at the rear of the property.

- (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 since many homes in the general vicinity have detached garages. The width of the applicant's lot is 25' feet wide (elongated) requiring any addition to elongate the principal structure and further reduce private yard area. The applicant states that the façade will blend with the existing house and property of adjoining homes and detached garages.

- (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 since the garage is within the applicant's property and does not impede on any function of public or private property.

- (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 since the addition of the attached garage is not counted towards the Floor Area Ratio calculation as defined in the LDC definition.

### 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 requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since the applicant's lot size of 2466 sf. is small in area and the elongation of the lot further limits the applicant from constructing any detached or attached structure.

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 deprive the applicant of the reasonable use of the land since the proposed addition of the attached garage would increase the building footprint, not be counted in the Floor Area Ratio, and reduce the minimum Private Yard Area.

The private yard area reduction, of approximately 63%, can be attributed to the lot size, namely, the width of 25' feet, requiring the applicant to construct onto the rear of the principal structure. The construction of a detached garage would also be limited and would require the applicant to request a separate variance for the rear yard setbacks.

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 circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the applicant has not undertaken any construction of the proposed attached garage.

#### TECHNICAL REVIEW

- No technical review undertaken.

#### STAFF CONCLUSIONS

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 variance established in the Land Development Code from section 5.4.1.D.3 to allow the proposed addition of an attached garage onto the rear of the principal structure which reduces the 20% minimum required private yard area by approximately 63% or 334 sf.

#### NOTIFICATION

Date	Purpose of Notice	Recipients
June 27, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals
June 27, 2016	Sign Posting for BOZA	Sign Posting on property

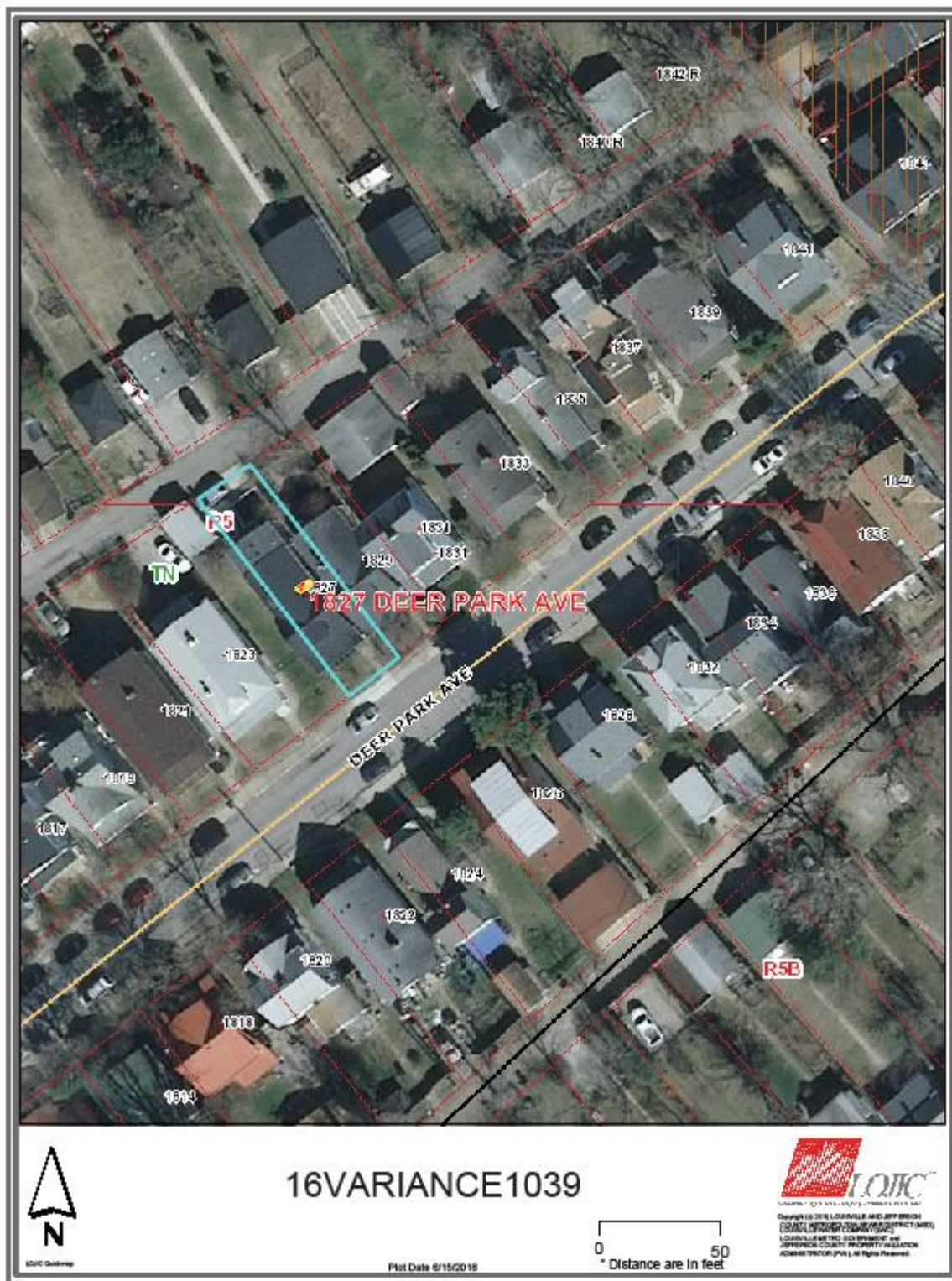
#### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Inspection Photos

1. Zoning Map



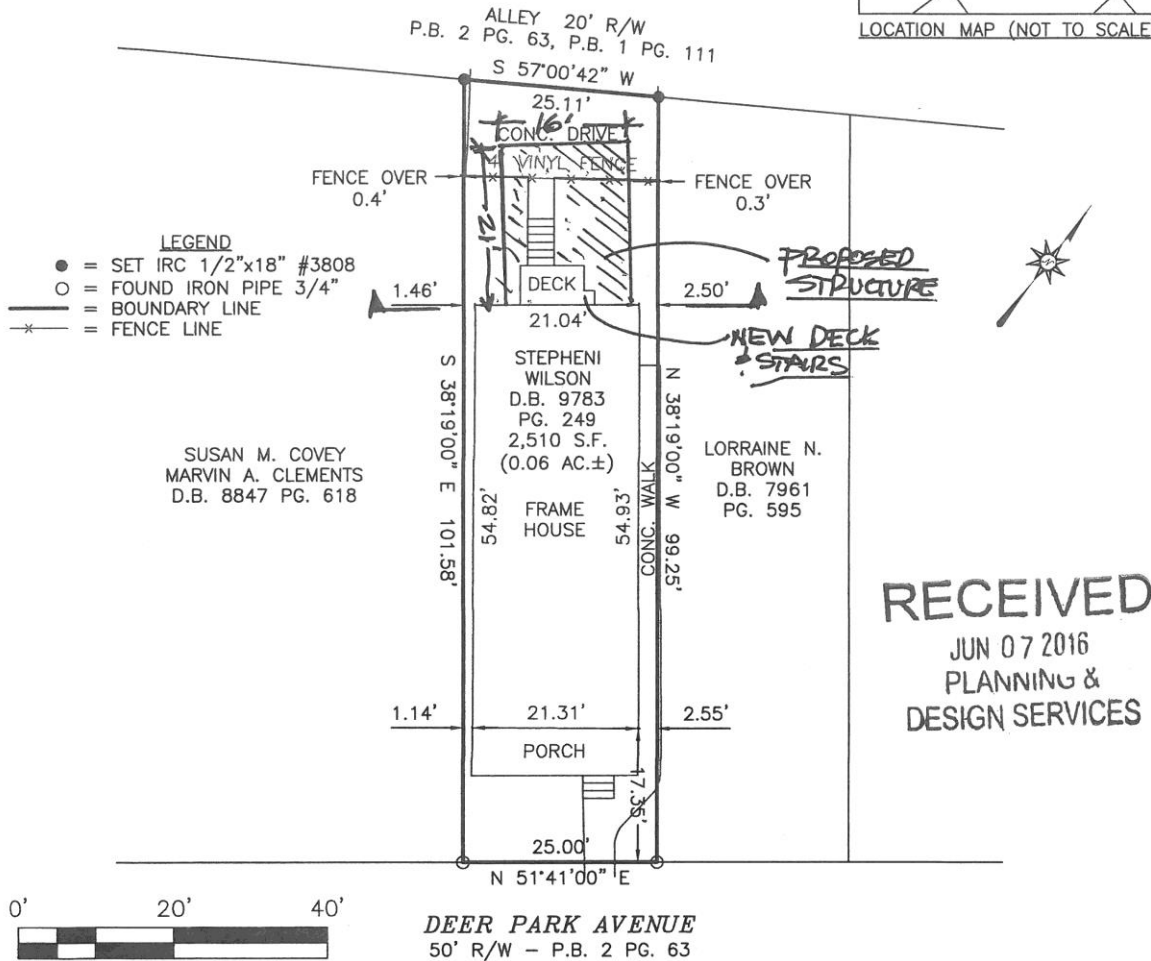
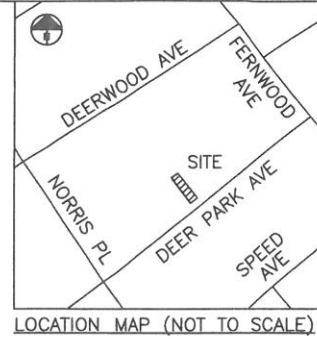
2. Aerial Photograph



### 3. Site Plan

#### NOTES:

- A title search was not provided and this property is subject to all easements, right-of-ways, covenants, liens, and encumbrances, whether shown hereon or not.
- This survey was conducted by method of random traverse baseline with sideshots and was not adjusted. The reciprocal backsight distance error was less than 0.05'.
- Subject property is located in Flood Zone "X" per a review of FIRM #21111C0043E, effective 12/5/06. Based on the above information, this property is not located in a Special Flood Hazard Area.
- The reference meridian for this survey is the line of Deer Park Avenue, having an assumed bearing of N 51°41'00" E.
- Building dimensions and ties based on measurements to vinyl exterior. Roof, gutter, meters, foundation, or anything else protruding above or below is not shown.



**RECEIVED**  
JUN 07 2016  
PLANNING &  
DESIGN SERVICES

#### SURVEYOR'S CERTIFICATE

I hereby certify that this plat and survey were made under my direct supervision and represents a Boundary Survey in compliance with 201 KAR 18:150.

This is an "urban" class survey.

*Mick Logsdon*  
Mick Logsdon



PLS# 3808 Date

**BOUNDARY SURVEY**  
FOR STEPHENI WILSON  
1827 DEER PARK AVE, LOUISVILLE KY 40205

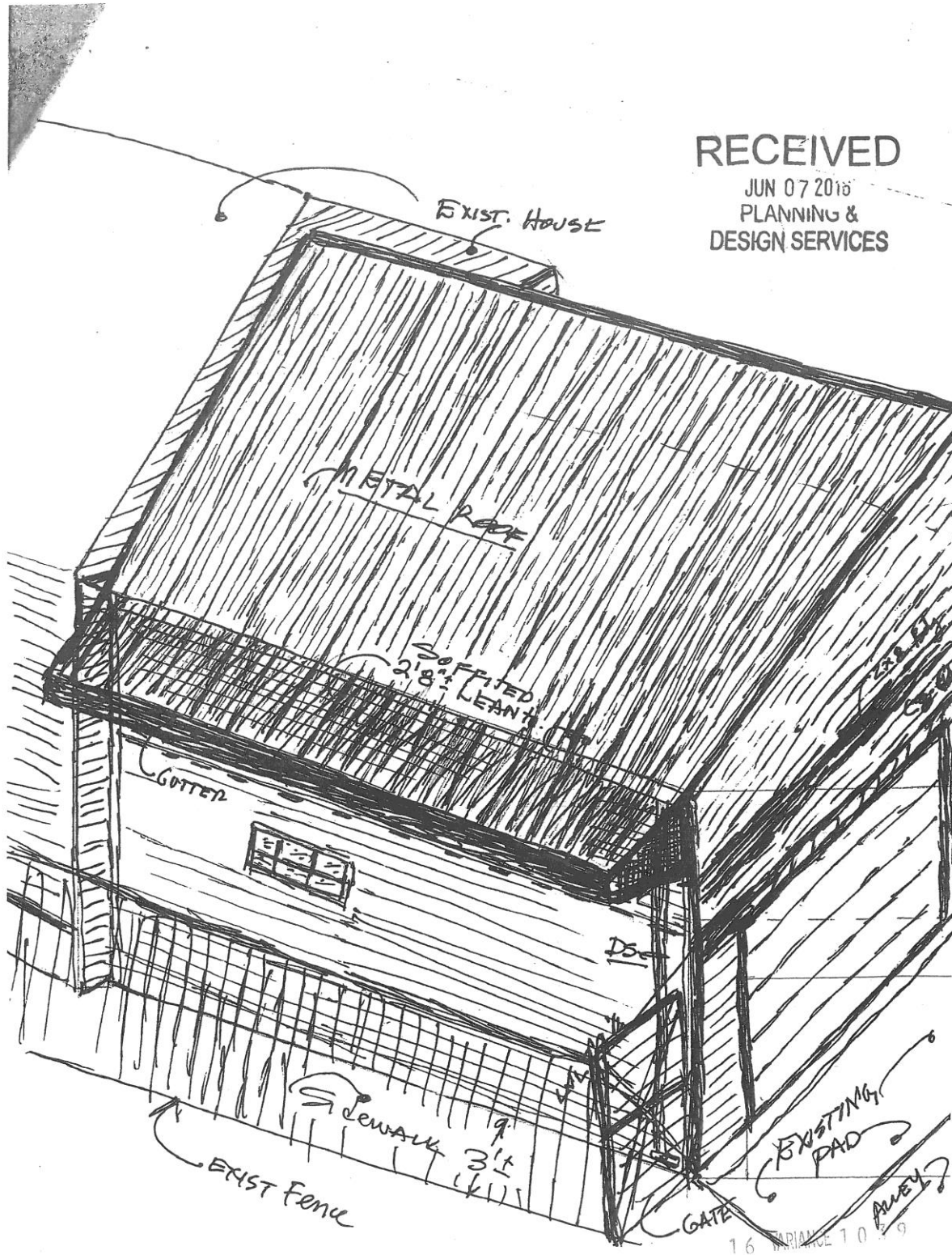
PARCEL ID #076H01250000  
D.B. 9783 PG. 249

LOGSDON SURVEYING  
1948 GARDINER LN, LOUISVILLE KY 40205  
PH 502-599-9930 FAX 502-384-8865  
www.logsdonsurveying.com

FIELD DATE: 5/13/2016 SCALE: 1" = 20'

16 VARIANCE 1039

4. Sketch of the Proposed attached garage



5. Site Inspection Photos



Front of the subject site located at 1827 Deer Park Avenue.



Rear of the subject site looking at where the proposed 16' x 21' garage will be located. The proposed garage would be (as shown on the site plan five feet from the small garage/shed shown to the right in the photo.

6. Surrounding Sites



Looking West down the alley.



Looking south at the adjoining property owner.



Looking southwest down the alley. Most garages in the general vicinity are detached but the lot sizes are larger than the subject site.



Looking north towards another detached garage.



Looking northwest at another attached garage.



Looking south down the alley.