

Board of Zoning Adjustment Staff Report

June 19, 2017



Case No:	17VARIANCE1024
Request:	Variance to reduce the private yard area
Project Name:	1302 Willow Ave Porch and Garage
Location:	1302 Willow Ave
Area:	6,300 Square Feet
Owner:	Theodore & Bridget Wathen
Applicant:	Christopher Quirk – Period Architecture
Representative:	Christopher Quirk
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Dante St. Germain, Planner I

REQUEST

- Variance from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 30% of the area of the lot for a lot 6,000 square feet or greater in area.

Location	Requirement	Request	Variance
Private Yard Area	1,890 sq. ft.	1,434 sq. ft.	456 sq. ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to construct a new screened porch onto the rear of the existing two-story residence, and a new one-story garage on the rear of the lot. The porch is proposed to be 187 square feet. The garage is proposed to be 576 square feet. The lot is 35 feet wide by 180 feet deep, for a lot area of 6,300 square feet. The property is located in a Traditional Neighborhood Form District, and is required by Land Development Code section 5.4.1.D.2 to have a private yard area which is at least 30% of the area of the lot. This requirement equals 1,890 square feet. The applicant requests a variance to have a private yard area 1,434 square feet in area, which would be 22.8% of the area of the lot. The new construction will have guttering, and will direct run-off to the alley through an existing underground piping system in the rear of the lot.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

Plat Book 1 Page 65

Eastern Parkland Co. Subdivision

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.2

- (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 as the property will still have significant private yard area after the new construction is completed.

- (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 as the porch and the garage will line up with existing development on neighboring lots.

- (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 as significant private yard area will remain.

- (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 as significant private yard area will remain.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise 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 as the lot is regular in shape and comparable in size to other nearby lots.

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 by preventing the applicant from building a new garage and screened porch.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and no construction has yet taken place.

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 variances established in the Land Development Code from section 5.4.1.D.2 allowing the private yard area in a Traditional Neighborhood Form District to be less than 30% of the area of the lot for a lot 6,000 square feet or greater in area.

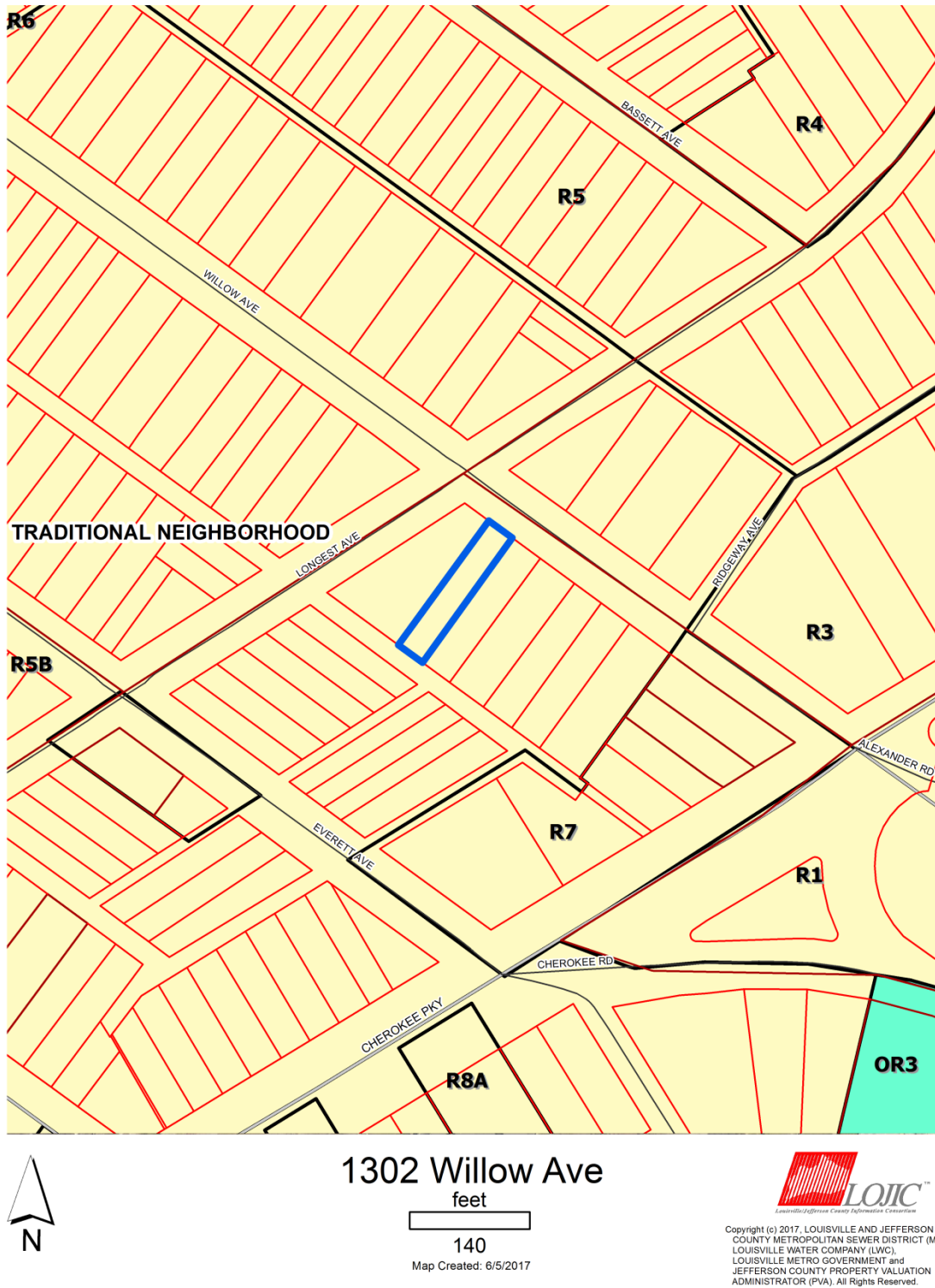
NOTIFICATION

Date	Purpose of Notice	Recipients
05-08-2017	Non Public Hearing before BOZA	Not Required

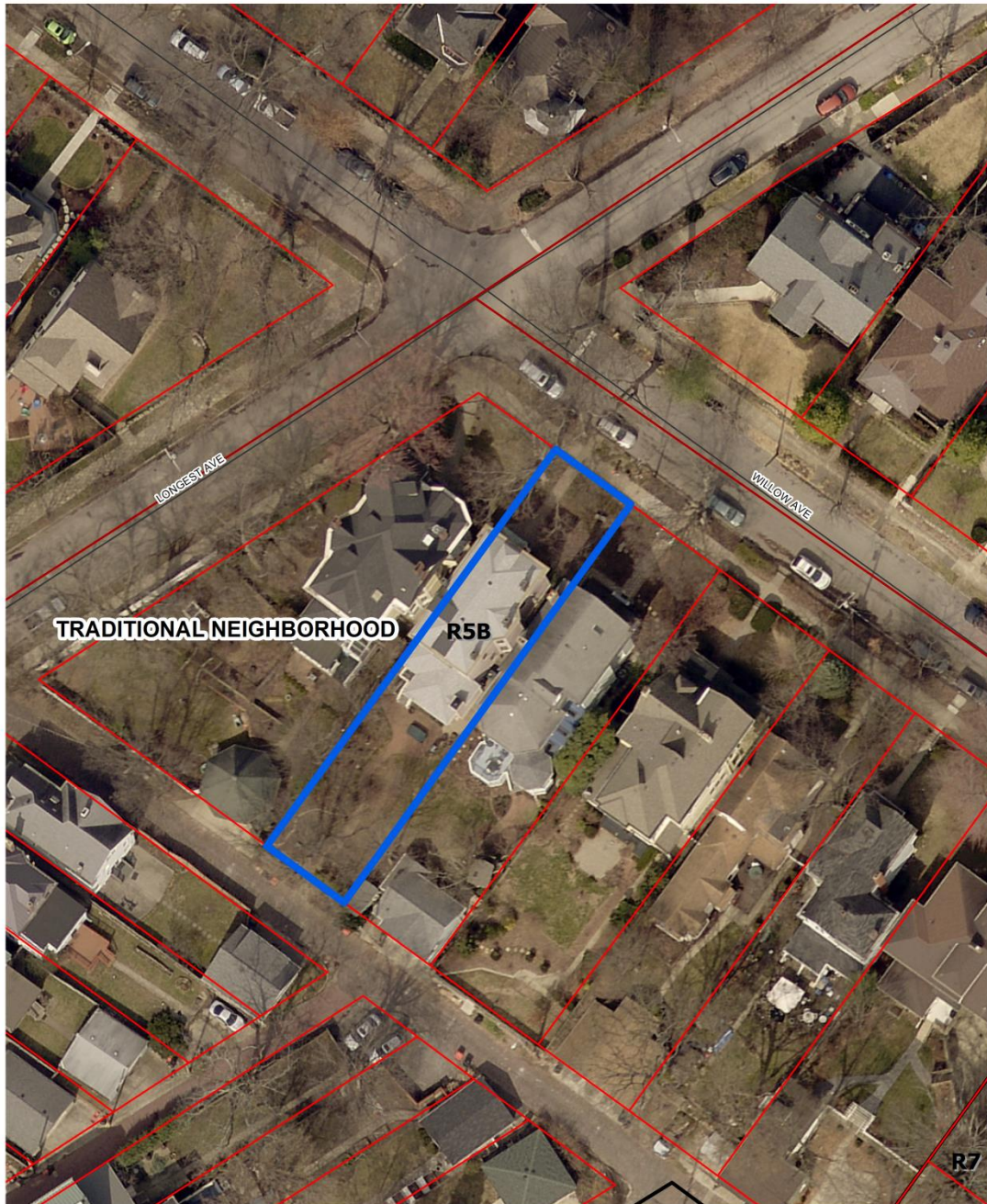
ATTACHMENTS

1. Zoning Map
2. Aerial
3. Site Plan
4. Elevation
5. Site Photos

1. Zoning Map

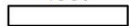


2. Aerial



1302 Willow Ave

feet

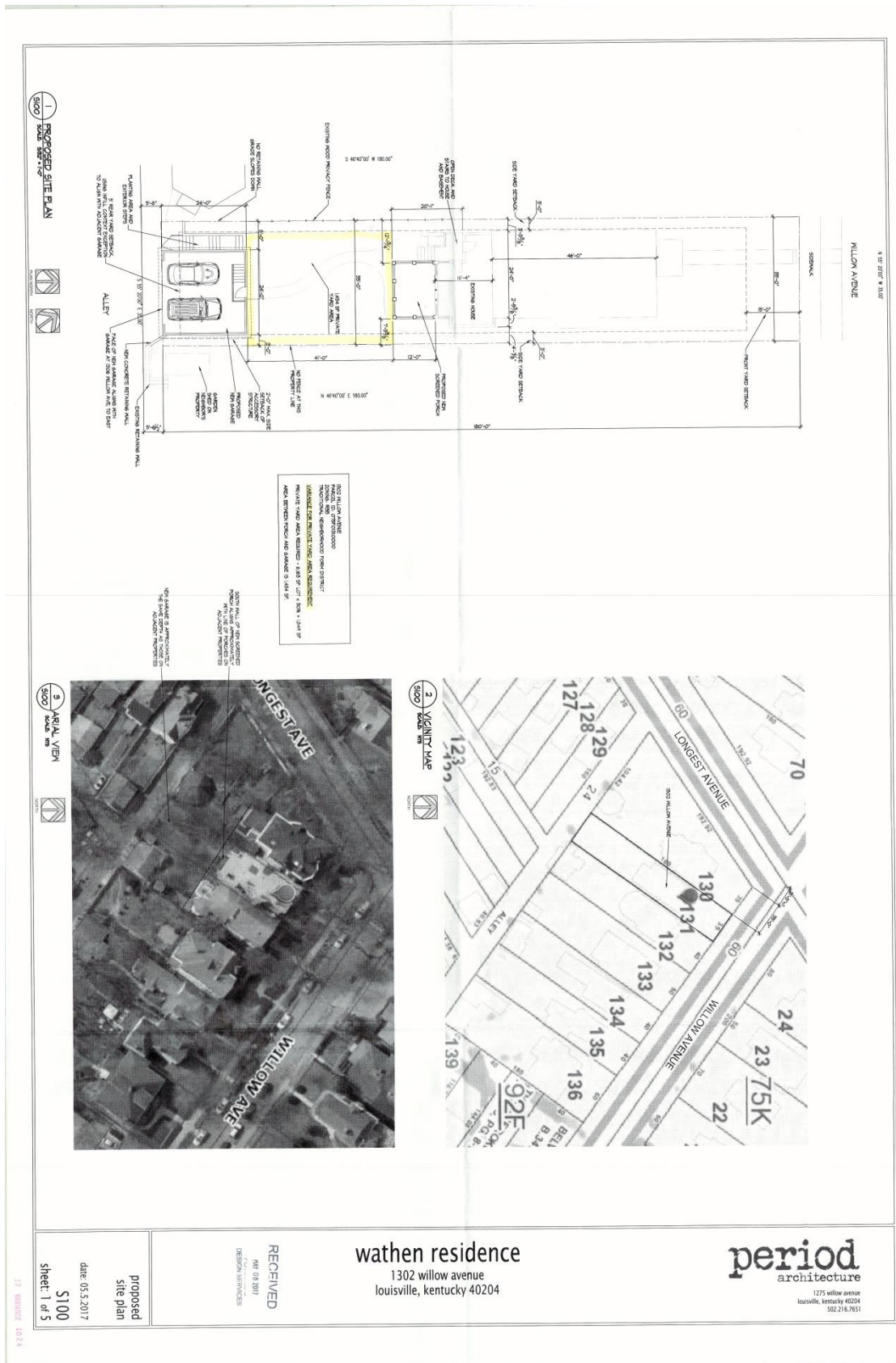


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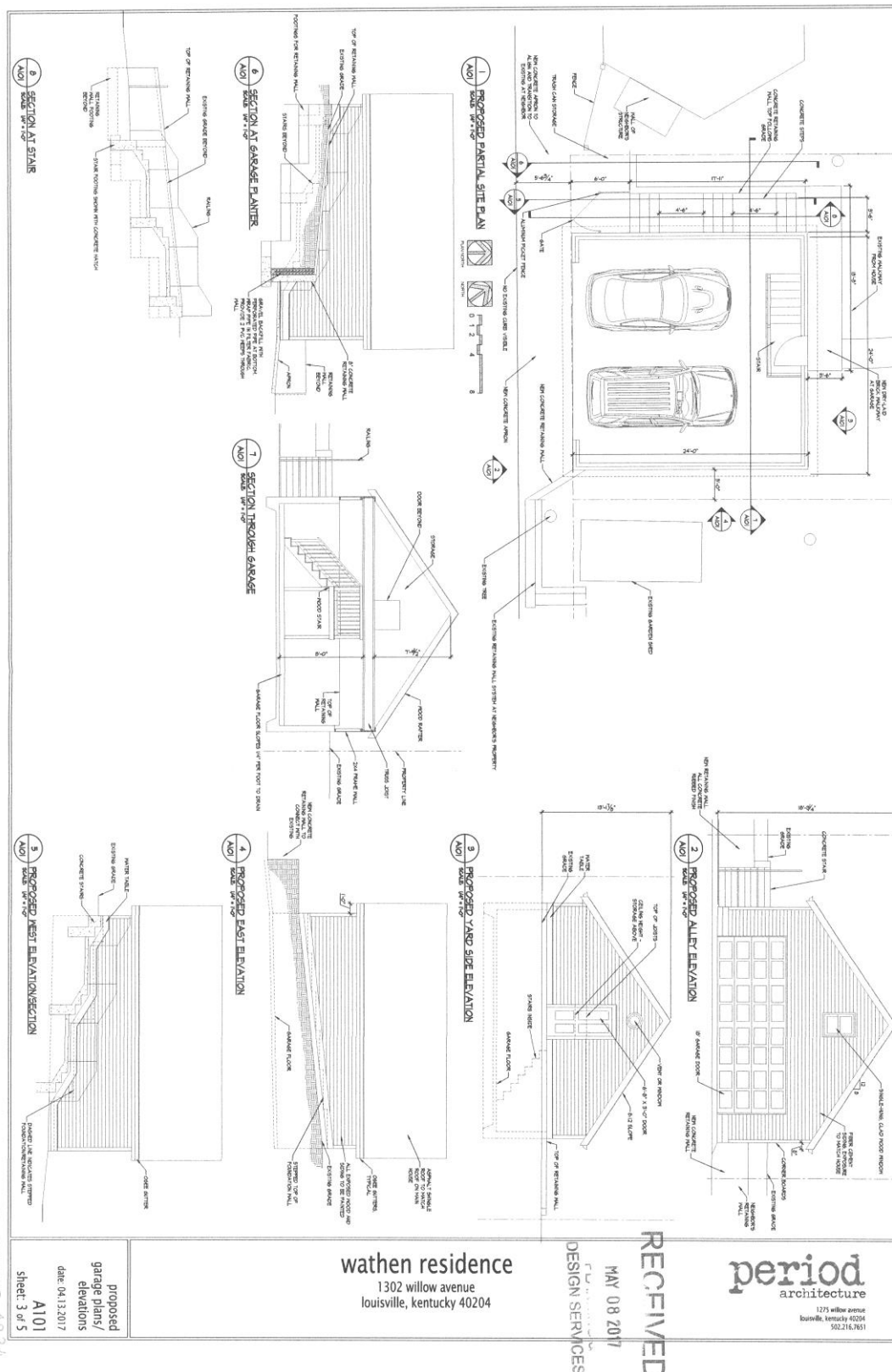
Map Created: 6/5/2017



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4.



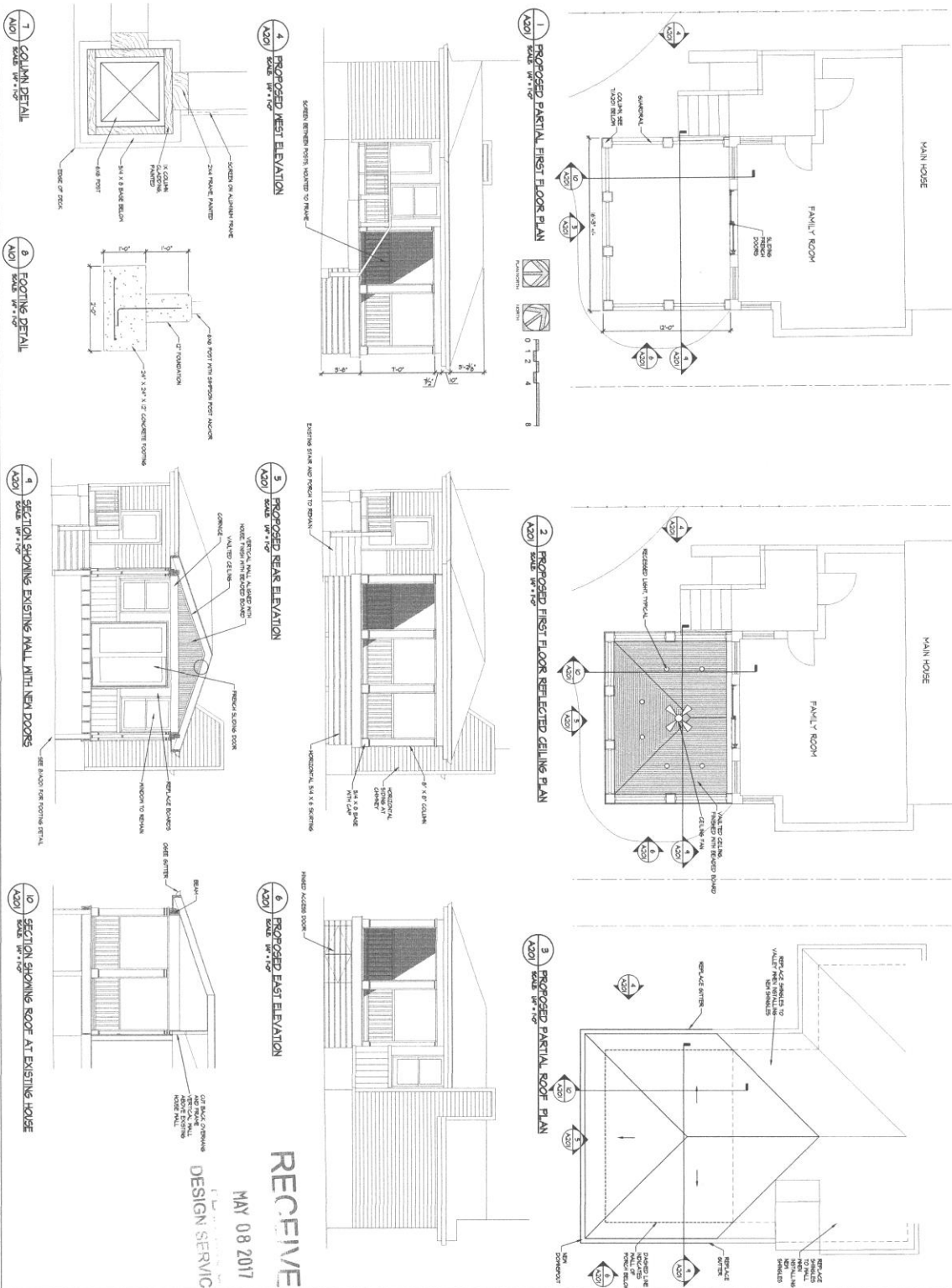
17 VARIANCE 10.24

proposed porch
plans &
elevations
date: 04.13.2017
A201
sheet: 5 of 5

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wathen residence
1302 willow avenue
louisville, kentucky 40204

period
architecture
1275 willow avenue
louisville, kentucky 40204
502.216.7651



5. Site Photos



Front view of 1302 Willow Avenue, the mauve house at center of photo, showing streetscape.



Front view of 1302 Willow Avenue,

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View looking west toward 1300 Willow Avenue showing multitude of porches at that property.



Rear view of 1302 Willow Avenue showing hipped roof at one story rear addition.

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View looking east at 1306 Willow Avenue showing large porch. This porch will be screened in the near future.



View of rear of addition. Two center window will be replaced with a French sliding door.

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View of east side of 1302 Willow Avenue.



View of west side of 1302 Willow Avenue showing porch railing to be replicated.

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View from back of 1302 Willow Avenue across backyard to alley.



View of west corner of backyard showing large outbuilding at right.

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View of east corner of backyard showing neighbor's garden shed and edge of carriage house.



Alley view looking at rubble retaining wall. The blue carriage house is at 1306 Willow and the large hexagonally hipped roof structure is at 1300 Willow.

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View of retaining wall and trash cans that must be stored on the alley.



View of east end of retaining wall showing neighbor's retaining wall at right.

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View of east half of retaining wall and chain link fence. Uneven steps are concrete.



View of west half of retaining wall. Wall obscures any alley curb.

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View of west end of rubble retaining wall. Trees to be removed are visible behind the chain link fence.



View of structure at 1300 Willow Ave, steep apron, and tall fence with swagged top and finials.

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View looking east along alley showing carriage house in distance.



View down alley looking east showing double garage doors and front-facing gable pattern.

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View of neighbor's retaining walls.

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