

Board of Zoning Adjustment

Staff Report

October 2, 2017



Case No:	17VARIANCE1049
Project Name:	11700 Wetherby Avenue Garage
Location:	11700 Wetherby Avenue
Owner(s):	Jeffrey & Michelle Gamwell
Applicant:	Charlie Williams
Jurisdiction:	City of Middletown
Council District:	19 – Julie Denton
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from City of Middletown Land Development Code table 5.3.1 to allow an accessory structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	25 ft.	22.5 ft.	2.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of Middletown, at the corner of Wetherby Avenue and Bliss Avenue. The property is part of the Cedar Dale Subdivision, representing the consolidation of lots 1 through 7 of Block B of the subdivision. The property currently contains a two-story single-family residence with a gravel parking pad. The applicant proposes to construct a new detached garage to be connected to the house via a roofed patio. The garage is proposed to be located 22.5 feet from the street side yard setback. The property is subject to infill standards; however, accessory structures are excluded from those standards, and so the required street side yard setback is 25 feet. The applicant therefore requests a variance from Table 5.3.1 to allow an accessory structure to encroach into the required street side yard.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and 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 City of Middletown Land Development Code from table 5.3.1 to allow a structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

- The site plan has received preliminary Transportation approval from the City of Middletown.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.1

- (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 encroachment is relatively small and is not likely to adversely impact sight lines down the block face.

- (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 there are there are other accessory structures with similar setbacks farther down Bliss Avenue.

- (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 the proposed garage will not obstruct sight lines at the corner.

- (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 the encroachment is relatively small and will allow the applicant to minimize the amount of green space to be converted to impervious surface.

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 property is rectangular and has no known topographical constraints.

2. The strict application of the provisions of the regulation would not 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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the garage could be shifted back away from the street side property line.

3. 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.

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 as the applicant is requesting the variance and has not begun construction.

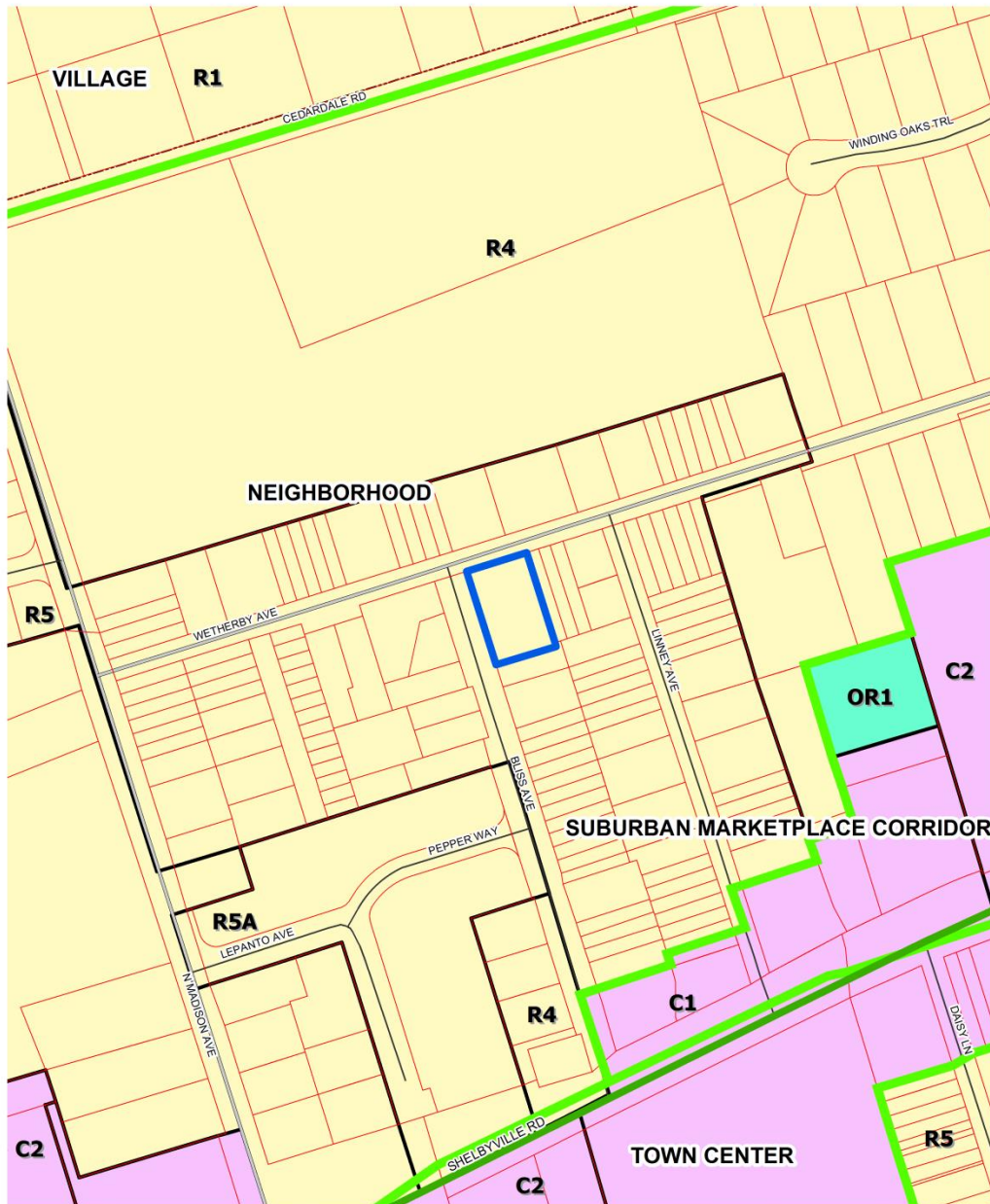
NOTIFICATION

Date	Purpose of Notice	Recipients
09/13/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 23
09/15/2017	Hearing before BOZA	Notice posted on property

ATTACHMENTS

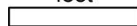
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

1. Zoning Map



11700 Wetherby Ave

feet



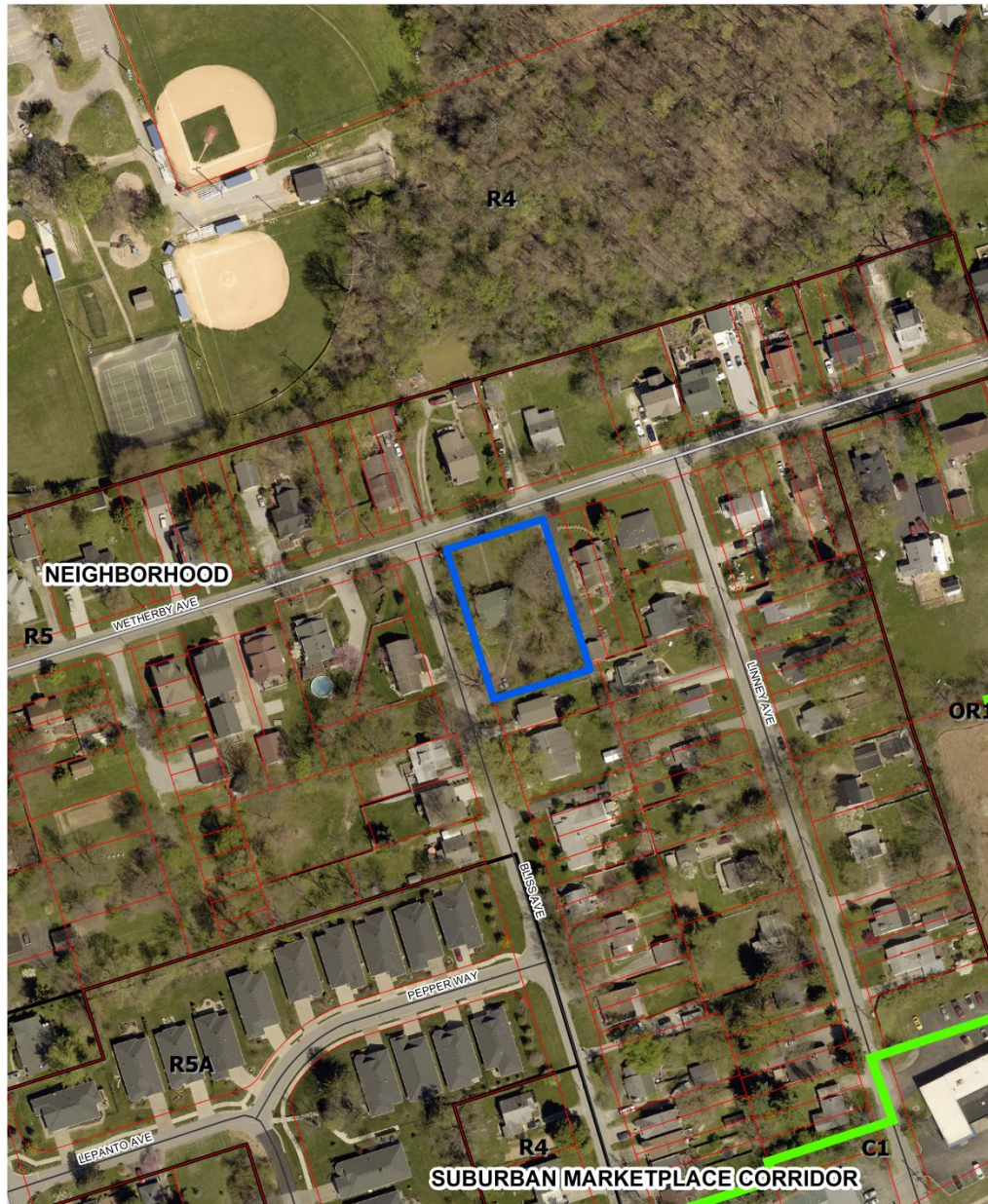
230

Map Created: 9/18/2017

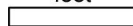


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2. Aerial Photograph



11700 Wetherby Avenue
feet

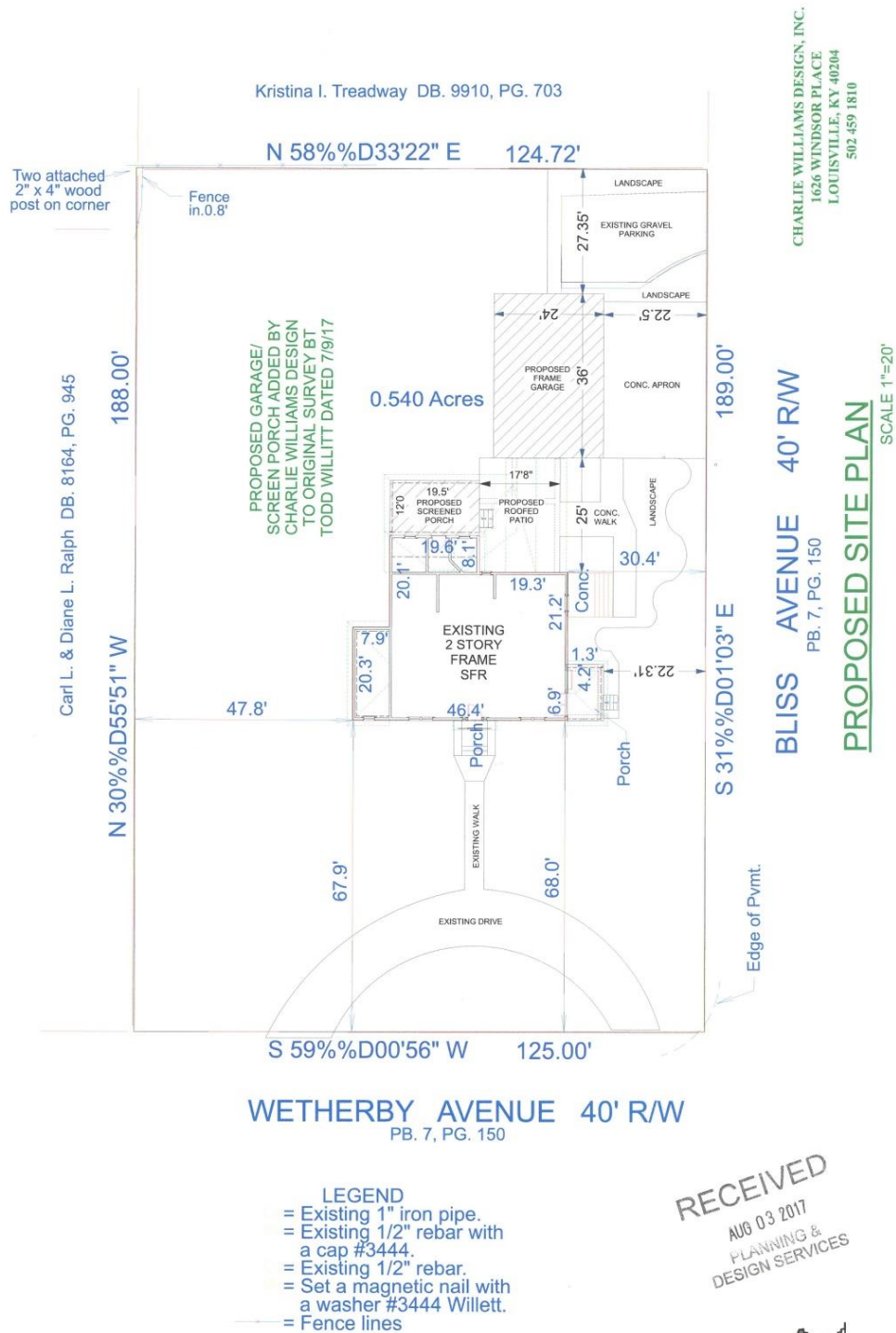


Map Created: 9/18/2017



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3. Site Plan



4. Elevations



GAMWELL RESIDENCE
GARAGE ADDITION
11700 WETHERBY AVE
LOUISVILLE, KY 40243

7-27-2017

WEST ELEVATION

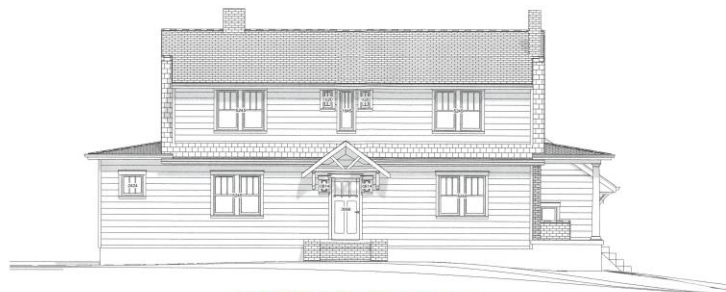
SCALE 1/8"=1'-0"



EAST ELEVATION

SCALE 1/8"=1'-0"

CHARLIE WILLIAMS DESIGN, INC.
1626 WINDSOR PLACE
LOUISVILLE, KY 40204
502 459 1810



NORTH ELEVATION

SCALE 1/8"=1'-0"

GAMWELL RESIDENCE
GARAGE ADDITION
11700 WETHERBY AVE
LOUISVILLE, KY 40243

7-27-2017



SOUTH ELEVATION

SCALE 1/8"=1'-0"

CHARLIE WILLIAMS DESIGN, INC.
1626 WINDSOR PLACE
LOUISVILLE, KY 40204
502 459 1810

GAMWELL RESIDENCE
GARAGE ADDITION
11700 WETHERBY AVE
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DESIGN SERVICES

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1626 WINDSOR PLACE
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5. Site Photos



The front of the subject property.



The property to the left of the subject property.



The property across Bliss Avenue.



The property across Wetherby Avenue.



The street side yard where the garage is proposed to encroach.



The existing rear yard of the property, facing where the garage is proposed to be constructed.



The rear of the residence.



The existing parking pad and location where the garage is proposed to be built.