

**Board of Zoning Adjustment**  
**Staff Report**  
July 30, 2018



<b>Case No:</b>	18VARIANCE1056
<b>Project Name:</b>	Everett Ave. Variance
<b>Location:</b>	1287 Everett Avenue
<b>Owner(s)/Applicant:</b>	McCauley Adams
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Ross Allen, Planner I

**REQUEST**

- **Variance** from Land Development Code Section 5.4.1.D.2 to allow a proposed 370 sq. ft. rear screened porch to reduce the private yard area to less than 30% for a lot greater than 6,000 sq. ft.

Location	Requirement	Request	Variance
Private Yard Area (Total Lot Area = 7,894 sq. ft.)	30% (2,368 sq. ft.)	21% (≈1,645 sq. ft.)	9% (≈723 sq. ft.)

**CASE SUMMARY/BACKGROUND**

The subject property is located in Louisville Metro and is within the Cherokee Triangle Neighborhood, approximately 108 feet northwest from the intersection of Longest Ave. and Everett Ave., and currently contains a single-family residence on an R-5B zoned lot within the Traditional Neighborhood Form District. The lot is currently occupied by a two story, 3,268 sq. ft. frame house with an approximately 453 sq. ft. attached deck at the first floor level and a detached two car garage located off a 24 ft. wide alley. The applicant is proposing to construct an exterior screened porch of approximately 308 sq. ft. onto the rear façade of the residential dwelling with a gabled roof resulting in the removal of the existing open air deck currently on the rear of the home.

The resulting enclosed porch will be approximately 37 feet from the garage with an approximate area of 1,645 sq. ft. remaining between the principal structure and accessory structure (after construction of the screened porch) reducing the required 30% of the total lot area (2,368 sq. ft.) by approximately 9% (723 sq. ft.) resulting in a total private yard area of approximately 21% (1,645 sq. ft.).

**STAFF FINDING**

- **Variance** from Land Development Code Section 5.4.1.D.2 to allow a proposed 370 sq. ft. rear screened porch to reduce the private yard area to less than 30% for a lot greater than 6,000 sq. ft.

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 Land Development Code Section 5.4.1.D.2 to reduce the private yard area by approximately 9% resulting in a total private yard area of approximately 21% on an R-5B zoned parcel within the Traditional Neighborhood Form District.

### **RELATED CASES:**

**18COA1139:** Construction of a new exterior screened porch on the rear façade with a glass pitch within the gabled roof with the remainder of the roof being asphalt shingle. The Certificate of Appropriateness (COA) is required since 1287 Everett Ave. is located within the Cherokee Triangle Historic Preservation District. Historic Landmarks and Preservation Districts Commission staff approval on July 13, 2018.

### **TECHNICAL REVIEW**

- None

### **INTERESTED PARTY COMMENTS**

No interested party comments were received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.2 TO REDUCE THE PRIVATE YARD AREA BY APPROXIMATELY 9% FOR A TOTAL PRIVATE YARD AREA OF 21%.**

- (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 applicant states that “the porch will not be seen from the front or affect our neighbors in a negative way.” Photos as provided by the owner/applicant indicate that the private yard area is enclosed from the alley by a wood fence. The proposed rear porch may be visible from the Alley and is estimated to be approximately 14 ft. tall (18COA1139) with no visibility from the Everett Ave. road frontage. The proposed rear porch will replace an existing open air deck on the rear of the home.

- (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 applicant states, “we are working with landmarks on architectural design.” The applicant has submitted a Certificate of Appropriateness (COA) under case no 18COA1139. The COA was staff approved on July 13, 2018.

- (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 owner/applicant has stated “it is in a secure and fenced in yard.” Additionally, staff finds that the proposed porch is not within any setbacks in the Traditional Neighborhood Form district.

- (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 in because the applicant states, "The location of the house to the street/alley creates a small backyard." The overall reduction in the private yard area is approximately 9% with a distance between the principal structure and garage being 41 ft. in length with a width of approximately 40.25 ft. for a total remaining private yard area of approximately 1,645 sq. ft.

#### 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 because the applicant states, "we have a small backyard and a large front yard." The property has a front yard of approximately 1,403 sq. ft. in size while the rear yard as indicated on the site plan prior to the proposed enclosed rear porch would have been approximately 2,293 sq. ft. being slightly under the required 30% private yard area requirement.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the applicant states, "we are trying to create a more private back yard in an urban area." The owner/applicant is decreasing the private yard area by approximately 9% or 723 sq. ft. A denial of the request would result in an existing deck to be in place of the proposed screened in 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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as stated by the owner/applicant, "no, no construction has occurred." Additionally, the subject site is located within Cherokee Triangle and will be required to receive staff approval of the proposed rear enclosed porch via a Certificate of Appropriateness.

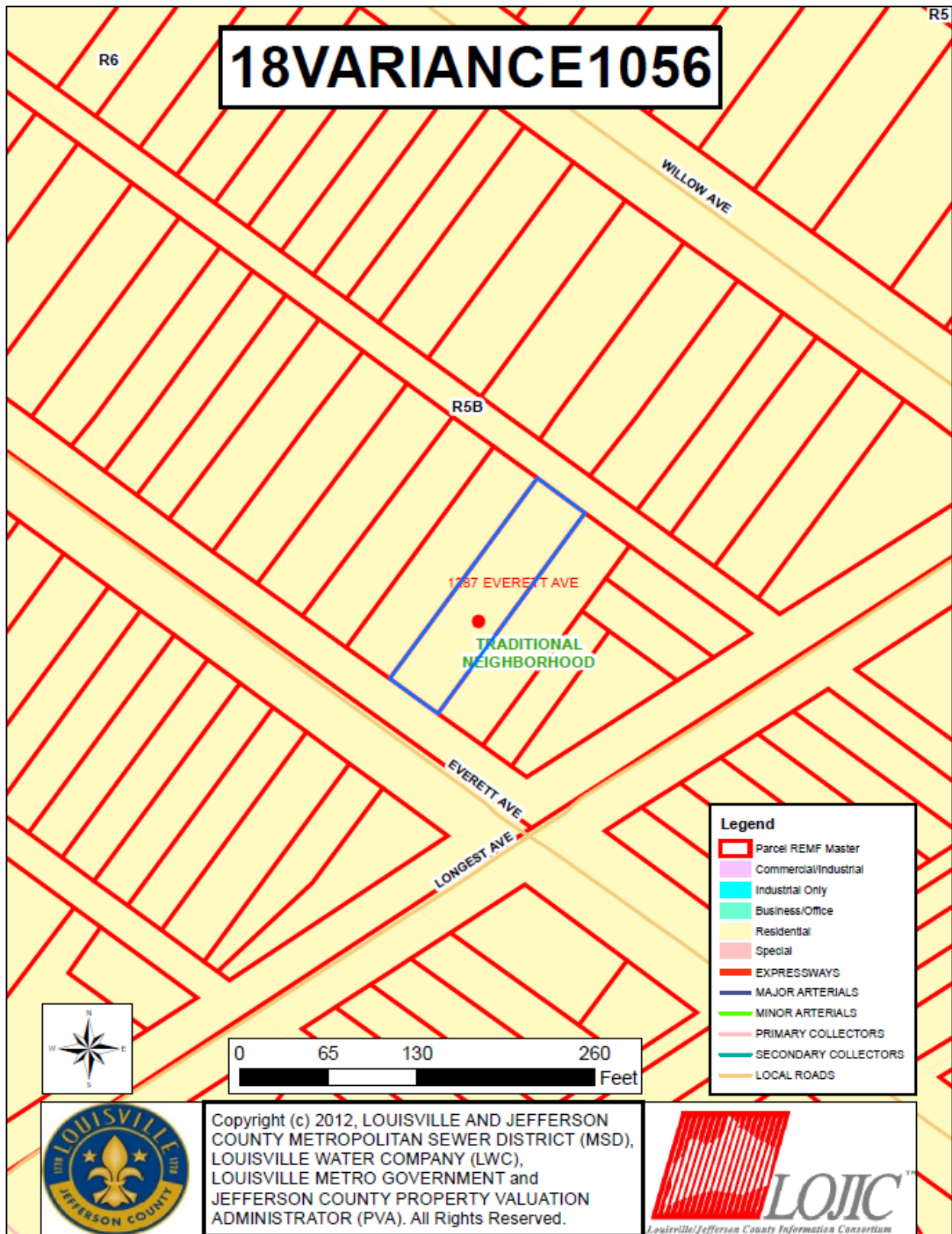
#### NOTIFICATION

Date	Purpose of Notice	Recipients
07/30/2018	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
07/13/2018	Hearing before BOZA	Notice posted on property

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map





2. Aerial Photograph



### 3. Site Plan

