

# Board of Zoning Adjustment

## Staff Report

October 1, 2018



<b>Case No:</b>	18VARIANCE1039
<b>Project Name:</b>	Caledonia Avenue Variance & Waiver
<b>Location:</b>	4 Caledonia Avenue
<b>Owner(s):</b>	Thomas Faversham
<b>Applicant:</b>	Thomas Faversham
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Dante St. Germain, Planner II

### REQUEST

- **Variance** from Land Development Code section 5.1.12.A.2.a to allow a structure to exceed the maximum allowed infill front yard setback.
- **Waiver** from Land Development Code section 5.4.1.C.3 to allow an attached front-loaded garage to not be set back 4 feet from the front façade of the house.

Location	Requirement	Request	Variance
Front Yard	20.2 ft.	67.5 ft.	47.3 ft.

### CASE SUMMARY/BACKGROUND

The subject property is located in the Crescent Hill neighborhood, and is currently undeveloped. The applicant proposes to construct a new two-story single-family residence on the lot. The remainder of the block face is developed with principal structures, and as a result the property is subject to infill standards. The maximum infill front yard setback allowed by LDC section 5.1.12.A.2.a is 20.2 feet. The applicant requests a variance to exceed this allowed setback. The applicant also requests a waiver to allow an attached front-loaded garage to be flush with the front façade of the house.

### STAFF FINDING

Staff finds that the requested variance and waiver are adequately justified and meet 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 from section 5.1.12.A.2.a and a waiver from section 5.4.1.C.3.

### TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.12.A.2.a**

- (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 setback will not adversely affect sight lines at the corner of Caledonia Avenue and the partially-unimproved alley at the end of the street.

- (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 property is located at the end of Caledonia Avenue adjacent to a partially-unimproved alley and will not be readily visible to passers-by.

- (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 increased setback will not create a hazardous situation at the corner of Caledonia Avenue and the alley.

- (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 lot is irregular in shape and has alley access from a side alley which has approximately 80 feet of pavement before the pavement ends next to the subject property. Alley access at the accessory structure/use area is infeasible due to the unimproved nature of the alley at that location. To set the house closer to Caledonia Avenue would require the applicant to construct a much narrower house and forego parking on the lot.

## **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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the property is irregular in shape and has alley access only from a partially-unimproved side alley.

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 by preventing the applicant from having off-street parking on the lot, due to narrowing the house such that the garage is no longer possible.

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.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.4.1.C.3**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the property is located at the end of Caledonia Avenue and the front-loaded garage will not be visible to most passers-by.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a residential use.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as setting back the relatively small garage would significantly impact the design of the living space.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would 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 would create an unnecessary hardship on the applicant by requiring the applicant to redesign the living space.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
09/14/2018	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9
09/14/2018	Hearing before BOZA	Notice posted on property

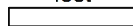
**ATTACHMENTS**

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

1. **Zoning Map**



4 Caledonia Avenue  
feet



Map Created: 9/20/2018



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



4 Caledonia Avenue  
feet


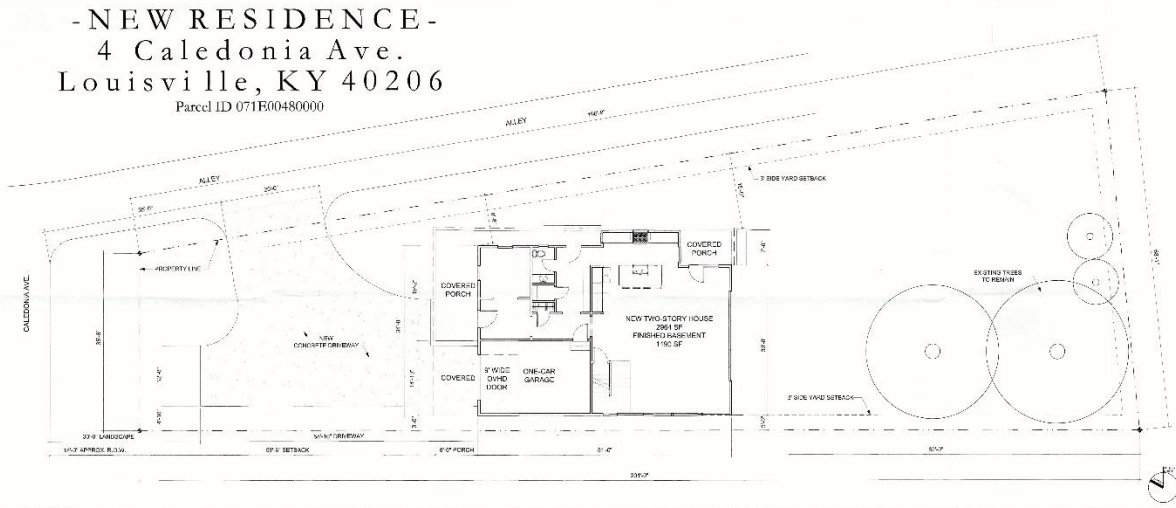
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Map Created: 9/20/2018



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### 3. Site Plan

<p>1. THESE DRAWINGS WERE PREPARED FOR THE RESIDENCE AT 4 CALEDONIA AVE., LOUISVILLE, KY. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE UNAUTHORIZED USE OF THESE DRAWINGS AND SPECIFICATIONS.</p> <p>2. ALL WORK SHALL COMPLY WITH ALL APPLICABLE LOCAL CITY CODES, Jefferson County Codes, Kentucky State Codes, ORDINANCES, RULES, REGULATIONS, ORDINANCES, LAWS, ORDERS, APPROVALS, ETC. THAT ARE REQUIRED BY GOVERNING AUTHORITIES. IN THE EVENT OF CONFLICT, THE MOST STRINGENT REQUIREMENTS SHALL APPLY.</p> <p>3. ALL DIMENSIONS ARE TO FACE OF FRAMING UNLESS NOTED OTHERWISE. EXTERIOR DIMENSIONS ARE TO OUTSIDE OF Siding. NOTIFY ARCHITECT OF ANY DISCREPANCIES OR CONFLICTS BETWEEN ARCHITECTURAL DRAWINGS PRIOR TO SUBSEQUENT WORK. ADDITIONALLY, NOTIFY ARCHITECT OF DISCREPANCIES OR CONFLICTS BETWEEN ARCHITECTURAL DRAWINGS AND SITE CONDITIONS OR CONSULTANTS' DRAWINGS AND SPECIFICATIONS PRIOR TO SUBSEQUENT WORK.</p> <p>4. ARCHITECT IS NOT RESPONSIBLE FOR STRUCTURAL LOAD CALCULATIONS OR OTHER STRUCTURAL DESIGN CONSIDERATIONS.</p> <p>5. CONTRACTOR MUST FOLLOW MANUFACTURER'S GUIDELINES FOR USE AND INSTALLATION INSTRUCTIONS FOR ALL EQUIPMENT AND PRODUCTS IN USE FOR THE PROJECT.</p>	<p>ADDRESS: 4 CALEDONIA AVE. LOUISVILLE, KY 40206</p> <p>OWNER: TIM FAVERSHAM 818-765-0881 desireekbuilders@gmail.com</p> <p>PROJECT DESCRIPTION: NEW TWO STORY RESIDENCE 2664 S.F. BASEMENT 1150 S.F.</p>		<p>A0.1 COVER SHEET / SITE PLAN</p> <p>A1.1 FOUNDATION PLAN</p> <p>A1.2 FIRST FLOOR PLAN</p> <p>A1.3 SECOND FLOOR PLAN</p> <p>A2.1 EXTERIOR ELEVATIONS</p> <p>A2.2 EXTERIOR ELEVATIONS</p> <p>A2.3 EXTERIOR ELEVATIONS</p>	<p>RECEIVED</p> <p>MS 22 014</p> <p>PLANNING &amp; DESIGN SERVICES</p>																																																																																																																																																																																																											
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<div style="text-align: center;"> <p><b>- NEW RESIDENCE -</b></p> <p><b>4 Caledonia Ave.</b></p> <p><b>Louisville, KY 40206</b></p> <p>Parcel ID 071B00480000</p> </div> 					<p>4 Caledonia Ave. New Residence 40206 Louisville, Kentucky</p> <p>DRAWING Cover Sheet / Site Plan</p> <table border="1"> <tr> <td>DATE</td> <td>7/18/19</td> </tr> <tr> <td>REVISION</td> <td>1</td> </tr> <tr> <td>REVISION</td> <td>2</td> </tr> <tr> <td>REVISION</td> <td>3</td> </tr> <tr> <td>REVISION</td> <td>4</td> </tr> <tr> <td>REVISION</td> <td>5</td> </tr> <tr> <td>REVISION</td> <td>6</td> </tr> <tr> <td>REVISION</td> <td>7</td> </tr> <tr> <td>REVISION</td> <td>8</td> </tr> <tr> <td>REVISION</td> <td>9</td> </tr> <tr> <td>REVISION</td> <td>10</td> </tr> <tr> <td>REVISION</td> <td>11</td> </tr> <tr> <td>REVISION</td> <td>12</td> </tr> <tr> <td>REVISION</td> <td>13</td> </tr> <tr> <td>REVISION</td> <td>14</td> </tr> <tr> <td>REVISION</td> <td>15</td> </tr> <tr> <td>REVISION</td> <td>16</td> </tr> <tr> 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4. **Site Photos**



The front of the subject property.





The property across Caledonia Avenue.





Looking down Caledonia Avenue at the properties that set the infill setback.