

Board of Zoning Adjustment

Staff Report

October 1, 2018



Case No:	18VARIANCE1082
Project Name:	Floral Terrace Variance
Location:	628 Floral Terrace
Owner:	Barry Sanford
Applicant:	Barry Sanford
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

Location	Requirement	Request	Variance
Private yard area	620.4 sq. ft.	240 sq. ft.	380.4 sq. ft.

CASE SUMMARY/BACKGROUND

The subject property is in Old Louisville, and currently contains a 2 ½-story single-family residence. The property owner has received approval to restructure the roof on the existing addition on the rear of the residence from Historic Landmarks and Preservation Districts Commission staff. During the preservation district review process, it was determined that the existing private yard area does not meet the requirements set forth in section 5.4.1.D.3 of the Land Development Code.

This proposal received a Certificate of Appropriateness (COA) from Historic Landmarks and Preservation Districts Commission staff on March 9, 2018, approving the alterations to the roof. This COA was amended on August 14, 2018. Please see Attachment 6 for the COA.

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 standard of granting a variance established in the Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3

- (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 there will be no change in the existing private yard area. The applicant has applied for the variance to bring the existing conditions into compliance.

- (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 will be no change to the existing conditions of the private yard area.

- (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 private yard area will not be altered.

- (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 there will be no change to the existing conditions.

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 generally apply to land in the general vicinity or the same zone because the lot is similar in shape and size to other lots in the area.

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 because there will be no change to existing conditions of the private yard area.

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.

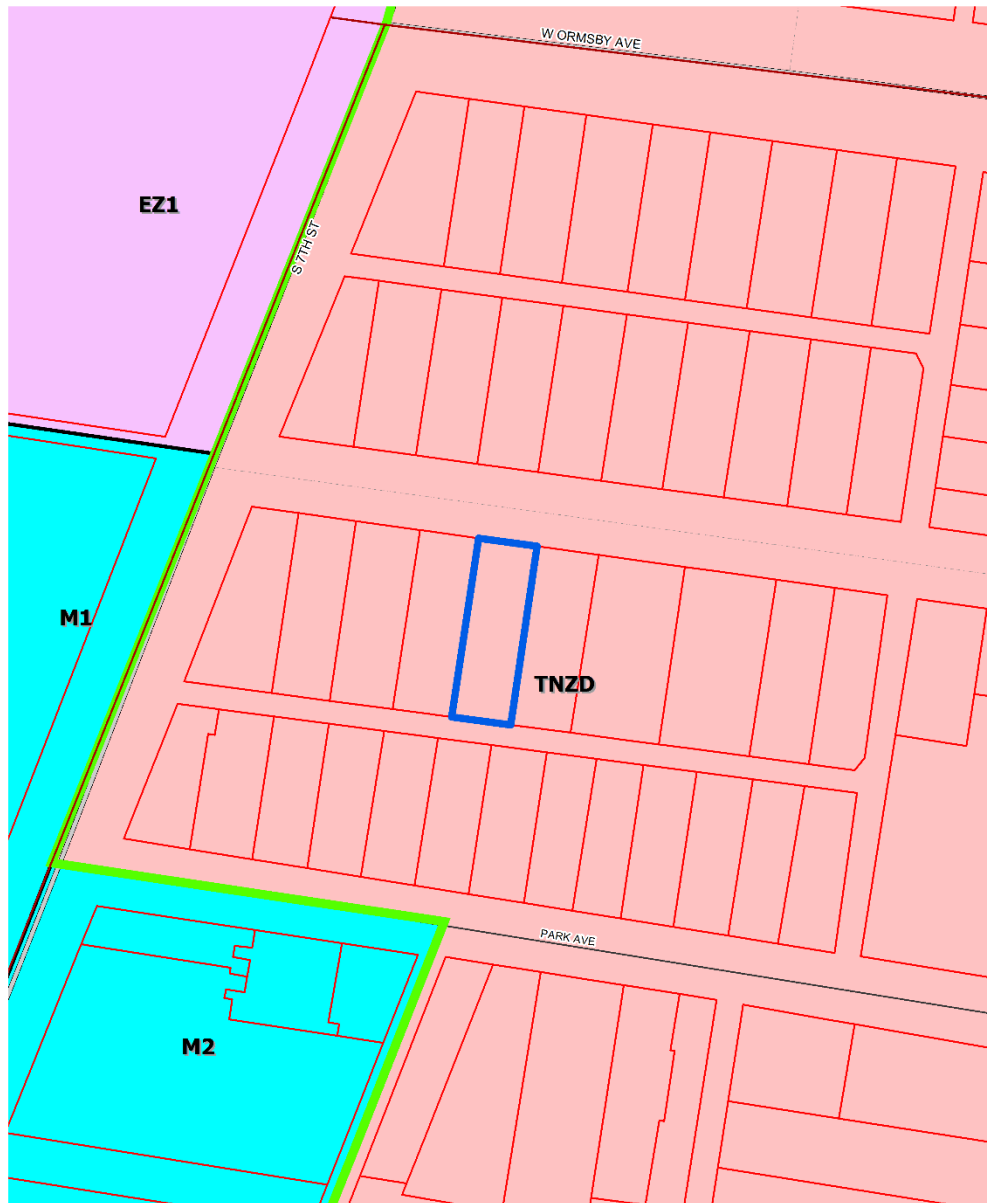
NOTIFICATION

Date	Purpose of Notice	Recipients
09/14/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
09/14/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

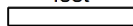
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos
6. Certificate of Appropriateness

1. Zoning Map



628 Floral Terrace

feet

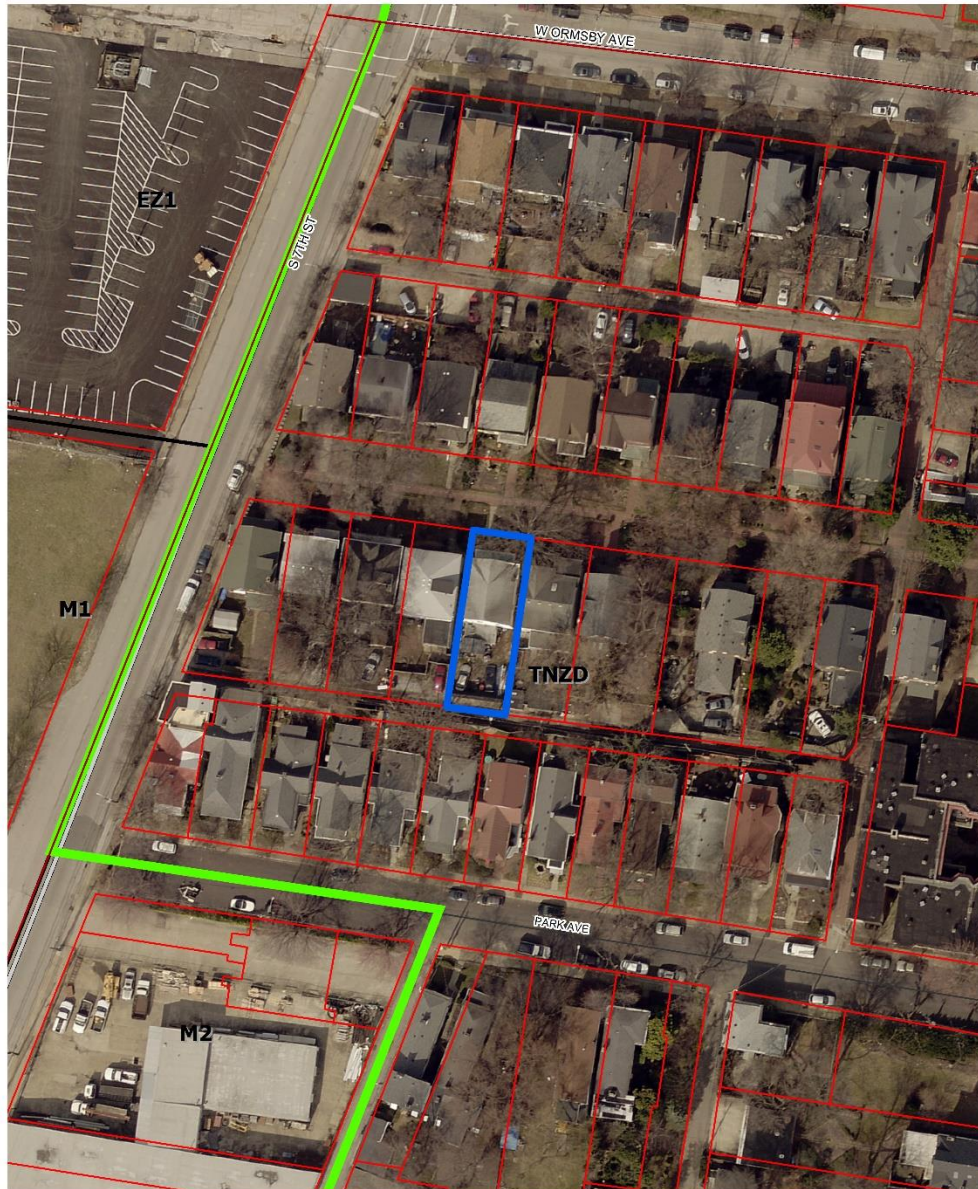


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Map Created: 9/12/2018

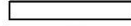


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2. Aerial Photograph



628 Floral Terrace
feet

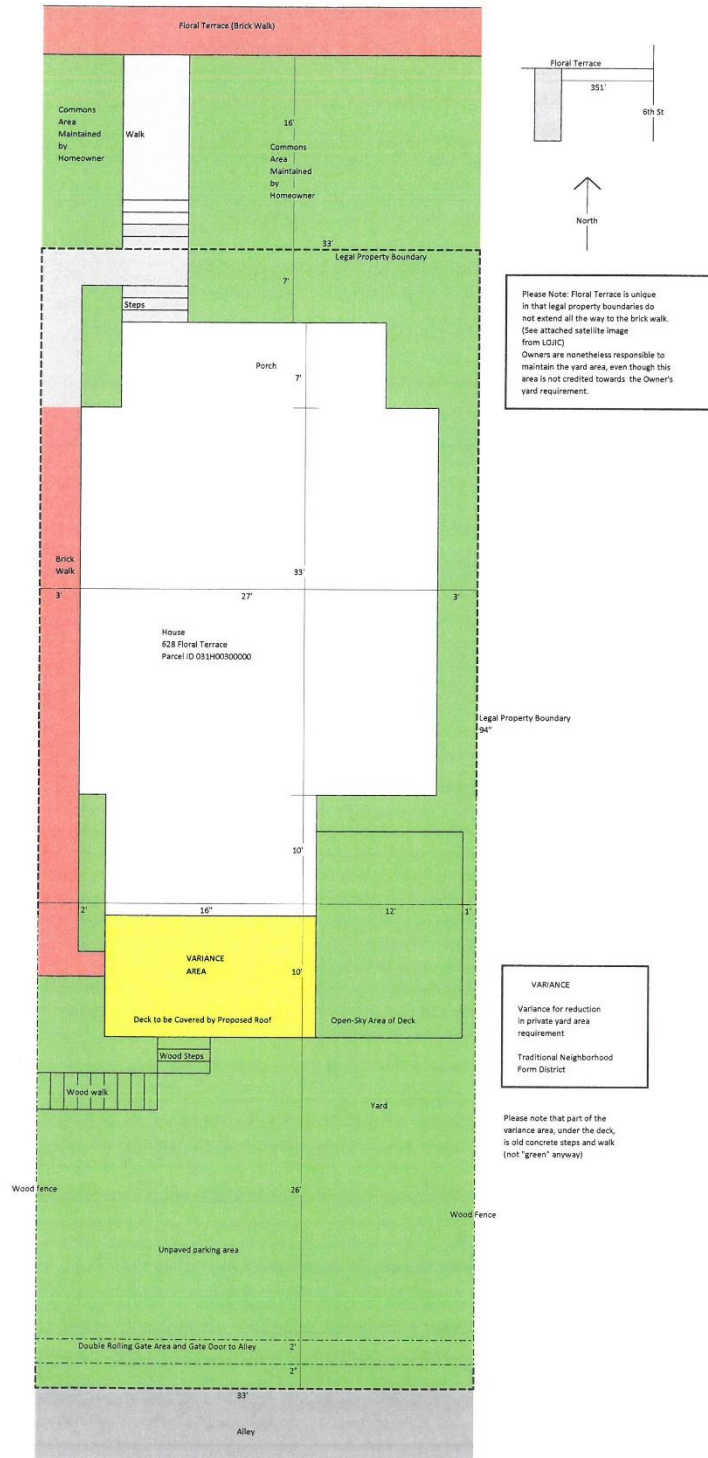


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Map Created: 9/12/2018



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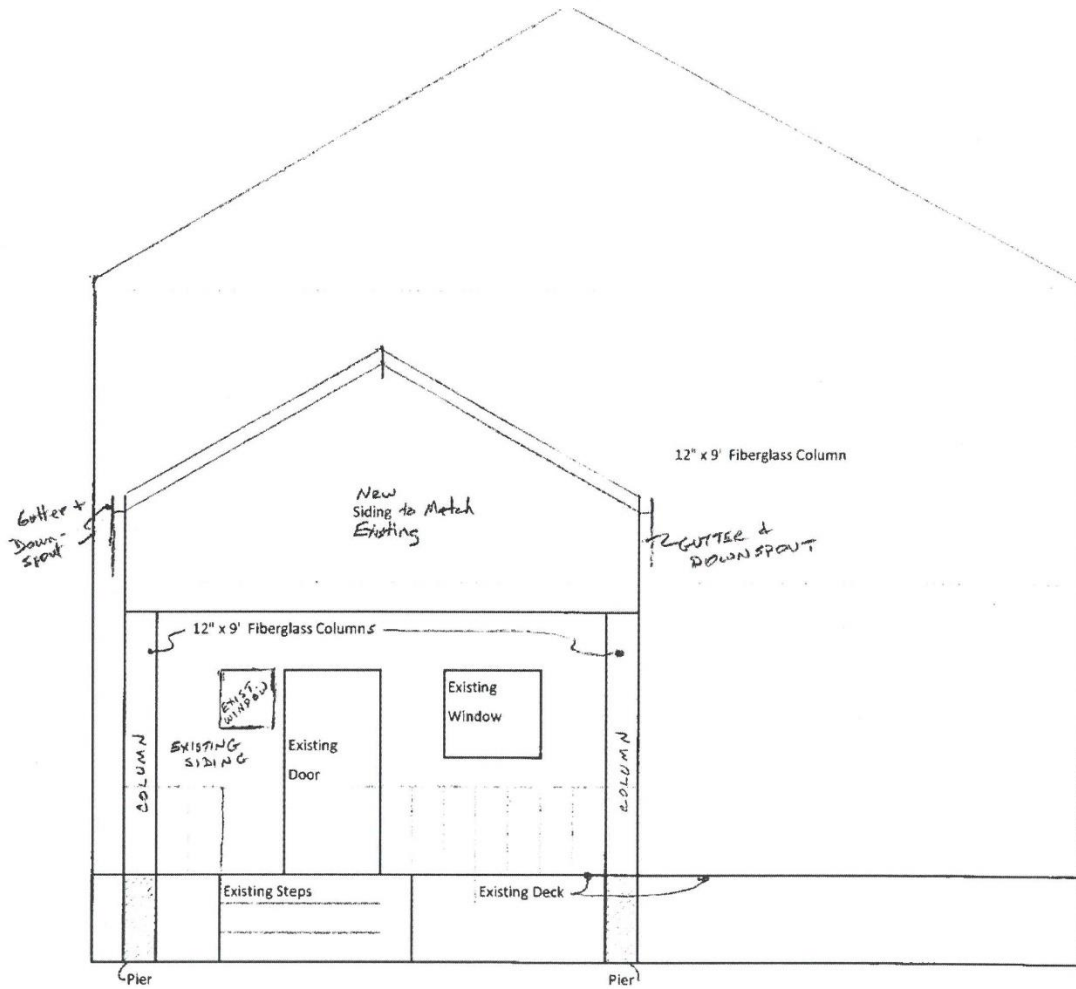
3. Site Plan



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4. Elevations



FRONT ELEVATION
(REAR OF HOUSE)

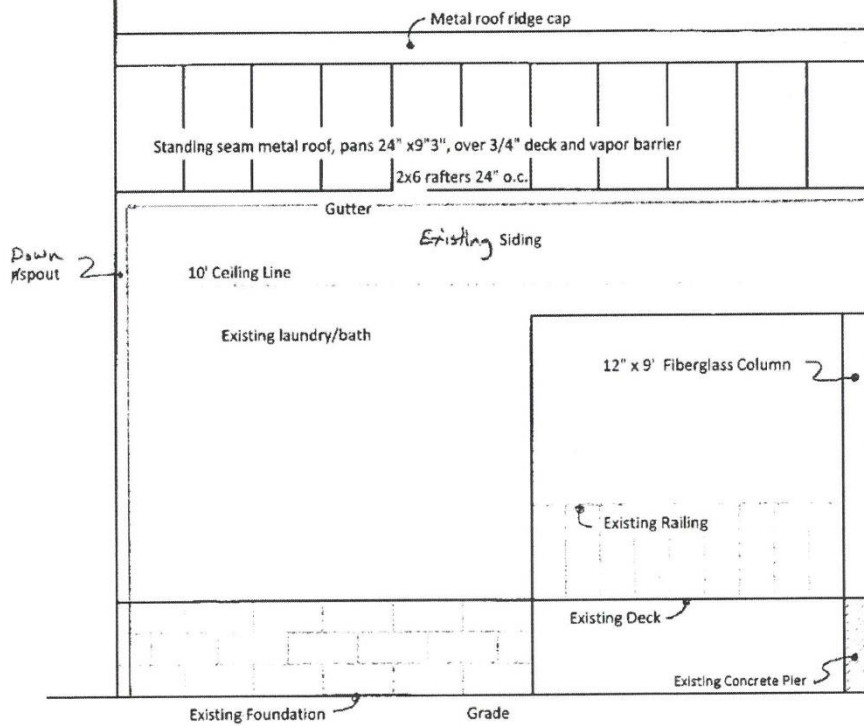
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Note: This roof modification involves no plumbing or electrical changes. The modification effectively creates simple attic space.



SIDE ELEVATION (SAME BOTH SIDES)

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5. Site Photos



The front of the subject property and notice of public hearing sign.



New roof construction area.



Rear of principal structure.



Rear property line.



Location of the private yard area variance.



Existing private yard area.

6. Certificate of Appropriateness



**Historic Landmarks and Preservation
Districts Commission**

Certificate of Appropriateness

To: Barry Sanford
Thru: Cynthia Elmore, Historic Preservation Officer
From: Savannah Darr, Planning & Design Coordinator
Date: ~~March 9, 2018~~ **August 14, 2018**

A handwritten signature in black ink, appearing to be "A" or "S" with a flourish.

Case No: 18COA1037 Amended
Classification: Staff Review

GENERAL INFORMATION

Property Address: 628 Floral Terrace

Applicant: Barry Sanford
628 Floral Terrace
Louisville, KY 40208
502-271-8530
bksanf01@yahoo.com

Owner: same as applicant

Estimated Project Cost: \$5,000

Description of proposed exterior alteration:

The applicant requests approval to change the roofline of an existing rear one-story addition. The current roof is a shed roof and causes water issues. The applicant proposed a new front gabled roof for the addition (7:12 pitch) **as well as increasing the height of the side walls by 3'-0". The roof will extend 10'-0" into the rear yard to cover the existing deck with fiberglass columns for support.** The roof will be clad in standing seam metal. One 2/2 double hung window from the rear elevation of the house (middle of second story) will have to be removed to accommodate the new roofline.

Communications with Applicant, Completion of Application

The application was received on March 1, 2018 and was considered complete and requiring staff review on March 5, 2018. **The applicant submitted new drawings to staff on August 10, 2018 to amend the current COA.**

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LOT 33' X 94'

FLORAL TER SS 33' 351' 1" W OF 6TH ST

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M 8998 447

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FINDINGS

Guidelines

The following design review guidelines, approved for the Old Louisville Preservation District, are applicable to the proposed exterior alterations: **Addition and Window**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

The following additional findings are incorporated in this report:

Site Context/ Background

The TNZD zoned property within the Traditional Neighborhood Form District is located on the south side of Floral Terrace, an east-west walking court. The two-and-a-half-story frame house is surrounded by other two-story homes of similar style. In 2013, staff approved a COA (19268-OL) for privacy fencing in the rear yard. In 2012, staff approved a COA (17371-OL) for a rear addition that would function as a covered deck and handicap lift system. However, this was never constructed.

Conclusions

The project generally meets the Old Louisville design guidelines for **Addition and Window**. The new front gabled roofline is complementary to the main roofline of the house. The scale and size of the roofline is appropriate for the addition and the main house. Furthermore, the new roofline will fix current water issues allowing for a longer lifespan of the structure. The removal of the rear window is necessary to accommodate the new roofline. This is not visible from Floral Terrace and will not affect the historic and architectural integrity of the house. **Rear yard decks that are open to the sky do not count against a property's private yard area requirement per the Land Development Code. However, when a deck has a roof that does count against the private yard area requirement. This new deck roof will need a variance for relief from the requirement.**

DECISION

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved with the following condition**

1. The applicant and/or their representative shall contact Landmarks staff to determine if a Certificate of Appropriateness is needed and obtained prior to any future work on the property.
2. The applicant and/or their representative shall apply for a variance for private yard area because of the new deck roof construction.

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The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.


Savannah Darr
Planning & Design Coordinator

8/14/18
Date

ADDITION

Design Guideline Checklist

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- + Meets Guidelines
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions as Noted
- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
A1	Ensure that the design of any new addition is in proportion with the size and scale of the historic building and district.	+	The addition is pre-existing but the roofline is changing from a shed roof to a front gable roof
A2	Design any addition so that it is subordinate to the original building. Generally, additions should not exceed half of the original building's total floor area or building footprint.	NA	Pre-existing addition
A3	Generally, additions should be attached to secondary elevations and should be set back from the front façade, so as not to damage or obscure character-defining features.	NA	Pre-existing addition
A4	Use materials that are the same as or subordinate to the primary material of the original building. Wood is subordinate to brick, and brick and stucco are subordinate to stone.	NA	Pre-existing addition
A5	Respect original roof forms when designing an addition. Additions should complement existing forms, not overwhelm them.	+	The new roofline will be front gable and will complement the main roofline of the house
A6	Do not undertake any full-floor additions in residential preservation districts (adding an additional full floor on top of a building).	NA	
A7	Generally, the original orientation of a building should not be altered when constructing a new addition. An addition should not turn a secondary façade into primary façade.	NA	Pre-existing addition
A8	Design any new addition so that the first-floor height is equal to or slightly lower than the original building. The floor-to-floor heights should be equal to or up to 10 percent less than the original building. In no case should the floor heights exceed those of the original building.	NA	Pre-existing addition
A9	Design additions to have the same relationship of solids (wall surfaces) to voids (window and door openings) as the historic portion.	NA	Pre-existing addition

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