

**Board of Zoning Adjustment**  
**Staff Report**  
October 1, 2018



<b>Case No:</b>	18VARIANCE1081
<b>Project Name:</b>	Park Avenue Variance
<b>Location:</b>	631 Park Avenue
<b>Owner:</b>	Peggy Cummins
<b>Applicant:</b>	Doug Wilson
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	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	498 sq. ft.	0 sq. ft.	498 sq. ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the Old Louisville neighborhood, and currently contains a 1½-story single-family residence. The applicant is proposing a one-story rear addition on the home. The applicant therefore requests a variance to allow a reduction in the private yard area.

Lots under 6,000 sq. ft. require the private yard area to be at least 20% of the total area of the property. The property is 2,490 sq. ft.; therefore, the required private yard area is 498 sq. ft., and the requested variance is 498 sq. ft.

Historic Landmarks and Preservation Commission staff approved the addition under case number 18COA1197. The Certificate of Appropriateness was issued August 31, 2018. See Attachment #6 for the conditions of approval.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

**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 Land Development Code from section 5.4.1.D.3 to allow a reduction of the required private yard area.

## **TECHNICAL REVIEW**

- No technical review undertaken.

## **INTERESTED PARTY COMMENTS**

None 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 the proposed addition will be constructed to comply with all building codes, including fire codes.

- (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 proposed addition was approved by Historic Landmarks and Preservation Commission staff.

- (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 addition will be constructed according to building codes.

- (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 majority of the other homes on the block have similar additions.

## **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 generally apply to land in the general vicinity or the same zone as the addition since the lot is regular in shape and similar in size to surrounding properties.

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 an addition onto the existing structure.

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.

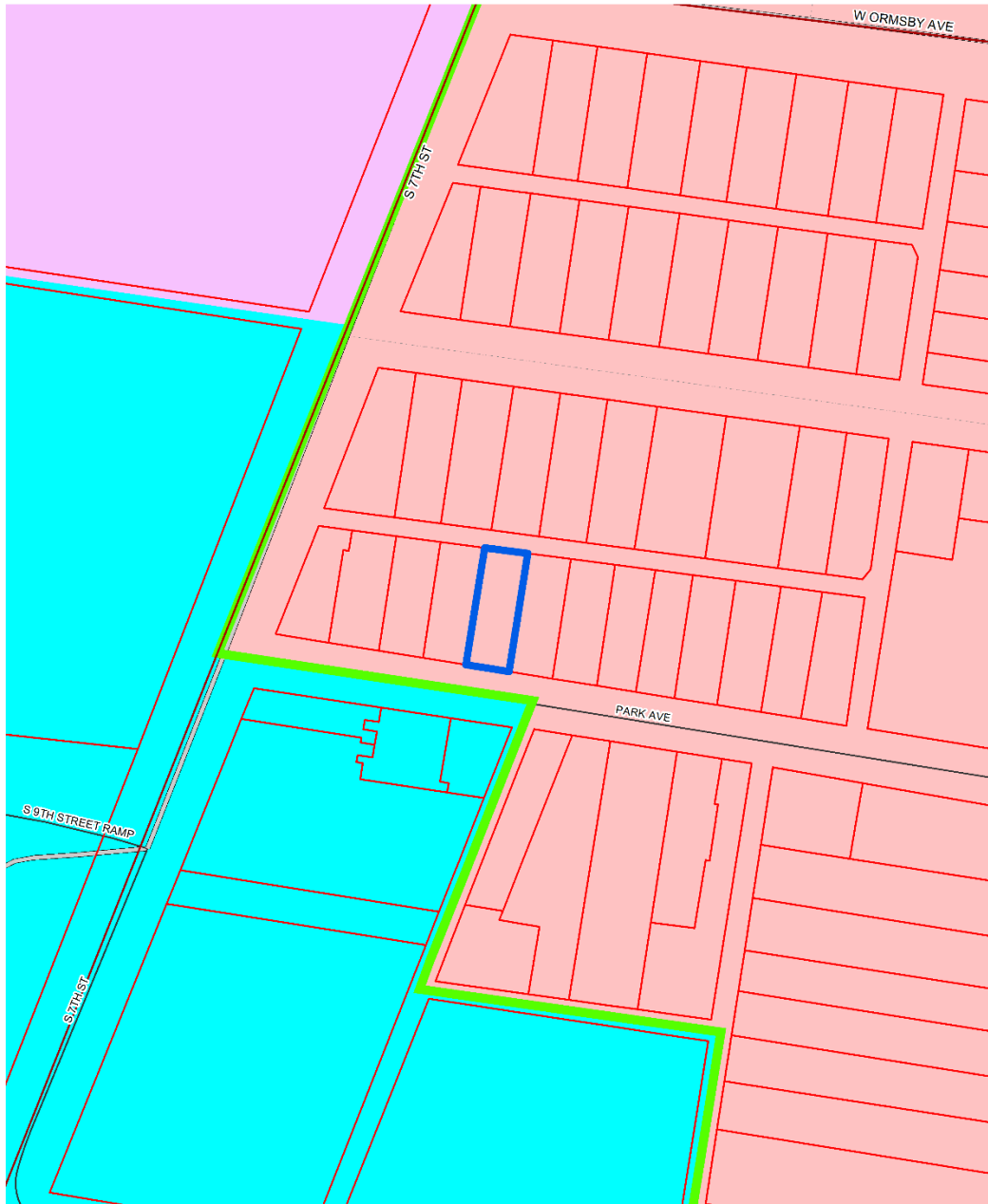
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10/13/2017	Hearing before BOZA	Not Required for Business Session Item

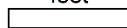
#### **ATTACHMENTS**

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

1. **Zoning Map**



631 Park Avenue  
feet



80  
Map Created: 9/13/2018



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LOUISVILLE WATER COMPANY (LWC),  
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JEFFERSON COUNTY PROPERTY VALUATION  
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2. Aerial Photograph



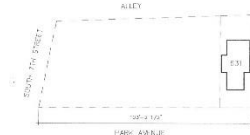
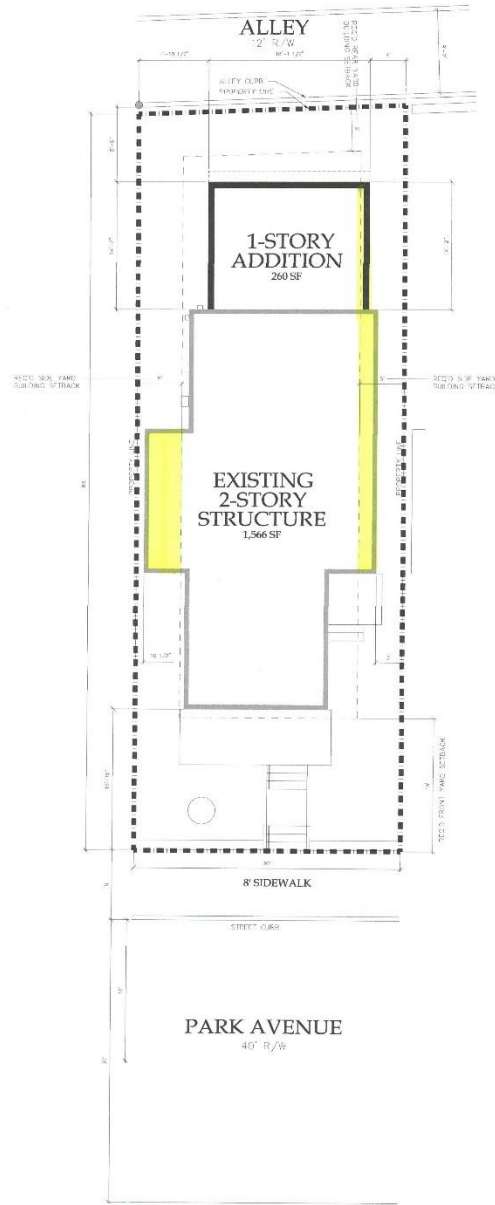
631 Park Avenue

feet  
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Map Created: 9/13/2018



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### 3. Site Plan



#### VICINITY MAP

NOT TO SCALE

North



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DESIGN SERVICE

PARCEL ID

031H00410000

ZONING

TN2D

Form District:  
Traditional Residential  
Neighborhood

PROPOSED USE

Single Family Residential

SITE PLAN

631 Park Avenue  
Louisville, KY 40208

Scale: 1" = 10' - 0"

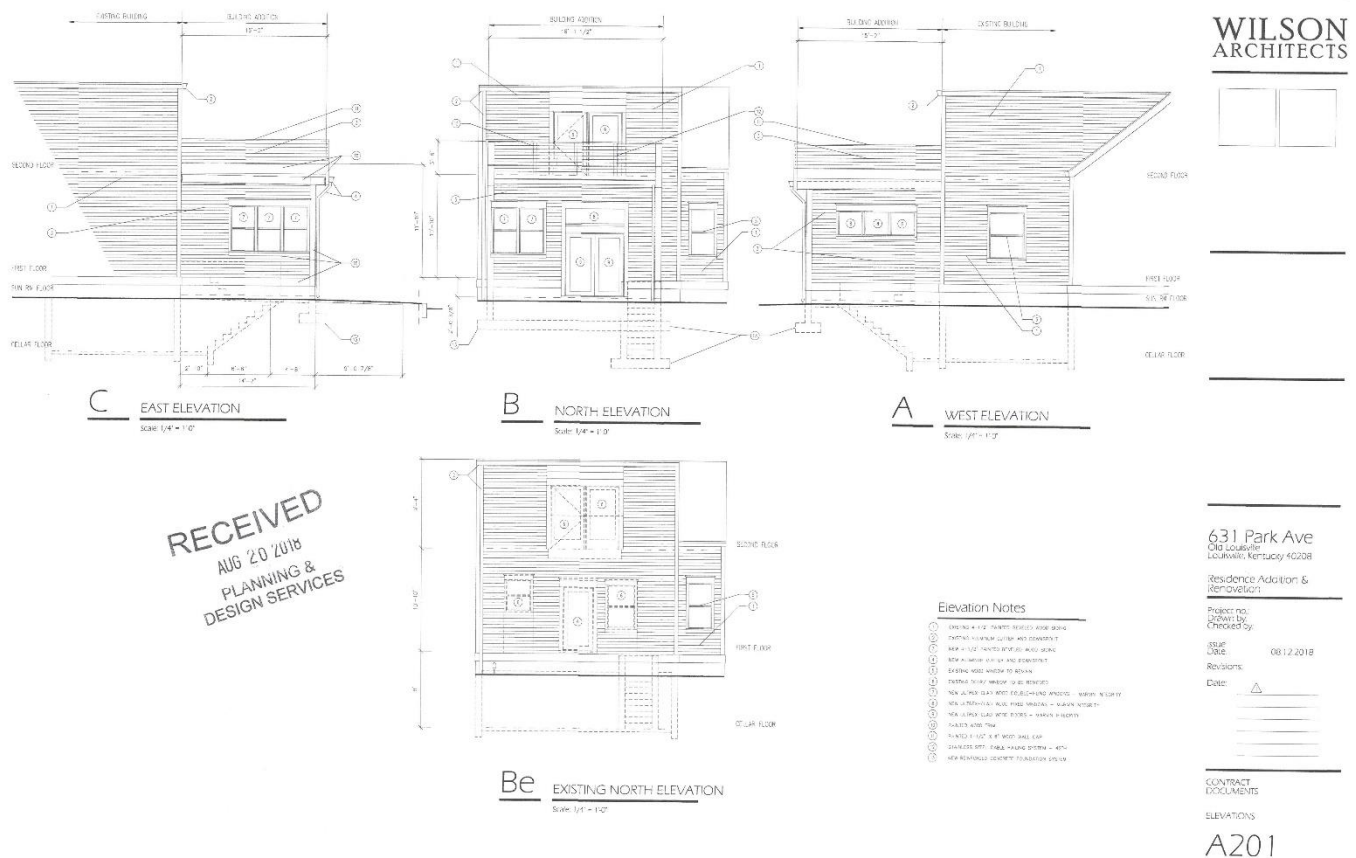
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\* 8 VARIANCE 1081

#### 4. Elevations





5. Site Photos

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Rear of subject property.



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Private yard area.

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18 VARIANCE 1081

Area of the proposed addition.

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18 VARIANCE 1081

Area of the requested variance.

6. **Certificate of Appropriateness**



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**Historic Landmarks and Preservation  
Districts Commission**

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**Certificate of Appropriateness**

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To: Peggy Cummins  
Thru: Cynthia Elmore, Historic Preservation Officer  
From: Becky Gorman, Historic Preservation Specialist  
Date: August 31, 2018

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A handwritten signature, possibly "AB", is written over the signature line.

**Case No:** 18COA1197  
**Classification:** Staff Review

**GENERAL INFORMATION**

**Property Address:** 631 Park Avenue

**Applicant:** Peggy Cummins  
631 Park Ave.  
Louisville, KY 40208  
502.797.1651  
Pacummins51@gmail.com

**Owner:** Doug Wilson  
Wilson Architects  
629 Park Avenue  
Louisville, KY 40208  
502.533.3950  
Dms.wilson@twc.com

**Estimated Project Cost:** \$30,000

**Description of proposed exterior alteration:**

The applicant seeks approval to remove the existing first floor wood deck and second floor balcony at the rear, as well as, the existing wood and chain link fence. The applicant seeks approval to construct a new 260 s.f. single story sunroom addition on the rear elevation and a wood roof deck above. The addition will have a concrete foundation and will be sheathed in 4½" wood lap siding to match the existing house. The sunroom's east elevation will feature 3 one-over-one double hung clad wood Marvin Integrity windows. The rear elevation will

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feature 2 one-over-one double hung clad wood Marvin Integrity windows and new clad wood Marvin Integrity full light doors with a transom. The west elevation will feature 3 fixed clad wood Marvin Integrity windows. The roof deck will feature wood decking. The railing will be 4½" wood lap siding on the east and west elevations and a stainless steel cable railing system on the north elevation. New clad wood Marvin Integrity full light doors will replace the existing doors. All new siding will be painted to match the existing siding on the house. A new 6' high vertical board wood fence is proposed.

#### **Communications with Applicant, Completion of Application**

The application was emailed on August 14, 2018. The application was determined to be complete and classified as requiring Staff Review on August 20, 2018.

#### **FINDINGS**

##### **Guidelines**

The following design review guidelines, approved for the Old Louisville Preservation District, are applicable to the proposed exterior alterations: **Addition and Site**. 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 house is located on the north side of Park Avenue (a street which dead ends one block west) 5 lots east of S. 7<sup>th</sup> Street. The house is a single-family, 1½ story folk Victorian frame house with wood lap siding and a hipped roof with a gable front dormer. The house is zoned TNZD within the Traditional Neighborhood Form District. Previous case # 18COA1173 approved the construction of a new retaining wall.

##### **Conclusions**

The project meets the Old Louisville Preservation District Design Guidelines for Addition and Site. The proposed addition is designed to be complimentary and subordinate to the main structure meeting the applicable Addition guidelines A1-10. The fence meets the design guidelines. The project will need a variance for Private Yard Area.

#### **DECISION**

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


1. The new construction shall conform to all other municipal regulation including the Land Development Code and all other Zoning District Regulations.
2. Applicant shall obtain all necessary Building Permits.

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3. All new wood lap siding shall match the existing wood siding in exposure, profile and paint color.
4. The new fence shall be painted or opaque stained within 9 months of installation.
5. Any changes or additional work shall be submitted to staff for review and approval prior to installation.

*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.*

  
Becky P. Gorman  
Historic Preservation Specialist

8/31/18  
Date

#### Attached Documents / Information

1. Staff Guideline Checklist

## ADDITION

### Design Guideline Checklist

- + 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.	+	
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.	+	
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.	+	
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.	+	
A5	Respect original roof forms when designing an addition. Additions should complement existing forms, not overwhelm them.	+	

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