

Board of Zoning Adjustment

Staff Report

January 22, 2019



Case No:	18VARIANCE1120
Project Name:	S. 3 rd Street Variance
Location:	1118 S. 3 rd Street
Owner(s):	Sujatha S. Reddy Revocable Trust
Applicant:	Boz Lindgren, Lockett & Farley
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.2 to allow a private yard area to be less than the required 30% of the area of a lot
- **Waiver** from Land Development Code section 5.4.1.E.3 to allow parking access to be achieved from the primary street where alley access is available in the Traditional Neighborhood form district

Location	Requirement	Request	Variance
Private Yard Area	5,100 sq. ft.	0 sq. ft.	5,100 sq. ft.

CASE SUMMARY

The subject property is located in the Old Louisville neighborhood and preservation district, and currently contains a 3-story residence. The applicant proposes to construct a 1-story detached garage and a 1-story dining room expansion. The proposed location of the accessory structure results in a reduced private yard area below the required 30% of the area of the lot. The applicant requests a variance to allow the reduced private yard area.

The applicant further requests a waiver to allow the use of an existing driveway and existing curb cut on S. 3rd Street, to allow access to the proposed detached garage from the front of the property. Land Development Code section 5.4.1.E.3 states that access to parking shall be achieved through a rear alley, except where rear alley access is not available.

Historic Landmarks and Preservation Commission staff approved the sign under case number 18COA1188. The Certificate of Appropriateness was issued December 4, 2018. See Attachment #6 for the conditions of approval.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review. Staff finds that the requested waiver is not adequately justified and does not 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 5.4.1.D.2 to allow a private

yard area to be less than the required 30% of the area of a lot, and if the proposal meets the standards for granting a waiver from the Land Development Code from section 5.4.1.E.3 to allow parking access to be achieved from the primary street where alley access is available in the Traditional Neighborhood form district.

TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning on the condition that the waiver is approved or that access from Sherwood Avenue is discontinued.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.2

- (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 structure 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 Historic Landmarks and Preservation Commission staff has already approved the proposal.

- (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 existing private yard area is already completely paved. Also, the applicant is proposing green space to the side of the primary structure.

- (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 street is otherwise fully developed and there are similar site plans in the area.

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 lot is regular in shape and comparable in area to other lots in the same vicinity.

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 create an unnecessary hardship on the applicant by preventing them from constructing a detached garage.

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.E.3

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

STAFF: The waiver will not adversely affect adjacent property owners as there are other properties in the area which have curb cuts to S. 3rd Street.

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

STAFF: The waiver may violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 states that revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. The ability to access the garage via the street may reduce or minimize the residents' use of the alley to access the garage. Alley access is promoted and preferred in the traditional neighborhood form.

- (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 the curb cut and driveway already exist.

- (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 not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived by turning a portion of the existing driveway on the southern side of the property into green space.

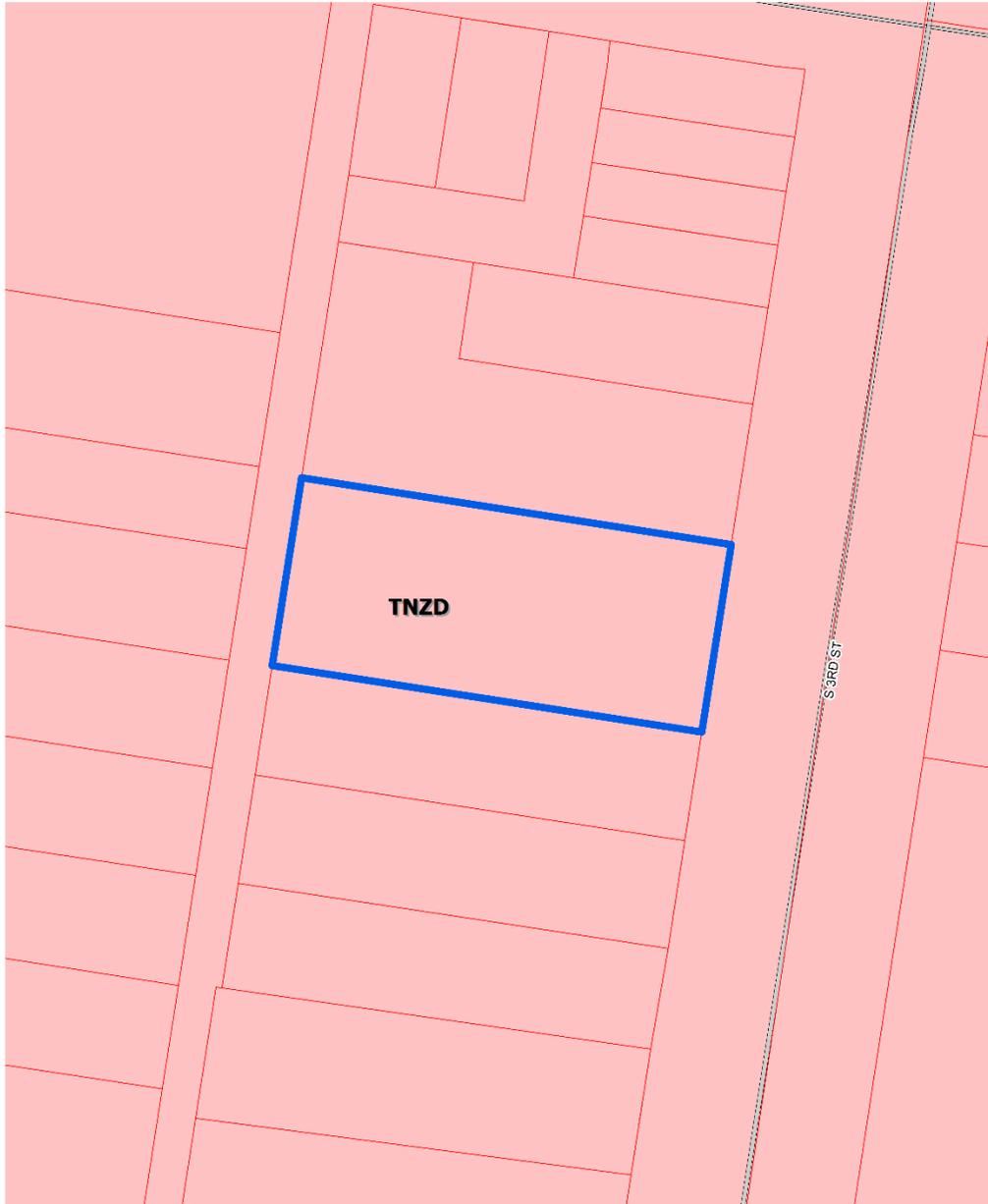
NOTIFICATION

Date	Purpose of Notice	Recipients
01/02/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6
01/03/2019	Hearing before BOZA	Notice posted on property

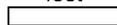
ATTACHMENTS

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

1. **Zoning Map**



1118 S. 3rd Street
feet



50
Map Created: 1/7/2019



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
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JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



Aerial
feet

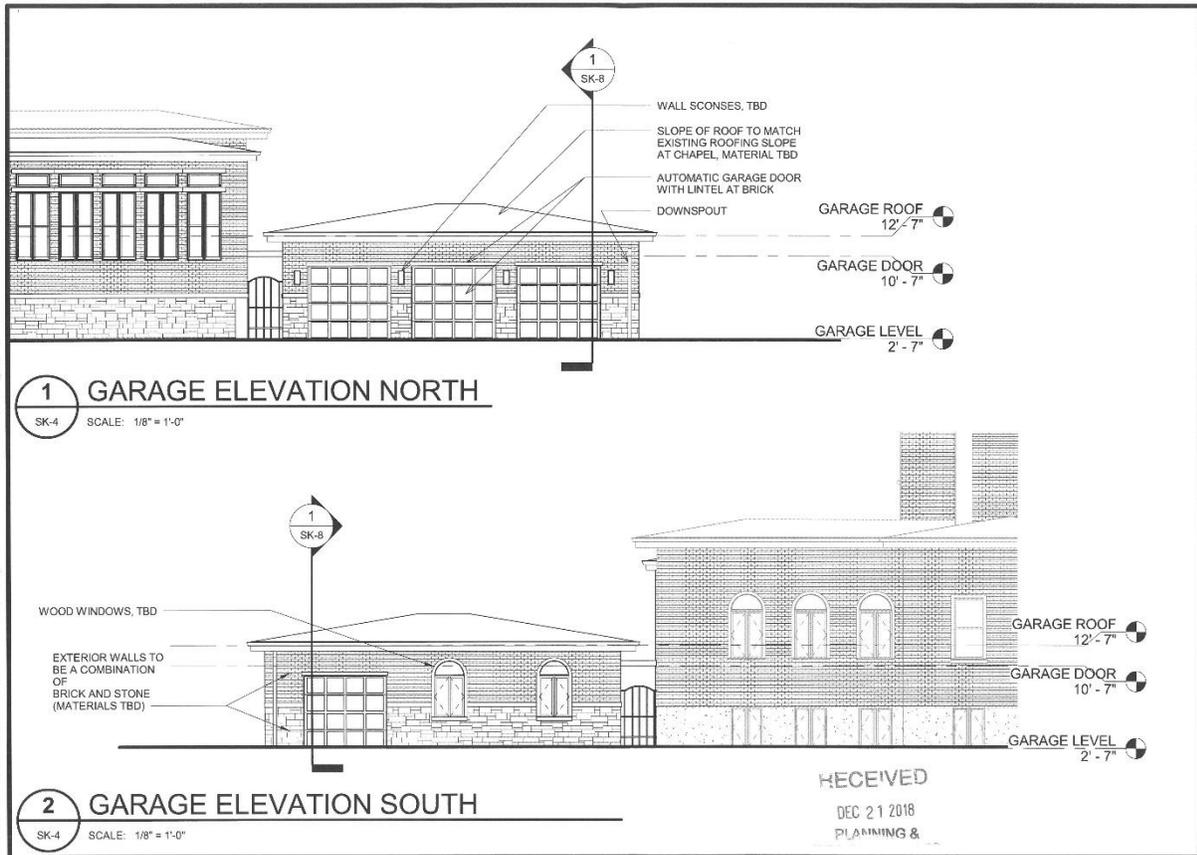
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Map Created: 1/7/2019



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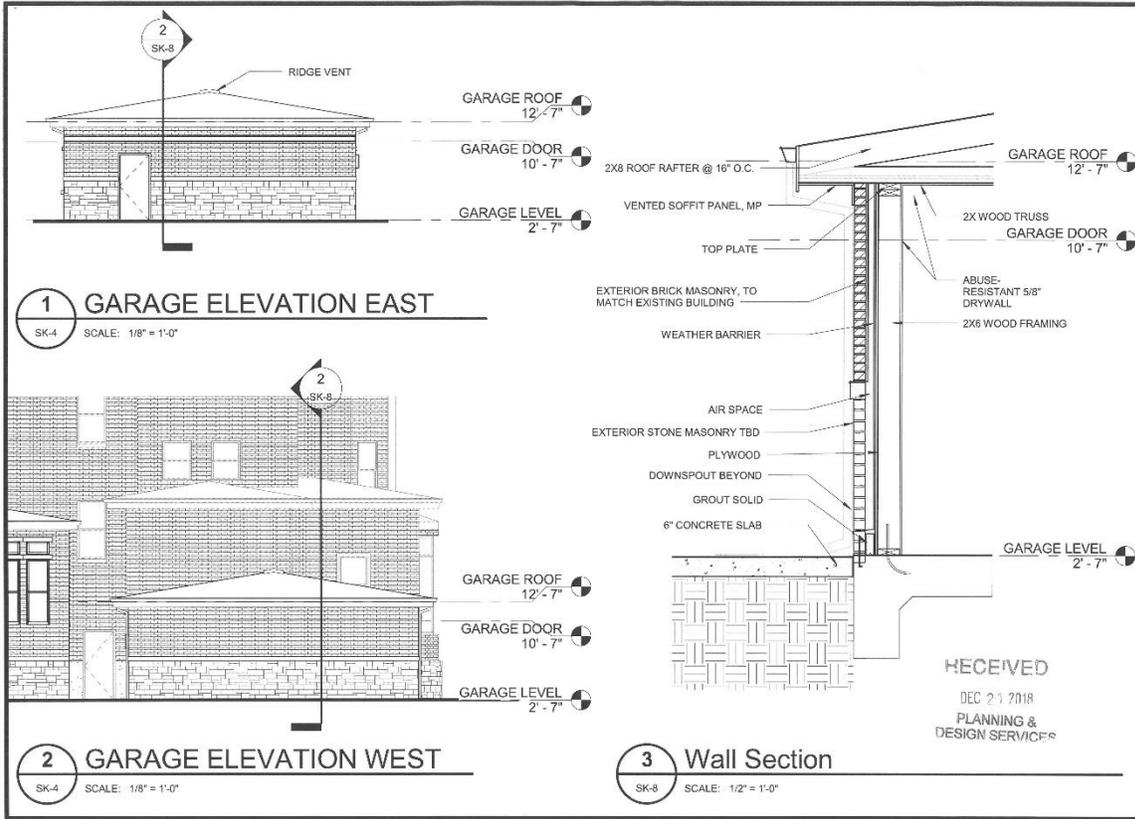
4. Elevations



Smart Design
Lockett & Farley
 2100 1st Ave. Suite 100 • Seattle, WA 98101
 206.461.1000 • www.lockettandfarley.com

GARAGE ELEVATIONS
 DWG # SK-6
 REFERENCE:

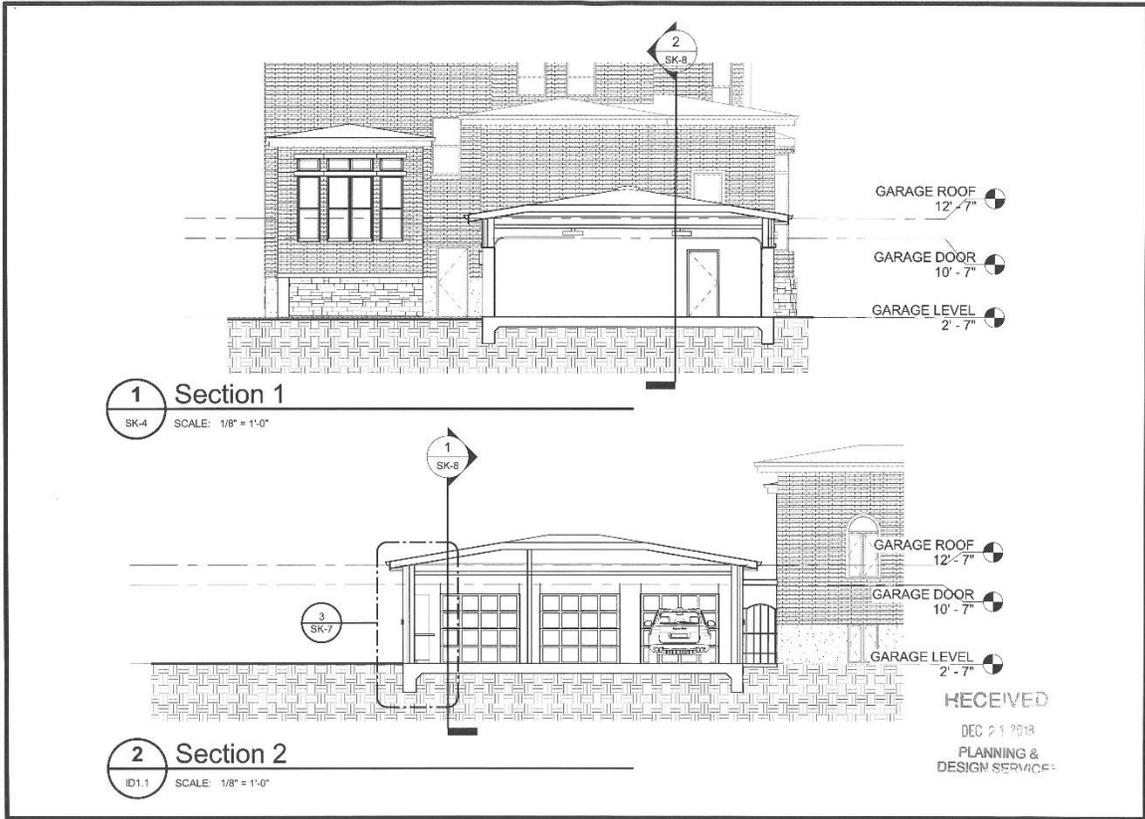
PROJECT: DR. REDDY
 1118 SOUTH THIRD ST.
 DATE: 06/29/2018
 COMM # 2015.219
 DRAWN BY: J.R.
 CHECKED BY: B.L.



smart design
Lockett & Farley
1200 West 11th Street, Suite 100, Lincoln, NE 68502
402.441.1111

GARAGE ELEVATIONS 2
DWG.# SK-7
REFERENCE:

PROJECT: DR. REDDY
1118 SOUTH THIRD ST.
DATE: 06/29/2018
COMM.# 2015.219
DRAWN BY: B.L.
CHECKED BY: B.L.



GARAGE SECTIONS
DWG.# SK-8
REFERENCE

PROJECT: DR. REDDY
1118 SOUTH THIRD ST.
DATE: 06/29/2018
COM.# 2015.219
DRAWN BY: L.R.
CHECKED BY: B.L.

5. Site Photos



The front of the subject property.



The property to the left.



The property to the right.



Property across 3rd Street.



Existing access from 3rd Street.



Existing access from 3rd Street.



Location of proposed dining room expansion and access from 3rd Street.



Location of proposed garage and dining room expansion.



BOZA notice of public hearing sign.

6. Certificate of Appropriateness



**Historic Landmarks and Preservation
Districts Commission**

Certificate of Appropriateness

To: Dr. Sujama Reddy
Thru: Old Louisville Architectural Review Committee
From: Becky Gorman, Historic Preservation Specialist
Date: November 14, 2018

Case No: 18COA1188
Classification: Committee Review

GENERAL INFORMATION

Property Address: 1118 S. 3rd Street.

Applicant: Robert Lindgren
Lockett & Farley
737 S. Third Street
Louisville, KY 40202
Ph. 502-585-4181
rlindgren@lockett-farley.com

Owner: Dr. Sujama Reddy
585 Mays Branch
Prestonburg, KY 41653
Ph. 606-886-6344
ekyneph@yahoo.com

Architect/Design: Same as Applicant

Estimated Project Cost: \$150,000

Description of proposed exterior alteration:

The applicant seeks approval to install a new 48" tall iron fence along the front yard and side yard; and a new 8' tall iron fence along the north and south property lines, as well as, a fence from the south property line to the house. A new 8' brick wall with limestone cap is proposed along the rear property line with a gate for alley access. The applicant seeks approval for new driveway retaining walls on the sides of the driveway apron located at the front of the property where a new iron auto gate and brick gate columns are also proposed. The brick columns are 24" x 24" and approximately 8' in height from the lowest point of the sloped grade. New steps are proposed from the sidewalk to access the yard.

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They will have clay brick risers and limestone treads and a person gate will be located at the top of the steps for yard access. The current driveway and motor court in front of the house are asphalt, but are proposed to be clay pavers with a limestone inlay. An asphalt drive is on the north of the building and leads to a motor court in the rear. This driveway is proposed as asphalt and edged with pavers. The asphalt drive on the south side of the house is proposed to be removed. A new 3-car garage is proposed at the rear of the property. The garage will have a hipped roof, and exterior walls will be a combination of brick and stone. The north elevation will feature 3-single car openings. The south elevation will have a single car opening and 2 arched windows. The east elevation will have a single person door and the west elevation is void of any features. A new gate is proposed between the garage and the rear elevation of the house. The applicant also seeks approval for a new wooden pergola in the south side yard.

The plans show changes to a stoop and stairwell on the south elevation. These proposed changes should be submitted for review in a new application.

Communications with Applicant, Completion of Application

The application was received on August 2, 2018. Staff met with the applicant on September 17, 2018. The application was considered complete and requiring Committee Review October 30, 2018.

The Old Louisville Architectural Review Committee met on November 14, 2018 at 5:30 p.m. at 444 South Fifth Street, Conference Room 101. Members present were Herb Fink (Presiding Chair), Dave Marchal, Mary Martin, and Ken Maguire. The applicant representatives, Trey Randolph, Luckett & Farley, Brad Barz, Frank Otte, and Todd Stengel, Stengel Construction were present. Staff representative Becky Gorman presented the case. Mr. Randolph and Mr. Barz spoke about the proposed design, landscaping, and need for the proposed fencing mostly as a security measure. Mr. Stengel also spoke about the fencing and need for security. Ms. Martin stated opposition to the fencing heights, the rear brick wall fencing, and the proposed front yard fencing with gate. Mr. Maguire had some concerns about the gate and height of the front yard fencing and expressed the need to meet the 2'5" recommended height of the guideline. There was discussion about the 8' side fencing stopping at the side of the structure and potentially putting a gate on the north side of the house for car access. The applicant's representatives agreed to present this proposal to the owner. Mr. Stengel stressed the need to get started on the rest of the project due to cold weather concerns.

Marchal moved to accept the staff report as that of the committee with notes from the committee discussion in the report regarding the front yard fence and gate. The 8' fencing along the side yard shall stop at the side of the house and the front yard fencing and gate shall be submitted to staff for further review and approval unless the owner wants to pursue the proposal as submitted. The motion was seconded by Maguire. The chair called for the vote which was 3 "ayes" and 1 "no." The motion passed. The meeting was adjourned.

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FINDINGS

Guidelines

The following design review guidelines, approved for the Old Louisville Preservation District, are applicable to the proposed exterior alteration: **Site, Garage, and New Construction-Residential**. 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 site, zoned TNZD, is located on the west side of South 3rd Street, 6 lots south of the intersection with West Saint Catherine Street. The 3½ -story masonry home is surrounded by other 3- and 3½-story masonry homes, the Walnut Street Baptist Church and an open surface parking lot across the alley. The site currently has a curb cut from South 3rd Street where an asphalt driveway circles from the front of the property along the side yards to the rear of property which was previously paved with asphalt and used for parking.

Staff approved case# 16COA1150 in 2016 for the removal a non-original screened wood shed addition in order to construct a new one story masonry addition for a dining area /sun room as an extension of the existing kitchen.

Conclusions

The existing curb cut driveway is historic concrete mix which is typical along South 3rd Street and matches the existing historic mix sidewalks. However, different types of paving materials have been used for paved areas on private property beyond the sidewalks. Therefore the proposal generally meets ST3 with the exception of the pavers for the driveway apron at the curb cut. Staff recommends keeping the historic concrete mix for the drive apron between the sidewalk and the street. The proposed new steps will have clay brick risers and limestone treads which generally meets guideline ST5.

Photos and the retaining walls along the front of the property show evidence of iron fencing that would have been there historically. The proposed new front yard fence will be a simple iron picket fence 48" in height. This generally meets the Site guidelines with exception of the proposed height which exceeds the recommended height of 2'-5" in guideline ST13. The 8' iron fence proposed along the north and south property lines and from the house to the south property line exceeds the recommended 7' height. There is precedent of iron fencing along the south property line. Staff recommends the new fencing be setback 2' from the plane of the front façade. The proposed side yard fencing generally meets Site guideline ST15.

The proposed new retaining walls would extend the existing curved retaining walls, located at the driveway, by approximately 48" and new brick columns would be installed. The proposed driveway gate would be attached to the columns. Currently, there are no driveway gates with columns along this area of

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South 3rd Street. However, there are not many curb cuts in front of residential structures along 3rd Street. The curb cut here, along with the wishbone driveway around the house, makes this an unusual site. The Site design guidelines do not directly address this type of installation. ST1 states "Consider the relationships that exist between the site and structure when making exterior alterations. Changes to one will affect the other. A primary goal should be to maintain a complementary relationship." Perhaps a simpler design would fit better with the proposed front yard fencing. Staff recommends eliminating the brick columns.

The proposed garage generally meets the design guidelines for Garage and New Construction-Residential. There are a variety of structure types along this particular alley. The proposed garage generally meets the applicable design guidelines for New Construction: NC3, NC4, NC5, NC6, and NC7 with the exception of directional emphasis (NC3). Most of the alley structures or garages have doors facing the alley. Since this garage will be accessed from the driveway/motor court the garage doors are proposed to be on the elevation at the motor court, not facing the alley. If the proposed 8' brick wall is approved then the garage will not be visible from the alley. A variance would be needed for not providing the required Private Yard Area. A waiver would be needed for not providing access from the alley.

The two properties to north of the subject site have some type of masonry wall structure along the rear yard and/or the rear side yard. A masonry wall wouldn't necessarily conflict with the context of the alley. The proposed 8' height exceeds the recommend 7' height in the guidelines.

The proposed pergola generally meets the Site design guidelines. Staff recommends that the pergola be set back at least 2' from the plane of the front façade behind the proposed new fence.

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 drive apron between the sidewalk and the street shall remain historic concrete mix
2. The new fencing (7'-8') on the north and south property lines and the fence from the house to the south property line shall stop at the front façade.
3. ~~That steel fence posts be used for the driveway gate instead of the brick columns.~~
4. The pergola shall be set behind the new fence which will be setback 2' from the plane of the front façade.
5. All new wood for the pergola shall be painted or opaque stained within 9 months of installation.
6. The proposed changes for the stoop and stairwell on the north elevation shall be submitted for review in a new application.

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7. All Planning & Design approvals and building permits shall be obtained prior to construction.
8. If the design changes, the applicant shall contact staff for review and approval.
9. The front yard fencing and gate shall be further discussed with the owner and staff for staff review and approval. If the owner wants to pursue the proposal as submitted then it will go back to the ARC for review.

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.

HERB FINK.
 Herb Fink
 Chair

4 DEC. 2018.
 Date

GARAGE

Design Guideline Checklist

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

Design Element	Building Feature		Approved	Comments
Location		+	Rear-yard location	
		+	Align with adjacent secondary structures	
		+/-	Use to define and enclose rear yard	Not visible if 8' rear wall is approved
Materials	Walls	+	Minimize paving	Asphalt being removed and returned to grass in the rear-side yard
		NA	Horizontal wood siding (3" or 4" exposure)	
		NA	Board and batten siding	
		+	Brick	
		NA	Stucco over frame or concrete block	
		NA	Cast stone, molded concrete block	

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