

# Board of Zoning Adjustment

## Staff Report

June 17, 2019



<b>Case No:</b>	19VARIANCE1042
<b>Project Name:</b>	Cherokee Parkway Variance
<b>Location:</b>	2211 Cherokee Parkway
<b>Owner:</b>	G. Walter Christopherson
<b>Applicant:</b>	Charlie Williams – Charlie Williams Design, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Zach Schwager, Planner I

### **REQUEST**

#### **Variances**

1. from Land Development Code table 5.2.2 to allow a structure to encroach into the required side yard setback.
2. 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.

Location	Requirement	Request	Variance
Side Yard Private Yard Area	5 ft. 3,184 sq. ft.	1 ft. 2,157 sq. ft.	4 ft. 1,027 sq. ft.

### **CASE SUMMARY/BACKGROUND**

The subject property is zoned R-7 and is in the Traditional Neighborhood Form District. It is located in the Cherokee Triangle neighborhood and preservation district and contains a two-story single-family residence. The applicant is proposing to remove an existing garage and replace it with a two-story carriage house on the rear of the lot that will encroach into the eastern side yard setback and private yard area.

The Cherokee Triangle Architectural Review Committee approved the structure on condition under case number 19COA1098 on April 24, 2019. See attachment #6 for conditions.

### **STAFF FINDING**

Staff finds that the requested variances are adequately justified and meet the standards 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 variances established in the Land Development Code from table 5.2.2 and section 5.4.1.D.2 to allow a structure to encroach into the required side yard setback and private yard area.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2 (1)**

- (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 need to 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 structure will need to be in compliance with the conditions of approval of the approved Certificate of Appropriateness.

- (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 there is an existing accessory structure in the same general location.

- (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 encroachment is similar to the existing garage.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise from special circumstances which do 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 subject property is 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 not create an unnecessary hardship on the applicant because the applicant could reduce the size of the structure to meet the setback.

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 VARIANCE FROM SECTION 5.4.1.D.2 (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 need to 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 structure will need to be in compliance with the conditions of approval of the approved Certificate of Appropriateness.

- (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 there is an existing accessory structure in the same general location.

- (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 is more open space to the side of the house that is not counted toward private yard 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 generally apply to land in the general vicinity or the same zone as the subject property is 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 not create an unnecessary hardship on the applicant because the applicant could reduce the size of the structure to meet the private yard area requirement.

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.

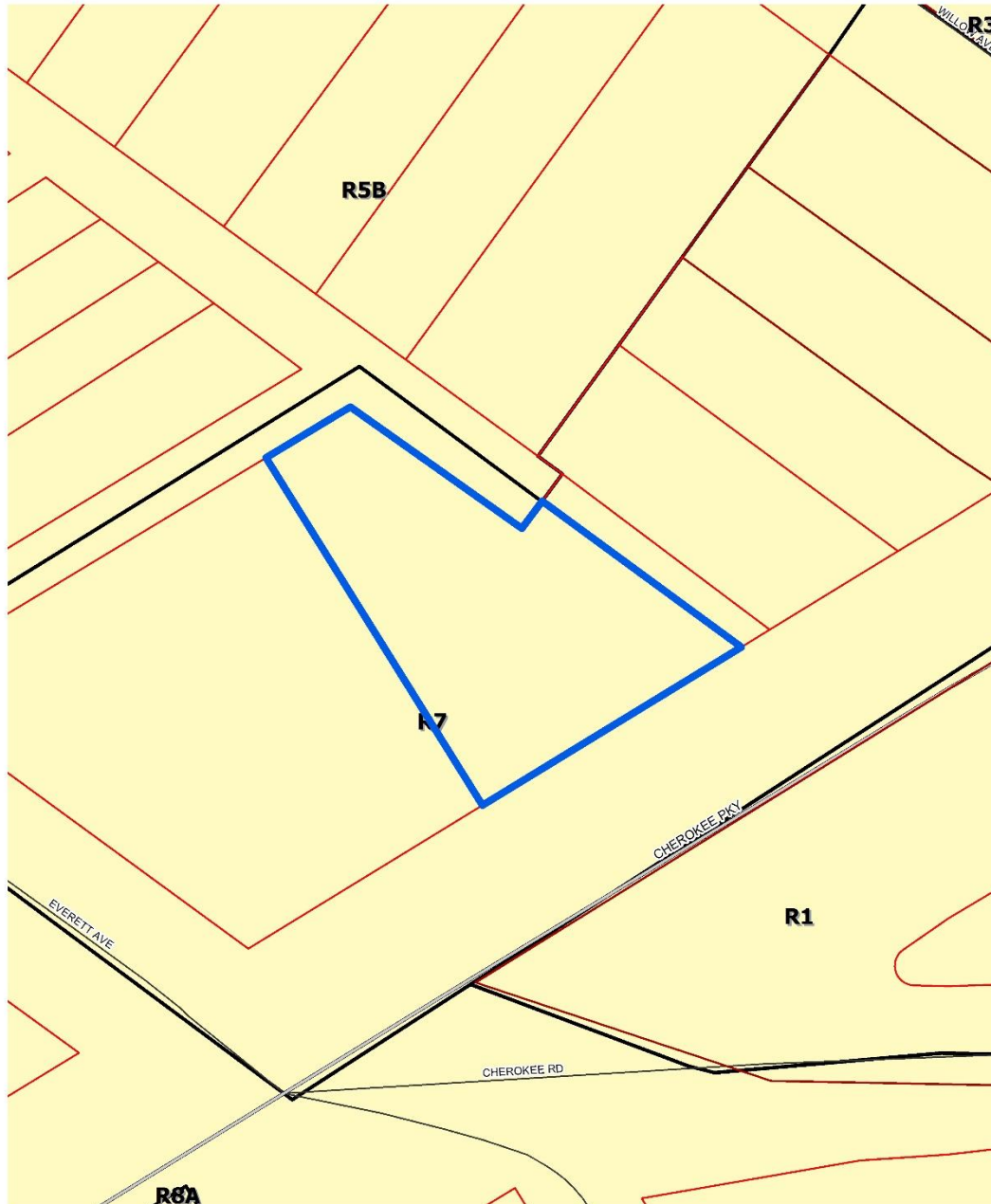
**NOTIFICATION**

Date	Purpose of Notice	Recipients
05/16/2019	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
06/07/2019	Hearing before BOZA	Notice posted on property

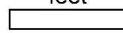
**ATTACHMENTS**

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

1. Zoning Map



2211 Cherokee Parkway  
feet



40  
Map Created: 6/11/2019



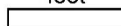
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JEFFERSON COUNTY PROPERTY VALUATION  
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2. Aerial Photograph



2211 Cherokee Parkway

feet



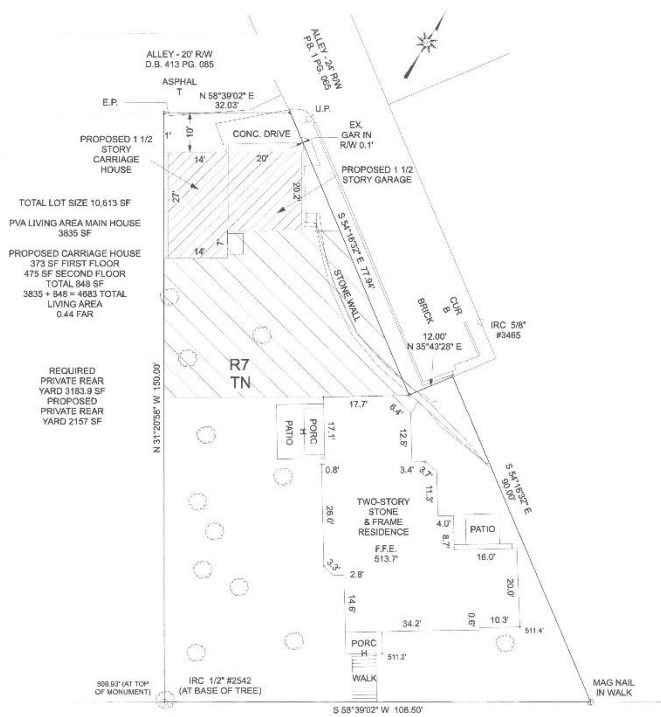
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Map Created: 6/11/2019



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### 3. Site Plan



CHRISTOPHERSON CARRIAGE HOUSE  
2211 CHEROKEE PARKWAY  
LOUISVILLE, KY 40204

3-20-19

CHARLIE WILLIAMS DESIGN, INC.  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40204  
502.459.1810

19 VARIANCE 1042



#### 4. Elevations

CHRISTOPHERSON CARRIAGE HOUSE  
2211 CHEROKEE PARKWAY  
LOUISVILLE, KY 40204



NORTH ELEVATION (ALLEY)

SCALE 1/4"=1'-0"

CHARLIE WILLIAMS DESIGN, INC.  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40204  
502.459.1810

19 JUNE 1 0 4 2

CHRISTOPHERSON CARRIAGE HOUSE  
2211 CHEROKEE PARKWAY  
LOUISVILLE, KY 40204

3-20-19



SOUTH ELEVATION (YARD)

SCALE 1/4"=1'-0"

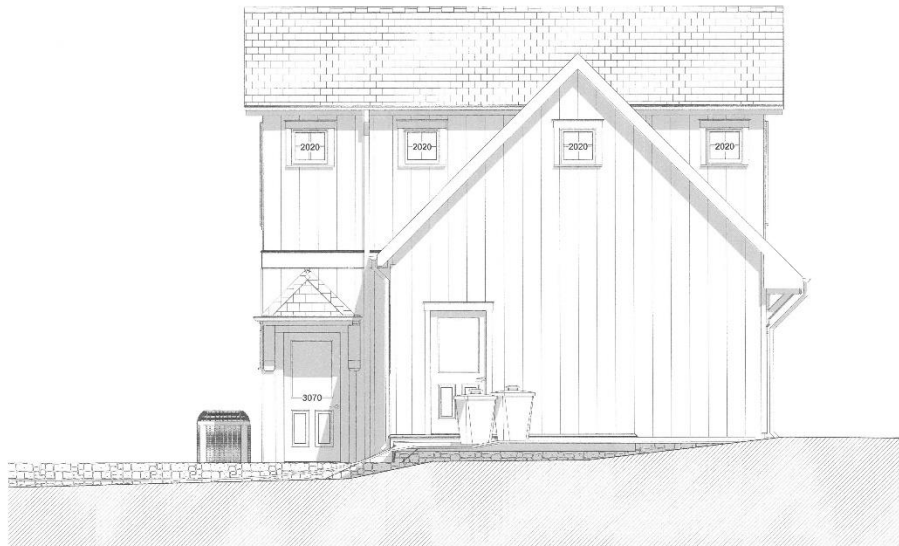
CHARLIE WILLIAMS DESIGN, INC.  
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LOUISVILLE, KY 40204  
502.459.1810

19 JUNE 1 0 4 2



CHRISTOPHERSON CARRIAGE HOUSE  
2211 CHEROKEE PARKWAY  
LOUISVILLE, KY 40204

3-20-19



EAST ELEVATION

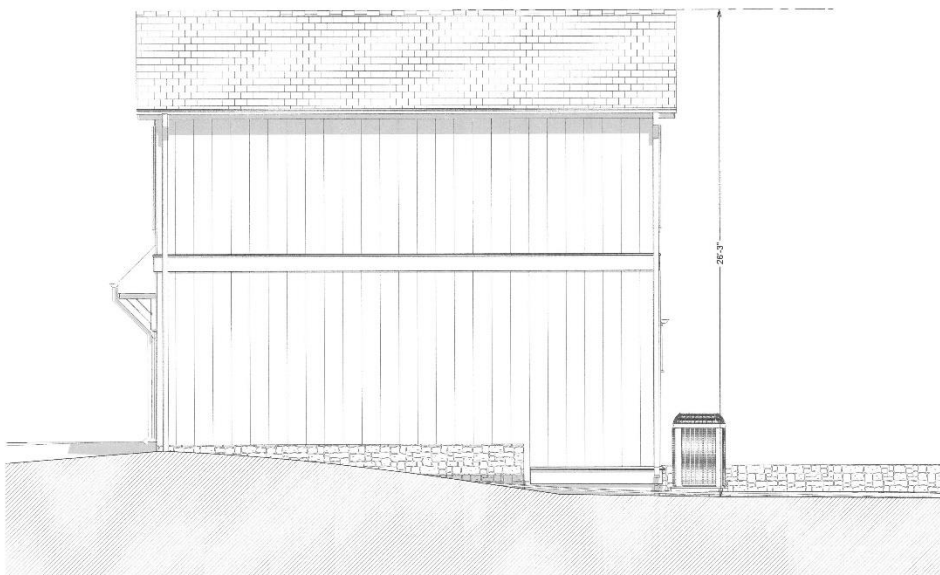
SCALE 1/4"=1'-0"

CHARLIE WILLIAMS DESIGN, INC.  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40204  
502.459.1810

19 VARIANCE 1042

CHRISTOPHERSON CARRIAGE HOUSE  
2211 CHEROKEE PARKWAY  
LOUISVILLE, KY 40204

3-20-19



WEST ELEVATION

SCALE 1/4"=1'-0"

CHARLIE WILLIAMS DESIGN, INC.  
1626 WINDSOR PLACE  
LOUISVILLE, KY 40204  
502.459.1810

19 VARIANCE 1042

5. **Site Photos**



Front of the subject property.





Property to the left.





Property to the right.





Private yard area.





Private yard area.





Existing side yard setback and variance area.





Area to the right of the existing garage.

5. **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: G. Walter Christopherson  
Thru: Cherokee Triangle Architectural Review Committee  
From: Becky Gorman, Historic Preservation Specialist  
Date: April 24, 2019

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**Case No:** 19COA1098  
**Classification:** Committee Review

**GENERAL INFORMATION**

**Property Address:** 2211 Cherokee Parkway

**Applicant:** Charlie Williams  
Charlie Williams Design, Inc.  
1626 Windsor Place  
Louisville, KY 40204  
Ph.502.459.1810

**Owner:** G. Walter Christopherson  
2211 Cherokee Parkway  
Louisville, KY 40204

**Estimated Project Cost:** \$50,000

**Description of proposed exterior alteration:**

The applicant requests approval to demolish the existing garage and replace it with a new carriage house. The carriage house will be 34' wide and 27' deep with a portion inset by 7' on the yard side. The structure will be sheathed in board and batten with a shingle roof to match the main house. There will be half-round gutters, 3½" casings and 5½" lintels on windows and doors. Variances will be required for side yard setbacks and private yard area.

**Communications with Applicant, Completion of Application**

The application was received on April 4, 2019. The application was determined to be complete and classified as requiring Staff Review on April 9, 2019.

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The Cherokee Triangle Architectural Review committee met on April 24, 2019 at 4:30 p.m. at 444 South Fifth Street, Conference Room 101. Members present were Christopher Fuller, Tamika Jackson, Gail Morris, and Monica Orr. Gail Morris was elected to serve as chair in the absence of Dave Marchal at the beginning of the meeting. He joined the meeting and was able to hear this case. The owner was present, as well as, Charlie Williams, the applicant's representative. Staff representative Becky Gorman presented the case. There was discussion about the carriage house, limestone curbing, lighting, and windows on the alley side. Orr spoke in favor of carriage houses for "putting more eyes on the alley." Materials discussed were a Hardie board and batten. Landscaping being placed on the alley side in the space under the proposed windows was discussed. Demolition of the existing garage discussed. Marchal stated, "as I look to the conclusions the form, material, location, setting, as a replacement, this captures the spirit of the old one. It doesn't have the . . . old wood, . . . what has been lost and what has been gained. We are losing some of the old fabric but this is on the same foot print, has very similar design and so it maintains the relationship to the house. The scale and setting feels the same and, as a replacement this is a good one." Orr stated, "It doesn't seem to me that the old fabric is at a stage in which it can be preserved without trying to rebuild it, and so why not go for something new." There was discussion about additional documentation of the existing structure if demolition is approved. Williams discussed the footprint of the structure may move toward the house depending on Public Works. Committee discussed this being covered in the conditions.

Fuller moved to recommend Demolition but not prior to the issuance of a building permit for the approved new structure. Orr seconded the motion. The motion carried with all ayes. Fuller moved to accept the staff recommendations for the carriage house, with conditions to save limestone curbing if it exists, utilize down lighting approach with any exterior lighting, to document the details of the existing garage and submit to staff, and add a landscape buffer in the 10' setback in front of the non-garage portion of the alley façade. Orr seconded the motion. The motion passed unanimously.

## FINDINGS

### Guidelines

The following design review guidelines, approved for the Cherokee Triangle Preservation District, are applicable to the proposed exterior alteration: **Demolition, Garage, New Construction-Residential, 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 site is located one lot east of the intersection of Cherokee Parkway and Everett Avenue on the north side of the street. The property is zoned R7 and is located in a Traditional Neighborhood Form District. The two-story Tudor style house was constructed circa 1924. The building has irregular massing which

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creates a complex roof form. The building is clad with stone and stucco along with the characteristic half-timbering associated with the Tudor-style. The house has steep roof pitches which are also common for Tudor architecture from this period. Previous cases include a new 2-story addition approved in 2009, replacement of sliding glass doors on a side porch and a new covered porch in 2013, as well as, replacement of historic wood replacement windows with new wood windows in 2017.

### Conclusions

The existing garage is not present on the Sanborn map 1928-41 but does appear on the 1928-51 and on an aerial map from 1946. It is over 50 years old and maintains its historic form, material, location, setting, and integrity. A preservation professional has determined it is a contributing structure to the district and recommends an addition as a more appropriate treatment for the structure.

The proposed carriage house meets the Design Guidelines for **Garage, New Construction-Residential, and Site**. The alley has a mix of one-story garages, accessory structures, and carriage houses. The proposed structure meets the architectural context of the alley in location, size, massing, and scale and the materials are complimentary to those in the district. Staff recommends the structure be setback 5' from the alley. Historic concrete mix should be used for the drive apron.

### DECISION

On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness for demolition is approved.

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

1. The new construction shall conform to all other municipal regulations, including the Louisville Metro Land Development Code.
2. The applicant and/or their representative shall make provisions for screening and storing trash and recycling receptacles.
3. The applicant and/or their representative shall incorporate storm-water management provisions into the design of new construction so that any related runoff will not adversely impact adjacent properties and nearby historic resources.
4. The new garage apron shall be installed using historic concrete mix and shall preserve the limestone curbing **if it exists**.
5. Any exterior lighting shall be submitted to staff for approval. **Utilize down lighting approach with exterior alley side lighting.**
6. If the design or materials change, the applicant and/or their representative shall contact staff for review and approval prior to installation.
7. **Document the details of the existing garage and submit to staff.**
8. **Add a landscape buffer in the 10' setback in front of the non-garage portion of the alley façade.**

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