

# Board of Zoning Adjustment

## Staff Report

June 17, 2019



<b>Case No:</b>	19VARIANCE1043
<b>Project Name:</b>	Everett Avenue Variance
<b>Location:</b>	1266 Everett Avenue
<b>Owner:</b>	Adam Turla & Sarah Balliet
<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 western side yard setback.
2. from Land Development Code table 5.2.2 to allow a structure to encroach into the required eastern side yard setback.
3. from Land Development Code table 5.2.2 to allow a structure to encroach into the required rear yard setback.

Location	Requirement	Request	Variance
Western Side Yard	3 ft.	0.19 ft.	2.81 ft.
Eastern Side Yard	3 ft.	0.02 ft.	2.98 ft.
Rear Yard	5 ft.	4 ft.	1 ft.

### CASE SUMMARY/BACKGROUND

The subject property is zoned R-5B 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 proposes to replace an existing garage with a new garage with the same side and rear yard setbacks.

The Cherokee Triangle Architectural Review Committee approved the structure on condition under case number 19COA1084 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 to allow a structure to encroach into the required side and rear yard setbacks.

**Condition of Approval:**

#1) A survey of the southern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

**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 create an unnecessary hardship on the applicant by requiring the applicant to change the setback pattern from the existing garage and other surrounding garages.

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 TABLE 5.2.2 (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.

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STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to change the setback pattern from the existing garage and other surrounding garages.

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**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.2.2 (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 structure will need to be constructed to comply with all building codes, including fire codes.

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#### **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

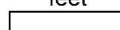
#### **ATTACHMENTS**

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

1. **Zoning Map**



1266 Everett Avenue  
feet



40  
Map Created: 6/11/2019



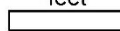
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2. Aerial Photograph



1266 Everett Avenue  
feet



40

Map Created: 6/11/2019

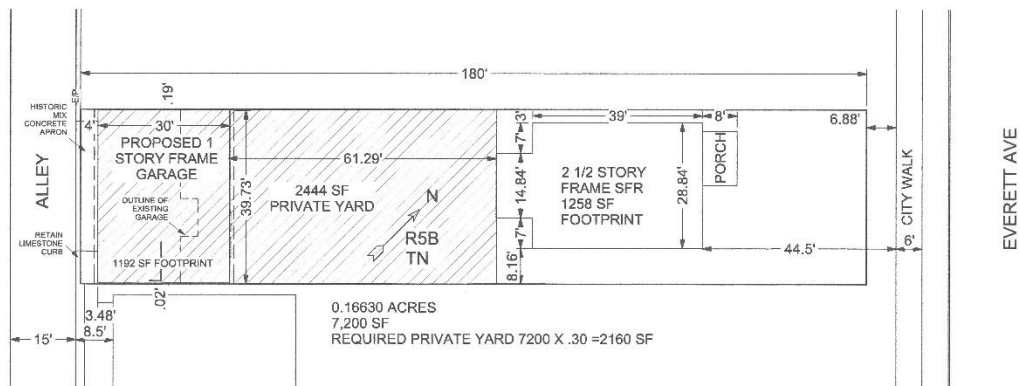


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### 3. Site Plan

1266 EVERETT AVE  
LOUISVILLE, KY 40206

3-16-19



PROPOSED SITE PLAN  
SCALE 1"=20'

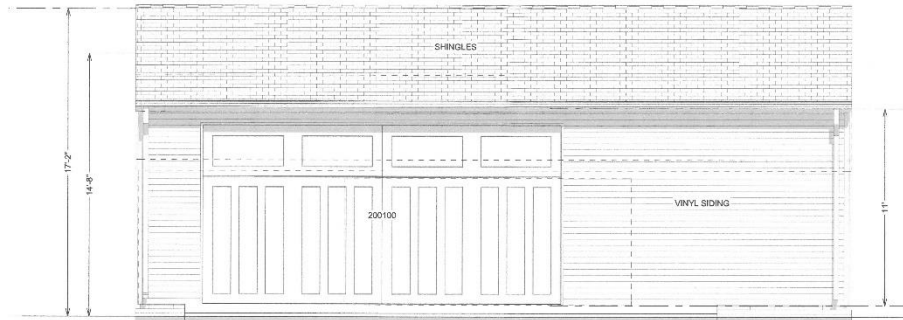
RECEIVED  
APR 26 2019  
PLANNING &  
DESIGN SERVICES



79 VARIANCE 1043



#### 4. Elevations



PROPOSED GARAGE FRONT (ALLEY) ELEVATION

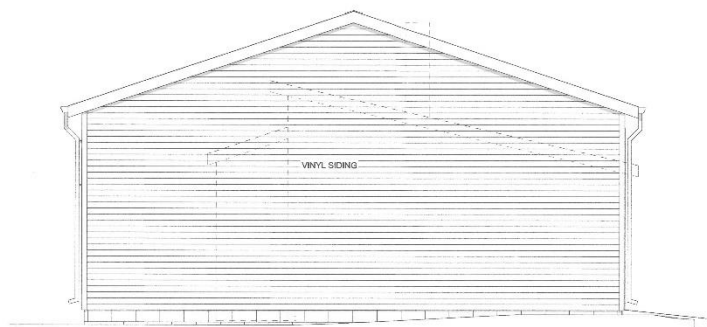
SCALE 1/4"=1'-0"

1266 EVERETT AVE  
LOUISVILLE, KY 40261  
3-16-19



PROPOSED GARAGE REAR (YARD) ELEVATION

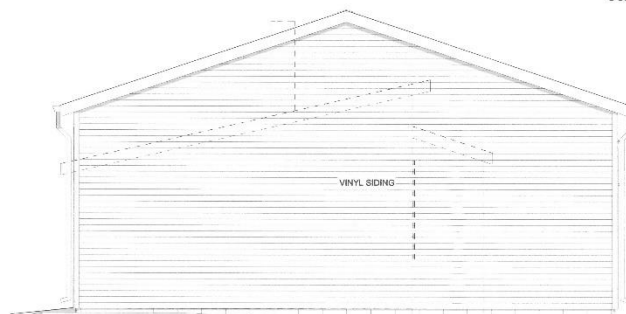
SCALE 1/4"=1'-0"



PROPOSED GARAGE LEFT SIDE ELEVATION

SCALE 1/4"=1'-0"

1266 EVERETT AVE  
LOUISVILLE, KY 40261  
3-16-19



PROPOSED GARAGE RIGHT SIDE ELEVATION

SCALE 1/4"=1'-0"



5. **Site Photos**



Front of the subject property.





Property to the left.





Property to the right.





Properties across Everett Avenue.





Existing garage.



Existing side yard setback.





Existing side yard setback.



Existing rear yard setback.





Adjacent rear yard setbacks.

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: Adam Turla and Sarah Balliet  
Thru: Cherokee Triangle Architectural Review Committee  
From: Becky Gorman, Historic Preservation Specialist  
Date: April 24, 2019

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**Case No:** 19COA1084  
**Classification:** Committee Review

**GENERAL INFORMATION**

**Property Address:** 1266 Everett Avenue

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

**Owner:** Adam Turla and Sarah Balliet  
1266 Everett Avenue  
Louisville, KY 40204

**Estimated Project Cost:** \$25,000

**Description of proposed exterior alteration:**

The applicant seeks approval to demolish the existing garage with one side wall to remain, and replace it with a new one story garage approximately 40' wide by 30' deep with a 4:12 side gable roof. The proposed sheathing will be Weathered Wood asphalt shingles, 4" exposure smooth vinyl siding, and ogee style aluminum gutters. The alley side will feature a 20' x 10' carriage style garage door. The yard side elevation will have a person door and 2 awning windows. The garage will be setback 4' off the rear property line (same as existing) while side setbacks will be less than a foot. The drive apron will be historic concrete mix.

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

The application was received on March 22, 2019. The application was determined to be complete and classified as requiring Committee Review on March 25, 2019.

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. Charlie Williams, the applicant's representative, was present. Staff representative Becky Gorman presented the case. There was a brief discussion about the gutters that will be on the new garage and the color. Fuller moved to approve the applications with staff's recommendations and add a condition that the gutters match those on the main house. The motion was seconded by Orr. The motion carried with all ayes.

## **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 zoned R5B is located on the south side of Everett Avenue in the Traditional Neighborhood Form District. It is located mid-block on Everett Avenue. The house is a 2½-story frame structure with wood lap siding and Victorian elements. In 2015, staff approved 2 cases (15COA1045 and 15COA1061) for new balusters for the front porch and replacement of a deck on the rear façade.

The 1905 Sanborn map shows a wood frame accessory structure in this location but it does not extend all the way across the lot like the existing structure currently does. The existing structure has been altered over time with a change in form and historic materials.

### **Conclusions**

The structure has been evaluated by a preservation professional and determined to be non-contributing to the district due to its lack of historic and material integrity. Staff recommends approval of the demolition of the structure.

The proposed new garage generally meets the Cherokee Triangle design guidelines for **Garage, New Construction-Residential, and Site**. The alley has an eclectic mix of accessory structures and carriage houses. The proposed

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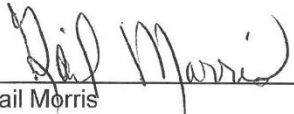
structure meets the architectural context of the alley in location, size, massing, and scale and the materials are complimentary to those in the district. The proposed garage door is taller in height than most other garage doors. However, the proposed design breaks up the height of the door.

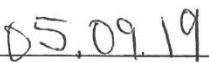
#### DECISION

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

1. Do not demolish existing non-contributing building in a manner that will threaten the integrity of existing structures.
2. Any exposed concrete block foundation shall be covered with stucco or another cementitious product within 6 months of completing the garage construction.
3. The applicant and/or their representative shall make provisions for screening and storing trash and recycling receptacles.
4. 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.
5. The new garage apron shall be installed using historic concrete mix and shall preserve that limestone curbing.
6. Any exterior lighting shall be submitted to staff for approval.
7. All Planning & Design approvals and building or other necessary permits shall be obtained prior to construction.
8. Any additional work or proposed changes to the approved work shall be submitted to staff for review and approval prior to installation.
9. **Gutters shall match those on the main house.**

*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.*

  
\_\_\_\_\_  
Gail Morris

  
\_\_\_\_\_  
Date

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