

Board of Zoning Adjustment

Staff Report

June 8, 2020



Case No:	20-CUP-0030
Project Name:	Casselberry Accessory Apartment
Location:	1714 Casselberry Road
Owner/Applicant:	Ashley Quinlan
Jurisdiction:	Louisville Metro
Council District:	8 - Brandon Coan
Case Manager:	Nia Holt, Planner I

REQUEST(S)

Conditional Use Permit to allow an accessory apartment in the R-5 Zoning and Neighborhood Form Districts.

CASE SUMMARY/BACKGROUND

The subject site is located in the R-5 Single-Family zone and Neighborhood Form District. The applicant is requesting approval to use an existing detached structure as an accessory apartment. The existing accessory apartment is located on the Southwest corner of the property above an existing garage. The apartment has one bedroom, a bathroom, and a kitchen. A laundry room to service the upstairs dwelling unit is in the garage. The accessory apartment was completed by the previous property owner who was notified back in 2005 in Building Permit #83770 that a dwelling unit would not be permitted without a Conditional Use Permit.

STAFF FINDING / RECOMMENDATION

There are four listed requirements. 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 established in the Land Development Code for a Conditional Use Permit.

RELATED CASES

There is an open zoning enforcement case under case #ENF-ZONE-19-00758 which is pending based on the result of this CUP case.

TECHNICAL REVIEW

Comments were received from Metro Emergency Services, MSD, and Transportation Planning.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on January 4, 2020 with three attendees. The property owners from 1720 Casselberry Rd, 1702 Cherokee Rd, and 1700 Cherokee Rd were in attendance. Those in

attendance expressed concern about the apartment being rented out. The applicant stated she would only rent the unit out to close friends or family but cannot speak for future owners. None of those property owners who participated in the meeting intend to oppose the proposal based on the neighborhood meeting summary.

Additional emails and phone calls were received from neighbors who could not attend the neighborhood meeting. Many were interested in whether a Short-Term Rental would be operated on the property and were satisfied when they learned that is not the case. Others wanted information to attend the public meeting.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conflict with Comprehensive Plan policies.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding development. No exterior alterations to the existing structure are proposed.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts up on the granting of a conditional use permit and compliance with the listed requirements.

A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. **The property owner resides in the principle dwelling.**

B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater. **PVA list the floor area of the principal structure as 4,125 square feet. The accessory apartment is 841 square feet which is 20% of the principal structure.**

C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate. **The standard is met.**

D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:

1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors. **There is a two-car garage under the proposed accessory apartment and another two-car garage under the principle structure. The property is also credited for three off-street parking spaces.**

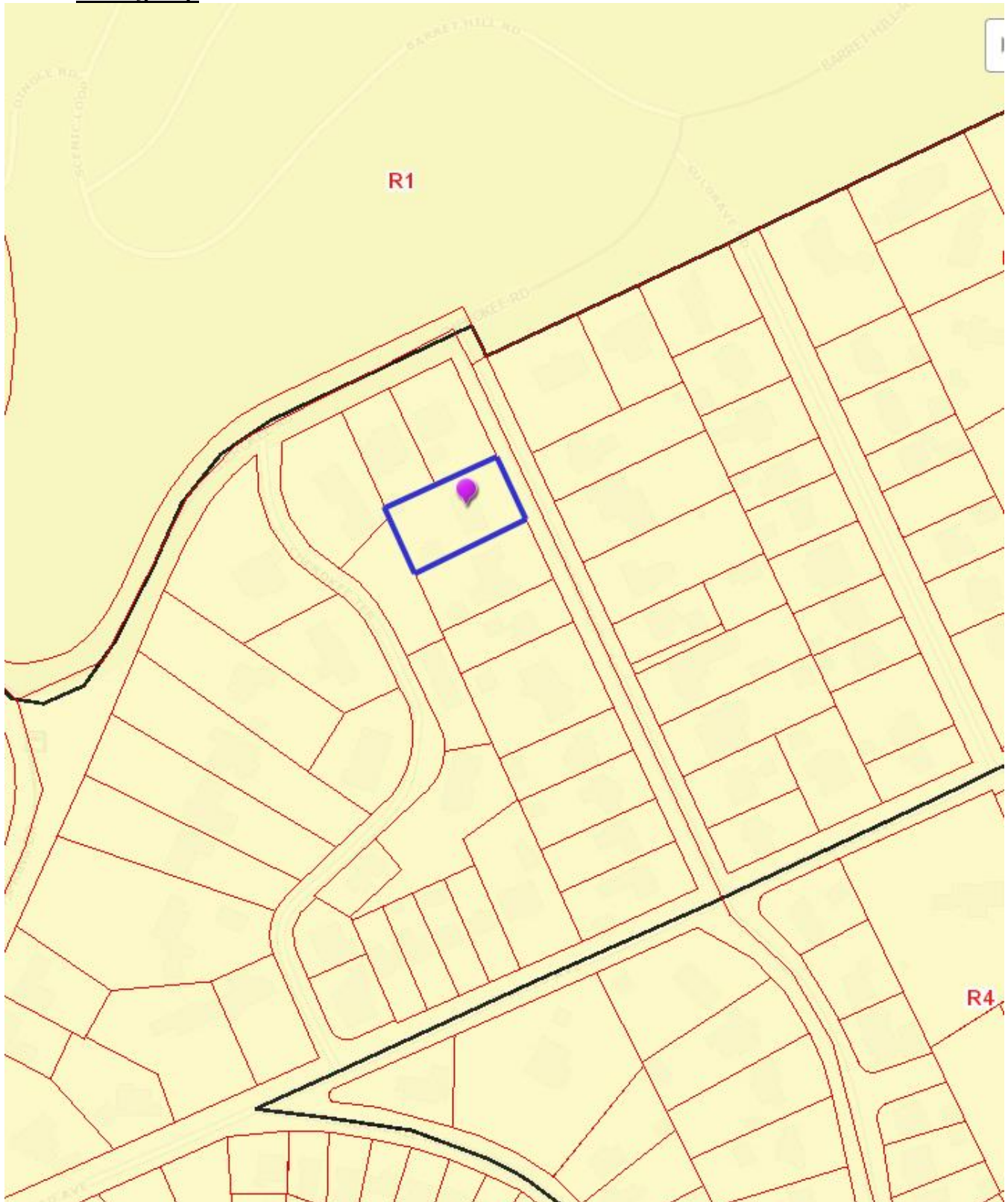
NOTIFICATION

Date	Purpose of Notice	Recipients
12/16/2019	Neighborhood Meeting	1 st and 2 nd tier adjoining property owners
5/20/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
5/26/2020	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Comments from Agencies
5. Plan 2040 Checklist
6. Proposed Conditions of Approval

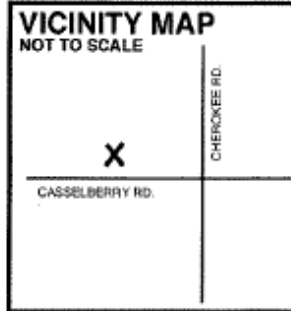
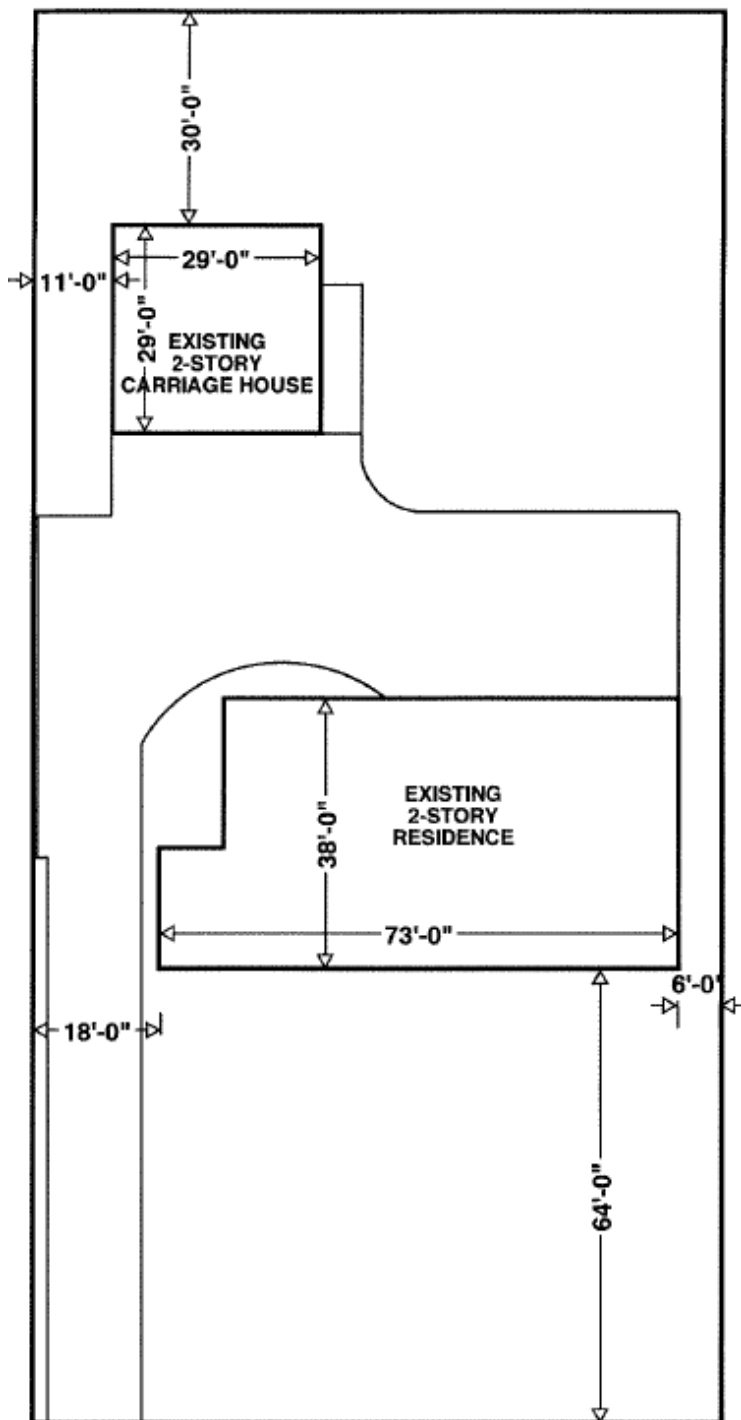
1. **Zoning Map**



2. **Aerial Photograph**



3. Site Plan



**1714 CASSELBERRY ROAD
LOUISVILLE, KY 40205**

SCALE= 1/2" = 10'

R-5 RESIDENTIAL DISTRICT

RECEIVED
FEB 06 2020
PLANNING &
DESIGN SERVICES

20 - CUP - 0030

4. Comments From Agencies

- Metro Emergency Services has reviewed the plan for 19-CUPPA-0273 (20-CUP-0030) located at 1714 Casselberry Rd. Pending approval of the request, the applicant will need to coordinate with our office for approval of an address for the accessory apartment. – Beth Allen, *MetroSafe*
- This site is required to have 3 parking spaces on-site with one being in a garage. From the aerial, this appears to be the case. – Beth Stuber, *Transportation*
- Ok, have them add the following note. Note: No construction proposed with this CUP. – Tony Kelly, *MSD*

5. Plan 2040 checklist

20-CUP-0030

Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The applicant requests approval for existing 841 square foot carriage house. The apartment portion will have one bedroom, a bathroom, and a kitchen.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks appear to be similar to other residential uses in the area.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	Transportation Planning has reviewed and approved the proposal.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and approved the proposal.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	NIS	Staff does not know if lighting will be provided.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD has reviewed and approved the proposal.
Goal 3 Housing			

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
1.	Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.	+	If well maintained, the smaller square footage of the carriage house allows for an affordable option in a more affluent neighborhood to the current and future tenant(s).
3.	Encourage the use of innovative methods such as clustering, mixed use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	+	The diversity of housing stock is encouraged with this proposed use.

6. Proposed Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an accessory apartment without further review and approval by the Board.
3. The applicant is required to contact Louisville Metro Emergency Services to have a unique address assigned to the accessory apartment.