

Board of Zoning Adjustment

Staff Report

October 26, 2020



Case No:	20-CUP-0122
Project Name:	Accessory Apartment
Location:	312 South Bayly Avenue
Owner/Applicant:	Janis W. Uhl Living Trust, by Jan Uhl
Jurisdiction:	Louisville Metro
Council District:	# 9- Bill Hollander
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow an accessory apartment in an R-5 Zoning District.

CASE SUMMARY/BACKGROUND

The 0.108 acre property is located on the west side of Bayly Avenue between Frankfort Avenue and Grinstead Drive in the Crescent Hill Neighborhood. The applicant has stated that the apartment was built over a garage in 2005 and the certificate of occupancy was issued in 2011. The accessory apartment is 605 square feet, therefore meeting the size requirement of being no more than 650 square feet or 30% of the floor area of the main residence. The Land Development Code states that there shall be no more than two adults residing in an accessory apartment.

STAFF FINDING / RECOMMENDATION

There are four listed requirements and all have been met. 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 LDC for a Conditional Use Permit.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on September 8, 2020, and seven invitees were in attendance. All were in support of the proposal.

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.

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. There are four listed requirements and all have been met.

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 owners will reside in the principal 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.

The proposed accessory apartment is 605 square feet.

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 proposal meets the guidelines of the Traditional Neighborhood Form District .

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;

- 2 **Traditional Neighborhood** - at least one off-street space provided on the lot; and
3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.

The site is within a Traditional Neighborhood and has parking on street and the garage.

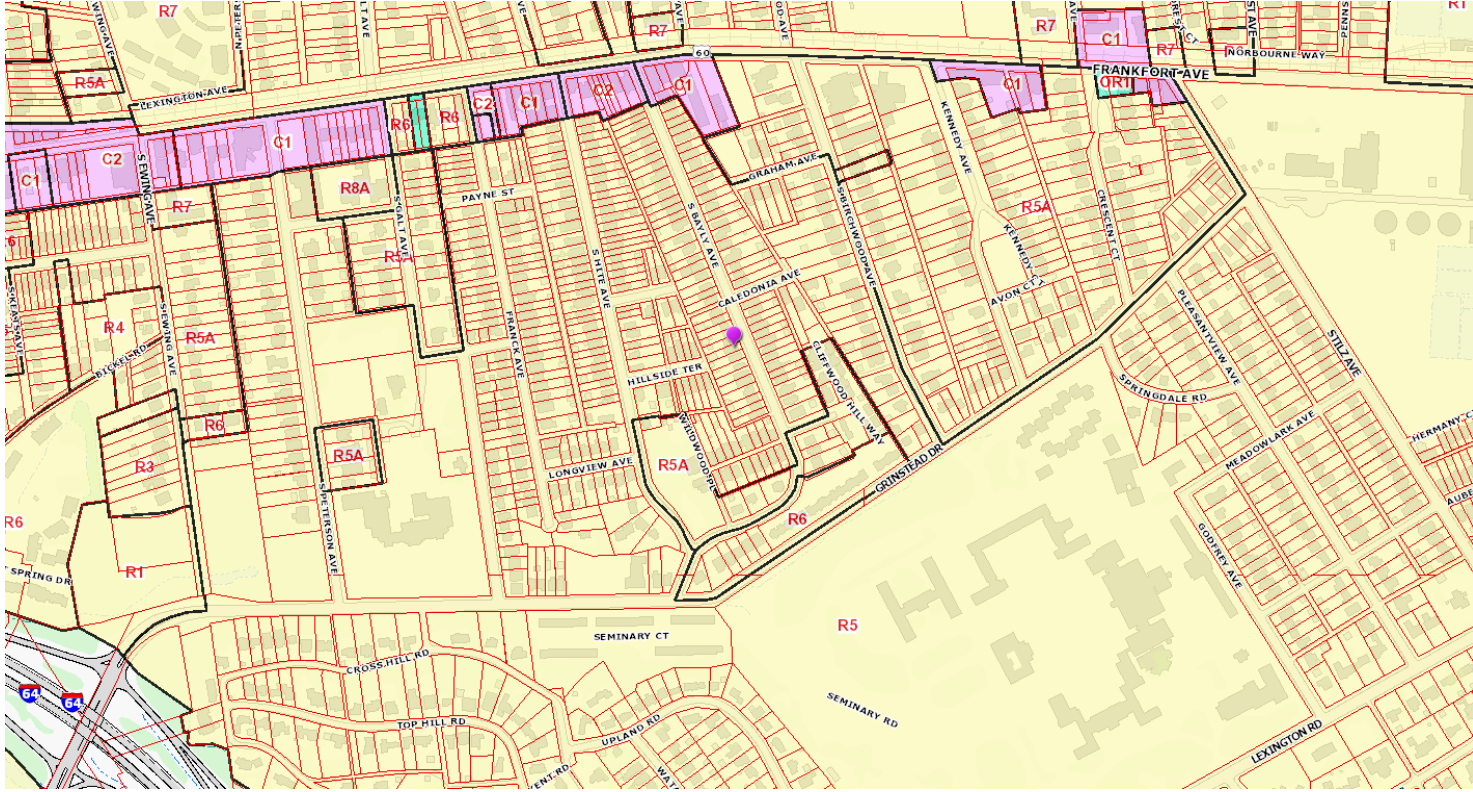
NOTIFICATION

Date	Purpose of Notice	Recipients
10/09/2020 10/07/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District # 9
10/12/2020	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Picture
4. Site Plan
5. Neighborhood Meeting Minutes
6. Plan 2040 Checklist
7. Conditions of Approval

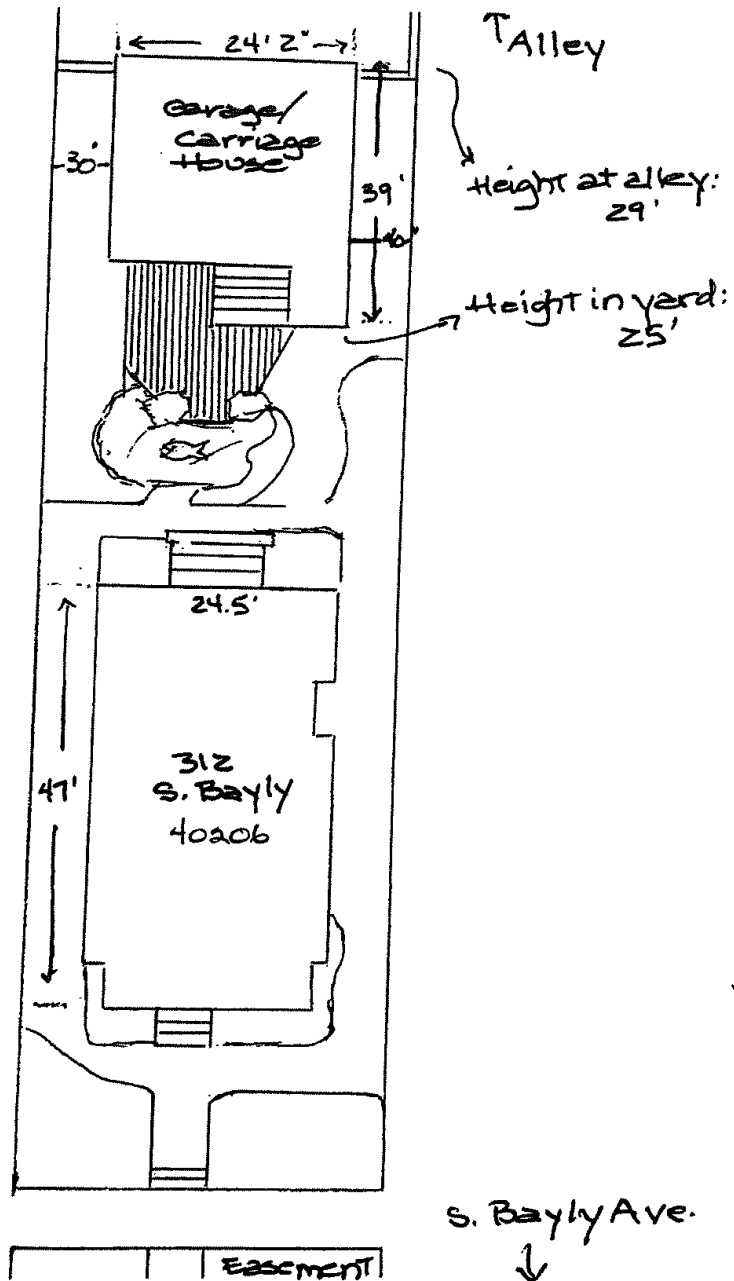
1. Zoning Map



2. Aerial Photograph







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PLANNING & DESIGN
SERVICES

20-CUP-0122

312 S.Bayly CUP Application

NEIGHBORHOOD MEETING NOTES

The meeting took place on September 8 in the front yard of 312 S. Bayly Ave. Over the course of 45 minutes owners of seven houses on Bayly stopped by.

Six of the neighbors expressed support for the existence of the carriage house with accessory apartment as an enhancement of the neighborhood and property values. The seventh owner, John Hines (owner of 322 S Bayly) was there to oppose what he thought was a proposed Airbnb; once he understood that it was not an Airbnb issue he was supportive.

Two other owners, Jeremy Winkie (306 S. Bayly) and Tony Hunter (2 Caledonia), who were unable to attend, sent messages of support.

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Plan 2040 Checklist

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.	+	Within Traditional Neighborhood Form District
Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	+	
Housing: Goal 1		
Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	+	Accessory Apartment
Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	+	
Develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing.	+	
Housing: Goal 2		
Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	+	
Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	+	
Encourage the inclusion of residential uses above retail and office uses in mixed-use, multi-story buildings. Provide flexibility to allow live-work units.	N/A	
Housing: Goal 3		
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.	+	
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.	+	

Conditions of Approval

1. The proposal 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 proposal shall not be used for an accessory apartment without further review and approval by the Board.