

**20-VARIANCE-0095**

**20-VARIANCE-0096**

# **Baxter Avenue Variance**



**Louisville Metro Board of Zoning Adjustment  
Public Hearing**

**Zach Schwager, Planner I  
December 7, 2020**

# Request

- **Variance**: (20-VARIANCE-0095) from Land Development Code section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback and table 5.2.2 to allow the structure to encroach into the required side yard setbacks.
- **Variance** (20-VARIANCE-0096) from Land Development Code section 5.4.1.D.2 to allow a private yard area to be less than the required 20% of the area of the lot.

# Request

Location	Requirement	Request	Variance
Infill Front Yard Private Yard Area	15 ft. 713 sq. ft.	0 ft. 551 sq. ft.	15 ft. 162 sq. ft.

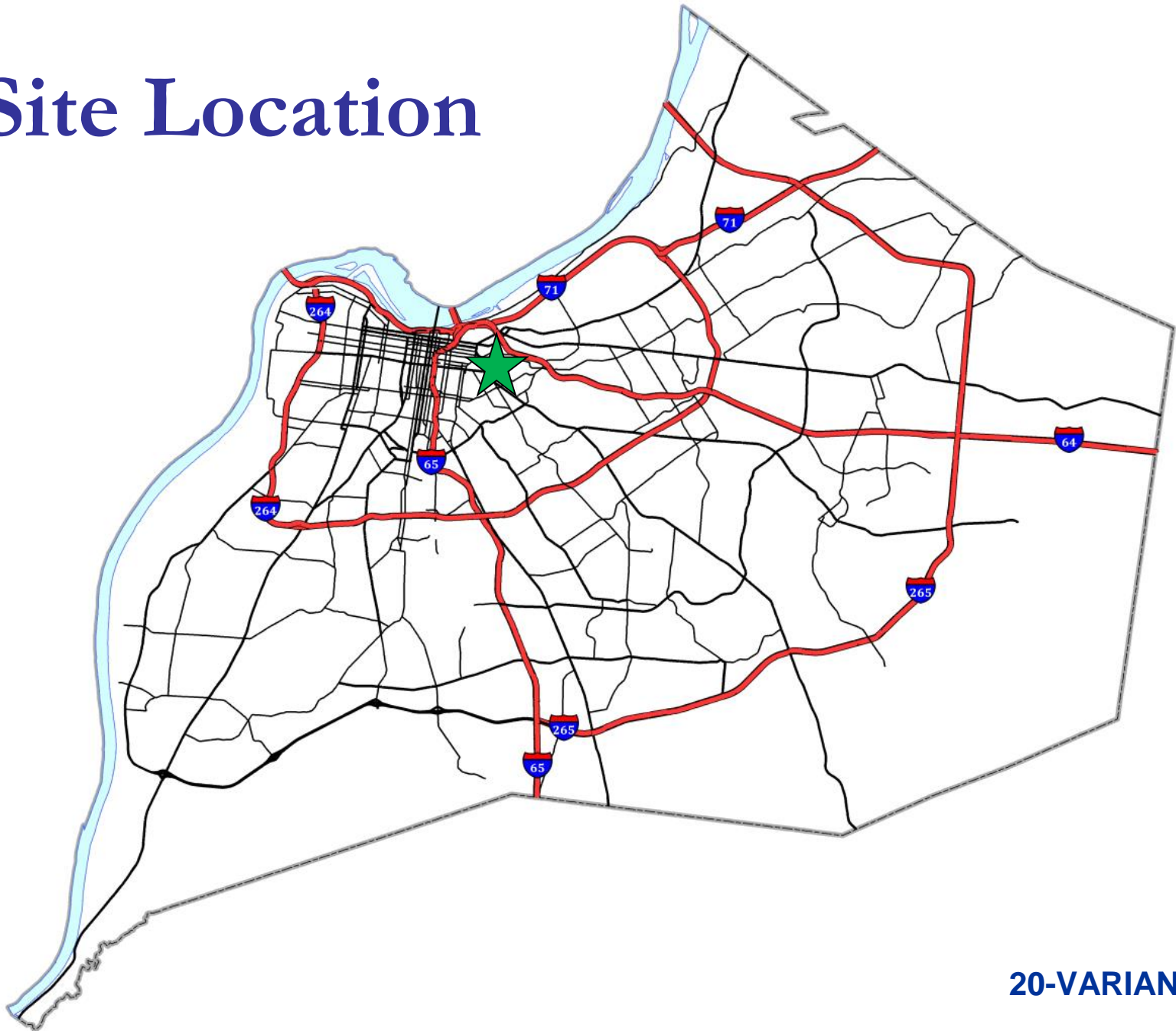
# Case Summary / Background

- The subject site is zoned C-2 Commercial in the Traditional Neighborhood Form District in the Irish Hill neighborhood.
- It is currently vacant office space and the applicant wants to change the principal structure to a single-family structure with an accessory apartment at the rear of the property.

# Case Summary / Background

- The applicant is proposing to construct a two-story addition onto the front of the existing structure to make it completely two-stories.
- This addition would encroach into the infill front and side yard setbacks.
- There is also a proposed addition for the accessory structure that would reduce the private yard area to be less than the required 20% of the area of the lot.

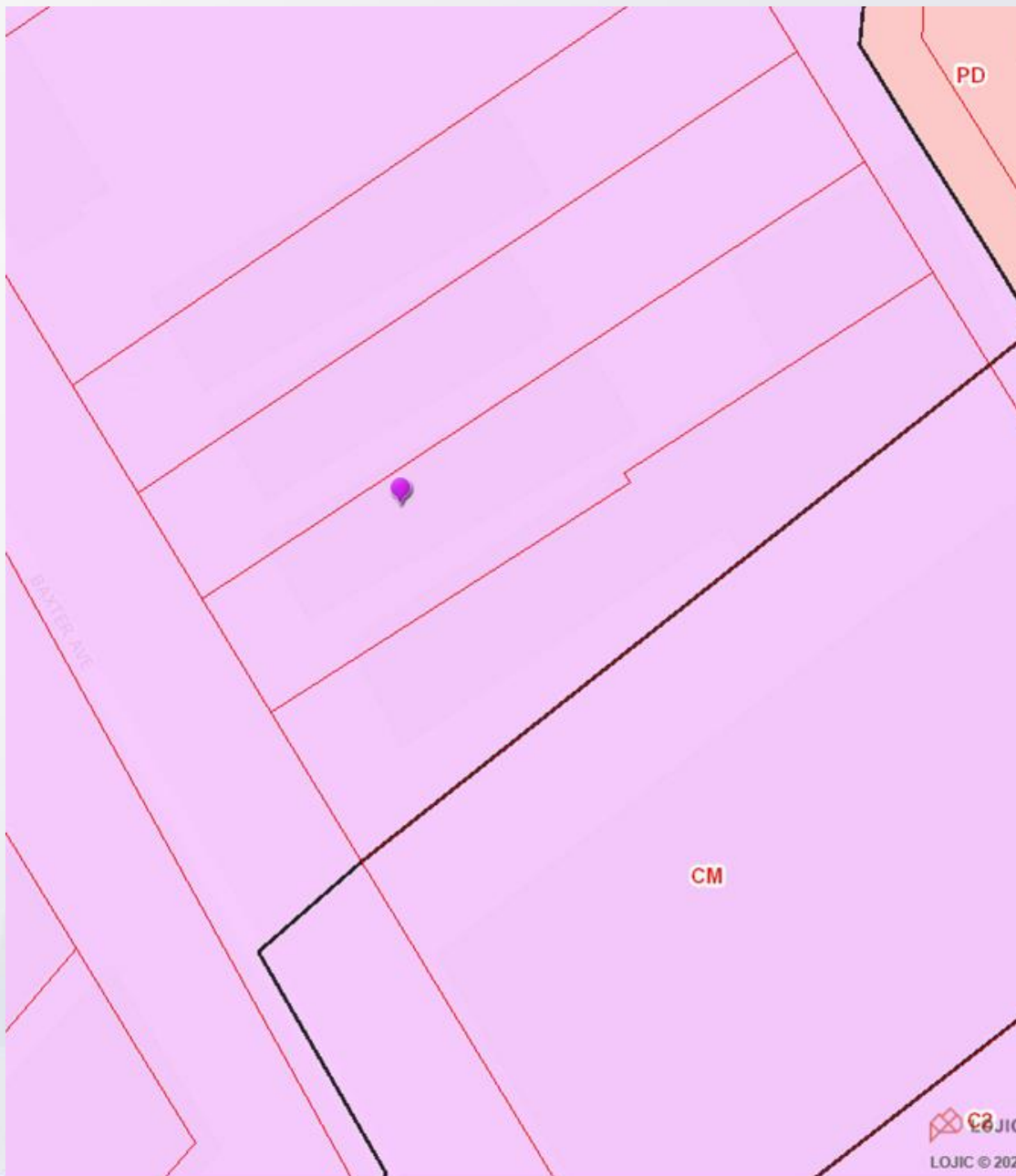
# Site Location



20-VARIANCE-0095

20-VARIANCE-0096













# Site Plan

## NOTES

1. THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OR PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

2. THIS PROPERTY IS SUBJECT TO ALL LEGAL ROADWAYS, RIGHT-OF-WAYS, EASEMENTS IF ANY, WHETHER SHOWN OR NOT.

3. THE EXISTING BUILDINGS, DRIVEWAY AND IMPROVEMENTS ARE TO BE UNDISTURBED.

## FLOOD NOTE

SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X" PER A REVIEW OF FIRM MAP #21111C0042E, EFFECTIVE 12/5/06. BASED ON THE ABOVE INFORMATION THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100-YR FLOOD PLAIN.

## SITE DATA

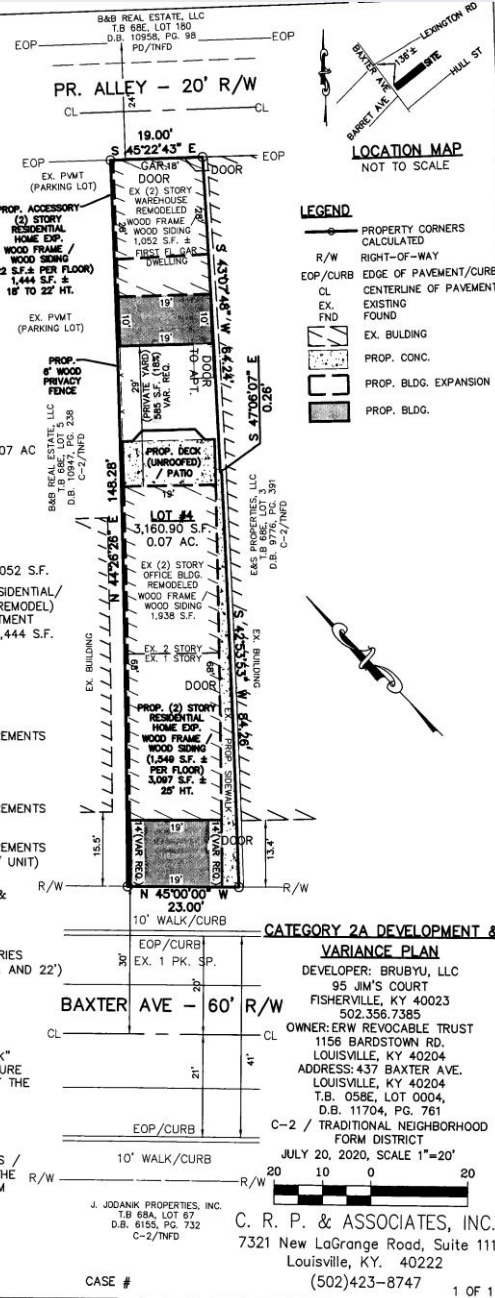
SIZE: 3,106.90 S.F. / 0.07 AC  
EX. ZONING: C-2  
EX. FORM DIST.: TNFD  
PROP. ZONING: UNCHANGED  
PROP. FORM DIST.: UNCHANGED  
EX. USE/S.F.: OFFICE/1,938 S.F.  
STORAGE BLDG./1,052 S.F.  
PROP. USE/S.F.: SINGLE FAMILY RESIDENTIAL/  
3,097 S.F. (EXP./REMODEL)  
ACCESSORY APARTMENT  
(EXP./REMODEL)/1,444 S.F.  
TOTAL SIZE: 4,541 S.F.  
FLOOR AREA RATIO: 0.73 (1.0 MAX.)  
MIN. LOT AREA: N/A  
MIN. LOT WIDTH: N/A  
MIN. FRONT YARD: PER INFILL REQUIREMENTS

MIN. ST. SIDE YARD: 3' (N/A)  
MAX. FRONT SETBACK: PER INFILL REQUIREMENTS  
MIN. SIDE YARD: NONE  
MIN. REAR YARD: PER INFILL REQUIREMENTS  
PARKING REQ: 2 SPACE (1 SP. / UNIT)  
PARKING MAX: 3 SPACE  
PARKING PROVIDED: 1 STREET SPACE &  
1 GAR SPACE  
2 TOTAL  
MAX. BLDG. HT.: 45' FT. OR 3 STORIES  
(PROVIDED 25' HT. AND 22")

## VARIANCE REQUEST(S):

LAND DEVELOPMENT CODE INFILL DEVELOPMENT REGULATIONS SECTION 5.1.12.A.2.a. "INFILL DIMENSIONAL REQUIREMENTS / FRONT YARD SETBACK" TO ALLOW FOR THE PROPOSED STRUCTURE EXPANSION TO BE CONSTRUCTION PAST THE TWO NEAREST LOTS TO THE RIGHT-OF-WAY.

LAND DEVELOPMENT CODE INFILL DEVELOPMENT REGULATIONS SECTION 5.4.1.D.3. "TRADITIONAL FORM DISTRICTS / PRIVATE YARD AREA" TO ALLOW FOR THE PRIVATE YARD AREA BE REDUCED FROM 20% TO 18%.



## CATEGORY 2A DEVELOPMENT & VARIANCE PLAN

DEVELOPER: BRUBYU, LLC  
95 JIM'S COURT  
FISHERVILLE, KY 40023  
502.356.7365  
OWNER: ERW REVOCABLE TRUST  
1156 BARDSTOWN RD.  
LOUISVILLE, KY 40204  
ADDRESS: 437 BAXTER AVE.  
LOUISVILLE, KY 40204  
T.B. 058E, LOT 0004,  
D.B. 11704, PG. 761

C-2 / TRADITIONAL NEIGHBORHOOD FORM DISTRICT

JULY 20, 2020, SCALE 1"=20'

C. R. P. & ASSOCIATES, INC.  
7321 New LaGrange Road, Suite 111  
Louisville, KY 40222

(502)423-8747

1 OF 1

# Elevations





# Site Photos-Subject Property



Front of subject property.

20-VARIANCE-0095

20-VARIANCE-0096

# Site Photos-Subject Property





# Site Photos-Subject Property

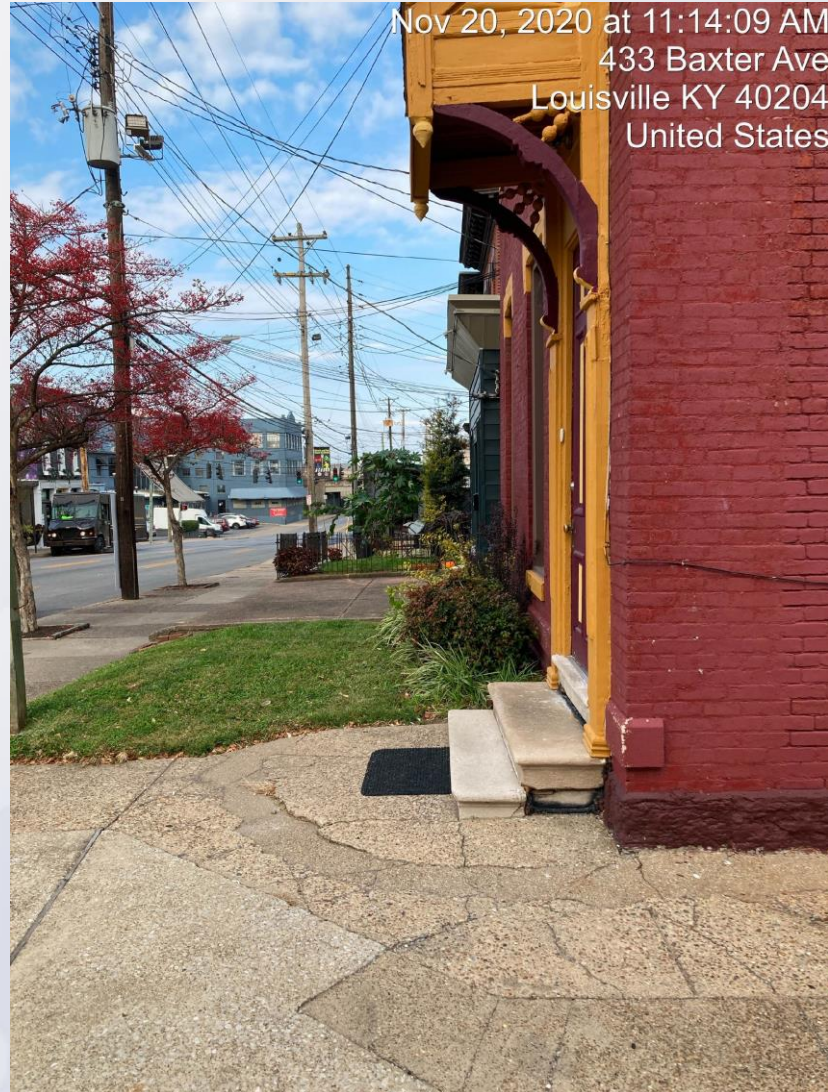


# Site Photos-Subject Property





# Site Photos-Subject Property



Variance area.

20-VARIANCE-0095

20-VARIANCE-0096

# Site Photos-Subject Property



Variance area.

20-VARIANCE-0095

20-VARIANCE-0096



# Site Photos-Subject Property



Existing accessory  
structure on the right.

20-VARIANCE-0095

20-VARIANCE-0096



# Site Photos-Subject Property



# Site Photos-Subject Property



# Conclusion

- Staff finds that the requested variance for 20-VARIANCE-0095 meets standard (c) but staff is concerned that the variance request does not meet standards (a), (b), and (d) as described in the standard of review and staff analysis.
- Staff finds that the requested variance for 20-VARIANCE-0096 is adequately justified and meets the standard of review.

# Required Action

- **Variance:** (20-VARIANCE-0095) from Land Development Code section 5.1.12.A.2.a to allow an addition to an existing principal structure to encroach into the required infill front yard setback and table 5.2.2 to allow the structure to encroach into the required side yard setbacks.
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Approve/Deny

# Required Action

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