

# MINUTES OF THE MEETING

## OF THE

### LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

MARCH 15, 2004

#### DOCKET NO. B-29-04

#### Applicants/Owners:

Andrew & Polly Adler

#### Subject:

An application for a Conditional Use Permit to allow a proposed accessory apartment in an R-5 Zoning District.

#### Premises affected:

On property known as 1764 Spring Drive and being in Louisville Metro.

#### Appearances for Applicants:

Polly Adler, 1764 Spring Drive, Louisville, Kentucky 40205.

Arthur Cromer, 2217 Alta Drive, Louisville, Kentucky 40205.

#### Appearances-Interested Party:

No one.

#### Appearances Against Applicants:

No one.

On February 19, 2004, Andrew & Polly Adler, filed an application for a Conditional Use Permit to allow a proposed accessory apartment in an R-5 Zoning District.

On March 15, 2004, at a meeting of the Board, a hearing was held on the case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A video of the site and surrounding area was shown.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the Planning and Design Services Office.

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The recording of this hearing will be found on the CD of the March 15, 2004 proceedings.

After the public hearing and a further discussion of the case by the members of the Board in open business session, on a motion by Member Francis, seconded by Member Rhodes, the following resolution was adopted:

**WHEREAS**, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing that the proposal is to allow a proposed accessory apartment in an R-5 Zoning District; and

**WHEREAS**, the Board finds that the applicant is requesting a Conditional Use Permit to allow an accessory apartment on 0.87 acres that is located at the rear of the property; that the scale of the structure is in keeping with existing structures along this section of Maryland Avenue; and

**WHEREAS**, the Board finds that the property is within a Traditional Neighborhood Form District; that the existing carriage house is 1 ½ stories and the proposed 300 square foot addition will be on the eastern side toward the main residence; that the addition will be board and batten with a copper roof on the existing and the addition; that there will be two porch lights placed on the accessory apartment which will be at least 250 feet from the nearest residential structure; that the carriage house will blend in with the existing vicinity since it will maintain a residential design; that there are existing trees and vegetation to serve as a buffer; that the structure has been there since the early 1900s; that no additional parking is required; and

**WHEREAS**, the Board finds the proposal to be in conformance with the Comprehensive Plan because it complies with all applicable guidelines, principles and objectives of the Comprehensive Plan, as it has received preliminary approval from the Louisville Metro Public Works Department and Louisville/Jefferson County Metropolitan Sewer District;

**NOW, THEREFORE, BE IT RESOLVED**, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**.

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#### **The conditions are as follows:**

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 accessory apartment shall be used only by family members of those residing in the main house.
3. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year 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.

#### **The vote was as follows:**

**YES: Members Francis, Rhodes, Anderson, Howard, Saunders and Crowder.**

**NO: No one.**

**NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.**

**ABSTAINING: No one.**