

Board of Zoning Adjustment

Staff Report

April 21, 2025



Case No:	25-CUP-0061
Project Name:	Accessory Dwelling Unit
Location:	1634 Edenside Ave
Applicant:	Eileen Kearney
Representative:	Eileen Kearney
Jurisdiction:	Louisville Metro
Council District:	8 – Ben Reno-Weber
Case Manager:	Mark Pinto, Planner II

REQUEST

- **Conditional Use Permit** to allow an **Accessory Dwelling Unit** (LDC 4.2.3).

CASE SUMMARY

The subject property is located near the intersection of Edenside Avenue, Baxter Avenue, and Tyler Park Drive, south of Tyler Park. The site is within the R-5 Single-Family Residential zoning district and Traditional Neighborhood form district. The applicant has requested a conditional use permit for an owner-occupied accessory dwelling unit (ADU) that does not meet all special standards outlined in LDC 4.3.27. The accessory dwelling unit would be located in the existing two-story accessory structure, which consists of a garage on the first level and occupiable space on the second level. The occupant proposes to renovate the second level into an accessory unit. The existing accessory structure is 936 sq ft. LDC 4.3.27.B for ADUs permitted with special standards states the maximum ADU size is 800 sq ft. Therefore, a conditional use permit has been requested.

STAFF FINDING

The proposal is adequately justified for approval based on staff's analysis and the standard of review.

TECHNICAL REVIEW

Land Development Code (2025)

Comprehensive Plan 2040

MSD and Transportation have preliminarily approved the plan.

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 is consistent with the land use and development policies of Plan 2040. Housing Goal 1, Policy 1 calls to encourage a variety of housing types including accessory

residential structures. The conditional use permit would allow an ADU to be located on a traditional neighborhood, R-5 single-family property that otherwise would not permit a second dwelling unit.

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 proposed use is compatible with surrounding development and land uses. Residential properties within the immediate vicinity along the alley network have accessory structures that are similar in size, scale, and location within the required rear yard. The proposed ADU will be located in the existing two-story accessory structure, which is meeting all applicable requirements of residential site design for accessory structures within the traditional neighborhood form district such as height, size, location, and setbacks.

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: Necessary on-site and off-site public facilities shall be adequate to serve accessory dwelling unit. MSD and Transportation have reviewed the proposal and all outstanding agency comments have been addressed. Existing transportation networks, emergency services, and civic amenities exist within the context of the traditional neighborhood to serve the proposal.

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

LDC 4.2.3 Accessory Dwelling Unit (ADU):

Accessory dwelling units that do not meet the provisions of Section 4.3.27 may be allowed in the R-R, R-E, R-1, R-2, R3, R-4, R-5, and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. All special standards outlined within Section 4.3.27 are met unless relief is granted by the Board. Applications requesting relief from special standards in Section 4.3.27 shall provide written justification demonstrating the reasons why relief should be granted and how such relief would retain the accessory nature of the dwelling unit.

LDC 4.3.27 Accessory Dwelling Units Permitted with Special Standards:

Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts that permit residential use in accordance with the following standards:

A. One ADU, either attached or detached is permitted per single family dwelling per lot.

B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.

C. Location Requirements:

1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.

2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure.

D. ADU Access:

1. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.

E. Maximum Height:

1. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
2. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.

F. ADUs approved under this provision shall not be used as a short term rental.

G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval.

H. Off-street parking shall meet the requirements of Chapter 9 of this LDC.

I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A).

J. The owner of the property shall reside within either the principal or the accessory dwelling unit.

K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units.

STAFF: The existing accessory structure is 936 sq ft. Standard B states the maximum ADU size is 800 sq ft. or 30% gross floor area of the main home, whichever is greater. Since the ADU will exceed 800 sq ft. the conditional use permit has been requested. The accessory structure and ADU are meeting all other standards outlined in LDC 4.3.27.

REQUIRED ACTION

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow an **Accessory Dwelling Unit** (LDC 4.2.3).

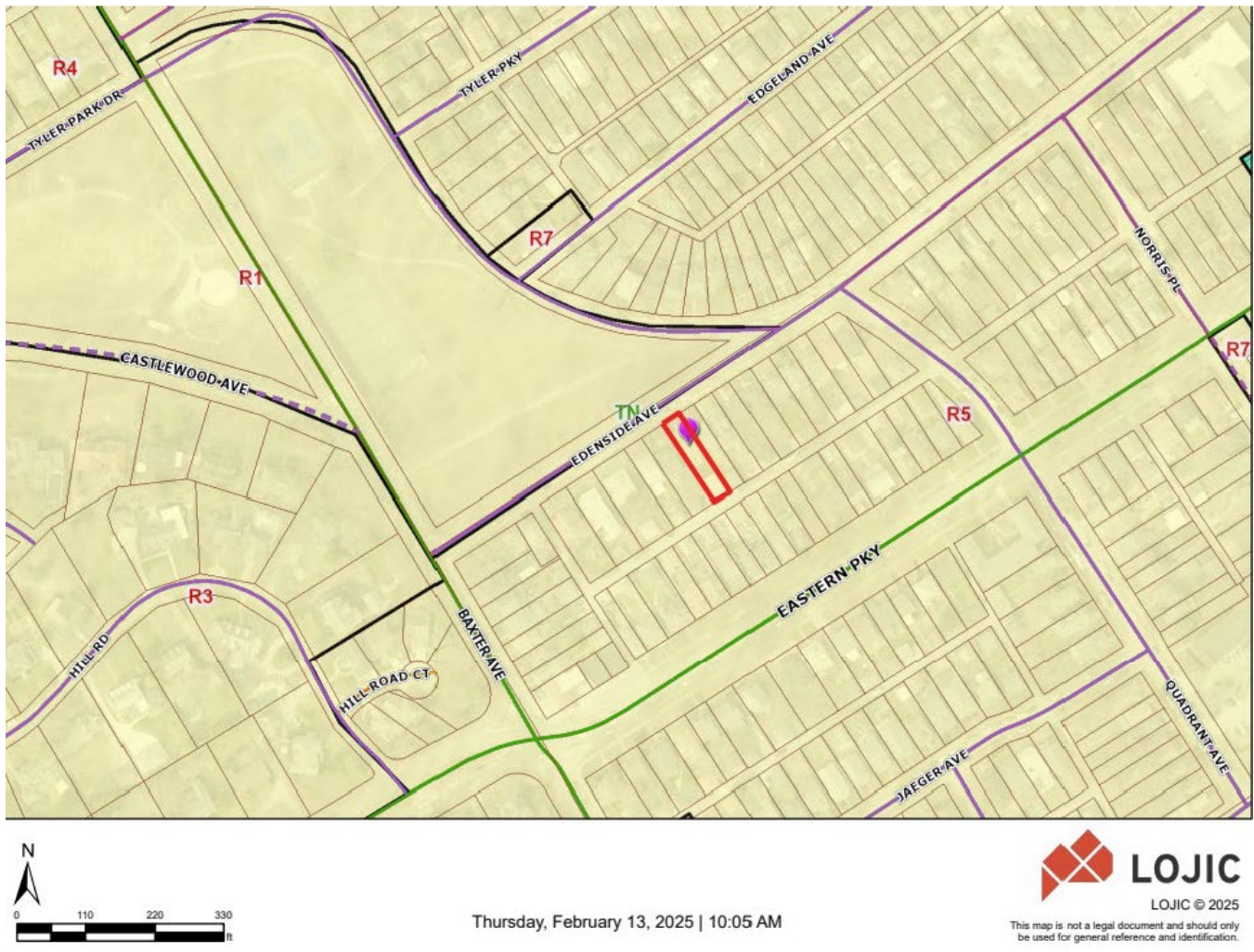
NOTIFICATION

Date	Purpose of Notice	Recipients
04/02/2025	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and residents.
04/03/2025		Registered Neighborhood Groups in Council District 8
04/04/2025	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. 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. Prior to the occupancy, the property owner shall contact Louisville Metro Emergency Services to have a unique address assigned to the accessory dwelling unit.
3. 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 dwelling unit until further review and approval by the Board.