

Board of Zoning Adjustment
Staff Report
 October 29, 2018



Case No.	18VARIANCE1087
Project Name	Setback Encroachment
Location	4305 Churchill Road
Owner	Alex Edwards
Applicant	Distinctive Design
Jurisdiction	City of St. Matthews
Council District	9 – Bill Hollander
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

- Variance to permit a structure to encroach into a required side yard and to reduce the total side yard requirement (City of St. Matthews Development Code 4.7.C.2.b.)

Location	Requirement	Request	Variance
Minimum side yard	5 ft	0 ft	5 ft
Minimum total side yard	10 ft	8 ft 3 in	1 ft 9 in

CASE SUMMARY / BACKGROUND

The site is located on the north side of Churchill Road between Winchester Road and S. Hubbards Lane. It and all adjoining properties are zoned R-5 Single-Family Residential within a Neighborhood form district.

Existing development on the site consists of a single-family residence and a two-vehicle detached garage. The applicant is constructing an addition to the residence; a review of the proposal revealed the side yard encroachment for the existing garage. The residence was constructed in 1941; the age of the garage is not known.

The St. Matthews Development Code includes requirements for both minimum side yard width and for total side yard width, defined as the sum of both side yards on the site. Variances are necessary for both requirements.

No changes to the existing garage are proposed; the requested variances will bring the existing garage into compliance with current code requirements.

STAFF FINDING

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance to permit a structure to encroach into a required side yard and to reduce the total side yard requirement (City of St. Matthews Development Code 4.7.C.2.b.).

TECHNICAL REVIEW

No technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The placement of the garage does not affect public health, safety or welfare.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The existing garage is in character with existing development in the vicinity.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The existing garage will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

(d) The requested variance will not allow an unreasonable circumvention of zoning regulations.

STAFF: Permitting the existing structure to remain is not an unreasonable circumvention of zoning regulations.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: There are no special circumstances related to the site but the existing garage is consistent with site development in the vicinity.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The application of the regulation would create an unnecessary hardship in that the structure has existed for a significant period of time.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The variance is not the result of actions taken by the applicant.

NOTIFICATION

Date	Purpose of Notice	Recipients
10/12/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 9 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map



2. Aerial Photograph



3. Site Plan

RECEIVED

AUG 30 2018

DESIGN SERVICES



SITE PLAN

