

**Board of Zoning Adjustment**  
**Staff Report**  
 November 20, 2017



<b>Case No:</b>	17VARIANCE1084
<b>Project Name:</b>	517 Lola Road Garage
<b>Location:</b>	517 Lola Road
<b>Owner(s):</b>	Chelsea Slevin
<b>Applicant:</b>	Chelsea Slevin
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Dante St. Germain, Planner I

**REQUEST**

- **Variance** from St. Matthews Development Code section 4.6.C.2.b to allow an accessory structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	6 ft.	2 ft.	4 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the City of St. Matthews. The property currently contains a two-story single-family residence. The property had a detached garage to the rear of the house, but this accessory structure has been demolished. A wrecking permit was obtained by the applicant from Construction Review on September 19, 2017 under case # WR1036812. The applicant proposes to construct a new garage in approximately the same location of the original accessory structure, with the same setback from the side property line as the original garage. The applicant therefore requests a variance for the encroachment into the side yard setback.

Staff has received signatures from all adjoining property owners approving of the proposed construction and therefore a public hearing is not required.

**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, and 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 established in the City of St. Matthews Development Code from section 4.6.C.2.b to allow an accessory structure to encroach into the required side yard setback.

**TECHNICAL REVIEW**

- No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.6.C.2.b**

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the setback of the new garage will be the same as the setback of the existing garage, which has caused no known adverse effects.

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

STAFF: The requested variance will not alter the essential character of the general vicinity as the garage has been in its current position for many years and other properties in the neighborhood have garages with similar setbacks.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public as the proposed garage will have the same setback as the existing garage, which has caused no known hazard or nuisance.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed setback previously existed and is proposed to be maintained.

## **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: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as a garage previously existed with the proposed setback and the proposed garage is to maintain the prior setback.

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 strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to relocate part of the driveway leading to the garage after the garage is shifted to the side.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

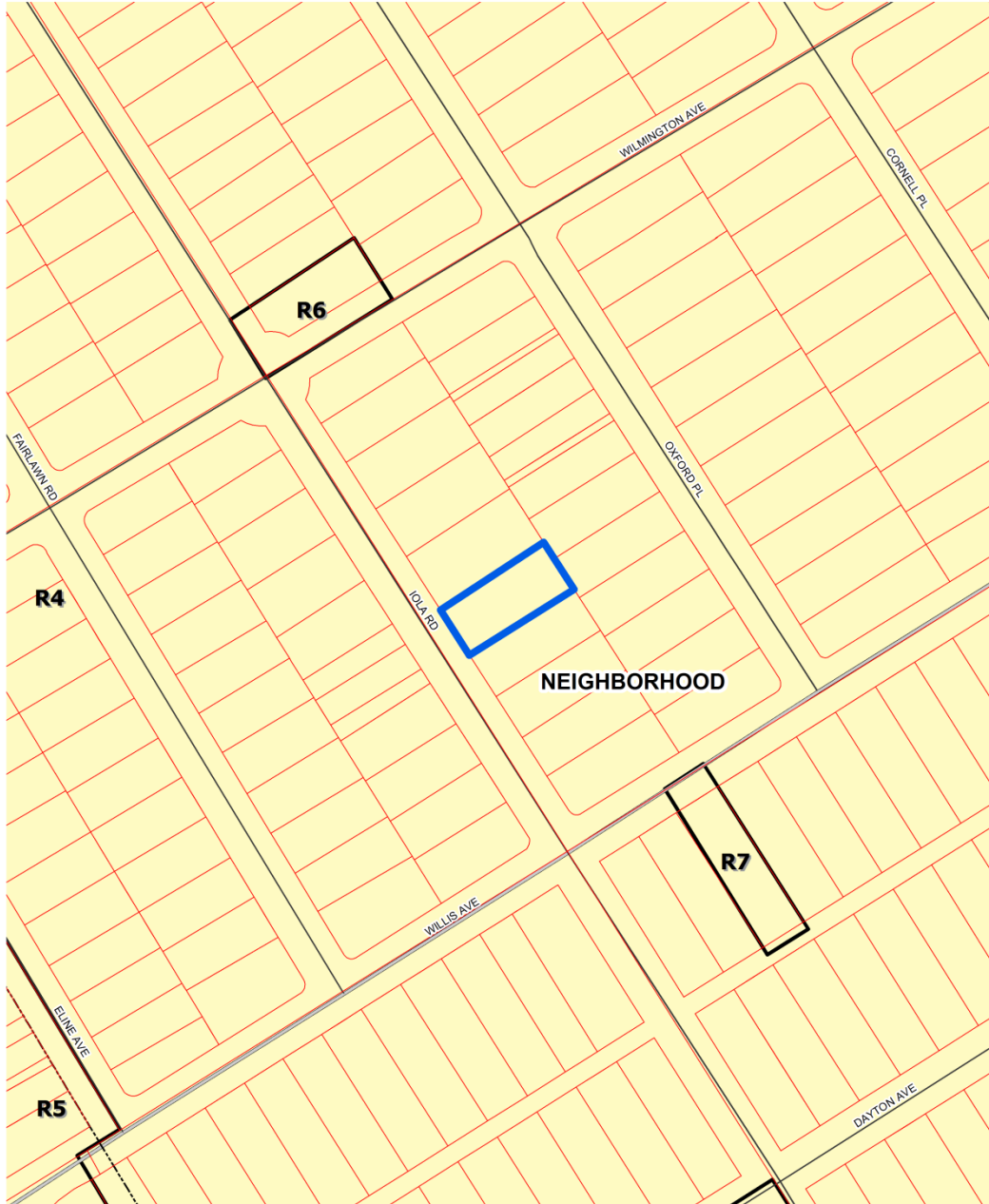
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
11/03/2017	Hearing before BOZA	Not required for Business Session Item

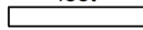
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

1. Zoning Map



517 Iola Road  
feet



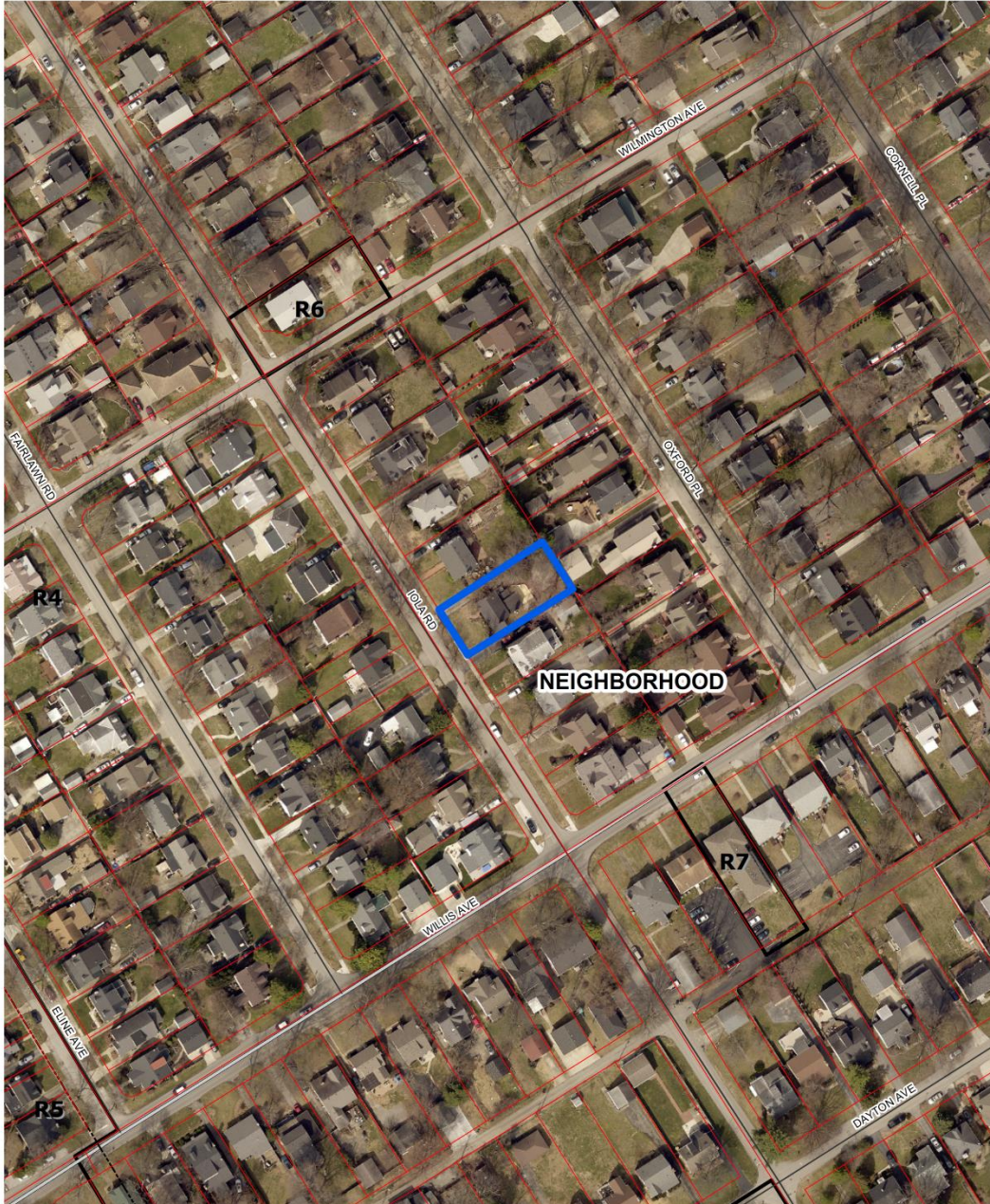
140

Map Created: 11/9/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



517 Iola Road  
feet

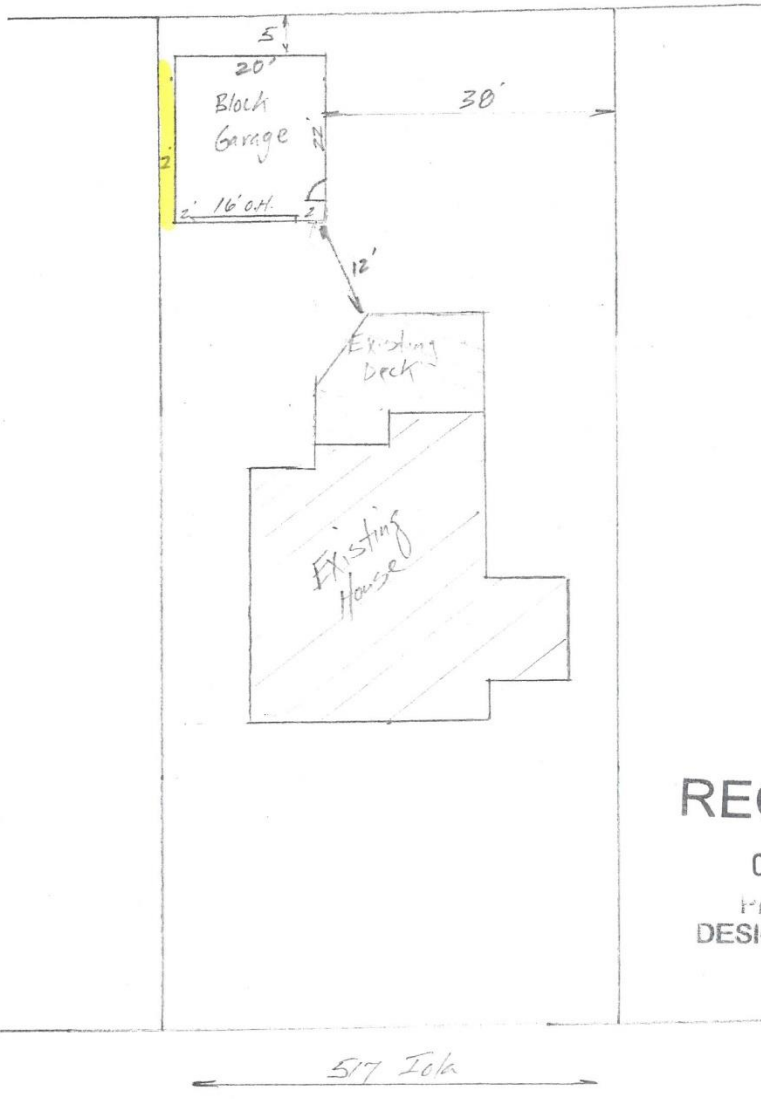
140

Map Created: 11/9/2017



Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Site Plan



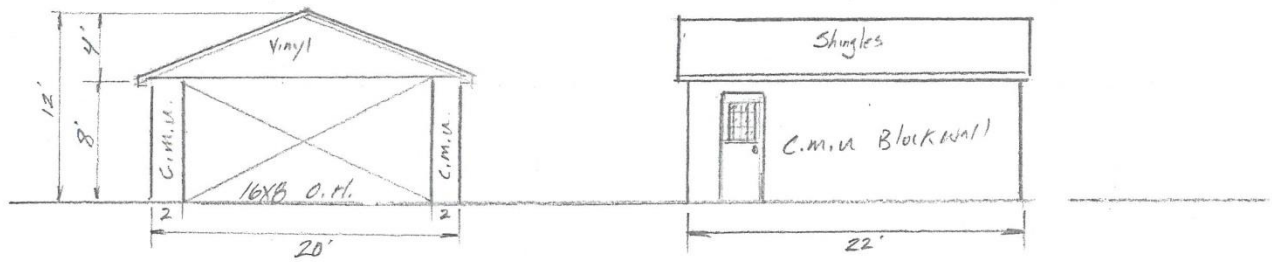
RECEIVED  
OCT 30 2017  
PLANNING &  
DESIGN SERVICES

Jonathan Slevin  
517 Iola

17 VARIANCE 1084

1-20

4. Elevations



RECEIVED  
OCT 30 2017  
DESIGN SERVICES

17 VARIANCE 1084

5. Site Photos





