

# Board of Zoning Adjustment Staff Report

June 2, 2014



<b>Case No:</b>	14Variance1035
<b>Project Name:</b>	(none) Residential
<b>Location:</b>	207 Eline Aveune
<b>Owner(s):</b>	Karen Force
<b>Applicant:</b>	Karen Force
<b>Representative:</b>	Mick Miller, Force Construction Company
<b>Project Area/Size:</b>	0.109 acres
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Tina Ward-Pugh
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

## REQUEST

- Variance from the Development Code, Article 9.2.R, to allow an existing detached garage, as a resultant of a porch addition, to be 2 feet from the north side yard property line.

### Variance

Location	Requirement	Request	Variance
Side Yard (North)	4 feet	2 feet	2 feet

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Due to the construction of a rear porch on the existing house in the City of St. Matthews, the existing detached garage is located too close to the northern side yard property line. A detached garage is allowed to be 2 feet from the side yard property line when the house and the garage are a minimum of 15 feet apart. However with the construction of a porch extending 12 feet beyond the existing house, reducing the distance between the garage and house to 5.33 feet, the 2 foot side yard setback requirement no longer applies. Therefore, the detached garage must be setback from the side yard a minimum of 4 feet. Since the existing garage is located only 2 feet from the northern property line, a variance of 2 feet is being requested so the existing garage can remain where currently located.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Traditional Neighborhood Form District (TN). It is surrounded by residential property zoned R-4 to the North, South, and East; and R-5 to the West in the Traditional Neighborhood Form District (TN).

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single-family residential	R-4	TN
<b>Proposed</b>	Single-family residential	R-4	TN
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	R-4	TN
<b>South</b>	Single-family residential	R-4	TN
<b>East</b>	Single-family residential	R-4	TN
<b>West</b>	Single-family residential across Eline Avenue	R-5	TN

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Development Code (City of St. Matthews, April 2001 version)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed structure is existing and located in the rear of the parcel; the adjacent neighbor to the north has no objection to the new porch construction or the location of the existing garage.

- (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 because the structure is an existing detached garage; is located in the rear of the parcel; and is compatible with the architecture throughout the neighborhood. Plus most lots in the neighborhood have rear detached garages.

- (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 because the detached garage is located at the rear of the property and the adjacent property owner to the north has no objection to the location. To allow for maintenance and up-keep, the wall of the garage will be located 2 feet and the overhang and gutter will be located 1 foot from the side property line.

- (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 because the structure only encroaches into a small portion of the required side yard, plus it is an existing condition.

## 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. Because the porch addition will deduced the distance between the structures to less than the required 15 feet, the required detached garage setback will increased from 2 feet to 4 feet. Therefore, to build the new porch addition, a variance of 2 feet is needed for the existing detached garage to remain where currently located.

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 because the existing detached garage would need to be either moved; or removed and rebuilt to meet the required 4 foot side yard setback.

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 detached garage is an existing structure, however the construction of the porch addition has created the circumstances which now require the applicant to seek relief of the side yard setback regulation for the existing detached garage.

#### TECHNICAL REVIEW

- The site plan needs to be revised to indicate the 2 feet setback of the detached garage from the Northern property line.

#### STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant a variance of 2 feet allowing the existing garage to remain after the porch addition is constructed. Therefore, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Development Code based on the testimony and evidence provided at the public hearing.

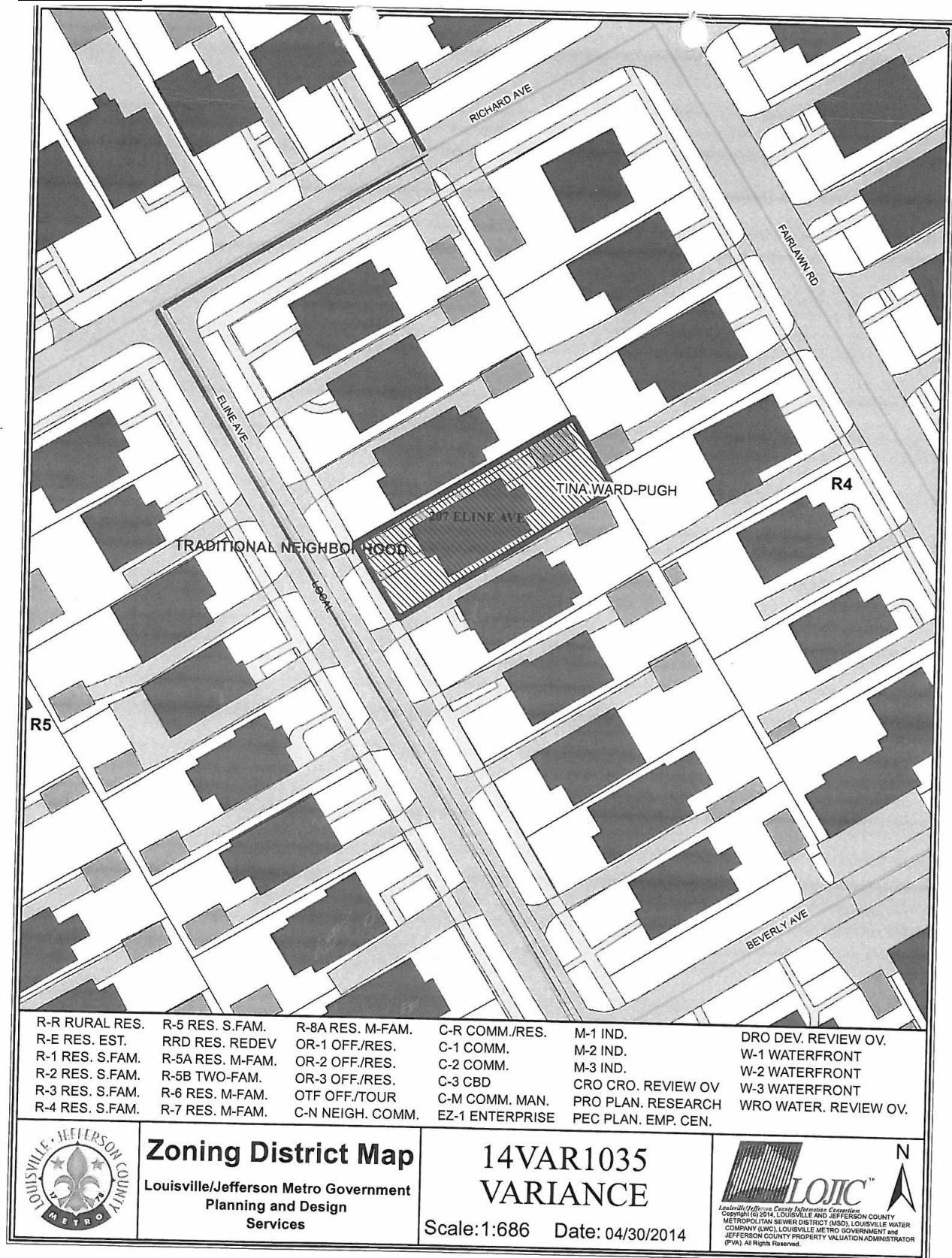
#### NOTIFICATION

Date	Purpose of Notice	Recipients
5/16/14	BOZA Hearing	1 <sup>st</sup> tier adjoining property owners Neighborhood notification recipients
5/20/2014	Sign Posting	Subject property

#### ATTACHMENTS

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

### 3. Zoning Map

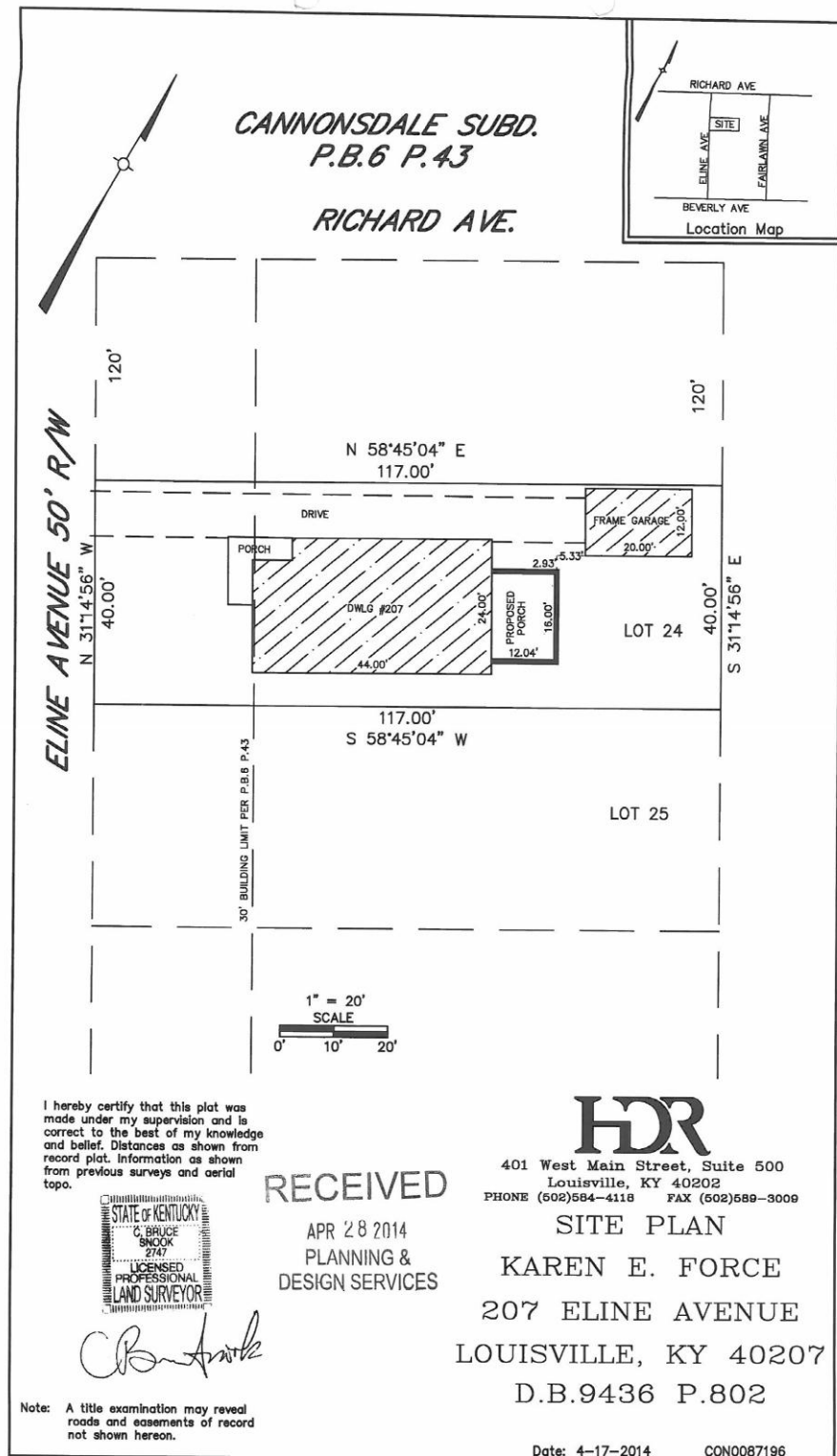




2. **Aerial Photo**



3. Site Plan









5. Site Photos



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DESIGN SERVICES



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