

# Board of Zoning Adjustment Staff Report

June 6, 2016



<b>Case No:</b>	16VARIANCE1028
<b>Request:</b>	Proposed garage to encroach into the side yard setback.
<b>Project Name:</b>	207 Ridgeway Avenue
<b>Location:</b>	207 Ridgeway Avenue
<b>Area:</b>	.16200 acres
<b>Owner:</b>	Jerris and Mary Wise
<b>Applicant:</b>	Jerris and Mary Wise
<b>Representative:</b>	Jerris and Mary Wise
<b>Jurisdiction:</b>	Saint Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Ross Allen, Planner I

### REQUEST

- Variance from the Development Code (St. Matthews) section 9.2.P to allow the proposed garage to encroach into the side yard setback by two feet.

Location	Requirement	Request	Variance
<b>Side Property Line</b>	<b>2' ft.</b>	<b>0' ft.</b>	<b>2' ft.</b>

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is located within an R-5 zoning district within a Neighborhood Form District in St. Matthews. The applicant is proposing to construct a one story two car garage. The garage as shown on the site plan would have a square footage of approximately 682.5 sf. and a height of 20.5' ft. As proposed, the garage will be situated in the northeastern corner of the lot with a rear setback of 5' ft. for a LG&E easement and would be constructed up to the northern property line.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Residential Single Family	R-5	Traditional Neighborhood
<b>Proposed</b>	Residential Single Family	R-5	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential Single Family	R-5	Traditional Neighborhood
<b>South</b>	Residential Single Family	R-5	Traditional Neighborhood
<b>East</b>	Residential Single Family	R-5	Traditional Neighborhood
<b>West</b>	Residential Single Family	R-5	Traditional Neighborhood

## PREVIOUS CASES ON SITE

No previous cases associated with the subject property.

## INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

## APPLICABLE PLANS AND POLICIES

Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

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

STAFF: The requested variance will adversely affect the public health, safety or welfare since the proposed garage would be situated on the property line and pitch of the roof would require guttering to prevent water run-off onto the neighboring property.

- (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 since properties to the East and North of the applicant have two car garages however, the applicant's lot size and an in-ground pool restrict the space for the proposed detached garage.

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

STAFF: The requested variance will cause a hazard or nuisance to the public since the proposed garage would be situated up to the northern property line and could impact the neighboring property as a result of water run-off from the roof.

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

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations since the requested zero foot setbacks will require the applicant to encroach upon his northern neighbors property to maintain the detached garage.

### 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 does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since the applicant's in-ground pool limits space for the size of proposed detached two car garage.

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 not deprive the applicant of the reasonable use of the land since the one car garage that exist on site currently provides shelter for a vehicle and the in-ground pool restricts the construction of the proposed two car garage resulting from space constraints along the Northern property line.

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 circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the applicant has not undertaken any construction related to the requested variance.

### TECHNICAL REVIEW

- No technical review undertaken.

### STAFF CONCLUSIONS

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 established in the Development Code (St. Matthews) from section 9.2.P allowing the proposed detached garage to be less than the required minimum of two feet from the side yard property line.

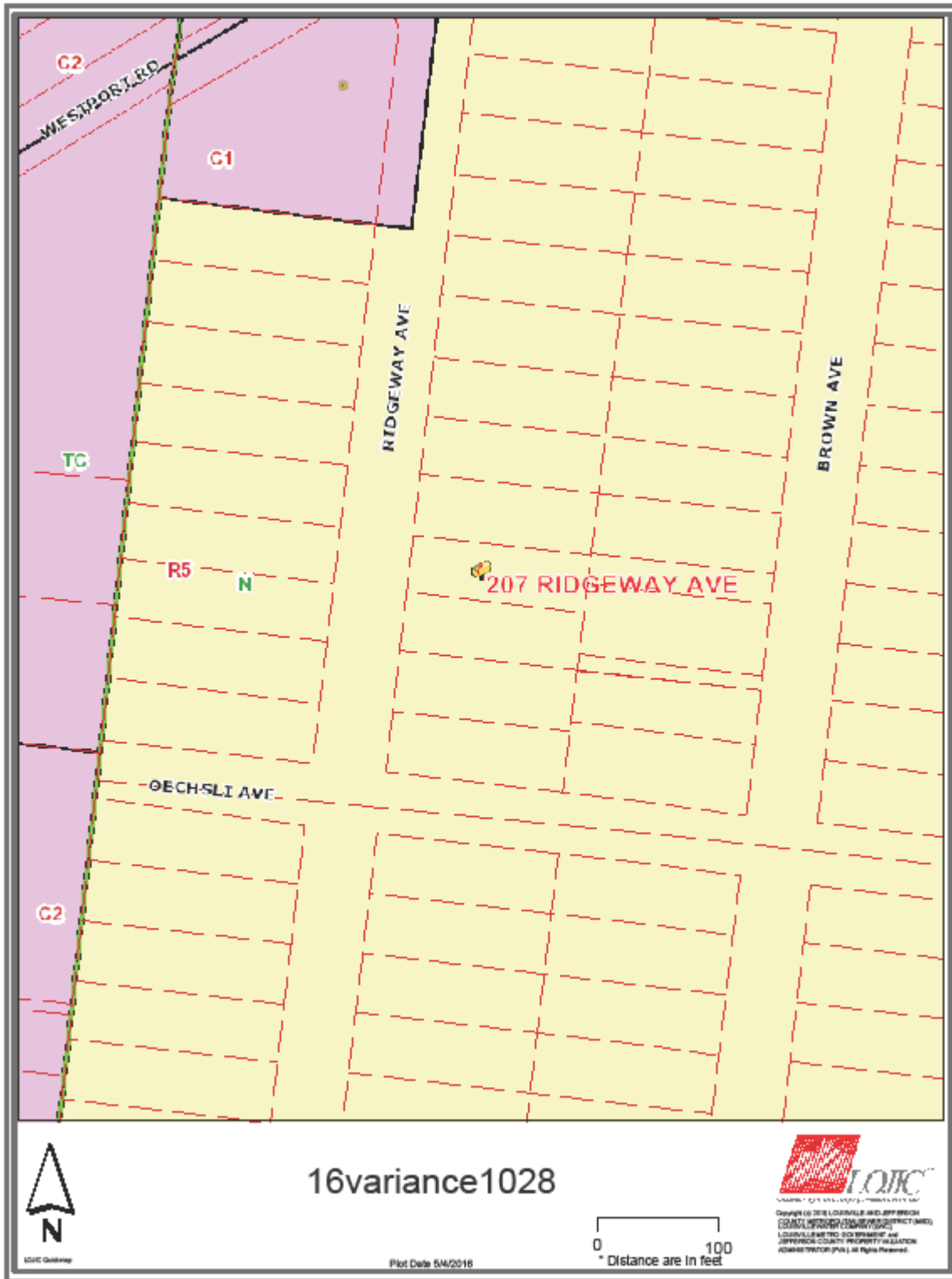
### NOTIFICATION

Date	Purpose of Notice	Recipients
June 6, 2016	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners have signed the Affidavit for Non-Public Hearing
May 20, 2016	Sign Posting for BOZA	Sign Posting on property

### ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. **Site Plan**

