

**Board of Zoning Adjustment**  
**Staff Report**  
March 19, 2018



<b>Case No:</b>	18VARIANCE1007/18DEVPLAN1010
<b>Project Name:</b>	Chenoweth Ln Medical Office
<b>Location:</b>	224 Chenoweth Ln
<b>Owner(s):</b>	Maguire Properties
<b>Applicant:</b>	Maguire Properties
<b>Jurisdiction:</b>	St Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- **Variance** from Land Development Code (St. Matthews) section 6.3.C.2 to allow parking areas and a dumpster enclosure to encroach up to 22' into a required 25' street side yard and up to 25' into a required 25' rear yard.

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to renovate a former interior design shop as a medical office. The site currently has parking and structures that extend beyond the bounds of the property and into the public rights-of-way. As part of this project, the encroaching structures and parking will be removed and brought entirely onto the site. Most of the encroachment area associated with this variance request is already an existing condition of the site.

**STAFF FINDING**

The variance request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

The site is the subject of a Revised District Development Plan and associated landscape waiver that will be considered by the Land Development and Transportation Committee on 3-22-18.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from any interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LAND DEVELOPMENT CODE (ST. MATTHEWS) SECTION 6.3.C.2.**

- (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 all provisions for the safe management of traffic in and around the site will be accounted for.

- (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 most of the requested encroachment is an existing condition.

- (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 parking will be an improvement over current conditions, in that parking areas are currently encroaching into the public rights-of-way.

- (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 parking areas are more in line with current regulations than existing conditions.

**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 there is a binding element on the site which restricts parking from being installed on the southern part of the site.

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, as the area of the site useable for parking would be greatly constrained, and would make it difficult to provide the required parking for the proposed use.

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 as the applicant is requesting the variance and has not begun construction.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variance**

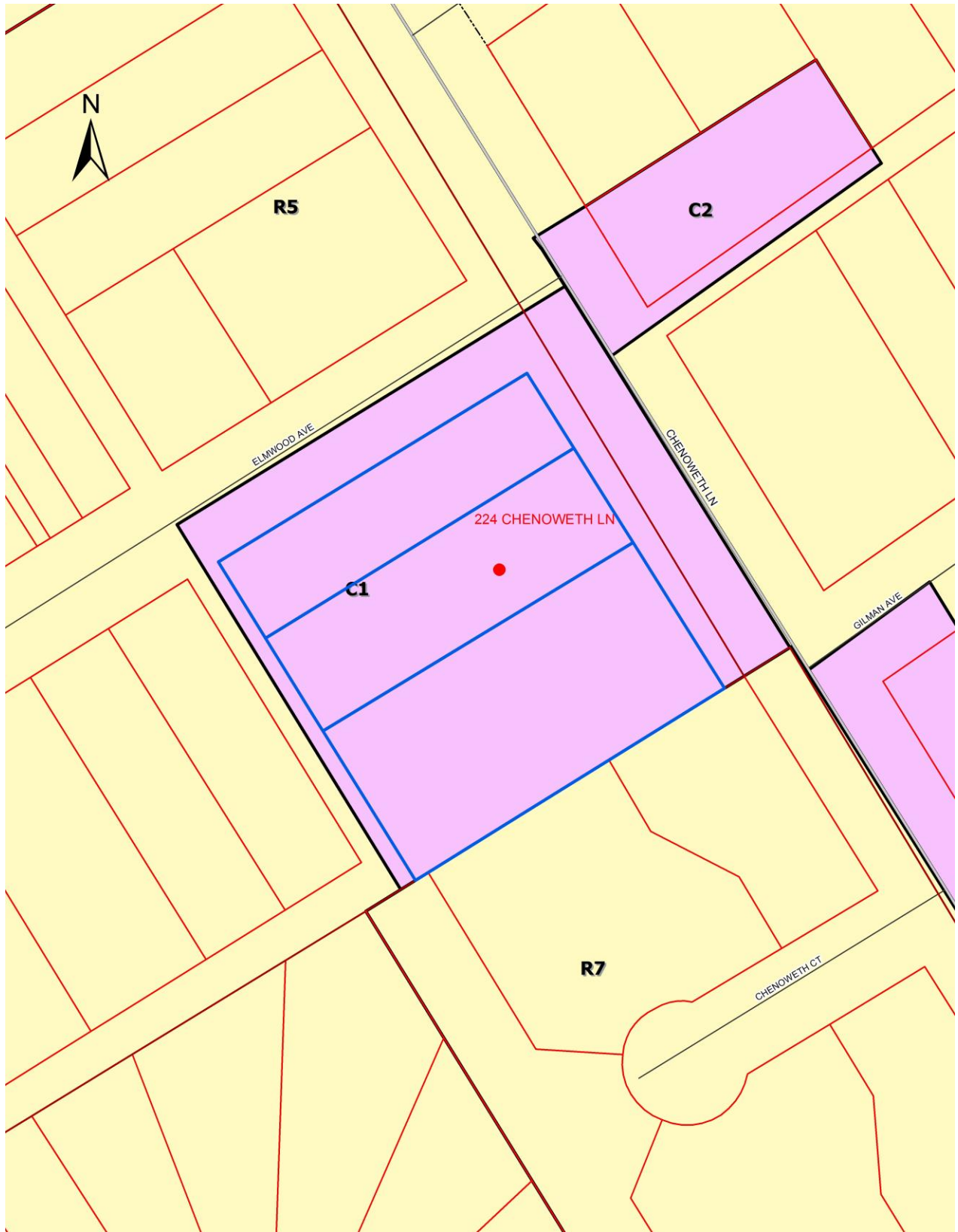
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>3-5-18</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

