

**Board of Zoning Adjustment**  
**Staff Report**  
 January 22, 2019



<b>Case No:</b>	18VARIANCE1115
<b>Project Name:</b>	Grandview Avenue Variance
<b>Location:</b>	3937 Grandview Avenue
<b>Owner:</b>	William Rinehart
<b>Representative:</b>	William Rinehart
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUEST**

- **Variance** from City of St. Matthews Development Code section 4.6.C.2.a to allow a structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Front Yard	30 ft.	0 ft.	30 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is located in the City of St. Matthews on Grandview Avenue in between Meridian Avenue and Fairfax Avenue. The applicant has constructed an arbor up to the front property line. The arbor is 8 ft. tall, 4.6 ft. wide, and 3.8 ft. deep. The applicant requests a variance from the City of St. Matthews Development Code section 4.6.C.2.a to allow a structure to encroach into the front yard setback.

**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.a to allow a structure to encroach into the front 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.a**

- (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 structure will be constructed to comply with all building codes, including fire codes.

- (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 St. Matthews City Hall/Eline Library is across the street, which is three stories tall, has considerable massing, and has a freestanding sign and flag poles in the front yard.

- (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 arbor will be setback around 20 ft. from the edge of pavement on Grandview Avenue.

- (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 arbor is in scale for a structure to be located in the front yard setback.

**ADDITIONAL CONSIDERATIONS:**

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

STAFF: The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone because the surrounding properties have similar front yards.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the arbor is decorative in nature.

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 the results of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the arbor has already been constructed within the front yard setback.

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>01/04/2019</b>	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9
<b>01/03/2019</b>	Hearing before BOZA	Notice posted on property

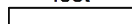
**ATTACHMENTS**

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

1. Zoning Map



3937 Grandview Avenue  
feet

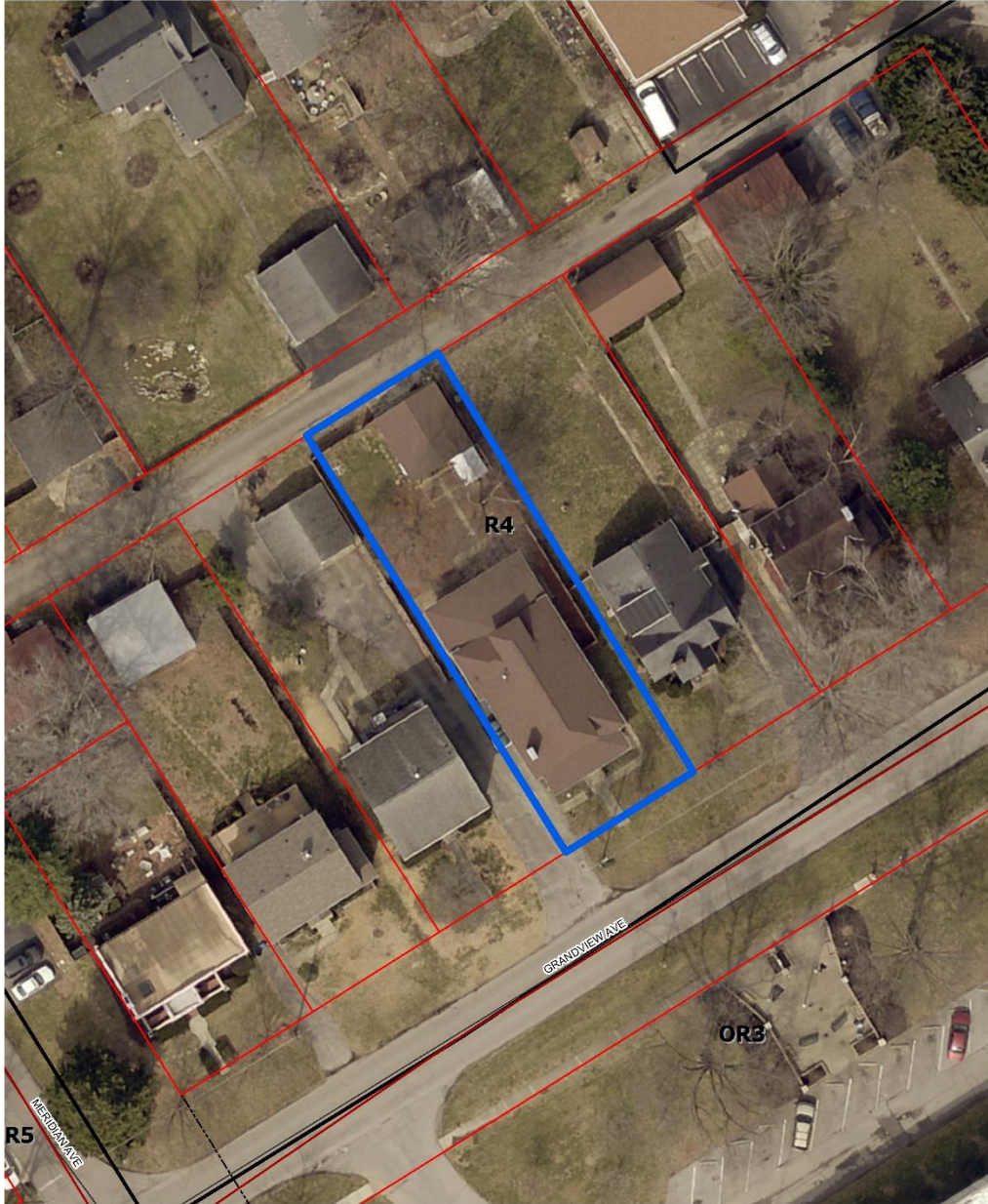


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Map Created: 1/7/2019

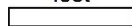


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JEFFERSON COUNTY PROPERTY VALUATION  
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2. Aerial Photograph



3937 Grandview Avenue  
feet



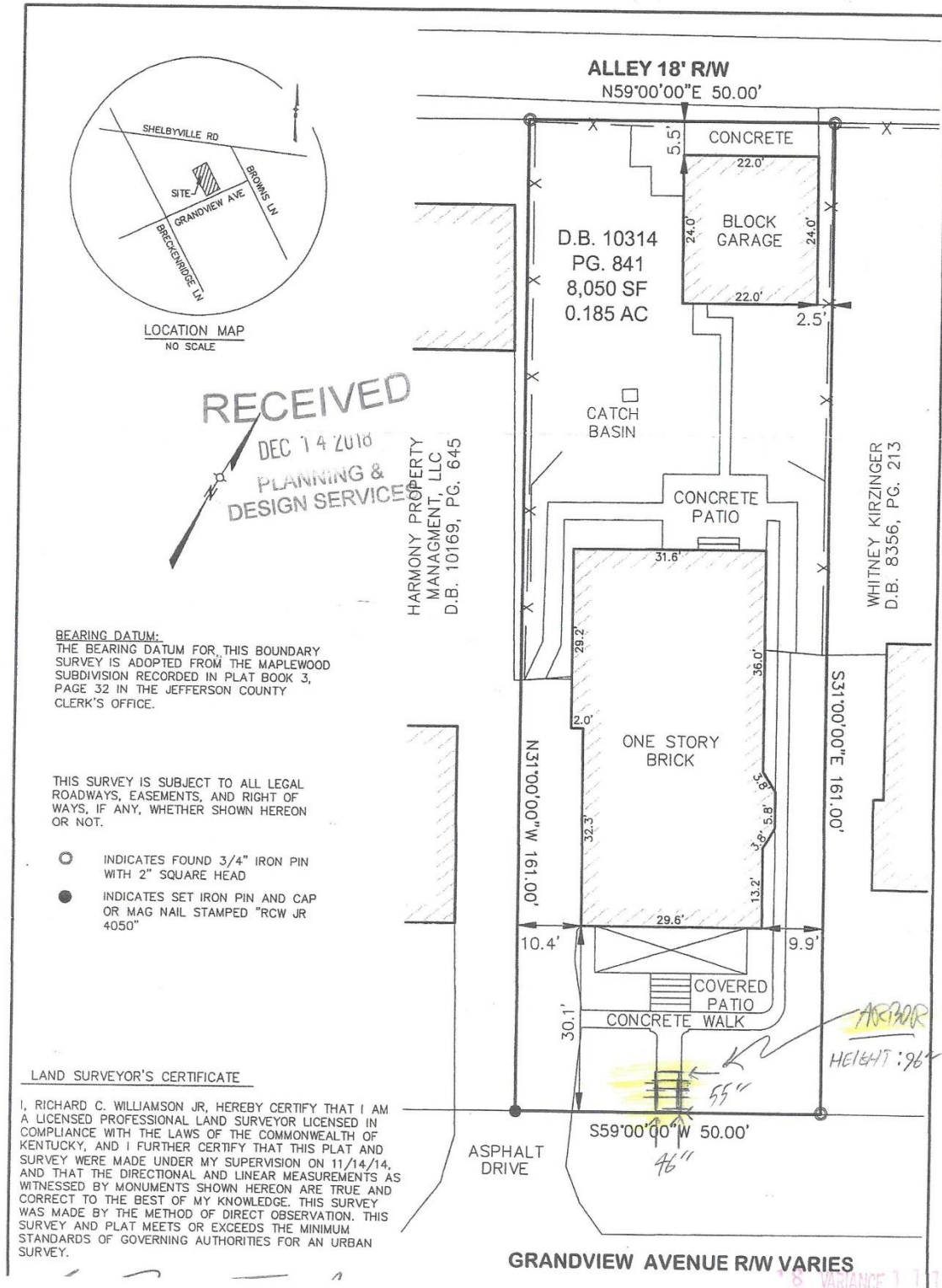
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Map Created: 1/7/2019



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3. **Site Plan**



4. Site Photos



The front of the subject property.



The property to the right of the subject property.





The property to the left of the subject property.



The property across Grandview Avenue.



Looking down the front property line.



The location of the requested variance.



BOZA public hearing notice sign.