

Board of Zoning Adjustment

Staff Report

July 24, 2017



Case No:	17VARIANCE1037
Project Name:	404 Macon Avenue Garage
Location:	404 Macon Avenue
Owner(s):	Daryl & Genevieve Noble
Applicant:	Daryl & Genevieve Noble
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from St. Matthews Development Code section 9.2.Q to allow more than 30% of a required rear yard area to be occupied by structures

Location	Requirement	Request	Variance
Rear Yard Occupied by Structures	30% (337.5 sf)	42.67% (480 sf)	12.67% (142.5 sf)

CASE SUMMARY/BACKGROUND

The subject property is located in the City of St. Matthews. It is lot 3 of block “I” in the Breckenridge Villa Unit No. 2 subdivision, recorded on November 18th, 1926 in plat book 6 page 49. The applicant proposes to build a garage to the rear of the existing 1 ½ story residence. The garage is proposed to be 5 feet from the rear property line and 2 feet from the side property line on the north side. The lot is 45 feet in width, while the proposed garage is to be 24 feet in width and 24 feet deep. St. Matthews Development Code section 9.2.Q allows that main buildings and accessory structures may be constructed in a required rear yard, provided such buildings do not occupy a total area greater than 30 percent of the area of the required rear yard in the district in which they are located and are not placed closer than five (5) feet to the rear lot line.

St. Matthews Development Code section 4.6.C.2.c requires a lot in the R-4 zoning district to have a rear yard of 25 feet. The required rear yard for this lot is therefore 1,125 square feet. The garage will occupy 480 square feet of the rear yard, or 42.67%. The applicant requests a variance to allow 42.67% of the rear yard to be occupied by structures.

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 St. Matthews Development Code from section 9.2.Q to allow structures to occupy more than 30% of a required rear yard area.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 9.2.Q

- (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 proposed garage will be in-line with existing garages on other nearby properties, which have 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 proposed garage is similar to existing garages in the immediate neighborhood.

- (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 be similar to existing garages in the immediate neighborhood, which have 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 garage will be typical for the neighborhood.

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 not generally apply to land in the general vicinity or the same zone as the property is regular in shape and of similar dimensions to neighboring lots.

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 build the garage closer to the house, reducing the amount of yard available between the principal and accessory structures and shifting green space to a less functional location behind the garage.

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 garage has not yet been constructed and the applicant is requesting the variance.

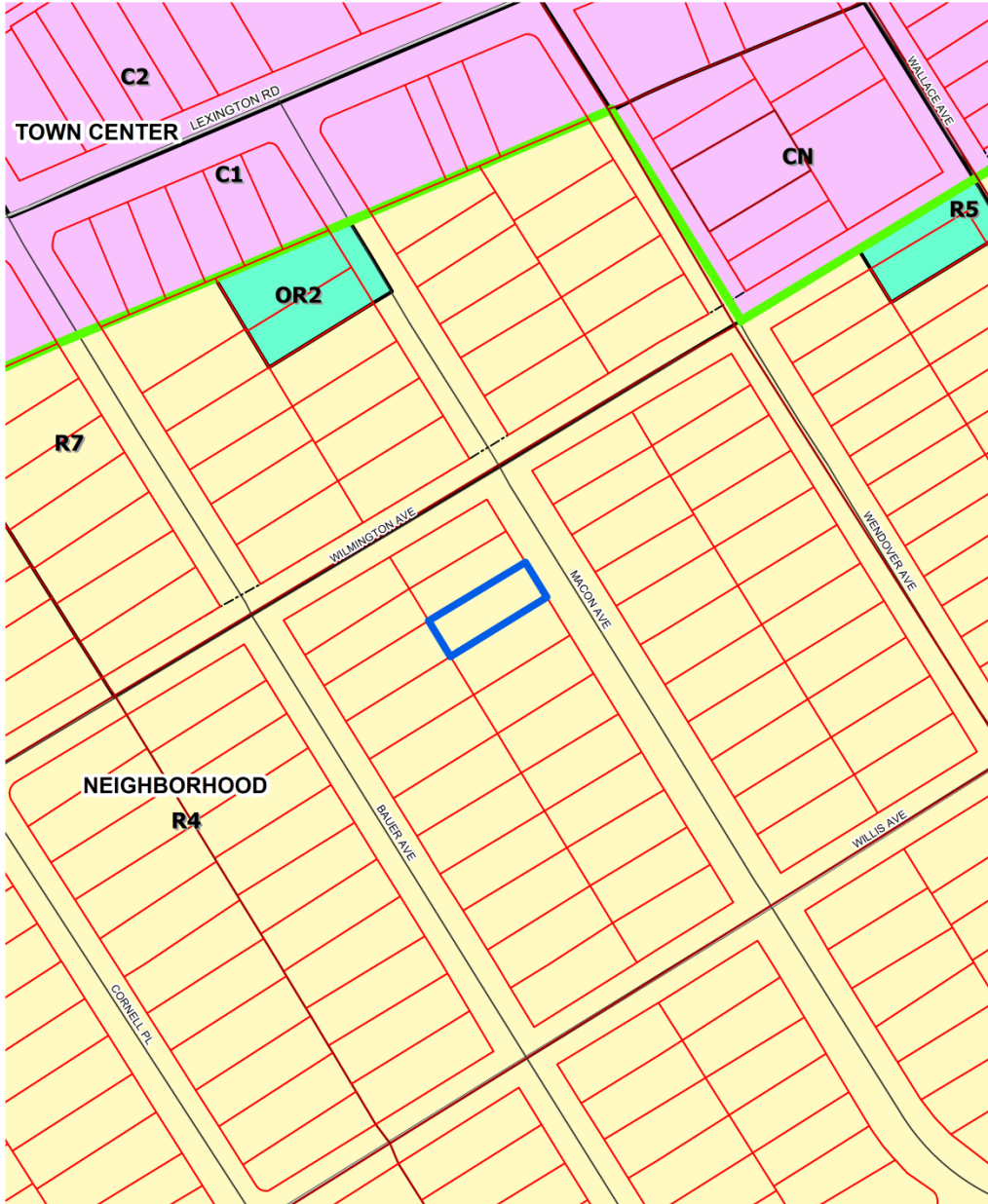
NOTIFICATION

Date	Purpose of Notice	Recipients
07/05/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
07/07/2017	Hearing before BOZA	Notice posted on property

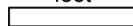
ATTACHMENTS

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

1. Zoning Map



404 Macon Ave
feet



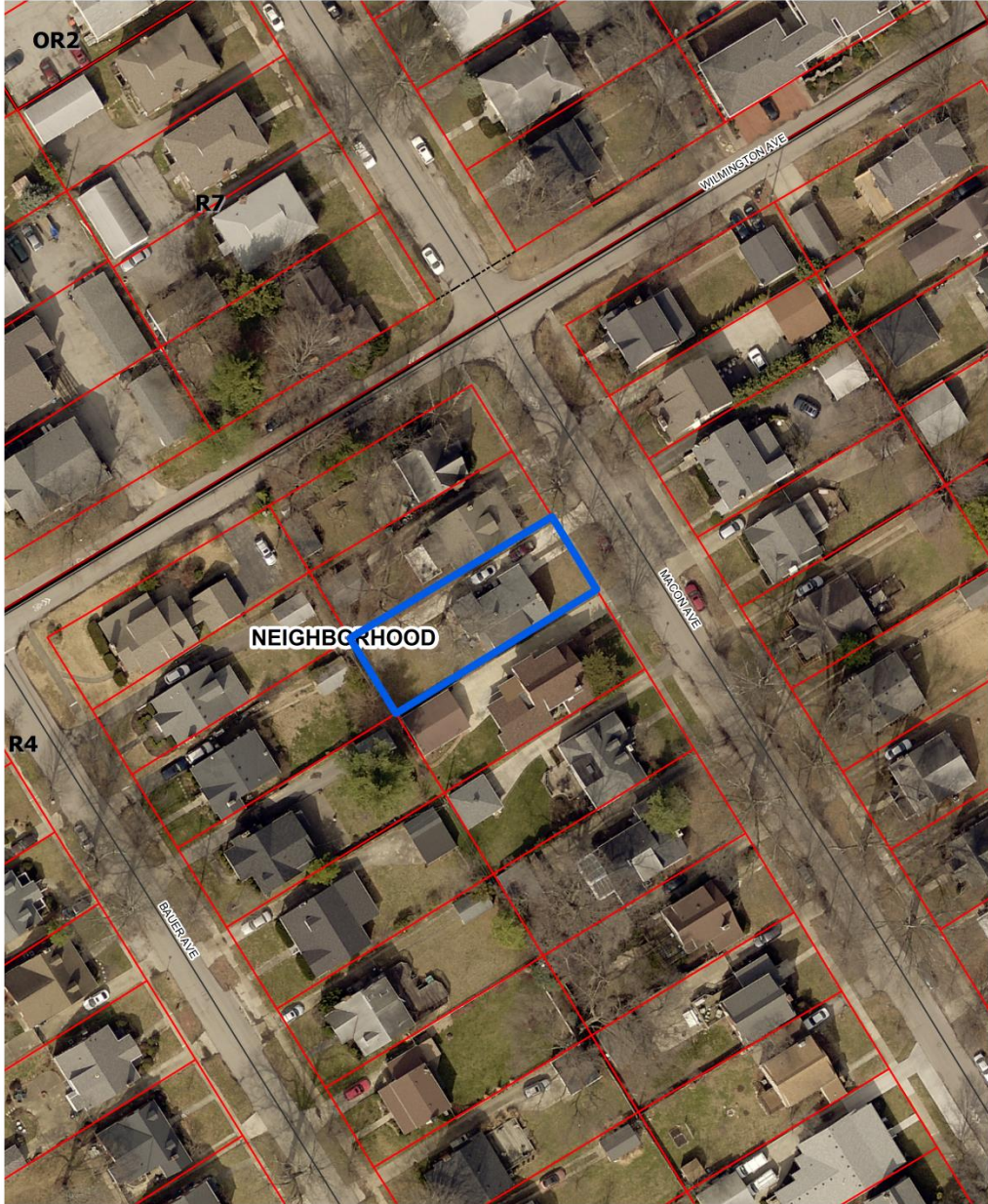
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Map Created: 7/11/2017



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2. Aerial Photograph



404 Macon Ave
feet

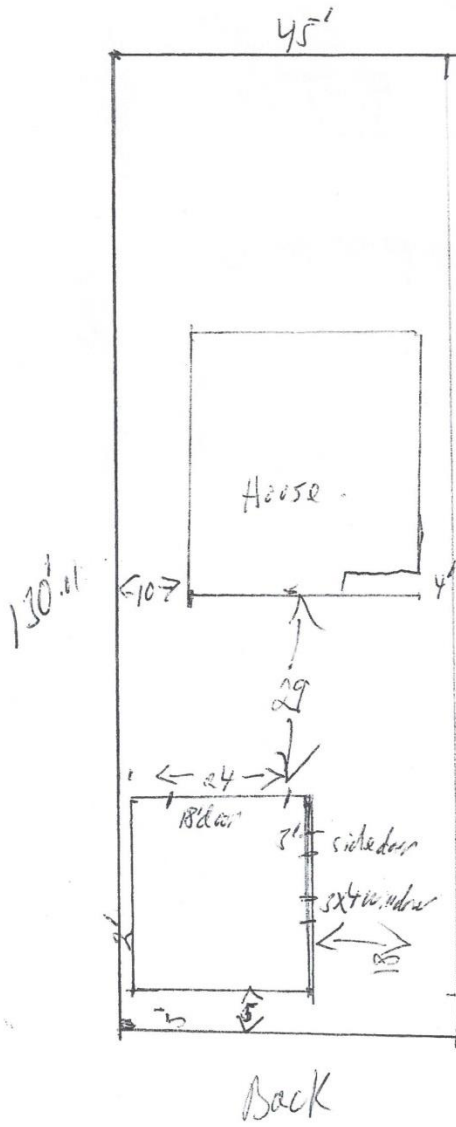
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Map Created: 7/11/2017



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3. Site Plan



RECEIVED
JUN 26 2017
PLANNING &
DESIGN SERVICES

1" = 20ft

17 VARIANCE 1037

4. Site Photos



The front of the subject property.



The property across Macon Avenue.



The property to the left of the subject property.



The property to the right of the subject property.



The rear yard of the property where the proposed garage is to be constructed.



The rear yard of the property from the back looking toward the house.



The garage on the property to the left of the subject property.