

Board of Zoning Adjustment
Staff Report
 November 5, 2018



Case No:	18VARIANCE1092
Project Name:	Colonial Drive Variance
Location:	200 Colonial Drive
Owner(s):	Melissa Shaber and Karen Hitchcock
Representative:	Mike Romage, Unlimited Home Improvements
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from City of St. Matthews Development Code section 9.2.C to allow a structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	13 ft.	4 ft.	9 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the Colonial Village subdivision in the City of St. Matthews at the intersection of Colonial Drive and Massie Avenue, and currently contains a single-family residence with a detached garage. The applicant proposes to construct a carport in front of the existing garage. The carport is proposed to be 20 feet wide and 20 feet deep. The applicant requests a variance from the City of St. Matthews Development Code section 9.2.C to allow a structure to encroach into the street side yard setback. Section 9.2.C of the City of St. Matthews Land Development Code states, “The buildable width of a corner lot nonconforming as to minimum width or area (including lots approved by the Planning Commission under section 8.3 C. of these regulations) shall not be reduced to less than thirty two (32) feet by the application of the required side yard on the street side. Nothing in this section shall be construed to allow reduction of any other required side yard.” The subject property is nonconforming in area (required area is 6,000 sq. ft. and the subject property is 5,900 sq. ft.).

STAFF FINDING

Staff finds that the requested variance is not adequately justified and does not meet 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 9.2.C to allow a structure to encroach into the street side 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 9.2.C

- (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 alter the essential character of the general vicinity as there are no other carports in the subdivision.

- (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 carport will be setback from Massie Avenue by 20 ft.

- (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 lot is substandard in area.

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 because the lot is regular in shape and of similar size 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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the property currently has a one car garage and the carport will allow two cars to have covered parking.

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 applicant is requesting the variance and has not begun construction.

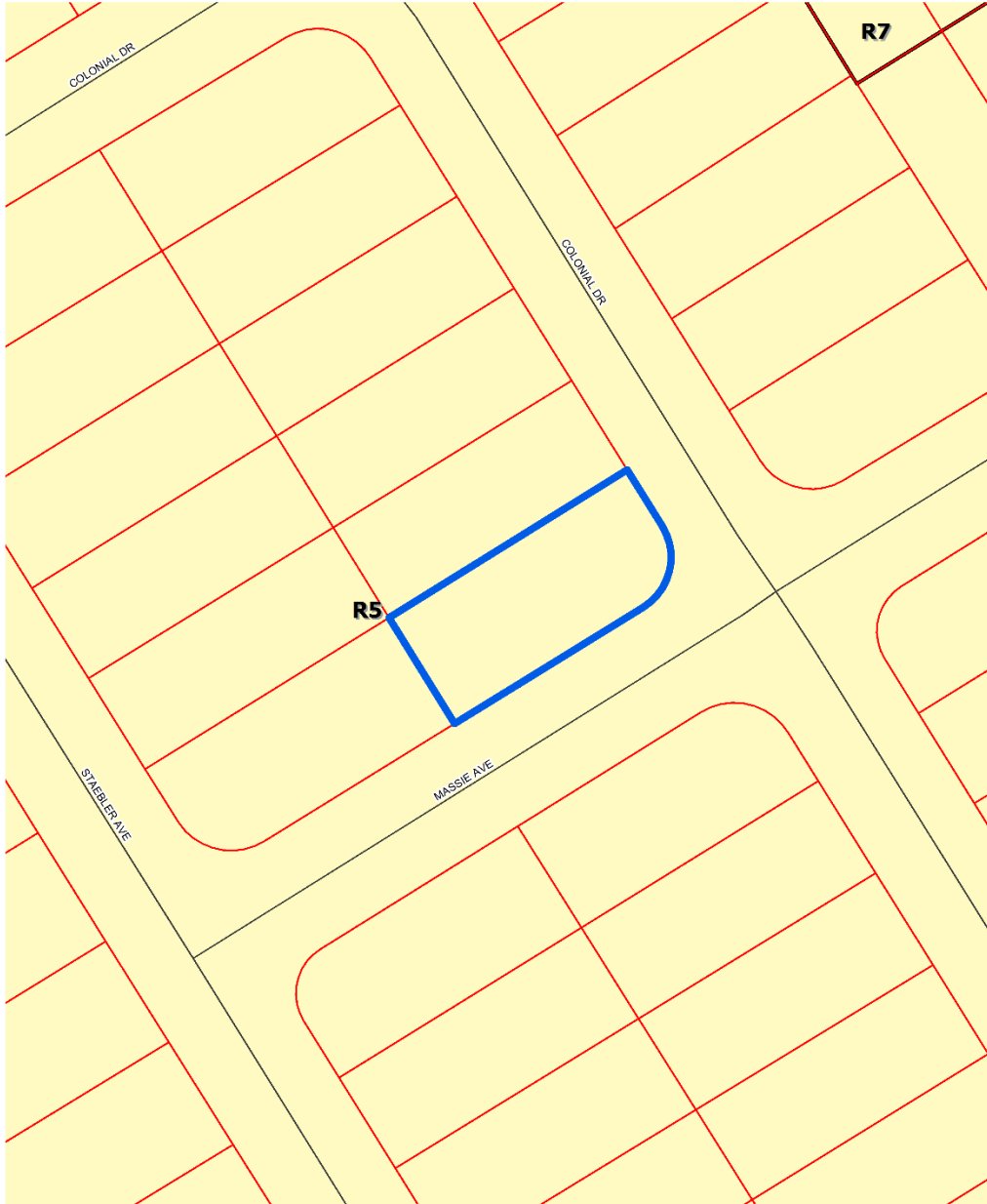
NOTIFICATION

Date	Purpose of Notice	Recipients
10/19/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
10/18/2018	Hearing before BOZA	Notice posted on property

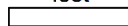
ATTACHMENTS

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

1. **Zoning Map**



200 Colonial Drive
feet



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Map Created: 10/25/2018



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2. Aerial Photograph



200 Colonial Drive
feet

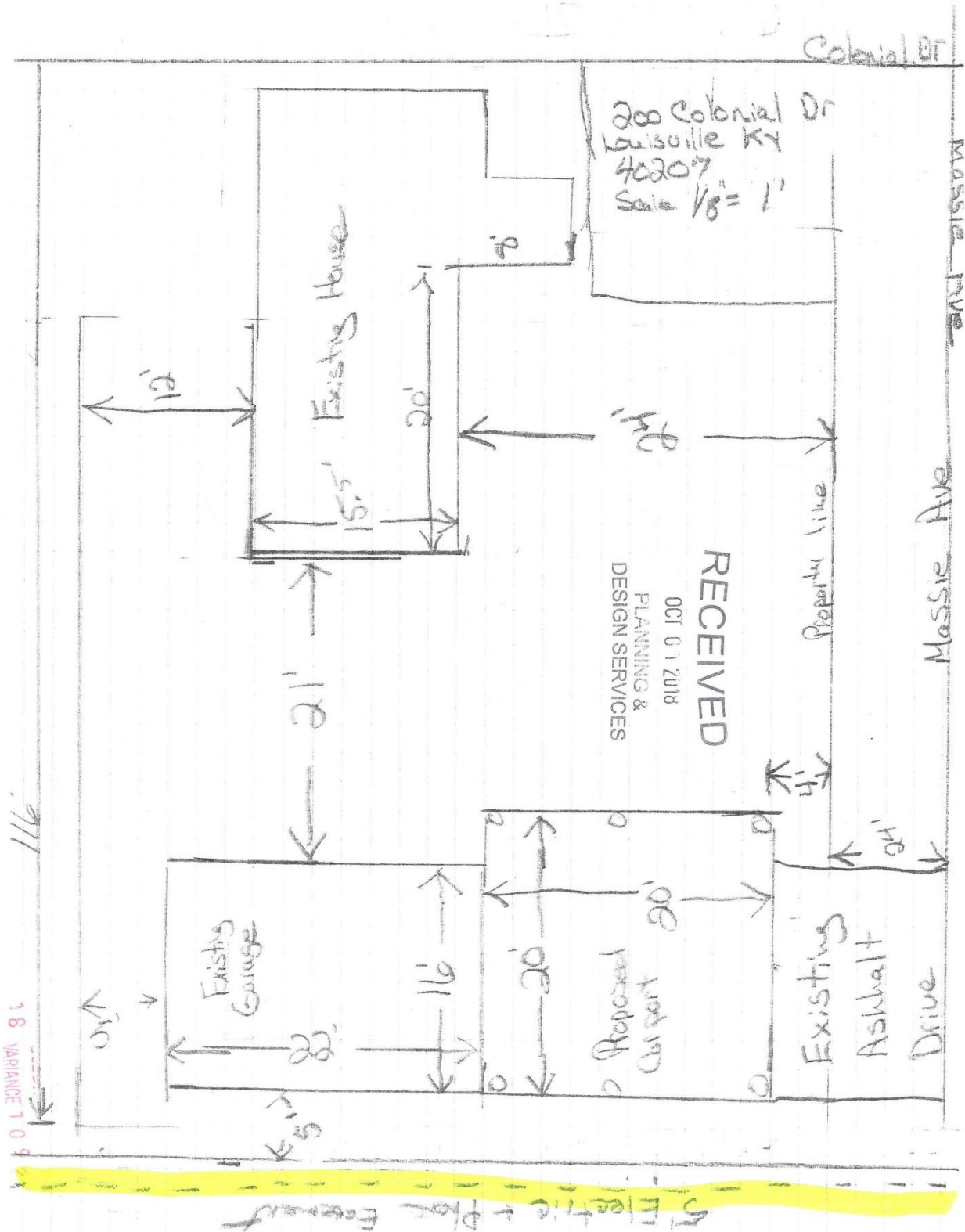


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3. Site Plan



4. Site Photos



The front of the subject property.



The property to the left of the subject property across Massie Avenue.



The property to the right of the subject property.



The property across Colonial Drive.



Looking west down Massie Avenue.



The location of the requested variance.



BOZA public hearing notice sign.