

# Board of Zoning Adjustment Staff Report

May 23, 2022



|                          |                                                   |
|--------------------------|---------------------------------------------------|
| <b>Case No:</b>          | 22-VARIANCE-0043                                  |
| <b>Project Name:</b>     | Moran Variance                                    |
| <b>Location:</b>         | 3615 Norbourne Blvd.                              |
| <b>Owner:</b>            | Matt Moran                                        |
| <b>Applicant:</b>        | Matt Moran                                        |
| <b>Jurisdiction:</b>     | City of St. Matthews                              |
| <b>Council District:</b> | 9 – Bill Hollander                                |
| <b>Case Manager:</b>     | Chris French, AICP, Planning & Design Coordinator |

## **REQUESTS**

- **Variance** from Section 4.6.C.2.b of the St. Matthews Development Regulations to allow an existing accessory structure to encroach within the side yard setback.

| Location                       | Requirement | Request | Variance |
|--------------------------------|-------------|---------|----------|
| Northeastern Side Yard Setback | 6 feet      | 0 feet  | 6 feet   |

## **CASE SUMMARY/BACKGROUND**

The applicant is constructing a covered deck at the rear of the existing home on the property. The deck addition will be less than 15 feet from the existing detached garage on the property; therefore, the existing garage would need to be 6 feet from the side property line. The existing garage is located either on or very close to the Northeastern side property line. The property is zoned R-4 single family residential. The City of St. Matthews development regulations require a variance for the existing garage at its current location. The applicant obtained signatures from adjoining property owners and therefore this case is eligible for a non-hearing variance pursuant to BOZA Bylaws and Policies.

## **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 Section 4.6.C.2.b to allow an existing detached garage to be located up to 0 feet from the Northeastern side property line.

## **TECHNICAL REVIEW**

No technical review needed from other agencies

## **INTERESTED PARTY COMMENTS**

No interested party comments received.

### **RELATED CASES**

None

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 9.2.P**

- (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, because the existing detached garage has been located on the subject property for a number of years without incident.

- (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 the existing garage has been on the subject property for a number of years and appears to be in character with the surrounding area.

- (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 because the existing detached garage has existed on the subject property for a number of years without incident. In addition, the adjacent property potentially impacted by the requested variance is owned by the applicant as well.

- (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 since the detached garage has existed on the subject property for a number of years and keeping the structure in its current location would not circumvent the zoning regulations.

### **ADDITIONAL CONSIDERATIONS:**

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in 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 in the same zone.

- b. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship because such provisions would require that a detached garage that has existed on the property for number of years be demolished based solely on the construction of a covered deck attached to the principal structure on the property.

- c. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

STAFF: The garage has existed on the property in its current location for a number of years and the applicant does not propose to alter the existing structure. The need from the variance is the result of a covered deck addition to the rear of the existing principal structure.

- d. Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

STAFF: The variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public as the existing attached garage has been at its current location for a number of years without incident.

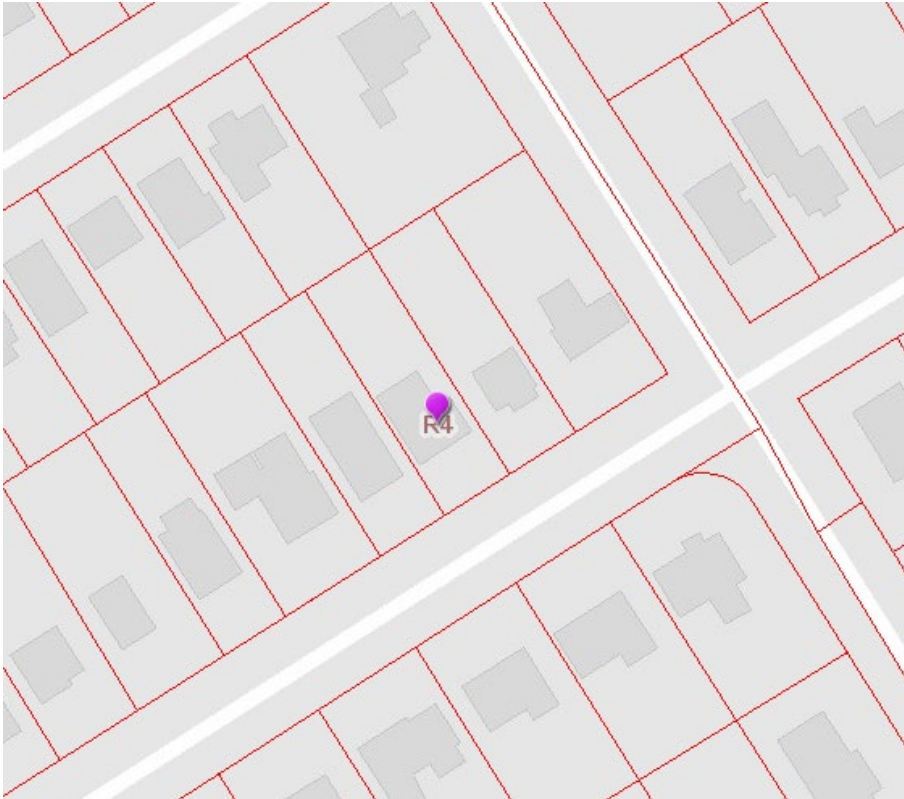
### **VARIANCE PLAN REQUIREMENT**

In accordance with the St. Matthews Development Code Section 9.1.D Portions of this regulation that govern height or length or setback requirements may be modified by the appropriate Board of Zoning Adjustment. The Board may grant a dimensional variance after a public hearing if the requirements of KRS 100.243 are found to be met.

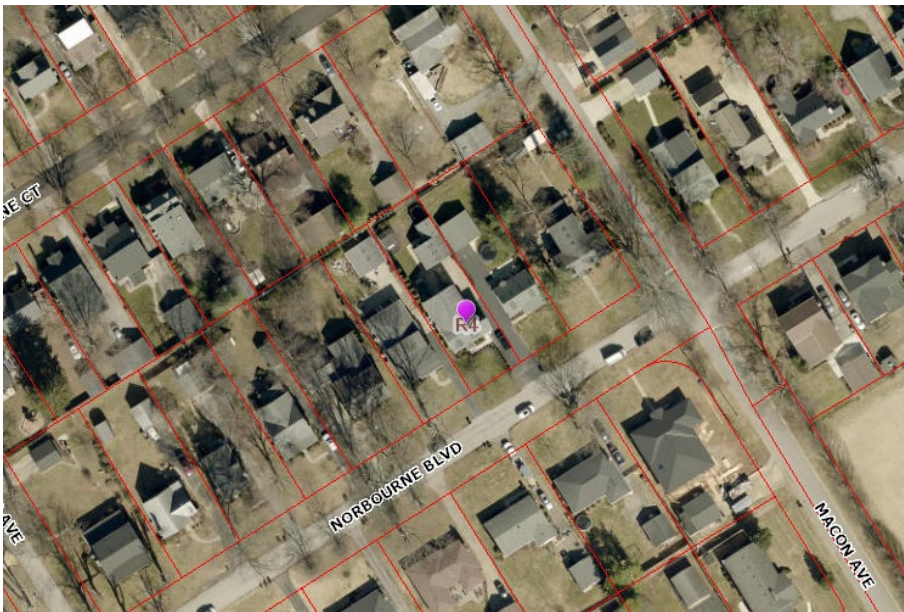
### **ATTACHMENTS**

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

1. **Zoning Map**

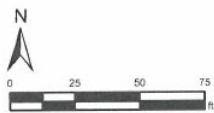


2. **Aerial Photograph**





3. **Site Plan**



**3615 Norbourne Blvd**

Monday, March 21, 2022 | 12:20:09 PM



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This map is not a legal document and should only be used for general reference and identification.

4. **Site Photo**

