

Board of Zoning Adjustment
Staff Report
 October 18, 2021



Case No:	21-VARIANCE-0139
Project Name:	Churchill Road Variance
Location:	4300 Churchill Road
Owner:	Joseph & Amy Wheeler
Applicant:	Joe Wheeler
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUESTS:

Variance to allow a detached garage to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	25 ft.	5.1 ft.	19.9 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 Residential Single-Family and is in the Neighborhood Form District. It is on the southeast corner of Churchill Road and Delray Road in the City of St. Matthews. The site has a 1 ½ story single-family residence and the applicant is proposing to construct a new larger detached garage in the same location as the original garage. The proposed garage will have the same setback as the original garage.

STAFF FINDINGS

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 City of St. Matthews Development Code section 4.7.C.2.c to allow a new accessory structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.7.C.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 proposed garage will have the same street side setback as the original garage.

- (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 garage will have the same street side setback as the original garage and will be consistent with other garages in the 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 to the public as the setbacks of the existing garage are not changing, 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 current setback is an existing condition which is proposed to be maintained.

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 does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the subject property is not wide enough to meet the required setback and meet the character of the area.

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 because if the setback were to be met another variance would be required for the side yard.

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 has not started construction and is requesting the variance.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

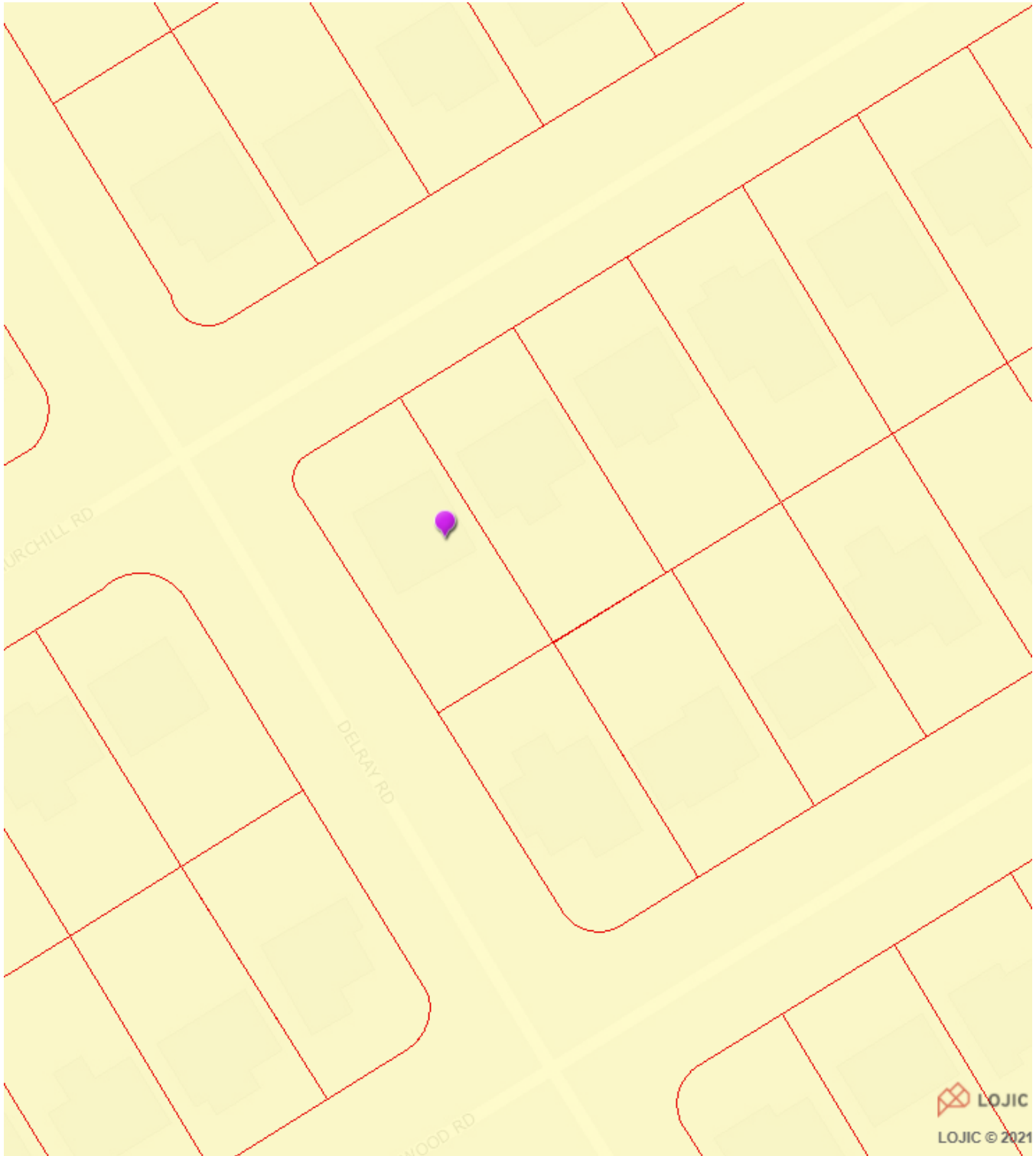
NOTIFICATION

Date	Purpose of Notice	Recipients
9/29/2021	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
10/1/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

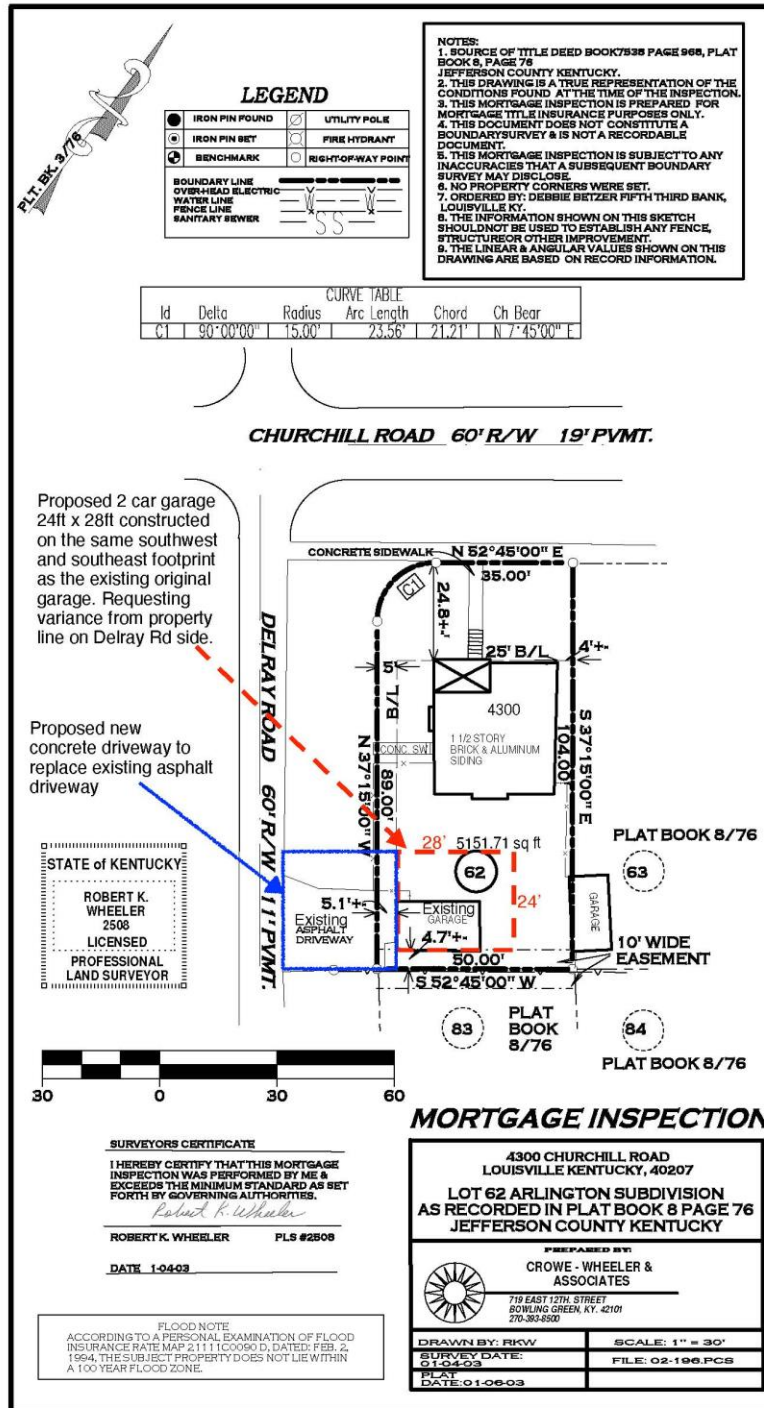
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



4. Site Photos



Front of subject property.



Property to the left.



Property to the right across Delray Road.



Properties across Churchill Road.



Existing garage.



Variance area and existing setbacks.