

Board of Zoning Adjustment

Staff Report

October 2, 2017



Case No:	17VARIANCE1060
Project Name:	4006 Leland Road Garage
Location:	4006 Leland Road
Owner(s):	Deborah Walker
Applicant:	Deborah Walker
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 4.6.C.2.b to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	5 ft.	2 ft.	3 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of St. Matthews. The property currently contains a one-story single-family residence with a detached garage. The applicant proposes to construct an addition onto the rear of the principal structure, and additionally remove and replace the existing garage. City of St. Matthews Development Code section 9.2.P allows for a detached garage to be located as close as 2 feet to the side property line if it is at least 15 feet farther to the rear of the lot than the rearmost portion of the main house. With the addition on the rear of the house, this provision will no longer apply to the property. The applicant proposes to build the new garage in approximately the same location as the existing garage, with the same setback from the side property line as the existing garage. The applicant therefore requests a variance for the encroachment into the side 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.b to allow a structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review undertaken.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.6.C.2.b

- (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 setback of the new garage will be the same as the setback of the existing garage, which has 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 garage has been in its current position for many years and other properties in the neighborhood have garages with similar setbacks.

- (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 have the same setback as the existing garage, which has 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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as a garage exists with the proposed setback already, although the proposed garage is to be a new replacement when the existing garage is removed.

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 relocate part of the driveway leading to the garage after the garage is shifted to the side.

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.

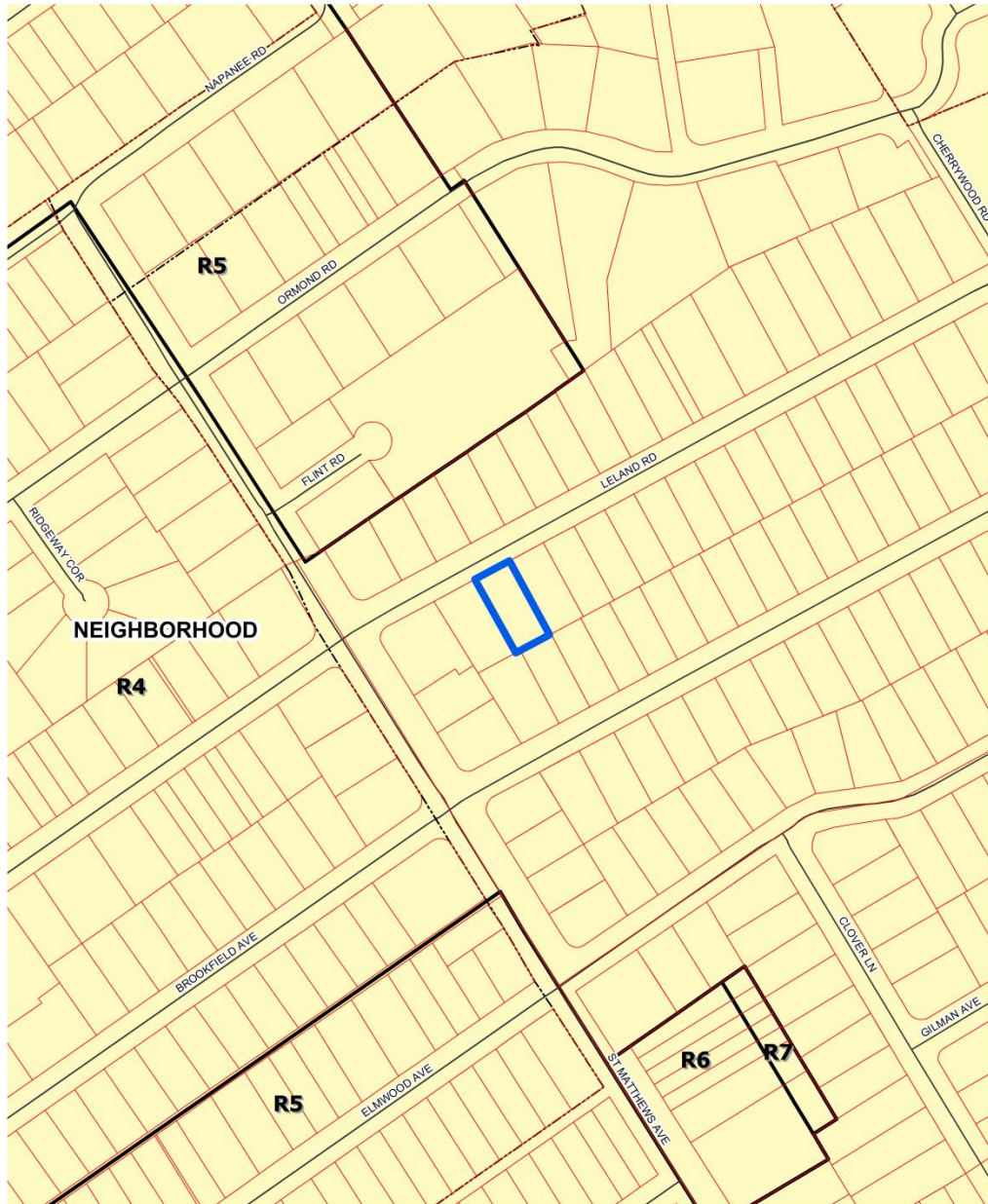
NOTIFICATION

Date	Purpose of Notice	Recipients
09/14/2017	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
09/15/2017	Hearing before BOZA	Notice posted on property

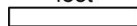
ATTACHMENTS

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

1. Zoning Map



4006 Leland Road
feet



Map Created: 9/19/2017



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2. Aerial Photograph



4006 Leland Road
feet

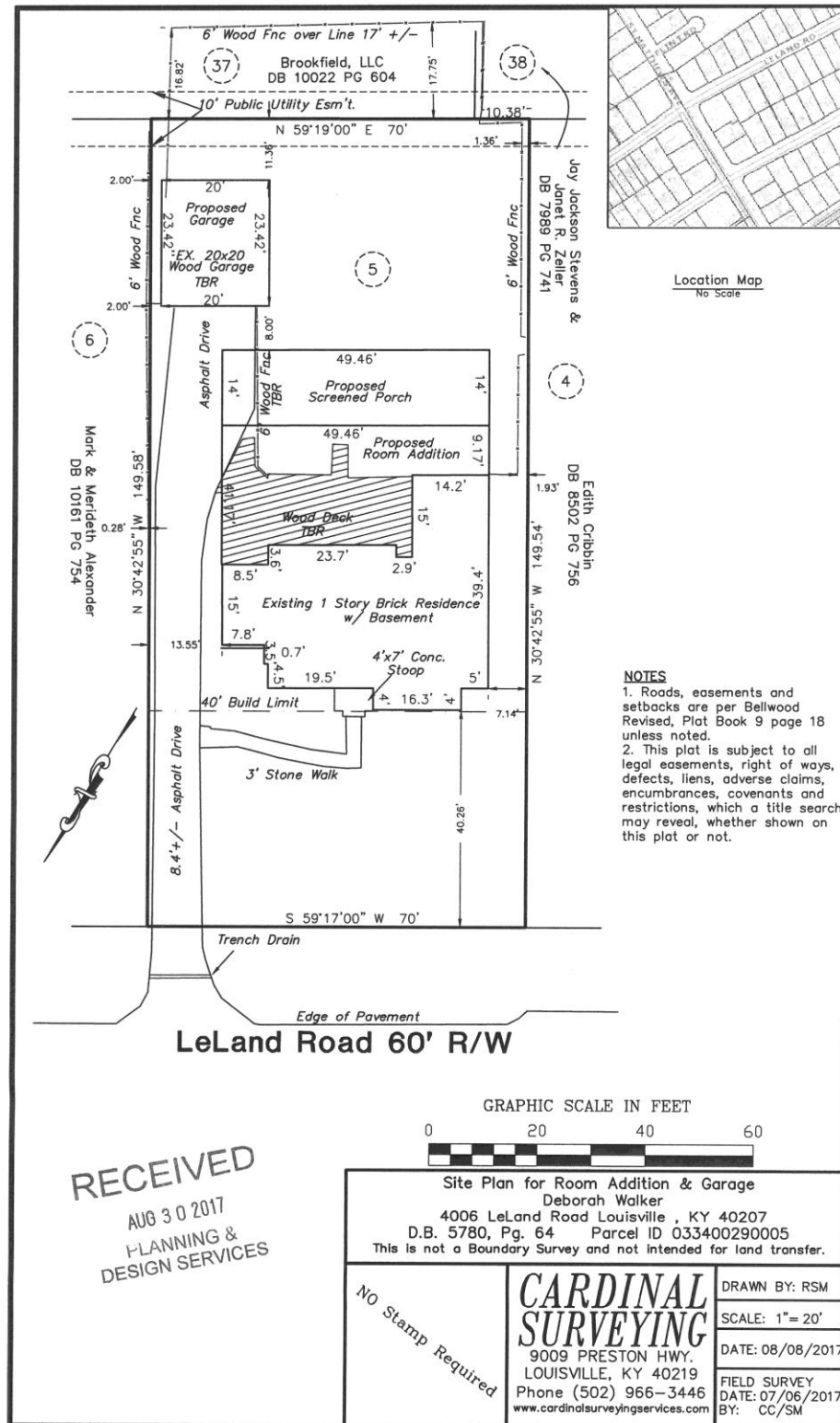
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Map Created: 9/19/2017

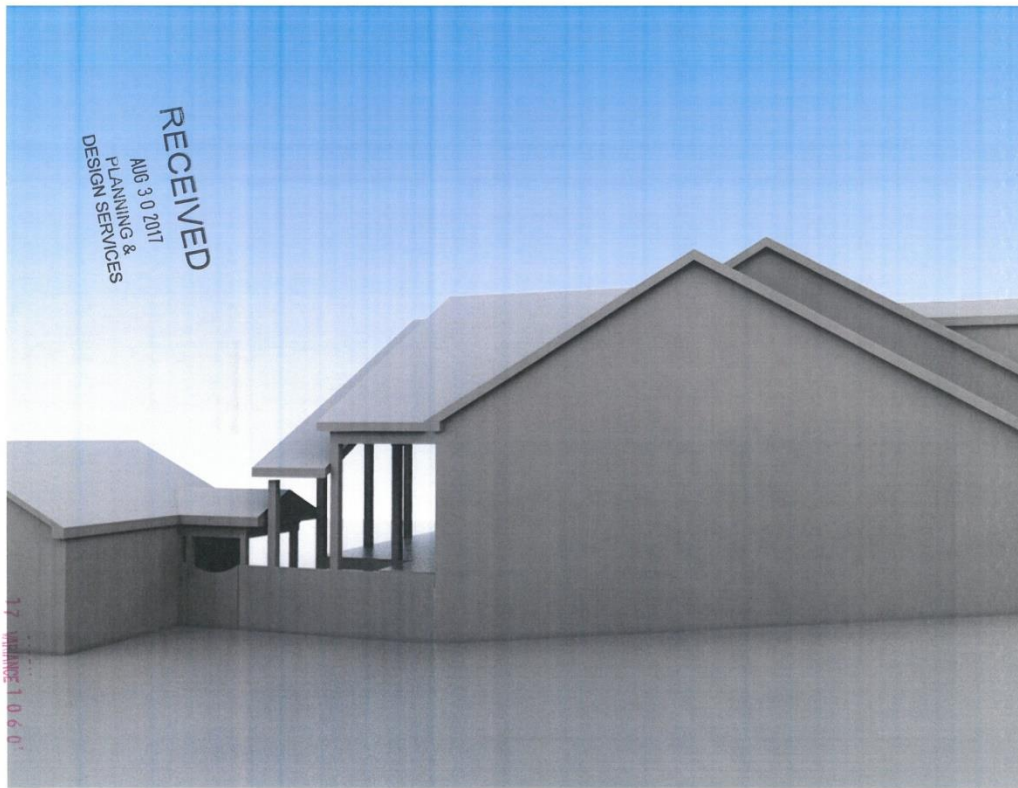


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3. Site Plan



4. Elevations



5. Site Photos



The front of the subject property.



The residence to the left of the subject property.



The residence to the right of the subject property.



The property across Leland Road.



The driveway leading to the existing garage.



The existing separation between the property line and the side of the garage.