

# Board of Zoning Adjustment Staff Report

June 5, 2017



<b>Case No:</b>	17VARIANCE1028
<b>Request:</b>	Variance from the required 5' side yard setback
<b>Project Name:</b>	241 Clover Lane Addition
<b>Location:</b>	241 Clover Lane
<b>Area:</b>	.138 Acres
<b>Owner:</b>	Paul Sandman and Hoang Tham Thi
<b>Applicant:</b>	Charlie Williams
<b>Representative:</b>	Charlie Williams
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

- Variance from St. Matthews Development Code section 4.7.C.2.b to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
<b>Side Yard Setback</b>	5 ft.	1.58 ft.	3.42 ft.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is located in the City of St. Matthews. The applicant proposes a new one-story detached garage, and two one-story additions onto the side and rear of the existing 1 ½ story residence on the property. St. Matthews Development Code section 4.7.C.2.b requires a 5-foot side yard setback. The rear addition is proposed to be 1.58 feet from the side property line in order to roughly line up with the side of the residence. The residence is 1.24 feet from the side property line. The applicant requests a variance from Development Code section 4.7.C.2.b to allow the encroachment. The rear addition is proposed to be used as a master bedroom.

The detached garage is proposed to be 2 feet from the side property line. However, St. Matthews Development Code section 9.2.P permits this without a variance.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single Family Residential	R-5	Neighborhood
<b>Proposed</b>	Single Family Residential	R-5	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-5	Neighborhood
<b>South</b>	Single Family Residential	R-5	Neighborhood
<b>East</b>	Single Family Residential	R-5	Neighborhood
<b>West</b>	Single Family Residential	R-5	Neighborhood

## PREVIOUS CASES ON SITE

No previous cases.

## INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

## APPLICABLE PLANS AND POLICIES

St. Matthews Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.7.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 addition will line up with the existing residence, 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 addition will be in line with the existing residence.

- (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 addition will not obstruct sight lines at the intersection.

- (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 addition will be in line with the existing residence.

### 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 lot is regular in shape and all of the lots in the general vicinity are of similar dimensions.

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 preventing the applicant from building the addition or requiring the addition to be narrower than needed.

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 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 yet begun construction.

### TECHNICAL REVIEW

No technical review undertaken.

### STAFF CONCLUSIONS

Based upon the information in the staff report, 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 Development Code from section 4.7.C.2.b to allow a proposed addition to encroach into the required side yard setback.

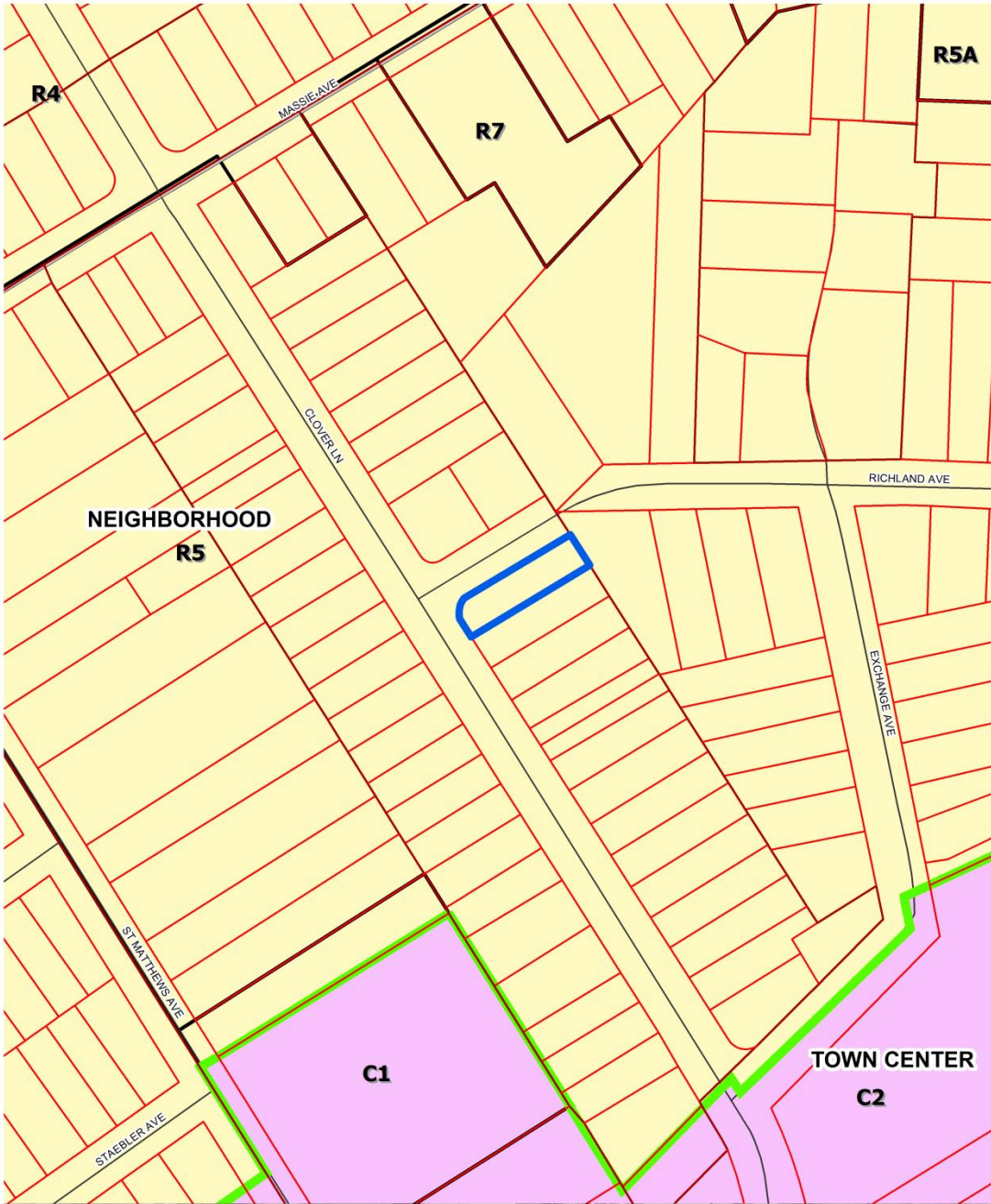
### NOTIFICATION

Date	Purpose of Notice	Recipients
05-17-2017	Public Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
05-22-2017		Sign posted on property

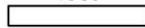
### ATTACHMENTS

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

1. **Zoning Map**



241 Clover Lane  
feet



140

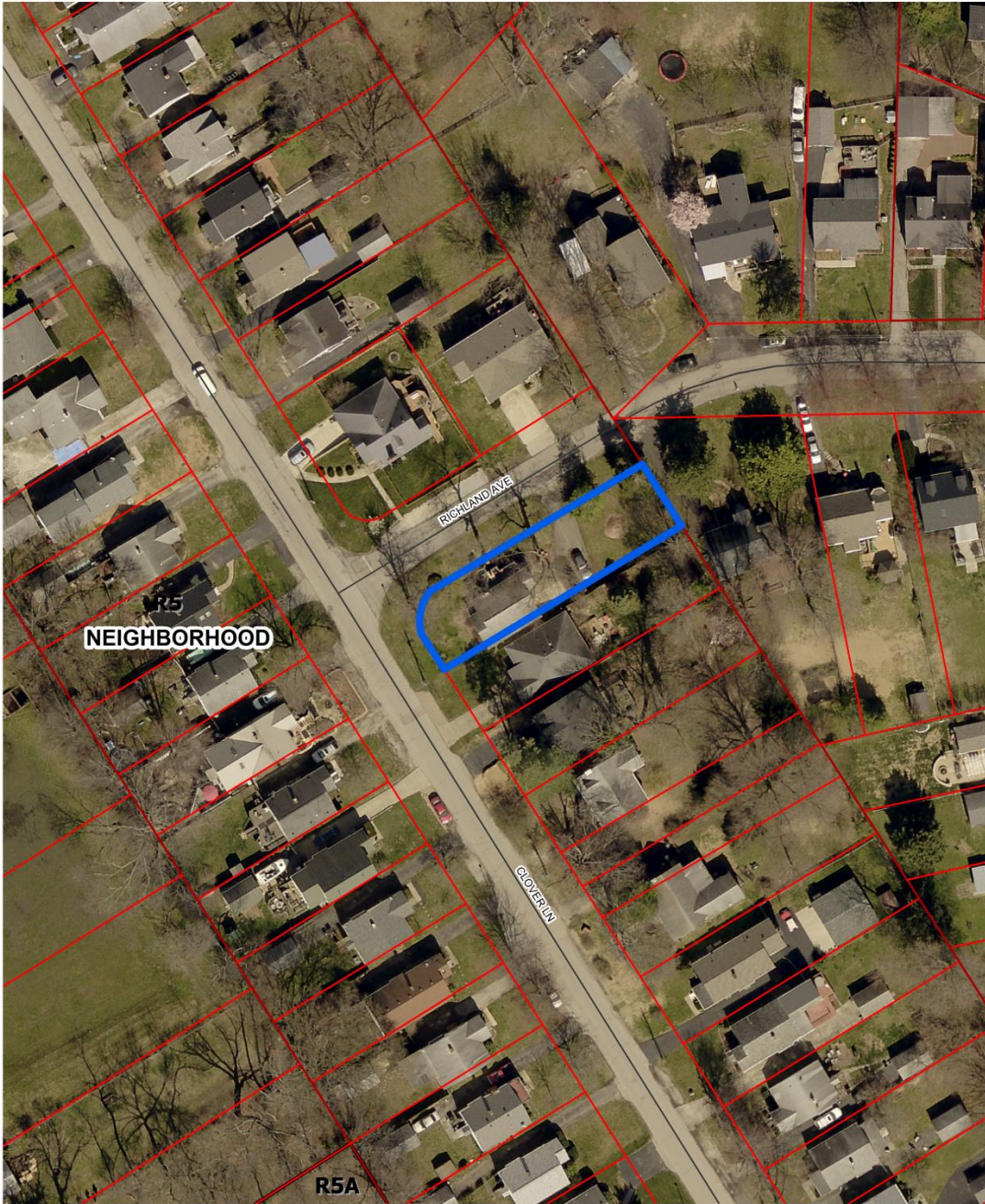
Map Created: 5/25/2017



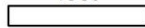
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2. Aerial



241 Clover Lane  
feet



70

Map Created: 5/25/2017



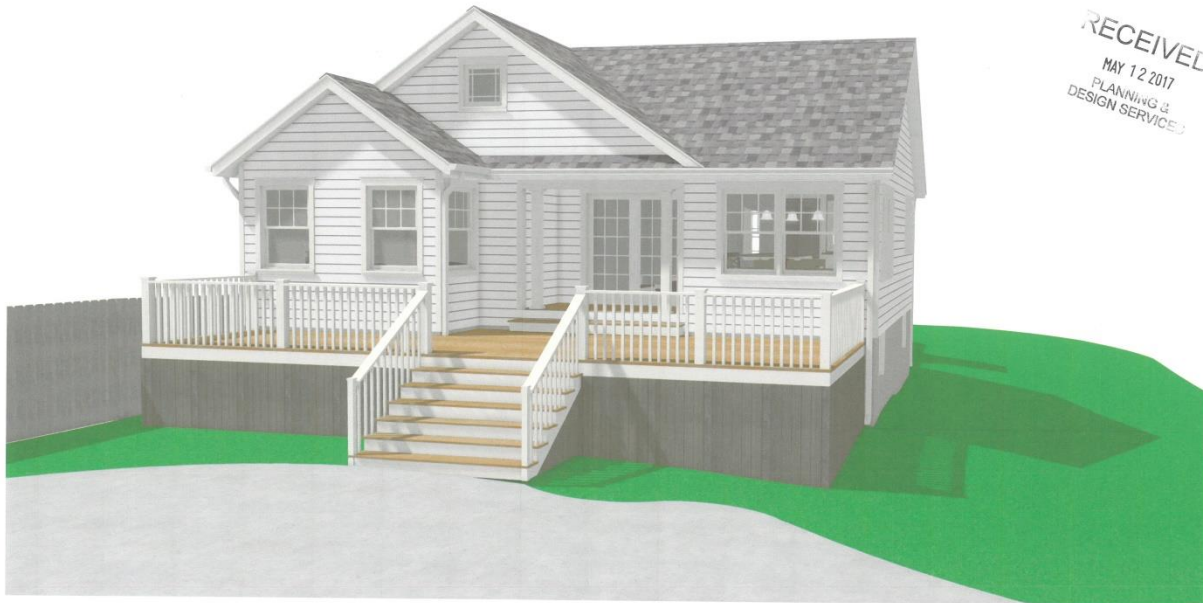
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4. Elevations

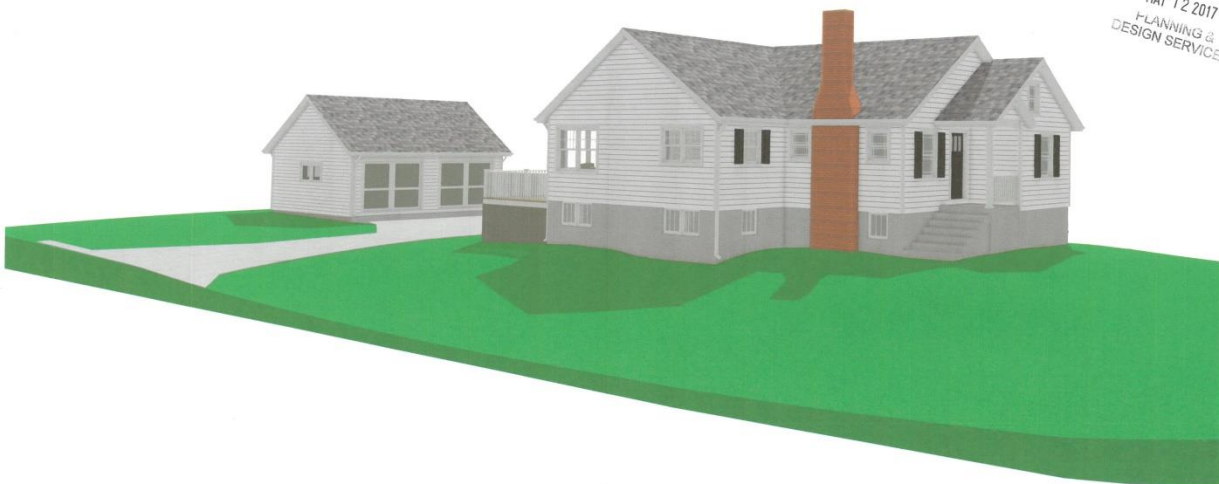
SANDMAN RESIDENCE  
241 CLOVER LANE  
LOUISVILLE, KY 40207



RECEIVED  
MAY 12 2017  
PLANNING &  
DESIGN SERVICES

17 VARIANCE 1 0 2 8

SANDMAN RESIDENCE  
241 CLOVER LANE  
LOUISVILLE, KY 40207



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17 VARIANCE 10 2 8

PROPOSED FRONT(WEST) ELEVATION

SCALE 1/4"=1'-0"

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17 VARIANCE 10 2 8

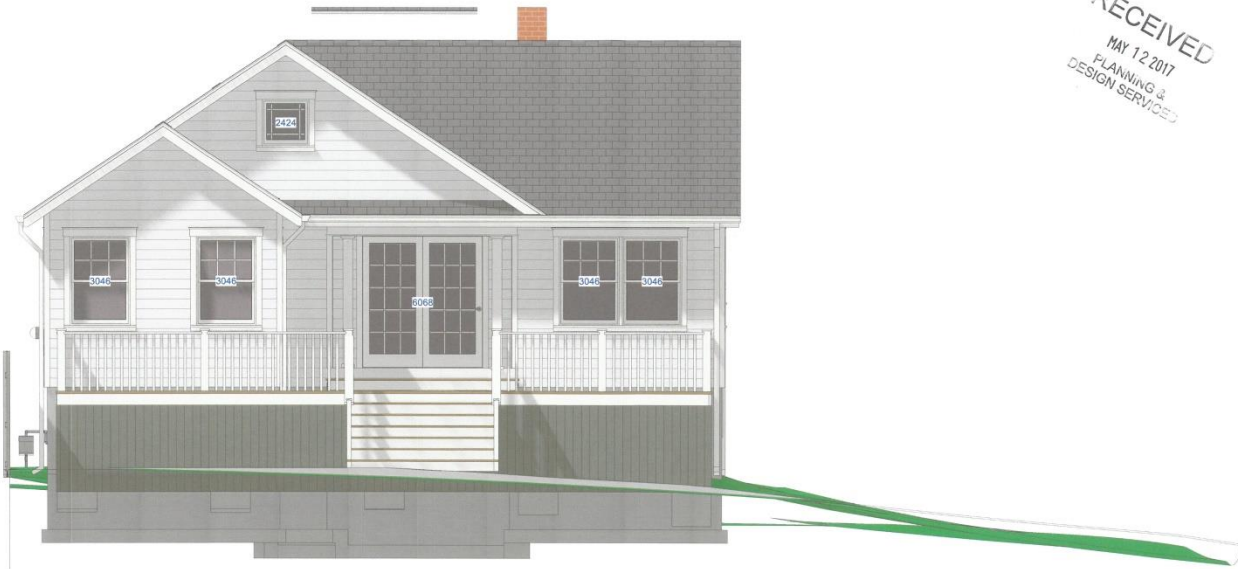
PROPOSED LEFT SIDE(NORTH) ELEVATION

SCALE 1/4"=1'-0"



SANDMAN RESIDENCE  
241 CLOVER LANE  
LOUISVILLE, KY 40207

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17 VARIANCE 1028

PROPOSED REAR(EAST) ELEVATION

SCALE 1/4"=1'-0"

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17 VARIANCE 1028

PROPOSED RIGHT SIDE(SOUTH) ELEVATION

SCALE 1/4"=1'-0"

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PROPOSED SOUTH ELEVATION  
SCALE 1/4"=1'-0"



PROPOSED NORTH ELEVATION  
SCALE 1/4"=1'-0"

17 VARIANCE 1028

RECEIVED  
MAY 12 2017  
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PROPOSED EAST ELEVATION  
SCALE 1/4"=1'-0"



PROPOSED WEST ELEVATION  
SCALE 1/4"=1'-0"

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5. Site Photos



The front of the subject property.





The left side of the subject property.





The rear of the property and existing driveway.





The rear of the existing structure with attached garage to be removed.



The location of the proposed rear addition to be aligned with the existing structure.





The adjoining property to the right of the subject property.





The residence across Richland Ave.





The residence across Clover Lane.