

# Board of Zoning Adjustment Non-Hearing Staff Report

July 20, 2015



<b>Case No:</b>	15Variance1039
<b>Project Name:</b>	House Addition
<b>Location:</b>	311 Eline Avenue
<b>Owner(s):</b>	Emily C. Bartz
<b>Applicant:</b>	Charlie Williams, Charlie Williams Design, Inc.
<b>Representative:</b>	Charlie Williams
<b>Project Area/Size:</b>	0.132 acres
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

## REQUEST

Variance from the Development Code, Articles 4.6 & 9.2.P, to allow an existing detached garage, as a resultant of new house addition, to be 4.2 feet from the south side yard property line.

### Variance

Location	Requirement	Request	Variance
<b>Side Yard (south)</b>	5 feet	4.2 feet	0.8 feet

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Due to the construction of a new rear house addition on the existing house in the City of St. Matthews, the existing detached garage is located too close to the south side yard property line. A detached garage is allowed to be 2 feet from the side yard property line when the house and the garage are a minimum of 15 feet apart. However with the construction of the new rear addition extending 15 feet beyond the existing house, reducing the distance between the garage and house to 11.8 feet, the 2 foot side yard setback requirement no longer applies. Therefore, the detached garage must be setback from the side yard a minimum of 5 feet. Sense the existing garage is located only 4.2 feet from the south property line, a variance of 0.8 feet is being requested so the existing garage can remain where currently located.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Traditional Neighborhood Form District (TN). It is surrounded by residential property zoned R-4 to the North, South, and East; and R-5 to the West in the Traditional Neighborhood Form District (TN).

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single-family residential	R-4	TN
<b>Proposed</b>	Single-family residential	R-4	TN
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-family residential	R-4	TN
<b>South</b>	Single-family residential	R-4	TN
<b>East</b>	Single-family residential	R-4	TN
<b>West</b>	Single-family residential across Eline Avenue	R-5	TN

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Development Code (City of St. Matthews, April 2001 version)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed structure is existing and located in the rear of the parcel; the adjacent neighbors have no objection to the new addition or the location of the existing 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 because the structure is an existing detached garage; is located in the rear of the parcel; and is compatible with the architecture throughout the neighborhood. Plus most lots in the neighborhood have rear detached garages.

- (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 because the detached garage is located at the rear of the property and the adjacent property owners have no objection to the location.

- (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 because the structure only encroaches into a small portion of the required side yard, plus it is an existing condition.

## 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. Because the house addition will reduce the distance between the structures to less than the required 15 feet, the required detached garage setback will increased from 2 feet to 5 feet. Therefore, to build the new house addition, a variance of 0.8 feet is needed for the existing detached garage to remain where currently located.

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 the existing detached garage would need to be either moved; or removed and rebuilt to meet the required 5 foot side yard setback.

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 detached garage is an existing structure; however the construction of the new house addition has created the circumstances which now require the applicant to seek relief of the side yard setback regulation for the existing detached garage.

### **TECHNICAL REVIEW**

There are no outstanding technical review items.

### **STAFF CONCLUSIONS**

The owner is adding additional living space including two bedrooms, a bath, and a family room, to the existing house. The proposed addition reduces the distance between the rear of the house and the garage to less than 15 feet. However, there are other garages in the neighborhood which are also less than 15 feet from the rear of the house. Considering the garage is existing, the adjacent property owners have no objection, and the Standard of Review has been met, this variance request can be granted.

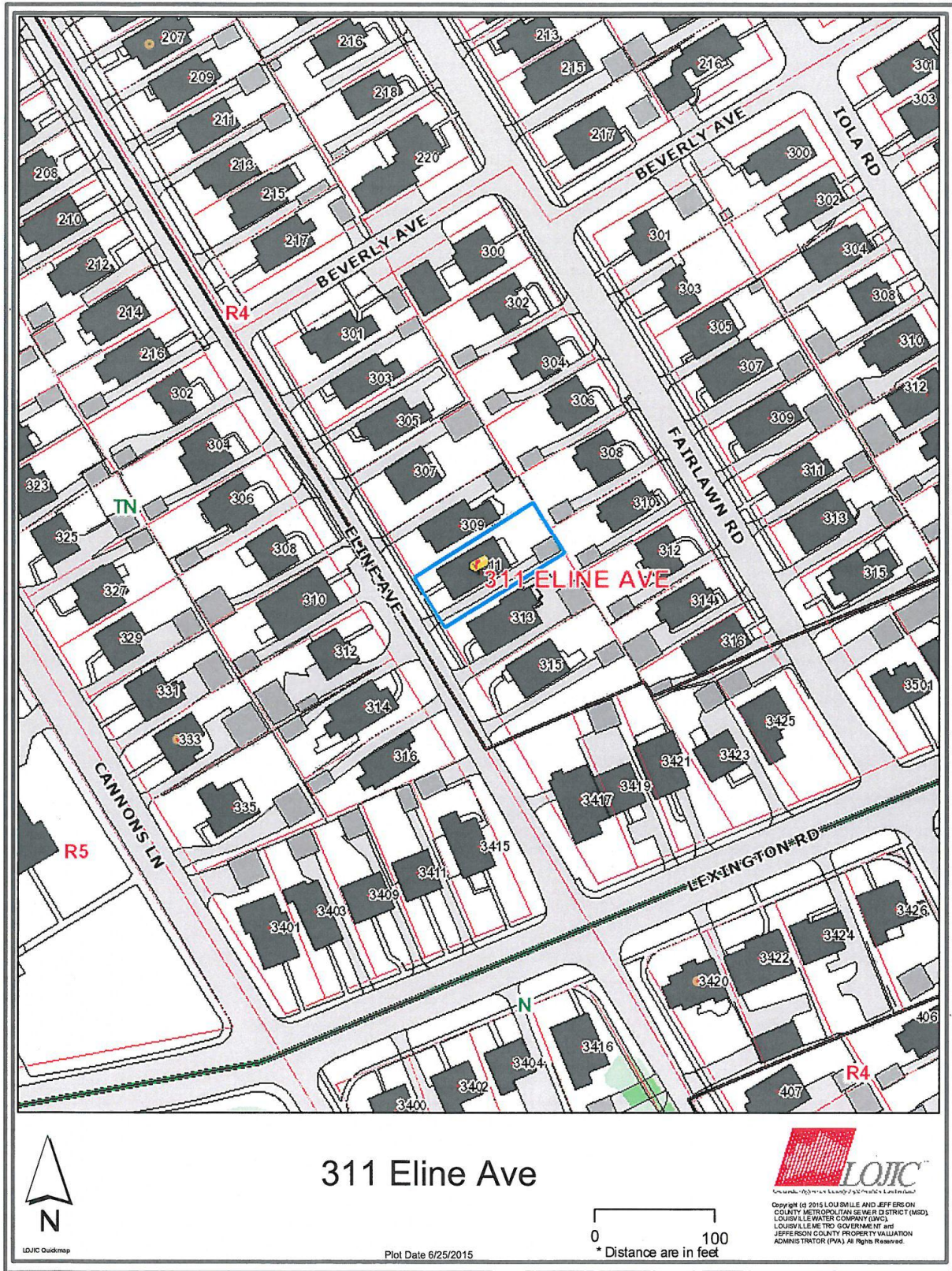
### **NOTIFICATION**

The applicant received the required signatures of the adjacent property owners.

### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations and Floor Plans
5. Applicant's Justification Statement
6. Site Photos

Attachment 1: Zoning Map

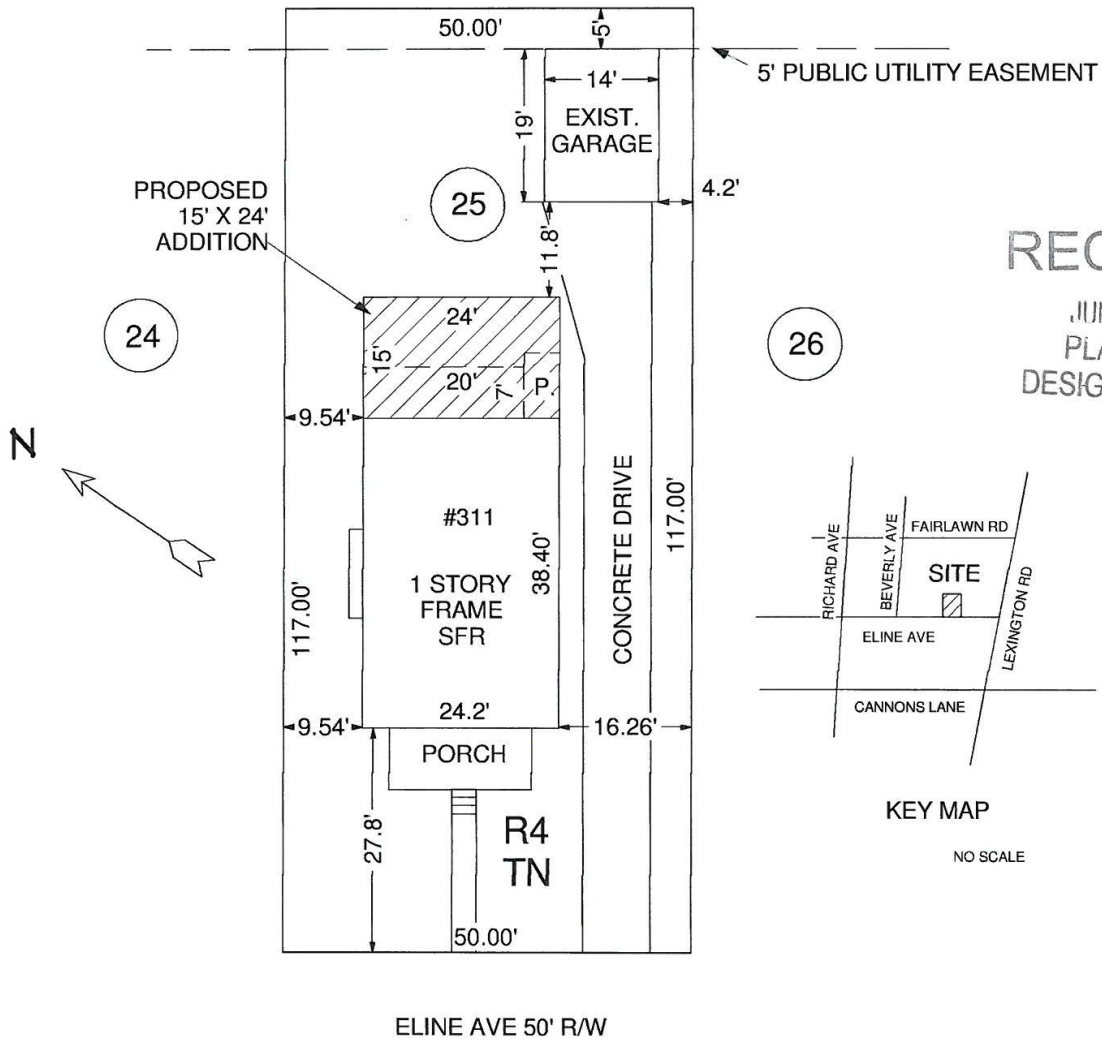


Attachment 2: Aerial Photo



Attachment 3: Site Plan

311 ELINE AVE  
LOUISVILLE, KY 40207



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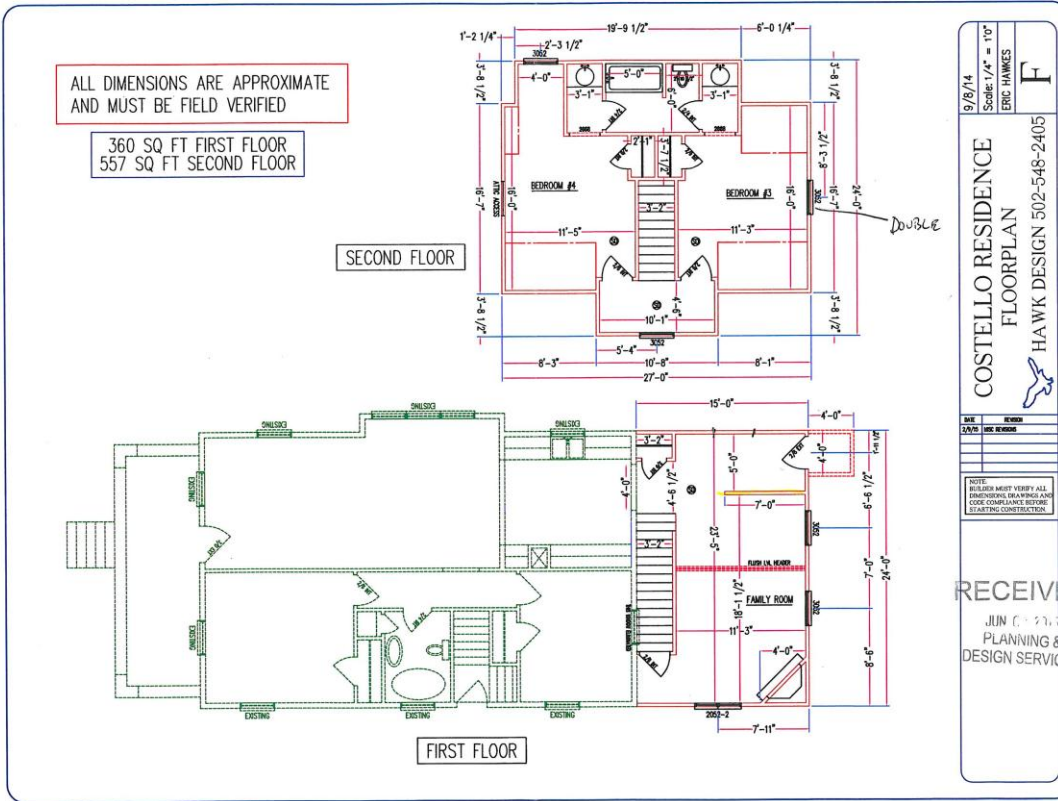


**SITE PLAN**

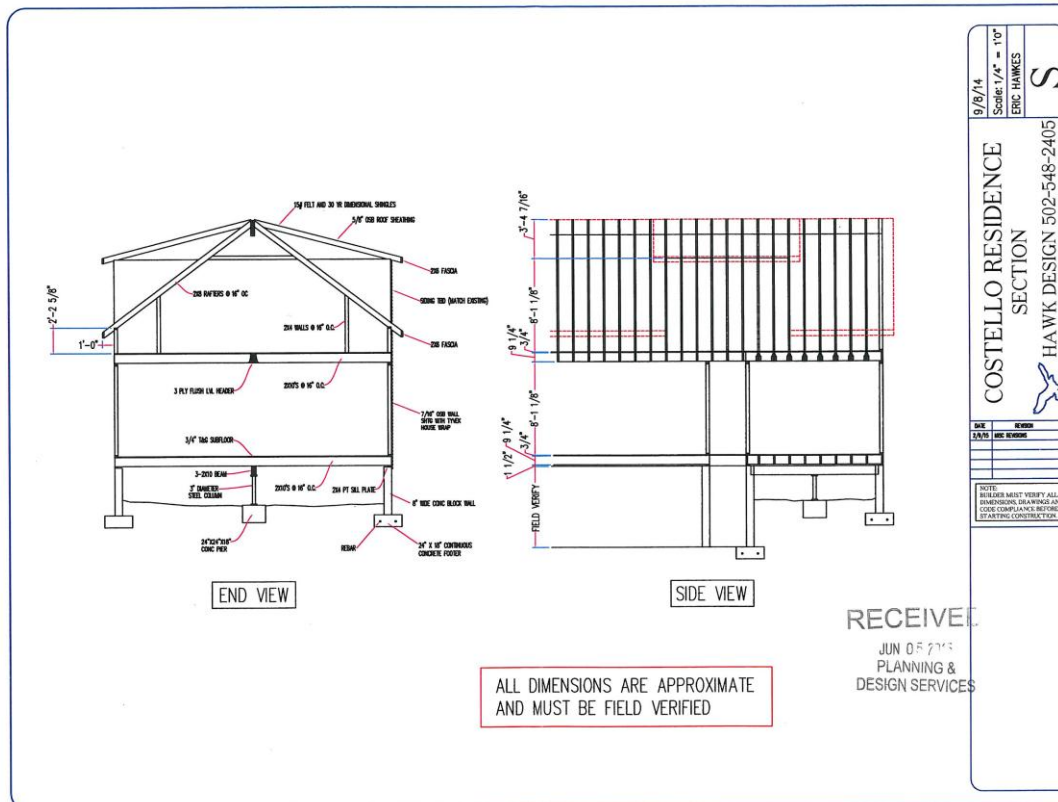
SCALE 1"=20'

*ISAMIR MURPHY*

Attachment 4: Elevations and Floor Plans



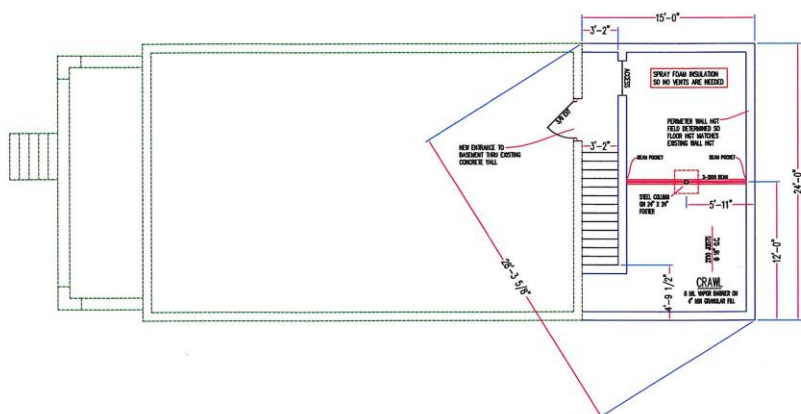
SUPPLEMENTARY



Lot 5880 SF

SUPPLEMENTARY

ALL DIMENSIONS ARE APPROXIMATE  
AND MUST BE FIELD VERIFIED



9/8/14 Scale: 1/4" = 1'-0"  
ERIC HAWKES  
C

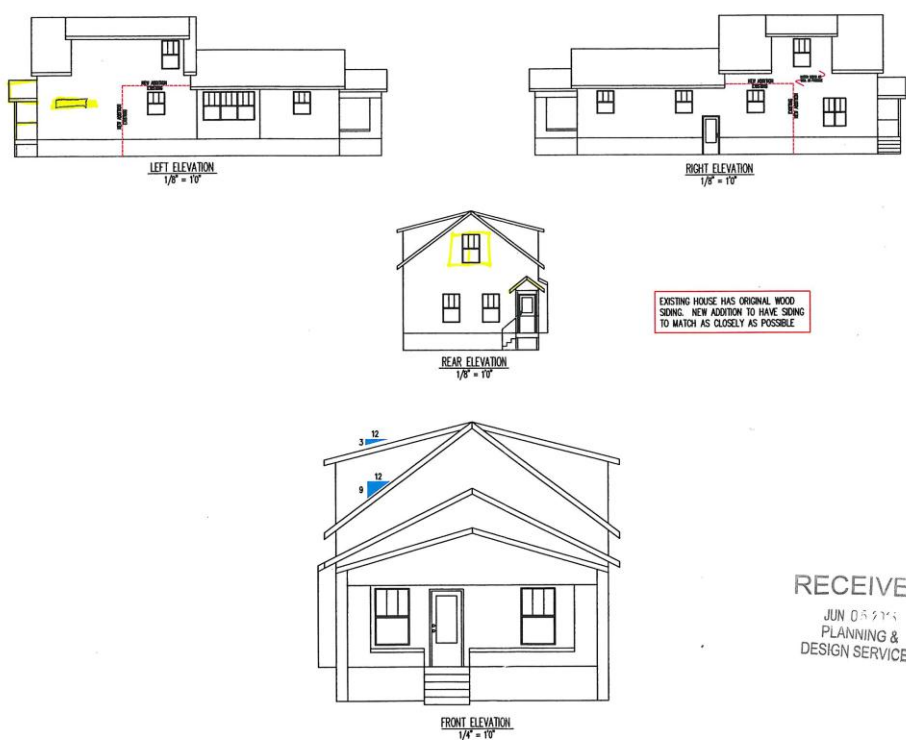
**COSTELLO RESIDENCE FOUNDATION**  
HAWK DESIGN 502-548-2405

NO.	REVISION
1/1/15	ISSUE FOR PERMITS

NOTE: BUILDER MUST VERIFY ALL DIMENSIONS ON DRAWINGS AND OBTAIN COMPLIANCE BEFORE STARTING CONSTRUCTION.

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EXISTING HOUSE HAS ORIGINAL WOOD SIDING. NEW ADDITION TO HAVE SIDING TO MATCH AS CLOSELY AS POSSIBLE

9/8/14 Scale: AS SHOWN  
ERIC HAWKES  
E

**COSTELLO RESIDENCE ELEVATIONS**  
HAWK DESIGN 502-548-2405

NO.	REVISION
1/1/15	ISSUE FOR PERMITS

NOTE: BUILDER MUST VERIFY ALL DIMENSIONS ON DRAWINGS AND OBTAIN COMPLIANCE BEFORE STARTING CONSTRUCTION.

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## Attachment 5: Applicant's Justification Statement

### Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

Condition is ii the rear of a private, enclosed yard. There is no access for the general public.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

Many similar configurations are in the area. Most have detached garages in small rear yards.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

Condition is ii the rear of a private, enclosed yard. There is no access for the general public.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

Rear yard still meets minimum private yard requirements . New addition is 12' from garage . 15' is required to allow garage to be closer than 5' to side property line. Existing garage is 4.2' from the side property line.

*Additional consideration:*

**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

Most garages in the area appear to be on the rear property line encroaching an easement. Subject garage clears that easement with an extra foot.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

Garage would need to be relocated 8-10" or addition design would need to be reduced 3' in depth.

**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

Yes, but current owner did not construct the existing garage.

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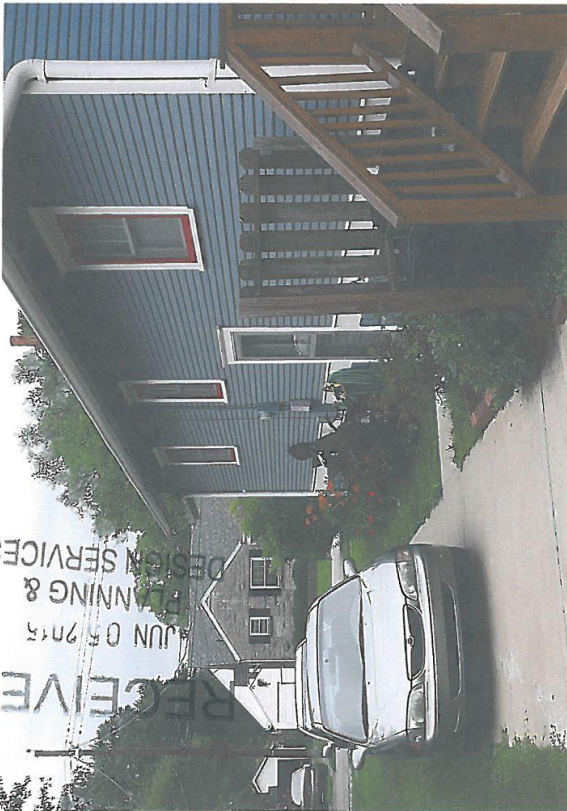
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Attachment 6: Site Photos

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311 ELINE AVE

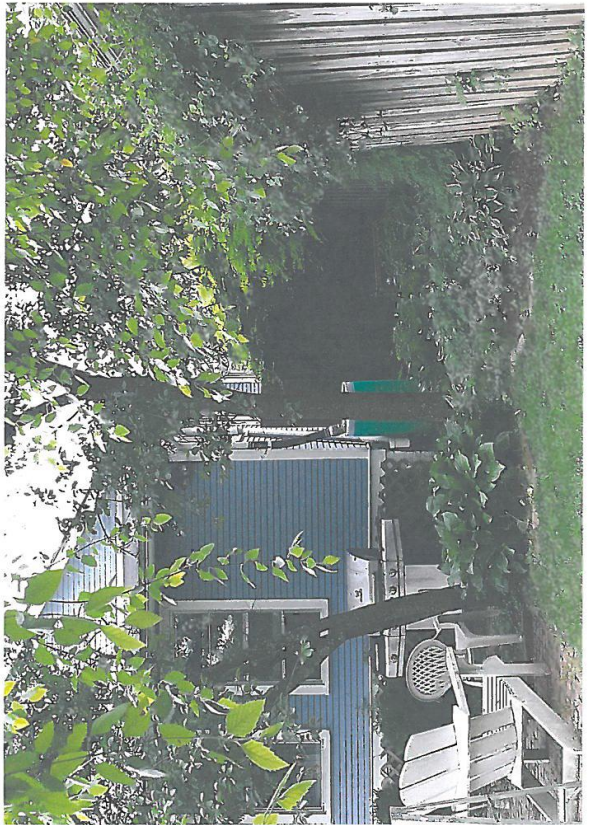


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300 ELINE AVE



311 ELINE AVE

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