

Board of Zoning Adjustment Staff Report

June 2, 2014



Case No:	14Variance1044
Project Name:	(none) Residential
Location:	3923 Warner Avenue
Owner(s):	Gregory & Stephanie Smith
Applicant:	Gregory & Stephanie Smith
Representative:	Joe Willis
Project Area/Size:	0.19 acres
Jurisdiction:	City of St. Matthews
Council District:	9 – Tina Ward-Pugh
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

- Variance #1: Variance from the Development Code, Article 4.7.C.2(d), to allow a proposed detached garage to be 5 feet from the rear yard property line.
- Variance #2: Variance from the Development Code, Article 9.2.Q, to allow the proposed detached garage to occupy more than 30% of the rear yard area.

Variance #1

Location	Requirement	Request	Variance
Rear Yard (North)	25 feet	5 feet	20 feet

Variance #2

Location	Requirement	Request	Variance
Rear Yard Area	30% or 337sf	40.5% or 456sf	10.5% or 119sf

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 720sf detached garage in the rear of the property in the City of St. Matthews. The garage is proposed to be located 5' from the rear property line encroaching 20 feet into the 25 feet required rear yard. The proposed garage, an accessory structure, is allowed to occupy 30% of the rear yard area when it is located a minimum of 5' from the rear property line. However, the proposed garage is occupying more than the 30% allowed, therefore a variance is required to allow the garage to occupy 40.5% of the rear yard area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-5 in the Neighborhood Form District (N). It is surrounded by residential property zoned R-5 in the Neighborhood Form District (N).

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

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 BOTH VARIANCES

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

STAFF: The variances will adversely affect the public health, safety or welfare because the proposed structure when located further back requires additional pavement to access the garage, therefore additional previous area of the lot is lost, resulting in additional runoff. Also the construction of the footer or foundation will impact the existing root systems of the large trees located on or around the area of the proposed garage.

- (b) The requested variances will not alter the essential character of the general vicinity.

STAFF: The requested variances will alter the essential character of the general vicinity because the proposed garage will be setback further than the adjacent garages or accessory structures on the surrounding properties.

- (c) The requested variances will not cause a hazard or nuisance to the public.

STAFF: The requested variances will cause a hazard or nuisance to the public because the detached garage will be located further back resulting in more impervious areas less absorption of runoff at the rear of the property resulting in increased runoff on or into the combined sewer system. Also the critical root zones of the existing large trees will be adversely impacted by the construction of foundation or footers resulting in the trees being damaged and/or possibly lost due to the root zone damage.

- (d) The requested variances will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will allow an unreasonable circumvention of the zoning regulations because the structure is located further back than the other accessory structures located on the surrounding properties. There is sufficient room for the garage to be located out of the required 25 feet rear yard and the critical root zones of the existing large trees.

ADDITIONAL CONSIDERATIONS:

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

STAFF:.. The requested variances do not arises from special circumstances which do not generally apply to land in the general vicinity or the same zone. The rear yard area size and the size and location of the existing house are similar to the adjacent properties. These adjacent properties have garages which are located as required by the Development Code

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 not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant. The garage could be relocated out of the rear yard. There is sufficient room and distance for the garage to be located as required by the Development Code.

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. Yes this is new construction. The applicant can met the requirements of the Development Code.

TECHNICAL REVIEW

None

STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review the request for both of the variances are not supported. The rear yard requirements can be met.

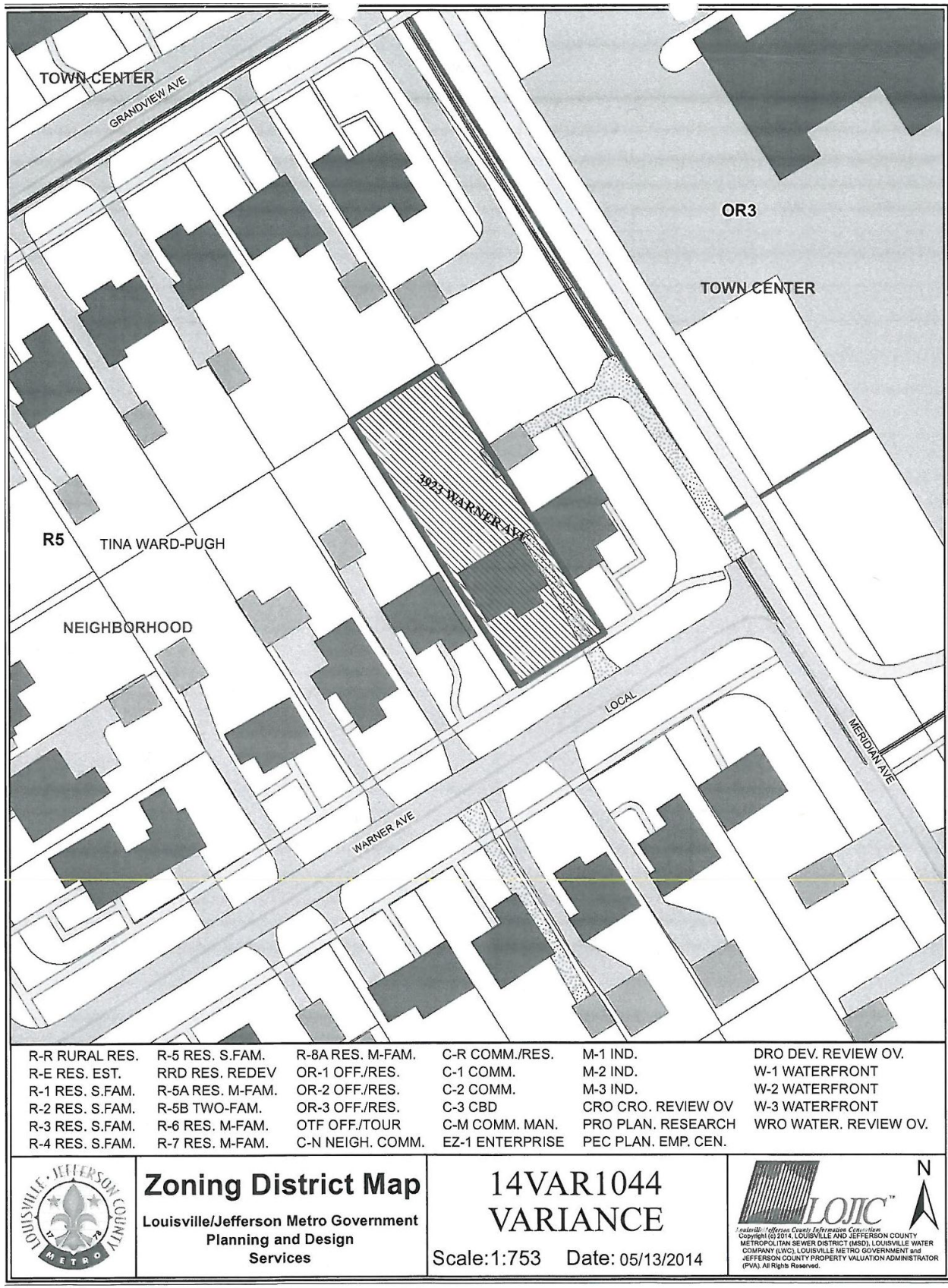
NOTIFICATION

Date	Purpose of Notice	Recipients
5/16/14	BOZA Hearing	1 st tier adjoining property owners Neighborhood notification recipients
5/20/2014	Sign Posting	Subject property

ATTACHMENTS

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

3. Zoning Map



2. **Aerial Photo**



R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	



Zoning District Map

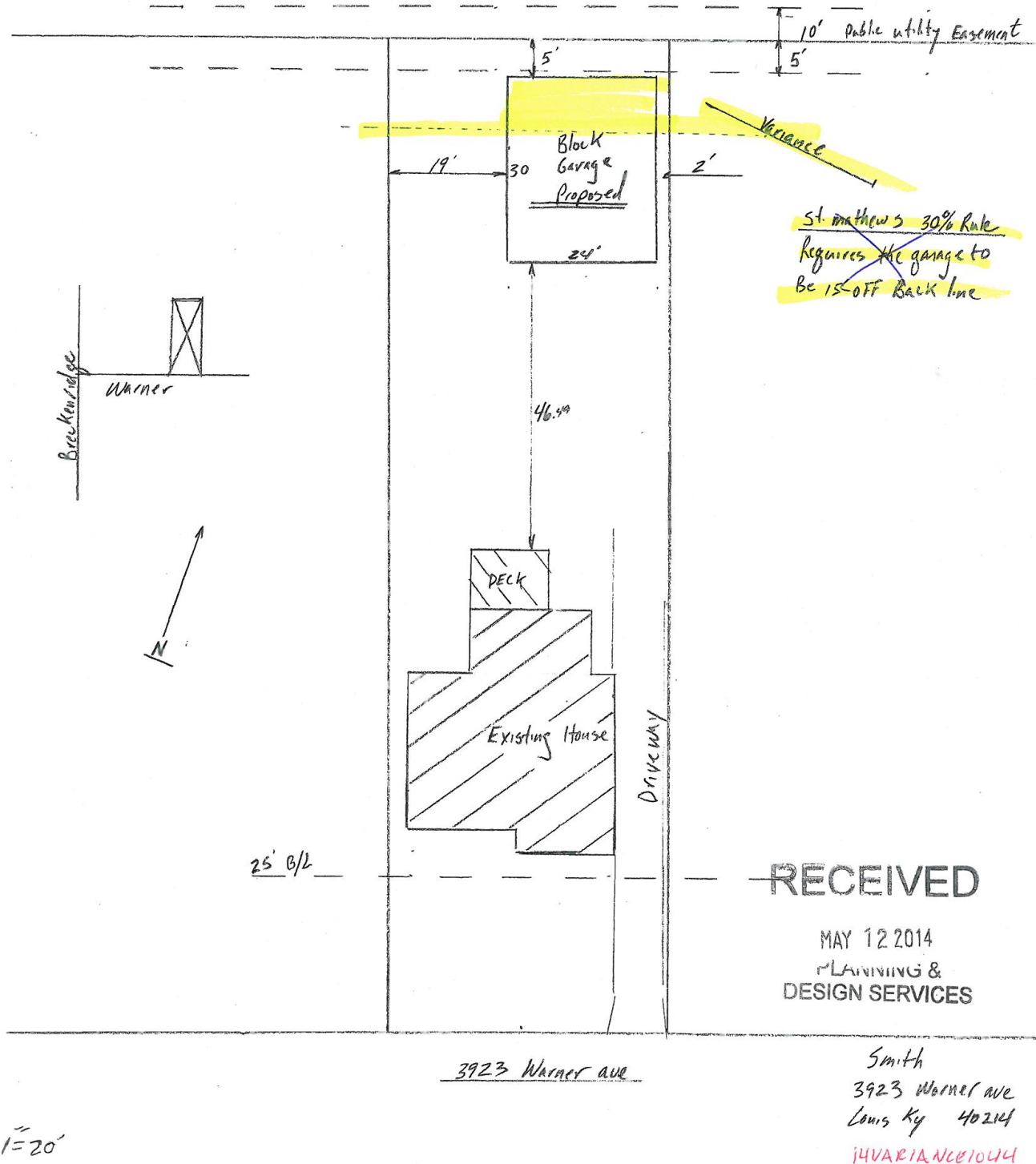
Louisville/Jefferson Metro Government
Planning and Design
Services

14VAR1044 VARIANCE

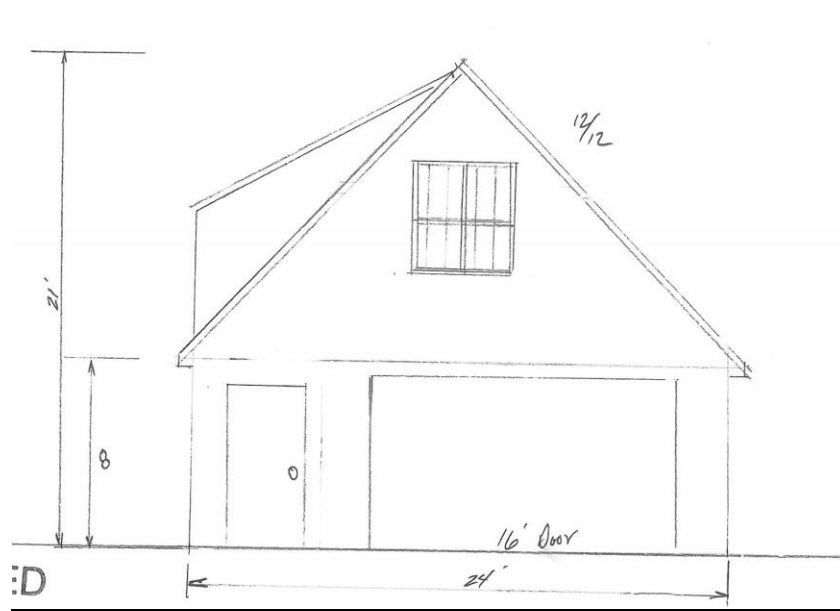
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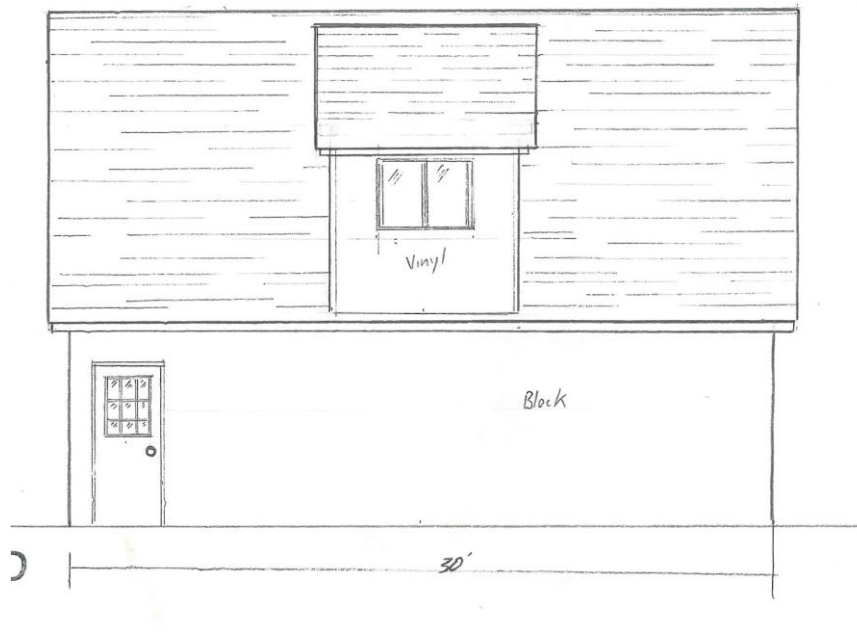
3. Site Plan



4. **Elevations**



Front Elevation



Side Elevation