

**Board of Zoning Adjustment
Staff Report**
March 16, 2015



Case No:	15VARIANCE1007
Project Name:	157 Thierman Lane
Location:	157 Thierman Lane
Owner(s):	JAG Services, LLC
Applicant(s):	Joe Gottbrath
Representative(s):	Joe Gottbrath
Project Area/Size:	0.20 acres
Existing Zoning District:	OR-1, Office/ Residential
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Matthew Doyle, Planner I

REQUEST

- Variance from section 5.2 of the Development Code to allow existing parking to encroach into the required front yard.

Location	Requirement	Request	Variance
Parking in front yard	25'	15'	10'

CASE SUMMARY

The subject is located within the boundaries of the City of St. Matthews and is subject to the Development Code in effect as of April 2001.

The required front yard for the site is 25 ft. The existing parking begins to encroach into the front yard at 15 ft., so the applicant requests a variance of 10 ft. It appears that the parking apron has been there for quite some time. The applicant states that it has been there since approximately 1990.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Insurance office	OR-1	SMC
Proposed	Insurance office	OR-1	SMC
Surrounding Properties			
North	Condominiums	R-7	SMC
South	Commercial retail	OR-1	SMC
East	Apartments	OR-2	SMC
West	Duplex, Commercial office	R-6, OR-3	SMC

PREVIOUS CASES ON SITE

9-37-80: Approval of a change in zoning from R-5 to OR-1.

INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Development Code (April 2001)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 since the parking does not obstruct views of vehicular traffic and maintains an adequate distance from pedestrian traffic on the sidewalk.

- (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 since the area has a mix of uses including several establishments on the street that have parking in the front.

- (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 since the parking does not obstruct views of vehicular traffic, maintains an adequate distance from pedestrian traffic on the sidewalk, and the area has a mix of uses including several establishments on the street that have parking in the front.

- (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 since the parking does not obstruct views of vehicular traffic, maintains an adequate distance from pedestrian traffic on the sidewalk, and the area has a mix of uses including several establishments on the street that have parking in the front.

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 variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

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 deprive the applicant of the reasonable use of the land since the parking does not obstruct views of vehicular traffic, maintains an adequate distance from pedestrian traffic on the sidewalk, and the area has a mix of uses including several establishments on the street that have parking in the front.

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.

TECHNICAL REVIEW

The Development Review Committee must approve the Revised Detailed District Development Plan showing the improvements of the site since the original plan was approved with the change in zoning in 1980.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. 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 standard for granting a variance established in the Land Development Code.

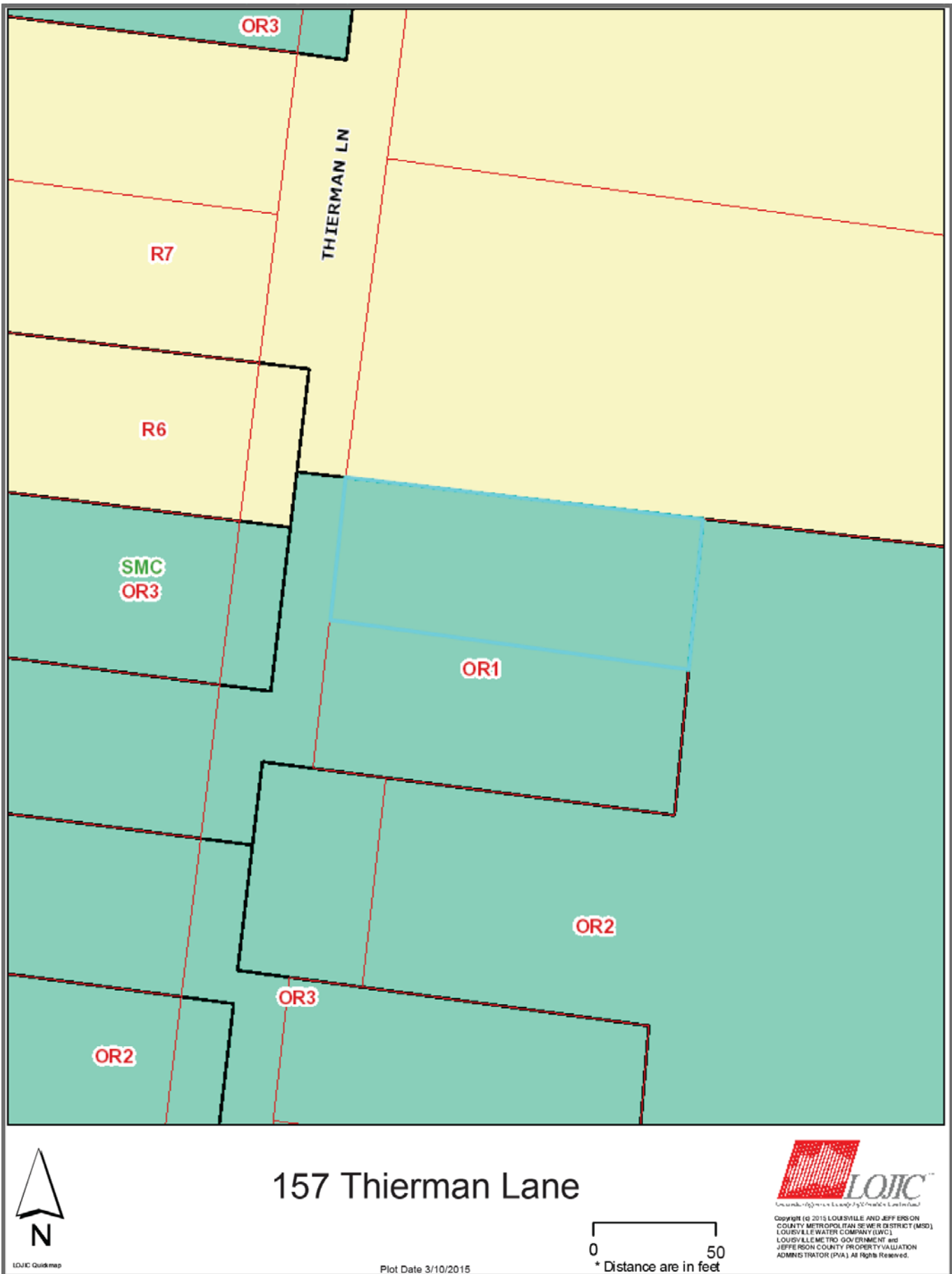
NOTIFICATION

Date	Purpose of Notice	Recipients
2/18/15	BOZA	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

