

Board of Zoning Adjustment

Staff Report

April 16, 2018



Case No:	18VARIANCE1018
Project Name:	434 Oxford Place Driveway
Location:	434 Oxford Place
Owner(s):	Kristin & Joseph Smith
Applicant:	Joseph Smith
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from City of St. Matthews Development Code section 9.1.4 to allow a driveway to be used for off-street parking to exceed 20 feet in width.

Location	Requirement	Request	Variance
Driveway Width	20 ft.	34 ft.	14 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of St. Matthews at the intersection of Oxford Place and Wilmington Avenue, and currently contains a single-family residence with a detached garage. The applicant proposes to demolish the existing garage and construct a new three-car detached garage in its place. The garage is proposed to be 34 feet wide, with a driveway that is 20 feet wide at the property line and widening to 34 feet at the garage. The applicant requests a variance from the City of St. Matthews Development Code section 9.1.4 to allow a driveway intended for off-street parking to exceed 20 feet in width.

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 9.1.4 to allow a driveway to exceed 20 feet in width.

TECHNICAL REVIEW

- No technical review was undertaken

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 9.1.4

- (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 driveway is proposed to be on private property and will lead to a detached 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 as the driveway will be 20 feet wide at the right-of-way.

- (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 driveway will be the standard 20 feet in width at the right-of-way.

- (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 driveway is proposed to be the same width as the garage to which it leads, a garage which is permitted by the zoning regulations.

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 because the lot is regular in shape and of similar size to neighboring lots.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to have a driveway that is not as wide as the permitted garage, leading to difficulty in parking cars within the garage.

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.

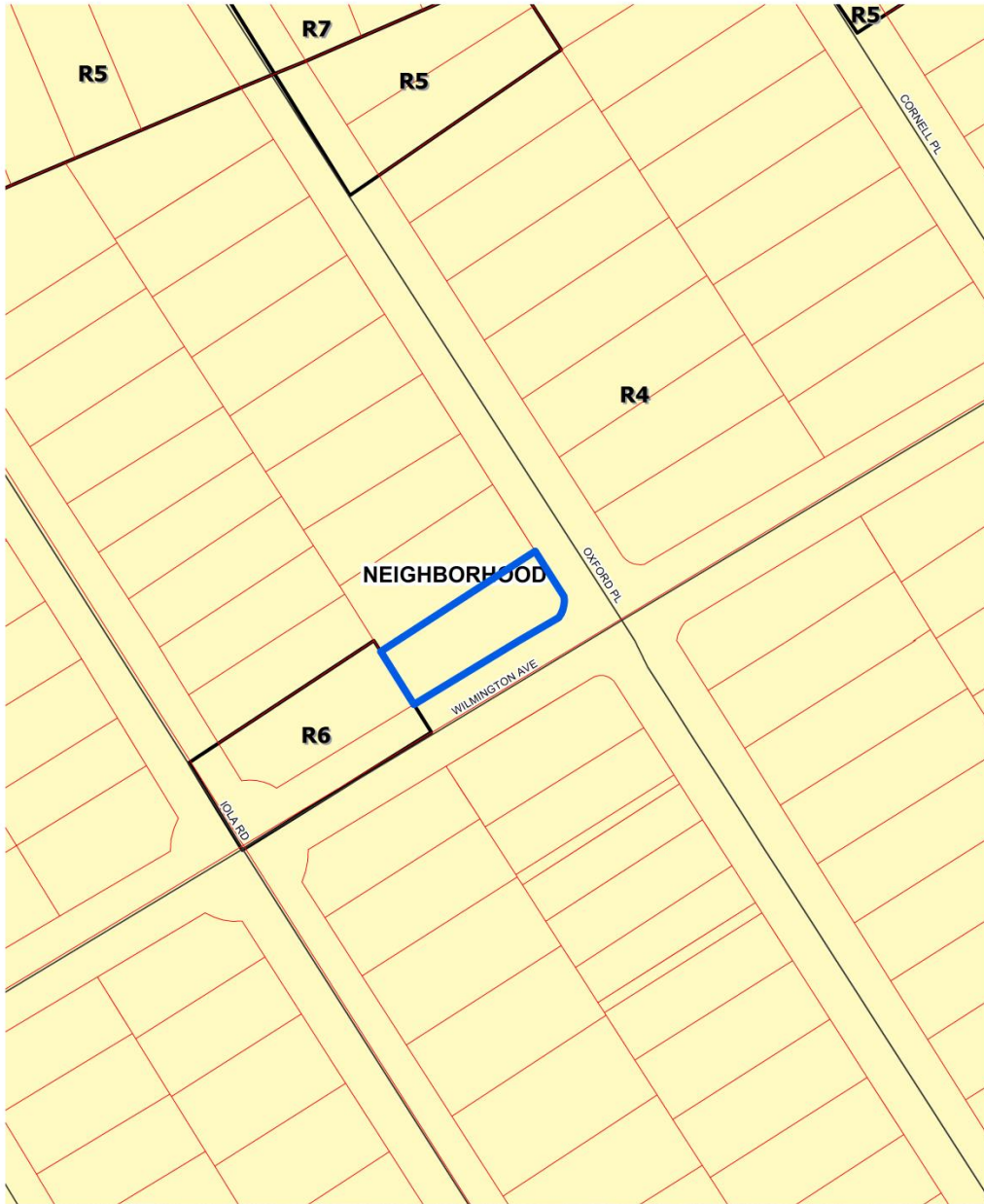
NOTIFICATION

Date	Purpose of Notice	Recipients
03/27/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
03/30/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. Zoning Map



434 Oxford Place
feet

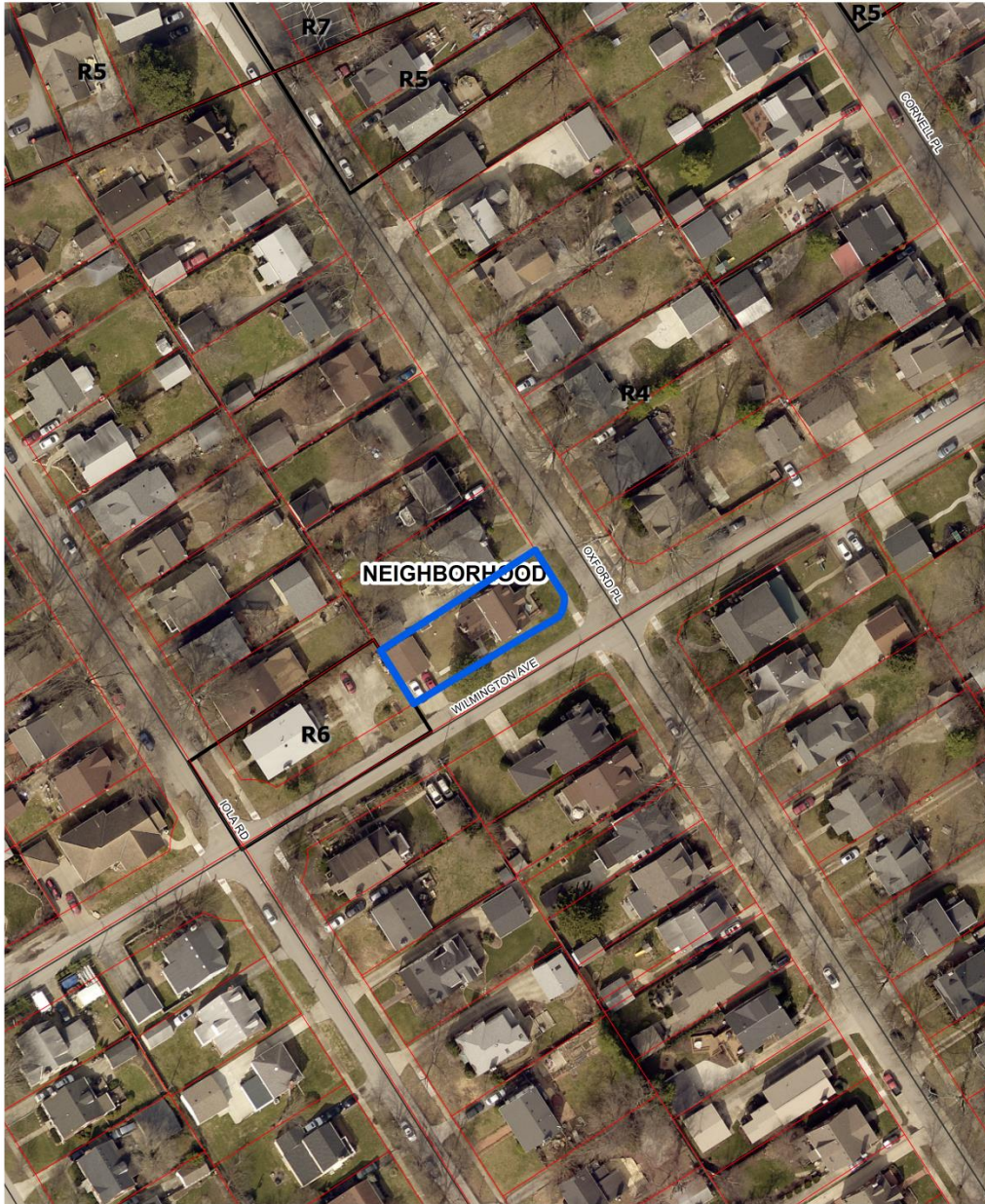
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Map Created: 4/3/2018



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2. Aerial Photograph



434 Oxford Place
feet

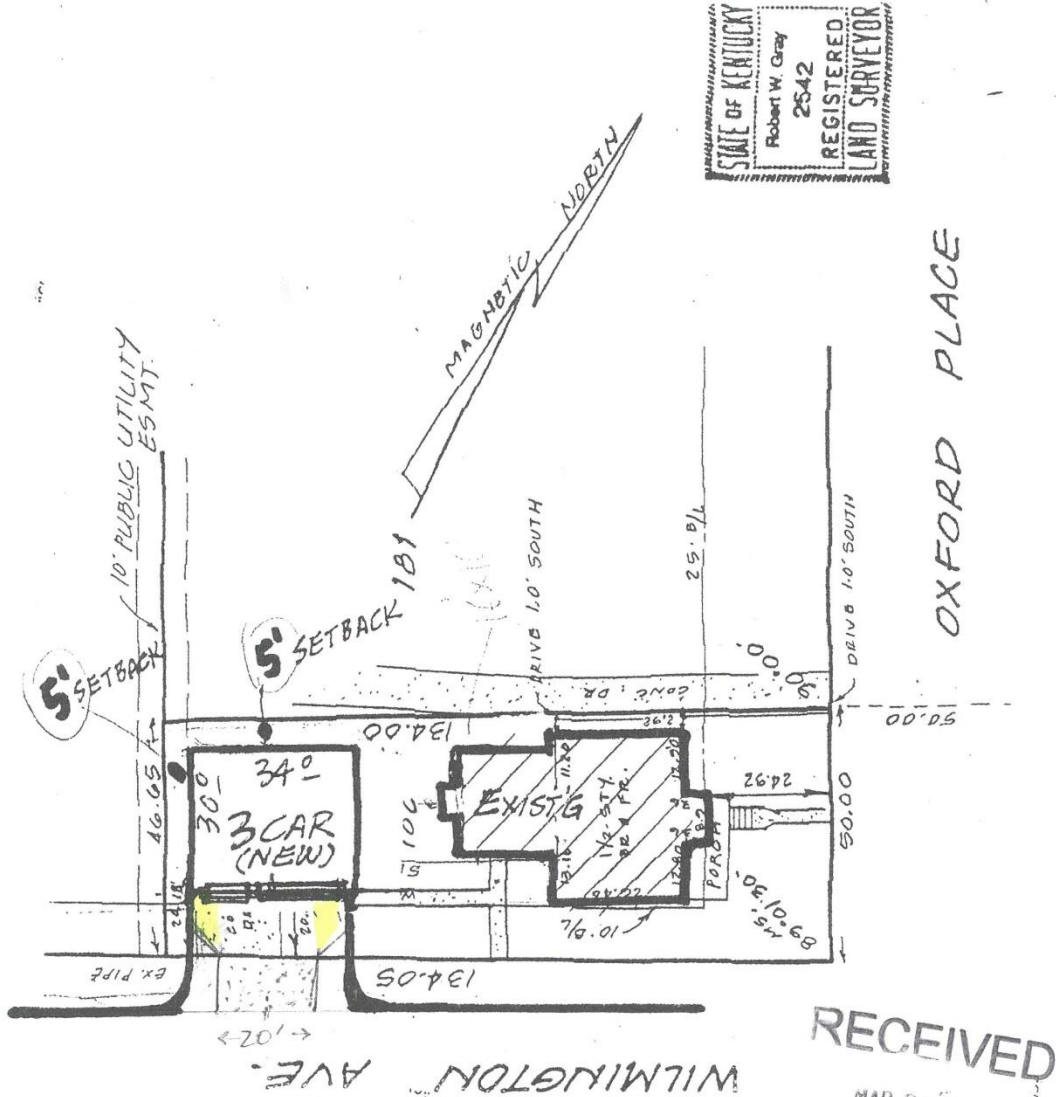
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3. Site Plan



STATE OF KENTUCKY
Robert W. Gray
2542
REGISTERED
LAND SURVEYOR

SITE PLAN

18 VARIANCE 1018

5. Site Photos



The front of the subject property.



The property to the right of the subject property.



The property to the left of the subject property across Wilmington Avenue.



The property across Oxford Place.



The location of the requested variance and the existing garage which is to be removed.