

# Board of Zoning Adjustment Staff Report

January 12, 2014



<b>Case No:</b>	14Variance1108
<b>Project Name:</b>	New Deck
<b>Location:</b>	308 Monohan Drive
<b>Owner(s):</b>	Richard and Beth Stremel
<b>Applicant:</b>	Richard and Beth Stremel
<b>Representative:</b>	Owner
<b>Project Area/Size:</b>	0.25 acres
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	26 - Brent Ackerson
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

## REQUEST

Variance from the Development Code, Article 9, Section 9.2.P, to allow an existing detached garage, as a resultant of a deck addition, to be 3 feet from the north side yard property line.

### Variance

Location	Requirement	Request	Variance
<b>Side Yard (North)</b>	5 feet	3 feet	2 feet

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Due to the construction of a rear deck on the existing house in the City of St. Matthews, the existing detached garage is located too close to the northern side yard property line. A detached garage is allowed to be located 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 deck extending 13 feet 10 inches beyond the existing house, reducing the distance between the garage and house to less than 15 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. Since the existing garage is located only 3 feet from the northern property line, a variance of 2 feet is being requested so the existing garage can remain where currently located and the new deck addition can be constructed.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood Form District (N). It is surrounded by residential property zoned R-4 in the Neighborhood Form District (N).

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single-family residential	R-4	N
<b>Proposed</b>	Single-family residential	R-4	N
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	R-4	N
<b>South</b>	Single-family residential	R-4	N
<b>East</b>	Single-family residential across Monohan Drive	R-4	N
<b>West</b>	Single-family residential	R-4	N

## PREVIOUS CASES ON SITE

Parkside Section 2 Subdivision plat recorded in Plat Book 9 Page 3.

## INTERESTED PARTY COMMENTS

No interested parties have made any inquiries.

## 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 detached garage is existing and located in the rear of the parcel. The location of the existing garage will remain the same. The variance request is necessary because the applicant is replacing the existing deck and adding additional deck area onto the rear of the house which reduces the distance between the garage and the house to less than 15 feet. Therefore, a variance is needed to allow the existing garage to be located less than 5 feet from the northern property line.

- (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 existing and located at the rear of the property.

- (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 deck addition will deduced the distance between the structures to less than the required 15 feet, the required detached garage setback will increased from 3 feet to 5 feet. Therefore, to build the new deck addition, a variance of 2 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. Plus the new deck addition could not be built as proposed.

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 deck 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 technical review issues to be addressed.

### STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant a variance of 2 feet allowing the existing garage to remain after the deck addition is constructed. Therefore, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Development Code based on the testimony and evidence provided at the public hearing.

### NOTIFICATION

Date	Purpose of Notice	Recipients
12/29/2015	BOZA Hearing	1 <sup>st</sup> tier adjoining property owners Neighborhood notification recipients
12/22/2015	Sign Posting	Subject property

### ATTACHMENTS

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

**Attachment 1 - Zoning Map**

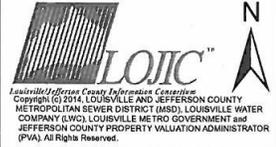


R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 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

**14VAR1108**  
**VARIANCE**  
 Scale: 1:673 Date: 12/16/2014



Attachment 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.
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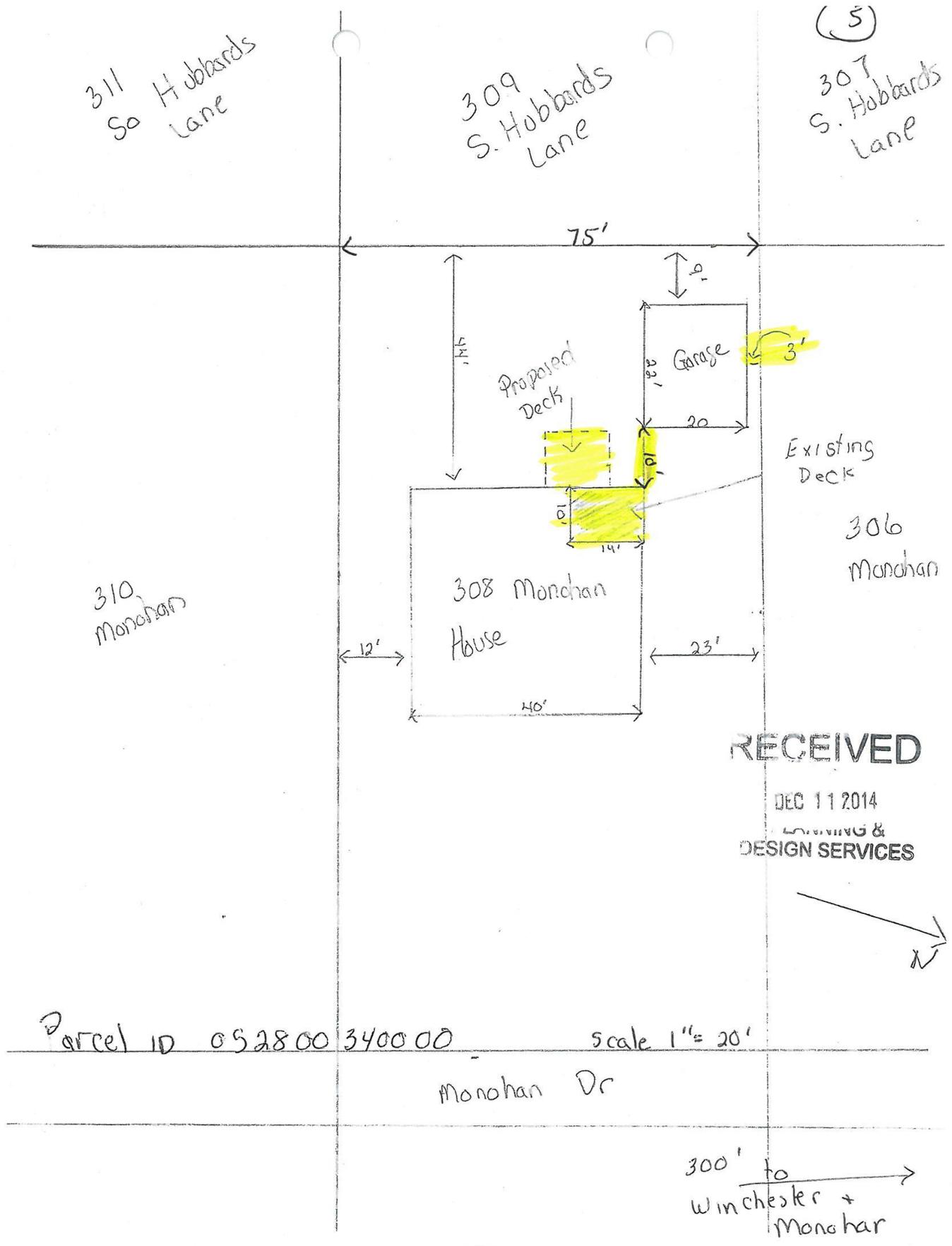


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**14VAR1108**  
**VARIANCE**  
 Scale: 1:259 Date: 12/16/2014



Attachment 3 - Site Plan





**Attachment 5 - Site Photos**



Front of the house



Adjacent houses to the south



House to the east (across the street)



Other houses across the street



Adjacent houses to the north



Existing detached garage



Existing detached garage



Existing deck being replaced with new deck



Existing deck being replaced with new deck



Detached garage and rear of the house



Detached garage



Rear property line



Location of new deck addition



Rear yard



Rear yard