

Board of Zoning Adjustment

Staff Report

May 7, 2018



Case No.	18VARIANCE1012
Project Name	224 Norbourne Boulevard
Location	224 Norbourne Boulevard
Owner	Ladonna and Donald Goodman
Applicant	Patton Construction
Jurisdiction	City of St. Matthews
Council District	26 – Brent Ackerson
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

- Variance to permit a structure to encroach into a required side yard and to reduce the total side yard requirement (City of St. Matthews Development Code 4.7.C.2.b.)

Location	Requirement	Request	Variance
Minimum side yard	5 ft	1 ft	4 ft
Minimum total side yard	10 ft	6 ft 5 in	3 ft 7 in

CASE SUMMARY / BACKGROUND

The site is located on the west side of Norbourne Boulevard between Winchester Road and Monohan Drive. It and all adjoining properties are zoned R-5 within a Neighborhood form district.

The St. Matthews Development Code includes requirements for both minimum side yard width and for total side yard width, defined as the sum of both side yards on the site.

The applicant proposes to replace an existing one-car garage with a two-car garage. An existing deck on the rear of the principal structure will be removed to accommodate the new construction.

The proposed garage will be 1 ft from the property line at its nearest point; the existing garage is 1ft 5 in from the property line. At the point nearest the home on the adjoining property, however, the setback will be increased. A note on the site plan states that the structure will be located so as to not infringe in any way on adjoining properties.

STAFF FINDING

The new structure will be closer to the property line at the rear but further from it at the front.

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 standards for granting a variance to permit a structure to encroach into a required side yard and to reduce the total side yard requirement (City of St. Matthews Development Code 4.7.C.2.b.).

TECHNICAL REVIEW

No technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)

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

STAFF: The requested reduction of the required side yard may infringe on the privacy of the adjacent neighbor.

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

STAFF: Many properties in the vicinity have detached garages close to the side yard property lines, although it is not apparent whether or not they maintain the required side yard.

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

STAFF: The proposed construction will meet current building codes and requirements and will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

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

STAFF: The setback of the proposed structure will be smaller at the rear but larger at the front, nearest the adjoining residential structure.

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 property is of an irregular shape but the dimension of the rear property line is consistent with the majority of sites in the vicinity.

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 application of the regulation would not create an unnecessary hardship in that the new structure could be placed so as to provide the required side yard.

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 existing lot was in place prior to the zoning regulation from which relief is being sought.

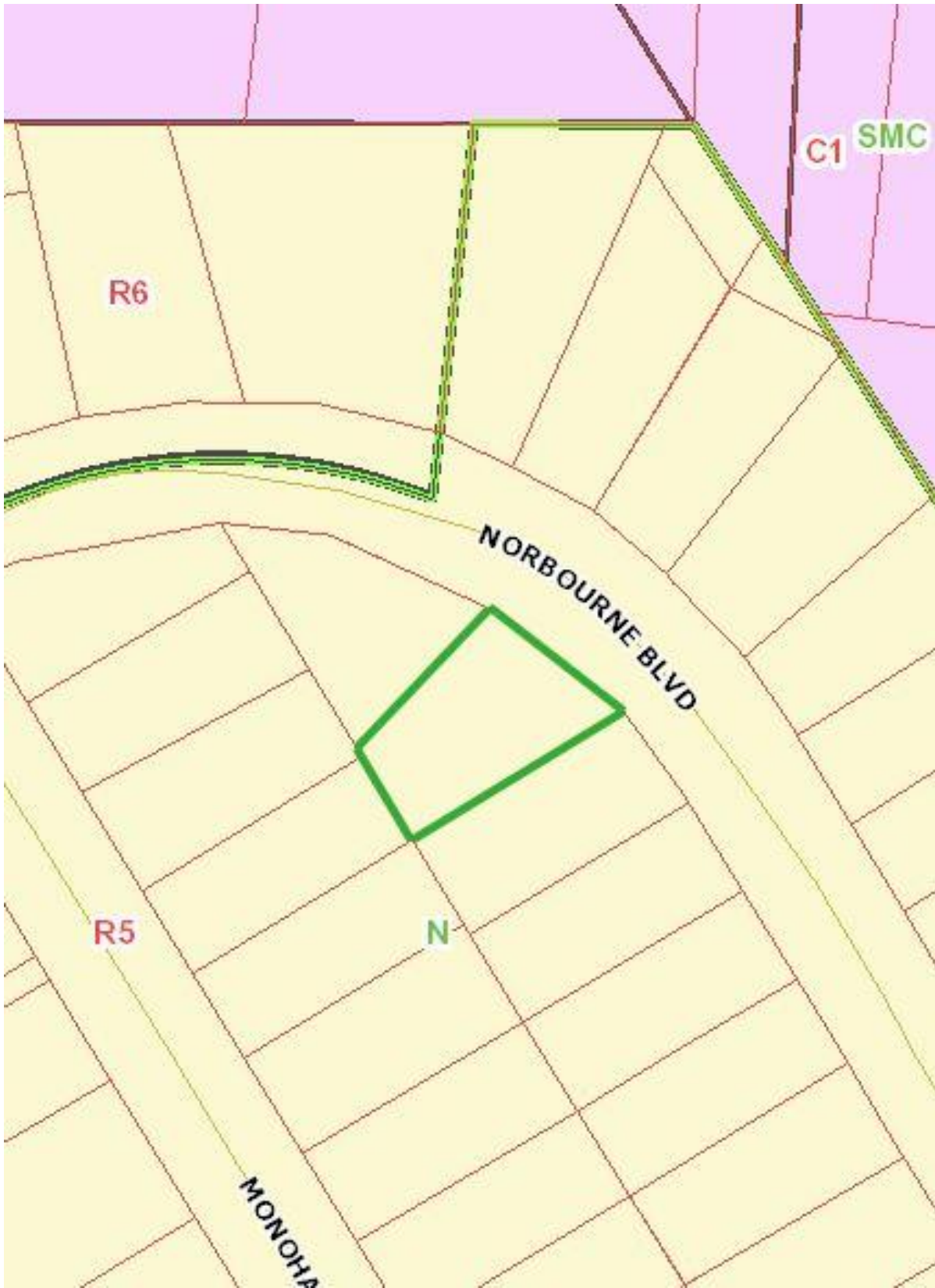
NOTIFICATION

Date	Purpose of Notice	Recipients
4/19/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 26 Sign Posting

ATTACHMENTS

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

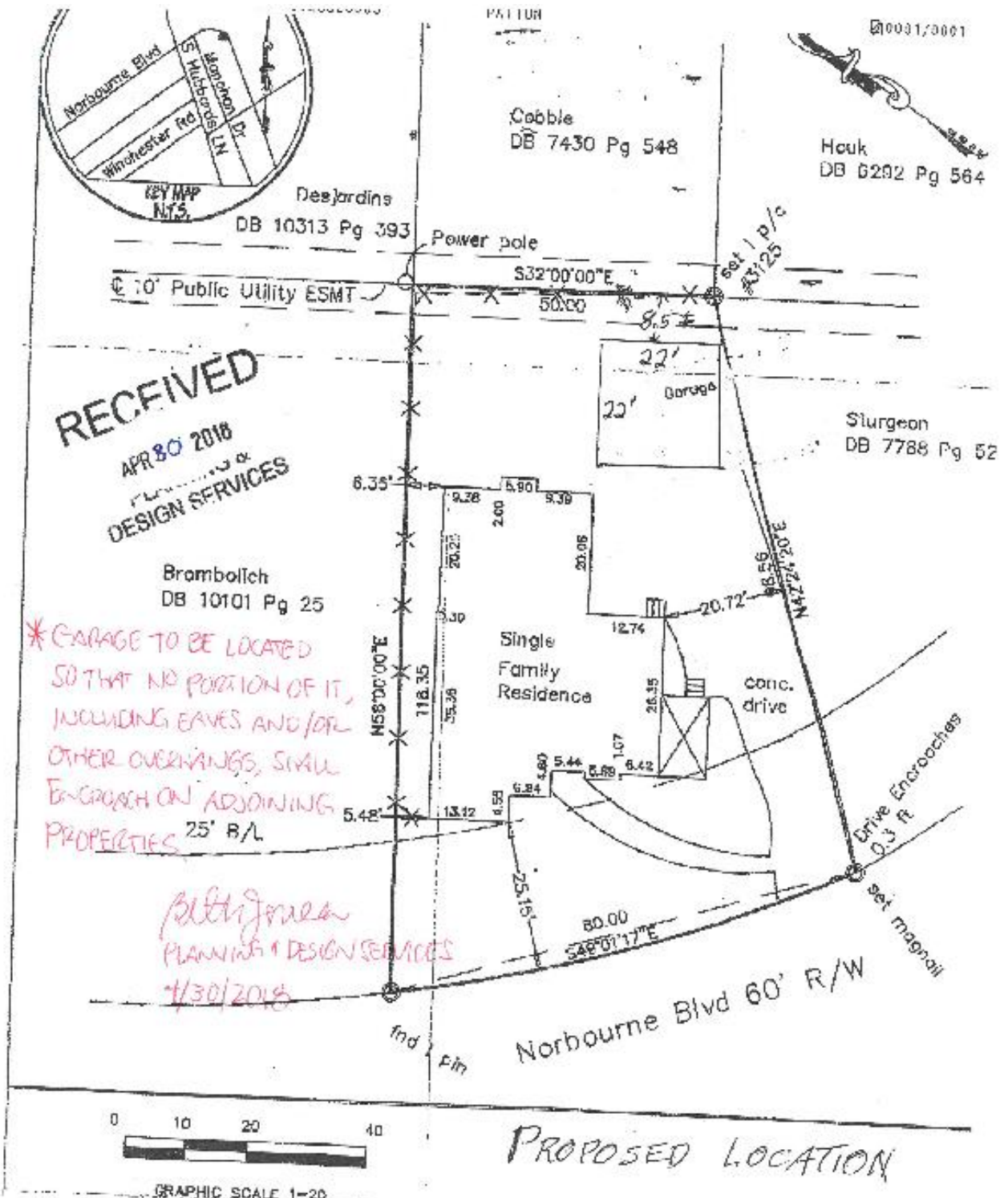
1. Zoning Map



2. Aerial Photograph



3. Site Plan



RECEIVED
 APR 30 2018
 PLANNING & DESIGN SERVICES

* GARAGE TO BE LOCATED
 SO THAT NO PORTION OF IT,
 INCLUDING EAVES AND/OR
 OTHER OVERHANGS, SHALL
 ENCRoACH ON ADJOINING
 PROPERTIES
 25' R/L

Blithjona
 PLANNING & DESIGN SERVICES
 7/30/2018

LAND SURVEYOR'S CERTIFICATE
 I hereby certify that this plan and survey were made
 under my direct supervision on 8-17-17

MIKE SEELY & ASSOCIATES
 P.O. BOX 18768
 LOUISVILLE, KY. 40261
 (502) 643-1785
18 VARIANCE 1012