

Board of Zoning Adjustment Staff Report

November 7, 2016



Case No:	16VARIANCE1078
Request:	To allow an attached carport to encroach into the street side yard setback.
Project Name:	500 Oxford Place Variance
Location:	500 Oxford Place
Area:	.15740 acres
Owner:	Kathryn and Paul Resch
Applicant:	Glen Coke – Coke General Contracting Inc.
Representative:	Glen Coke – Coke General Contracting Inc.
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variance:** from the Development Code (St. Matthews Apr. 2001) Article 4 section 4.6.C.2.c to allow an attached carport to encroach 25 feet into the street side yard setback.

Location	Requirement	Request	Variance
Minimum Street Side Yard Setback	30 feet	5 feet	25 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is a corner lot, Oxford Place (front yard) and Wilmington Ave. (street side yard) located in an R-4 zoned parcel within a Neighborhood Form District. The applicant is proposing to construct a 14 foot wide by 18 foot long attached unenclosed carport onto the existing garage as found at the rear of the house in the street side yard along Wilmington Ave. atop the existing driveway. The proposed attached unenclosed carport would be bounded by a ten foot (center line) electric easement along Wilmington Ave. and situated approximately 5 feet from the edge of the property line. The property line sits approximately 17 feet from the edge of pavement along Wilmington Ave. with a verge of approximately 12.5 feet between Wilmington Ave. and the electric easement (excluding the 5 feet of the Electric Utility Easement).

The original recorded plat for the Lexington Manor Subdivision (dated Dec. 8, 1925 predating the regulations of the development code), shows a ten foot build to limit line on the parcel along the Wilmington Ave. The applicant would need to have a minor plat recorded with an alteration to the build to limit line allowing for the carport to not exceed the build to limit line (as adjusted) and the variance would allow for the setback as determined by the development code.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-4	Neighborhood
Proposed	Residential Single Family	R-4	Neighborhood
Surrounding Properties			
North	Residential Single Family	R-4	Neighborhood
South	Residential Single Family	R-4	Neighborhood
East	Residential Single Family	R-4	Neighborhood
West	Residential Multi - Family	R-6	Neighborhood

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Development Code (Dec. 2003 for the City of St. Matthews)

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 proposed carport is neither encroaching into the Electric Utility Easement (neither in height or depth) and is within the property limits by approximately 5 feet, which is also the same width of the Electric Utility easement from the centerline.

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

STAFF: The requested variance will alter the essential character of the general vicinity since no other homes in the general vicinity have carports.

- (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 proposed unenclosed carport is located within the property lines, notably 5 feet from the street side yard property line posing no visual obstruction along Wilmington Ave. to vehicular or pedestrian traffic.

- (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 lot is considered non-conforming for the requirement to be a width of 60 feet, being 53.65 feet wide at the rear of the subject site, and was created prior to zoning regulations.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone since the subject site is a corner lot and the lot width is considered non-conforming but predates applicable regulations. Since the lot width is 53.65 feet a street side yard setback of 30 feet would be roughly 56% of the lot width meaning that any construction onto the existing principal structure would need a variance and would restrict the applicant from any additions to the home. Furthermore, the recorded plat shows a 10 foot build to limit line which requires a minor plat to shift that line.

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 since the one car garage was converted to living space and without the proposed carport covered parking is non-existent. The carport could be placed behind the old converted garage but this would require the relocation of the driveway which is an additional expense.

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 since the Development Code, as used by St. Matthews, provides setbacks for Street Side yards that, in this case, are 56% of the width of the lot. As a result of the side yard setback the principal structure and proposed attached unenclosed carport encroach into the street side yard setback.

TECHNICAL REVIEW

- None

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 of review for granting a variance as established in the Development Code (City of St. Matthews) from Article 4 section 4.6.C.2.c to allow an attached carport to encroach 25 feet into the street side yard setback along Wilmington Ave. (the northwestern property line).

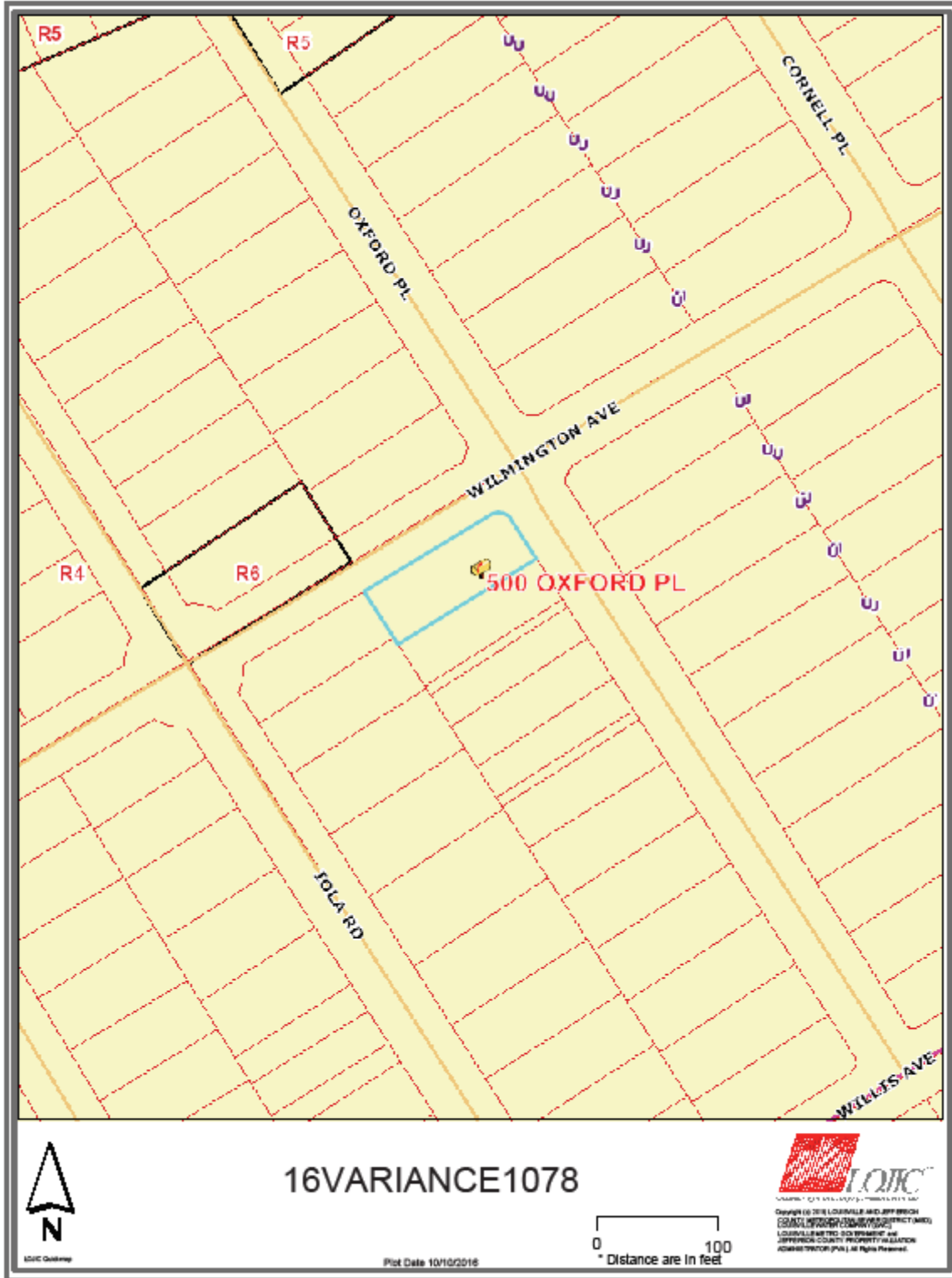
NOTIFICATION

Date	Purpose of Notice	Recipients
September 30, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
September 30, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

