

Board of Zoning Adjustment
Staff Report
 December 3, 2018



Case No:	18VARIANCE1100
Project Name:	House Addition
Location:	1112 Girard Drive
Owner/Applicant:	Arthur W. Kestler
Jurisdiction:	St. Matthews
Council District:	7 –Angela Leet
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

- **Variance** from the Development Code, Section 4.6.C.2.d. to allow a structure to encroach into the required rear yard setback.

Location	Requirement	Request	Variance
Rear Yard Setback	25 ft.	12 ft.	13 ft.

CASE SUMMARY/BACKGROUND

The 0.22 acre site is located southwest of the Westport Road/Herr Lane intersection in the City of St. Matthews. The proposal is to add a 1,088 square foot, two car garage to the rear of the existing house that was built in 1967.

The applicant has received signatures from all adjoining property owners, and a public hearing is therefore not required by the Board policies, 5.16.a.

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 any 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 Development Code from Section 4.6.C.2.d. to allow a structure to encroach into the required rear yard setback.

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 5.1.10.F

- (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 addition will have to be constructed according to building codes, including fire codes.

- (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 there are other rear encroachments in the neighborhood.

- (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 proposed addition will have to comply with all building codes, including fire codes.

- (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 encroachments into the rear yard setback are common in the neighborhood.

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 which do not generally apply to land in the general vicinity due to the size and shape of the lot and the location of the existing house.

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 by requiring the applicant to reduce the size of 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.

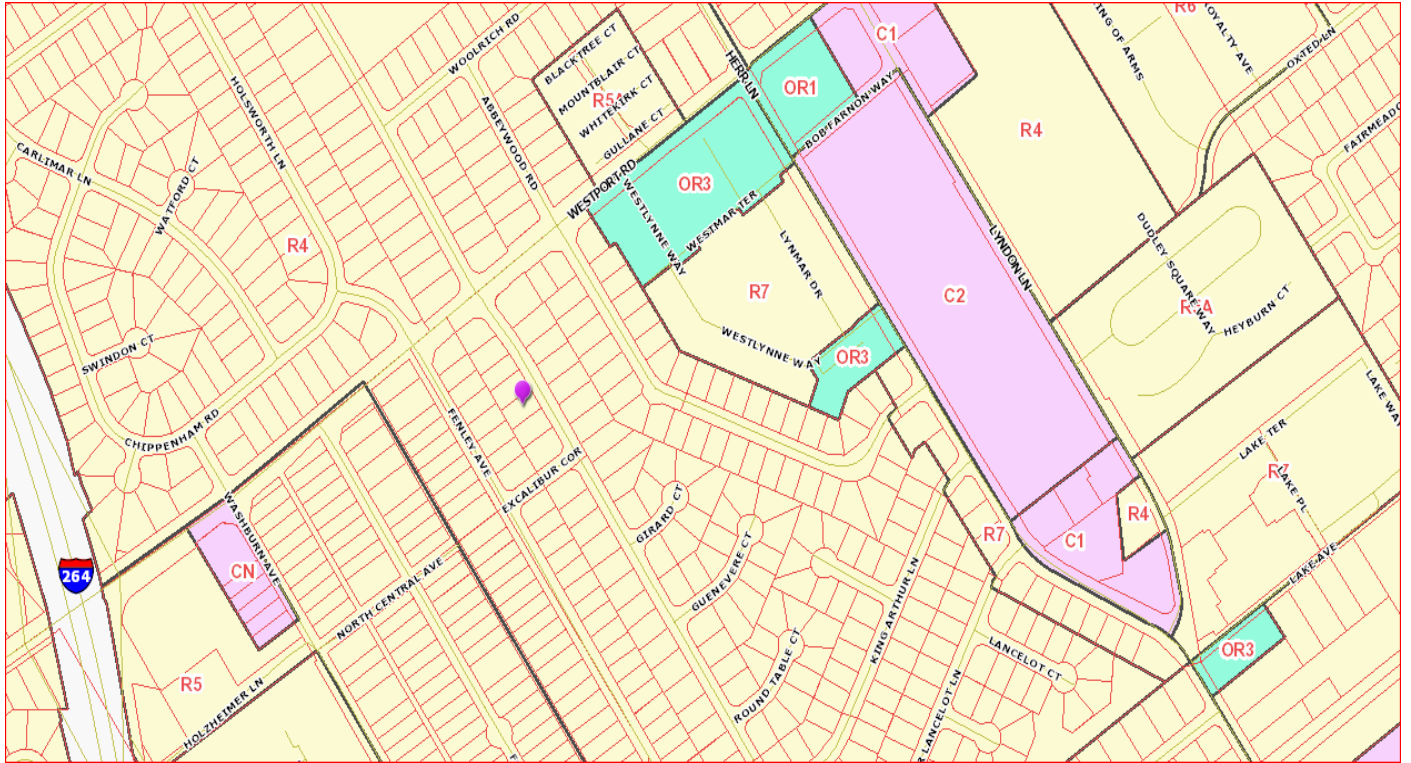
NOTIFICATION

Date	Purpose of Notice	Recipients
11/19/2018	Hearing before BOZA	Not required for non-public hearing.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

