

Board of Zoning Adjustment Staff Report

December 21, 2015



Case No:	15VARIANCE1084
Project Name:	Lutz Driveway
Location:	3724 Hanover Road
Owner(s):	Tena D. Lutz
Applicant(s):	Pat Durham - Builder
Representative(s):	Kathy Linares – Mindel, Scott & associates
Project Area/Size:	15,700 SF (0.36 Acres)
Existing Zoning District:	R-4, Single-Family Residential
Existing Form District:	N/A
Jurisdiction:	City of St. Matthews
Council District:	26 – Brent Ackerson
Case Manager:	Joel P. Dock, Planner I

REQUEST

- Variance from Article 10.1.A.2.a of the Development Code to allow a driveway to exceed the maximum width of 20' and be as much as 35' wide.

Location	Requirement	Request	Variance
Street Side Yard (Driveway)	20' max. width	35' width	15'

CASE SUMMARY

The subject site is located within the City of St. Matthews and is subject to the Development Code in effect as of April 2001.

The applicant proposed to the City of St. Matthews building official a 22' x 14' garage addition onto the existing garage/principal structure facing the Winchester Road street frontage of this corner lot. In making this request additional provisions are needed to provide vehicular access for this garage addition. The applicant is requesting a variance from Article 10.1.A.2.a to allow the pavement width of the existing driveway to be expanded to a maximum of 35' to allow vehicular access from the garage to the existing driveway. The existing pavement width providing direct access to Winchester Road within the Public right-of-way will not be modified. The width of the driveway will be expanded only within the boundaries of the subject site.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The subject site is in the R-4, single-family residential, zoning district and is a single-family house. The subject site is adjacent on all sides to R-4, single-family residential, zoning districts and single-family homes.

PREVIOUS CASES ON SITE

Staff found no previous or associated cases on site.

INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Development Code (April 2001)

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 as the proposal does not demand an expansion to the width of pavement at the curb providing direct access to Winchester Road, thus, maintaining the same traffic pattern as previously existing along the block and in the neighborhood, as well as preserving the existing safety and mobility of pedestrians and vehicular traffic.

- (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 portion of the driveway within the public R/W will not be altered. Additionally, the driveway serves an accessory function to the principal structure that is the predominant structure in evaluating the character of 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 no changes are proposed to the existing driveway width within the R/W.

- (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 expansion of the garage which is an addition to the principal structure is in compliance with all applicable zoning regulations of the City of St. Matthews.

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 variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone. However, with this lot being a corner lot the orientation and location of existing structures within required setbacks, like many corner lots in this neighborhood and many other neighborhoods, can pose certain constraints on the development of the lot that are not necessarily present in traditional or suburban mid-block 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 would deprive the applicant of the reasonable use of the land as the proposed driveway serves as a means of access to a garage that is compliant with all applicable zoning regulations in the city of St. Matthews.

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 circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

TECHNICAL REVIEW

The request has no outstanding Technical Review items at this time.

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 for granting a variance established in the Land Development Code.

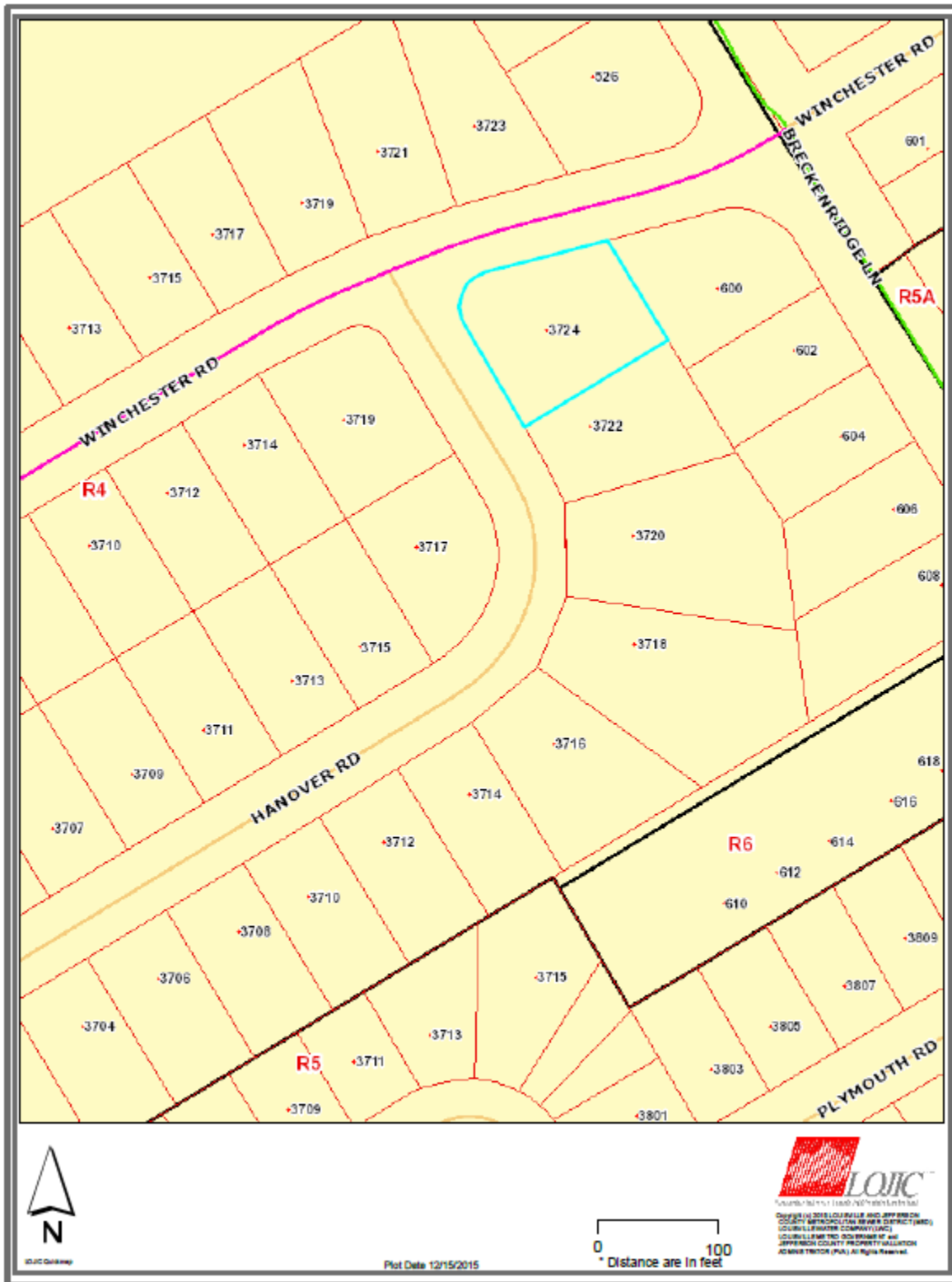
NOTIFICATION

Date	Purpose of Notice	Recipients
12/4/15	BOZA	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 26.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

