

Board of Zoning Adjustment

Staff Report

May 21, 2018



Case No:	18VARIANCE1044
Project Name:	4030 Leland Road Addition
Location:	4030 Leland Road
Owner(s):	Elaine & Stephen Gravatte
Applicant:	Steve Gravatte
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from St. Matthews Development Code section 4.6.C.2.b to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	6 ft.	2.8 ft.	3.2 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of St. Matthews. The property currently contains a one-story single-family residence with a detached garage. The applicant proposes to construct an addition onto the rear of the principal structure. City of St. Matthews Development Code section 9.2.P allows for a detached garage to be located as close as 2 feet to the side property line if it is at least 15 feet farther to the rear of the lot than the rearmost portion of the main house. With the addition on the rear of the house, this provision will no longer apply to the property. The applicant therefore requests a variance for the encroachment into the side yard setback.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

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 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 established in the City of St. Matthews Development Code from section 4.6.C.2.b to allow a structure to encroach into the required side yard setback.

TECHNICAL REVIEW

- No technical review undertaken.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.6.C.2.b

- (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 garage currently exists, which has caused no known adverse effects.

- (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 garage has been in its current position for many years and other properties in the neighborhood have garages with similar setbacks.

- (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 setbacks of the existing garage are not changing, which have caused no known hazard or nuisance.

- (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 current setback is an existing condition which is proposed to be maintained.

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 or the same zone as a garage exists with the proposed setback already.

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 relocate part of the driveway leading to the garage after the garage is shifted to the side.

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.

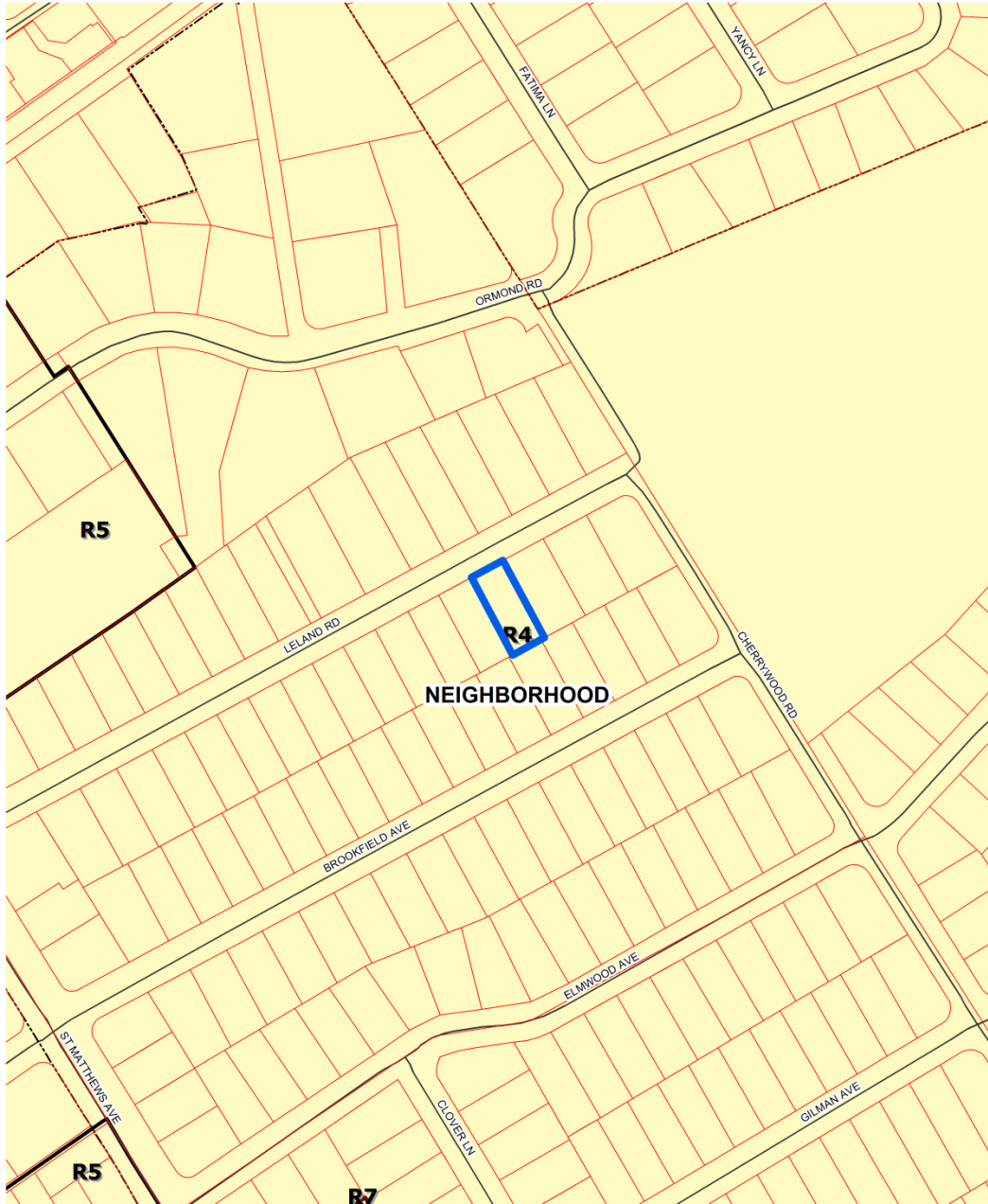
NOTIFICATION

Date	Purpose of Notice	Recipients
05/04/2018	Hearing before BOZA	Not Required for Business Session Item

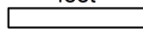
ATTACHMENTS

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

1. Zoning Map



4030 Leland Road
feet



220

Map Created: 5/14/2018



Copyright (c) 2018, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



4030 Leland Road

feet



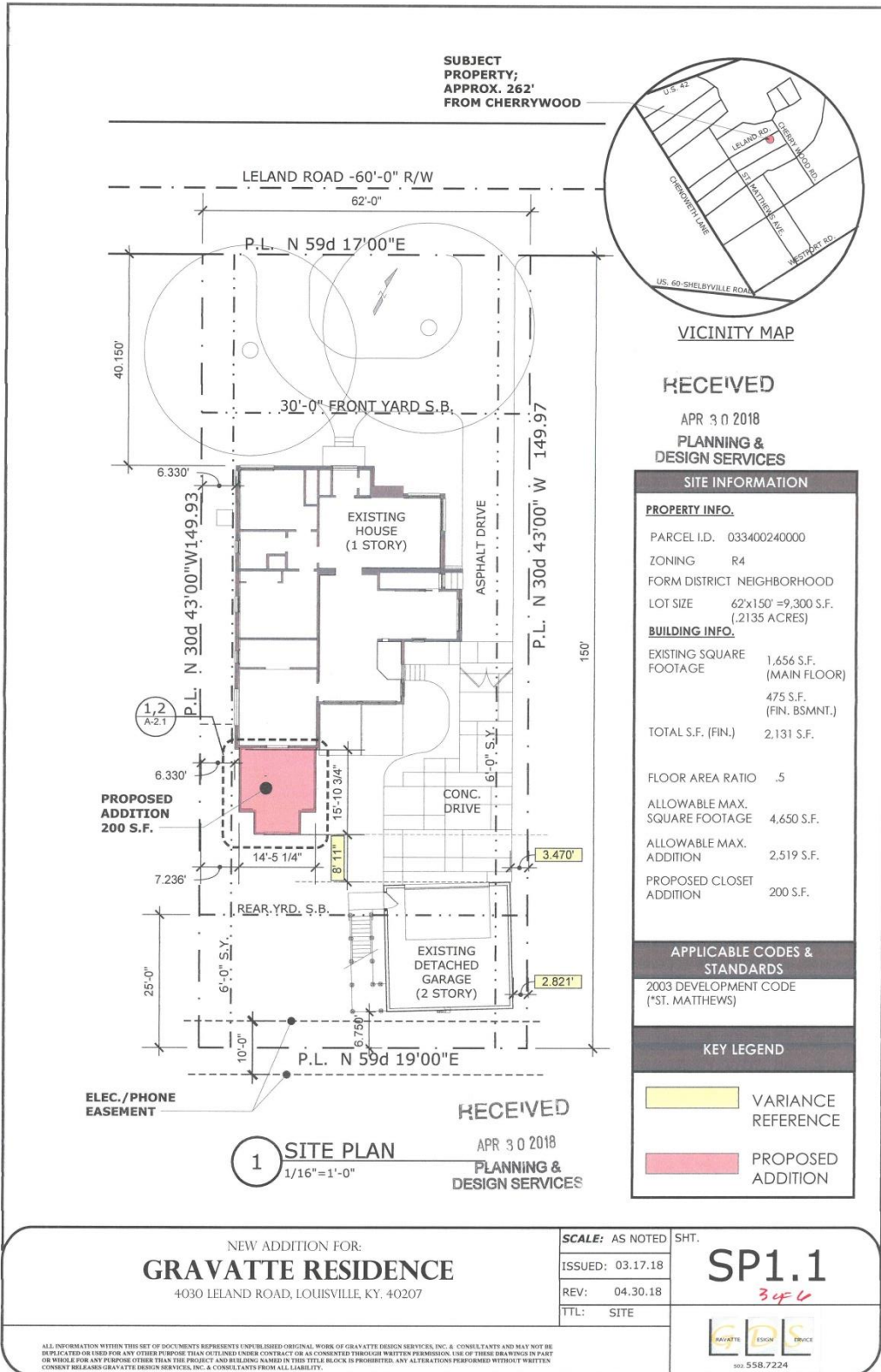
90

Map Created: 5/14/2018



Copyright (c) 2018, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Site Plan



NEW ADDITION FOR:
GRAVATTE RESIDENCE
4030 LELAND ROAD, LOUISVILLE, KY. 40207

SCALE: AS NOTED SHT.
ISSUED: 03.17.18
REV: 04.30.18
TTL: SITE

SP1.1
3 of 6



302.558.7224

18 Variance 1044

4. Elevations

2 ELEVATION
 1/4" = 1'-0" SIDE

1 ELEVATION
 1/4" = 1'-0" REAR

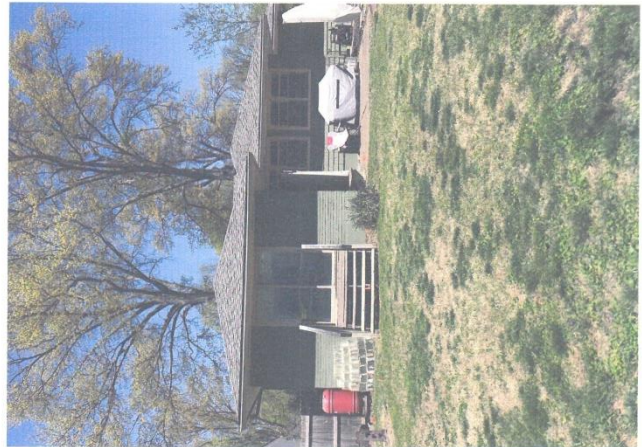
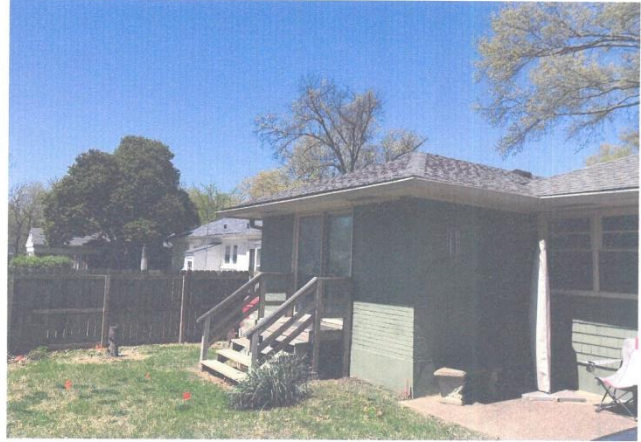
RECEIVED
 APR 30 2018
 PLANNING &
 DESIGN SERVICES

NEW ADDITION FOR: GRAVATTE RESIDENCE 4030 LELAND ROAD, LOUISVILLE, KY. 40207	SCALE: AS NOTED ISSUED: 03.17.18 REV: 04.30.18 TTL: ELEVATIONS	SHT. <h1 style="margin: 0;">A2.1</h1>
ALL INFORMATION WITHIN THIS SET OF DOCUMENTS REPRESENTS UNPUBLISHED ORIGINAL WORK OF GRAVATTE DESIGN SERVICES, INC. A CONSULTANT AND MAY NOT BE REPLICATED OR USED FOR ANY OTHER PURPOSE THAN OBTAINED UNDER CONTRACT OR AS CONSISTED THROUGH WRITTEN PERMISSION. USE OF THESE DRAWINGS IN PART OR WHOLE FOR ANY PURPOSE OTHER THAN THE PROJECT AND BUILDING NAMED IN THIS TITLE BLOCK IS PROHIBITED. ANY ALTERATIONS PERFORMED WITHOUT WRITTEN CONSENT RELEASES GRAVATTE DESIGN SERVICES, INC. & CONSULTANTS FROM ALL LIABILITY.		

18Variance 1044

5. Site Photos

Property Photos 4/30/18 4030 LeLand Home



Top left: Rear of subject property looking east

Top right: Rear of subject property looking at the area of the proposed addition

Bottom left: Rear yard area

Bottom right: Area of proposed addition



Top left: Rear yard of subject property looking west
Top right: Existing garage
Bottom left: Area of the proposed addition
Bottom right: Rear yard area of subject property



Area of the proposed addition