

Board of Zoning Adjustment

Staff Report

April 1, 2019



Case No:	19VARIANCE1019
Project Name:	Hillsboro Road Variance
Location:	3609 Hillsboro Road
Owner(s):	Elizabeth & John Bland
Applicant:	Elizabeth Bland
Jurisdiction:	City of St. Matthews
Council District:	26 – Brent Ackerson
Case Manager:	Zach Schwager, 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.	3 ft.	3 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 a porch on 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

No interested party comments were 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.

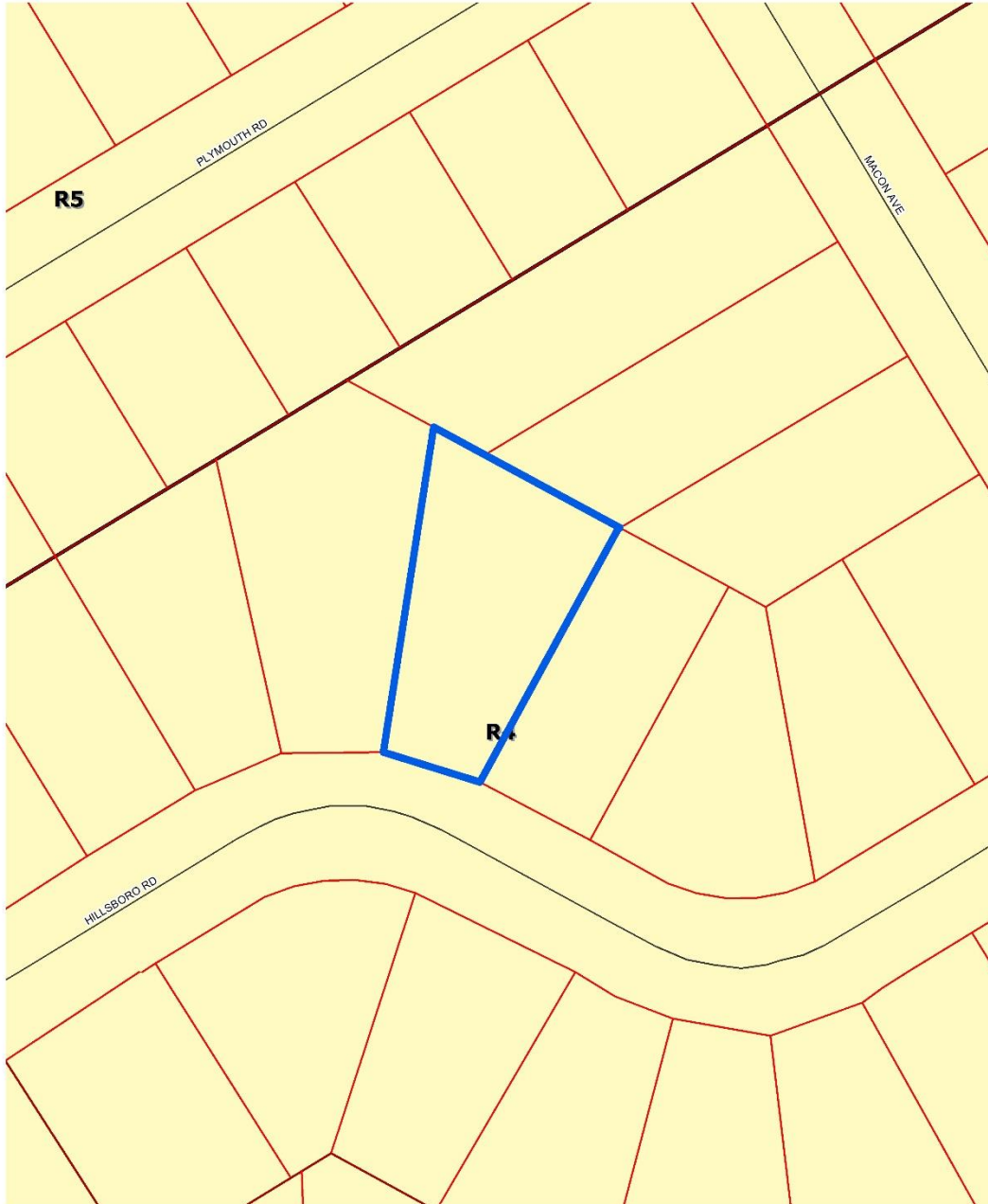
NOTIFICATION

Date	Purpose of Notice	Recipients
03/15/2019	Hearing before BOZA	Not Required for Business Session Item

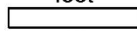
ATTACHMENTS

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

1. Zoning Map



3609 Hillsboro Road
feet



60

Map Created: 3/21/2019

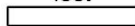


Copyright (c) 2019, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



3609 Hillsboro Road
feet



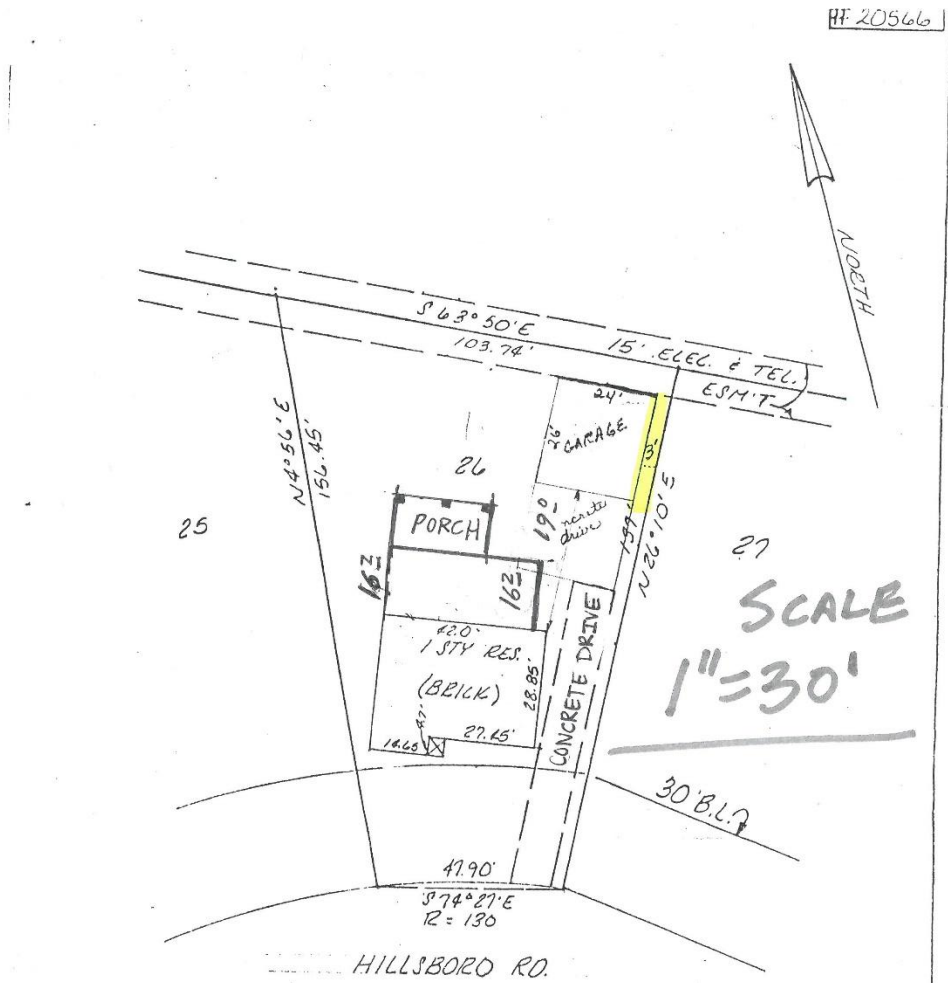
60

Map Created: 3/21/2019



Copyright (c) 2019, 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



I HEREBY CERTIFY THAT THE IMPROVEMENTS SHOWN HEREON WERE LOCATED AS INDICATED AT THE TIME THIS INSPECTION WAS MADE AND THAT THE PROPERTY SHOWN IS NOT IN A 100 YR. FLOOD AREA AS INDICATED BY THE F.I.A. MAPS.

WE THE CLIENT ACKNOWLEDGE THAT THIS PLAT DOES NOT INCLUDE CORNER STAKES.

CLIENT / PURCHASER _____

NOTE: THIS IS NOT A RECORD-ABLE DOCUMENT.

Kenneth R. Martini
Registered Land Surveyor KY. NO. 976

SCALE: 1" = 30'

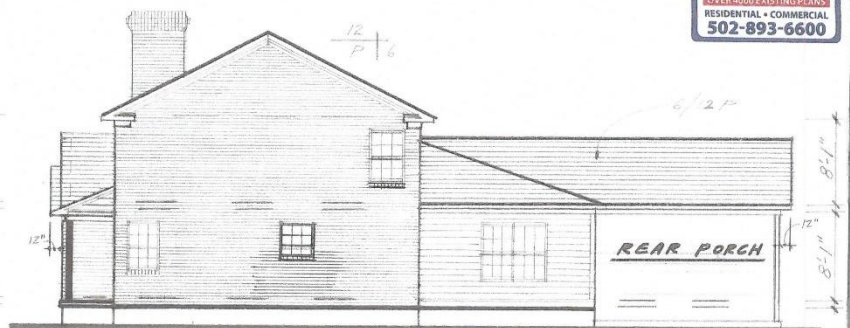
	design engineering	RECEIVED MAR 11 2019 DESIGN SERVICES	
	10003 Taylorsville Rd., Louisville, KY. 40299 (502) 267-9007		
	MORTGAGE INSPECTION		
	CLIENT - WILLIAM PATRICK FUELL ADDRESS - 3609 HILLSBORO RD. DESCRIPTION - LOT 26, BRECKINRIDGE VILL., SEC. 1 PB 12, PG 103 DATE - 7-7-86 THE KISSELL		

4. Elevations

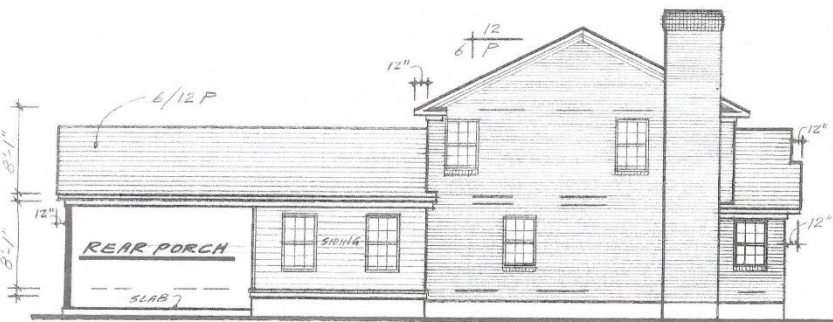
DON UNDERWOOD DESIGN
 CUSTOM HOME & ADDITION PLANS
 10 YEARS OF EXISTING PLANS
 RESIDENTIAL + COMMERCIAL
 502-893-6600



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

MAR 17 2019
 DESIGN SERVICES INC. -18
 055 ①

9 VARIANCE 1072

5. Site Photos





