

Board of Zoning Adjustment

Staff Report

April 30, 2018



Case No:	18VARIANCE1020
Project Name:	420 Macon Avenue Driveway
Location:	420 Macon Avenue
Owner(s):	David & Connie Dunn
Applicant:	David Dunn
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Variance** from City of St. Matthews Development Code section 9.1.4 to allow a driveway to be used for off-street parking to exceed 20 feet in width.

Location	Requirement	Request	Variance
Driveway Width	20 ft.	28 ft.	8 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of St. Matthews at the intersection of Macon Avenue and Willis Avenue, and currently contains a two-story single-family residence with a detached garage. The applicant proposes to demolish the existing garage and construct a new detached garage in the same approximate location. A gravel driveway currently exists and extends to the existing garage. The applicant proposes to replace the gravel with a new concrete driveway which is to be 28 feet in width. The applicant requests a variance to allow the driveway to exceed 20 feet in width.

The driveway is proposed to be 28 feet wide in the right-of-way as well as on the applicant's property. The applicant has been advised that all work in the right-of-way is overseen by the Department of Public Works for the City of St. Matthews. If the Board chooses to grant a variance for the width of the driveway to exceed the allowed 20 feet, this does not override any regulations imposed by the City of St. Matthews Department of Public Works for structures in the right-of-way.

The subject property was previously granted a variance in 2014, under case number 13VARIANCE1046, to allow a fence in the street side yard setback to be as high as 6 feet from grade.

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 9.1.4 to allow a driveway to exceed 20 feet in width.

TECHNICAL REVIEW

- No technical review was undertaken

INTERESTED PARTY COMMENTS

Staff was contacted by neighbor Angela Lewis-Klein to request general information about the proposal and to request information about what department in the City of St. Matthews would oversee work in the right-of-way.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 9.1.4

- (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 driveway is proposed to be on private property and will lead to a detached garage.

- (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 driveway will maintain the prevailing pattern of access in the general vicinity.

- (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 driveway extends to a low traffic, local class street.

- (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 driveway is proposed to be the same width as the garage to which it leads, a garage which is permitted by the zoning regulations.

ADDITIONAL CONSIDERATIONS:

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

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and of similar size to neighboring 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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring the applicant to have a driveway that is not as wide as the permitted garage, leading to difficulty in parking cars within 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
04/06/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
04/13/2018	Hearing before BOZA	Notice posted on property

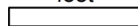
ATTACHMENTS

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

1. Zoning Map



420 Macon Avenue
feet



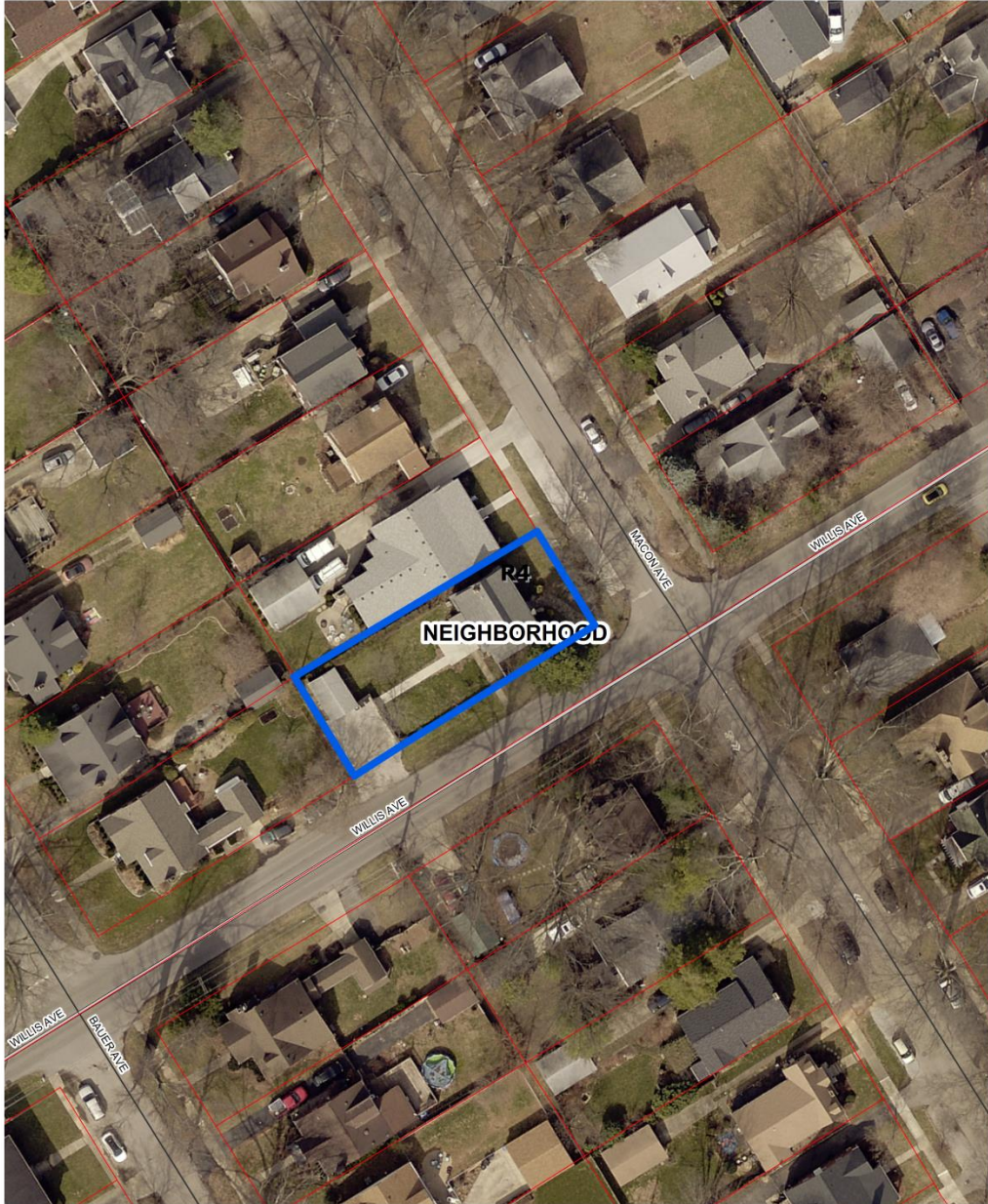
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Map Created: 4/19/2018

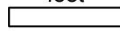


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2. Aerial Photograph



420 Macon Avenue
feet



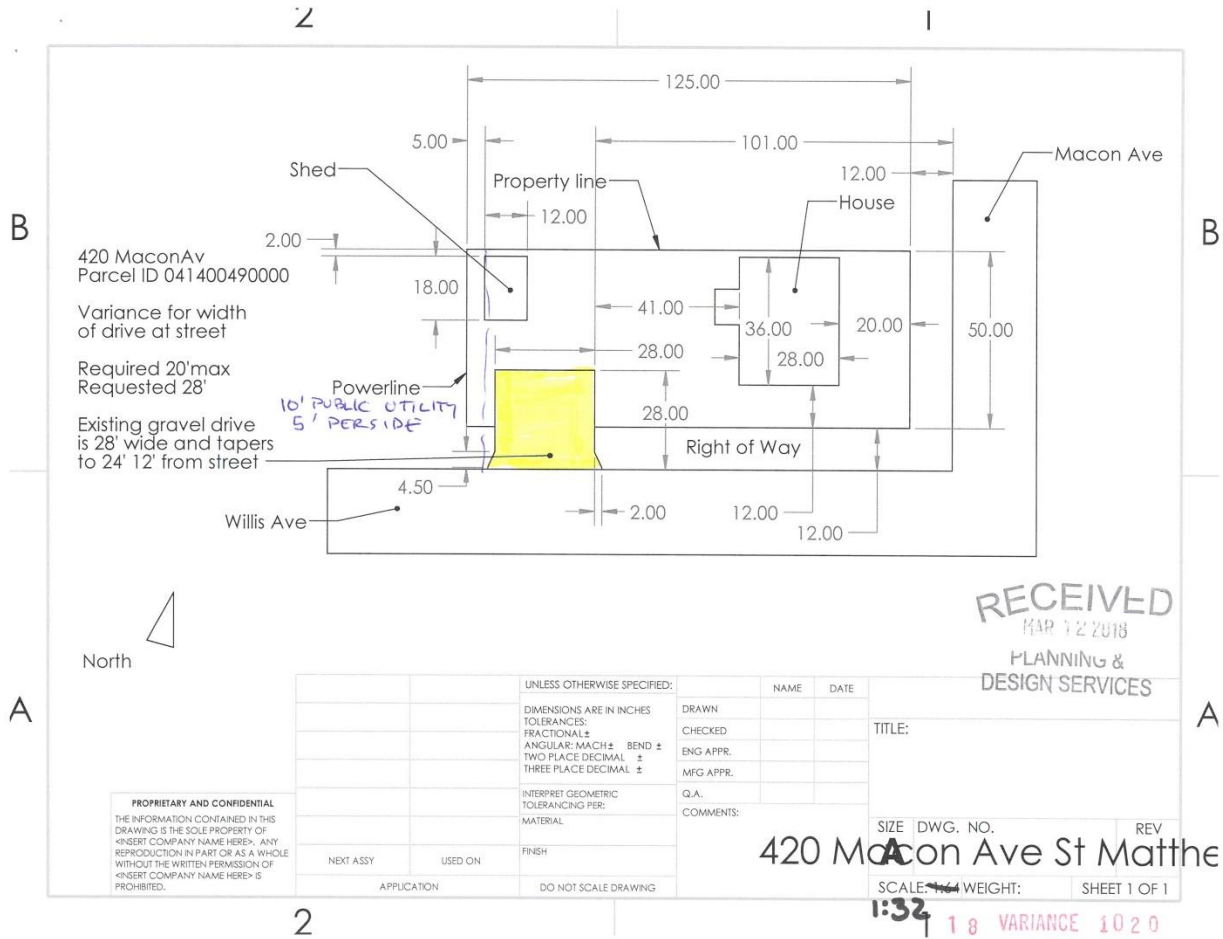
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Map Created: 4/19/2018



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3. **Site Plan**



4. Site Photos



The front of the subject property.



The property to the right of the subject property .



The property to the left of the subject property across Willis Avenue.



The property across Macon Avenue.



The location of the requested variance and the driveway to be replaced with concrete.