

# Board of Zoning Adjustment Staff Report

June 2, 2014



<b>Case No:</b>	14Variance1041
<b>Project Name:</b>	(none) Residential
<b>Location:</b>	3600 Germaine Court
<b>Owner(s):</b>	Jennifer Chapman
<b>Applicant:</b>	Jennifer Chapman
<b>Representative:</b>	Tim Marks, Tim Marks Construction
<b>Project Area/Size:</b>	0.19 acres
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Tina Ward-Pugh
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

## REQUEST

Variance from the Development Code, Article 4.6.C.2(c), to allow a proposed wooden deck to encroach into the required Thompson Avenue street side yard.

### Variance

Location	Requirement	Request	Variance
Street Side Yard (Thompson Ave.)	30 feet	4.4 feet	25.6 feet

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construction a wooden deck in the 30' required street side yard along Thompson Avenue in the City of St. Matthews. The proposed wooden deck will extend no further into the required yard than the existing screened porch located adjacent to the proposed deck.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood Form District (N). It is surrounded by residential property zoned R-4 in the Neighborhood Form District (N).

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single-family residential	R-4	N
<b>Proposed</b>	Single-family residential	R-4	N
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential across St. Germaine Court	R-4	N
<b>South</b>	Single-family residential	R-4	N
<b>East</b>	Single-family residential	R-4	N
<b>West</b>	Single-family residential across Thompson Avenue	R-4	N

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Development Code (City of St. Matthews, April 2001 version)

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed wooden deck will not be located any closer to the street than the adjacent existing screened porch, therefore the sight distance at the intersection is not being impacted.

- (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 because the wooden deck will not be any closer to the street than the existing screened porch; the deck will be landscaped to lessen the impact from the street; and the it is compatible with the architecture throughout 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 because the proposed wooden deck will not be any closer than the screened porch; and landscaping will be planted to lessen the impact from the street and adjacent properties.

- (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 because the existing house and screened porch currently encroach into the required street side yard. The addition of the wooden deck will not encroach any further into the street side yard than the limits of the existing screened porch encroachment.

### 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 because this is a corner lot with large setbacks along both St. Germaine Court and Thompson Avenue. These setbacks limit the buildable area of the lot which creates a special circumstance which would not apply if this lot were not at the intersection of two streets.

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 because the proposed wooden deck would not be able to be built in the location proposed.

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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. No the applicant is not responsible for the existing location of the house or screened porch, but they would like to increase the usable outdoor area adjacent to the screened porch for grilling.

### TECHNICAL REVIEW

None

### STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant the variance. Therefore, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Development Code based on the testimony and evidence provided at the public hearing.

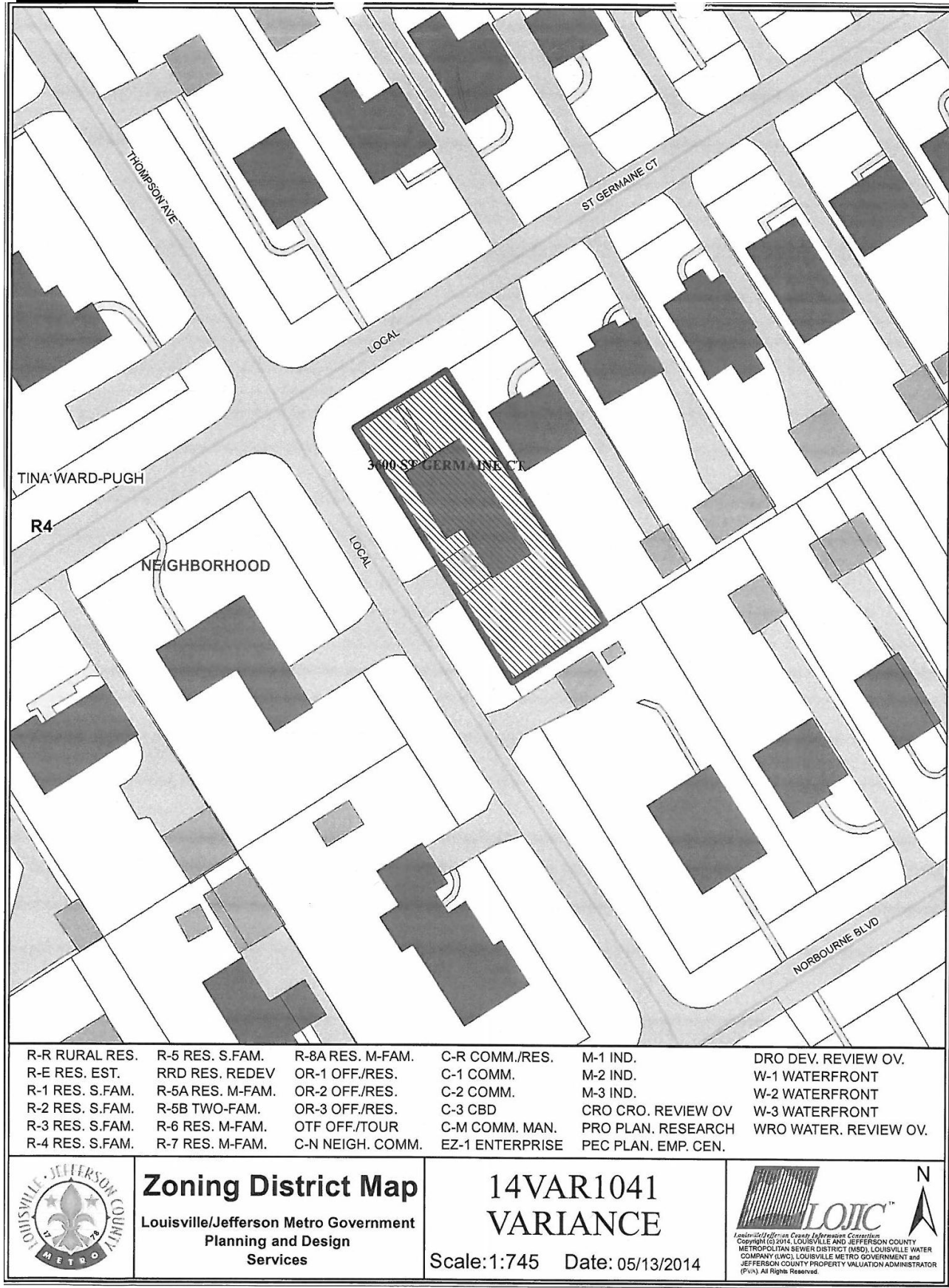
### NOTIFICATION

Date	Purpose of Notice	Recipients
5/16/14	BOZA Hearing	1 <sup>st</sup> tier adjoining property owners Neighborhood notification recipients
5/20/2014	Sign Posting	Subject property

### ATTACHMENTS

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

### 3. Zoning Map

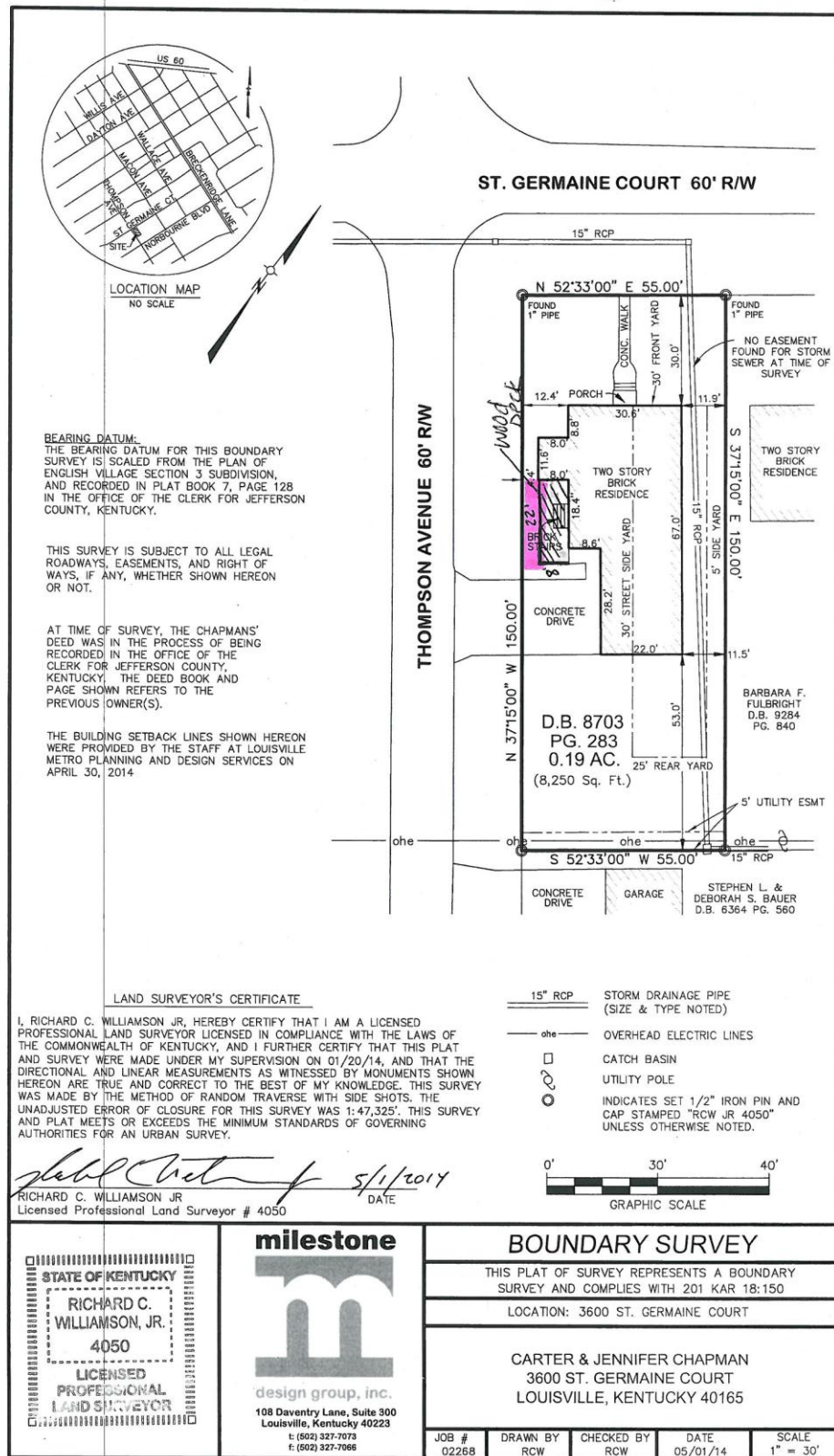




2. **Aerial Photo**



### 3. Site Plan





4. Elevations



*Materials  
- painted wood*

*\* stairs will be on garage side  
connecting to existing concrete slab*

*\* there will be one wood step down to deck  
from double doors*

*\* The underside of deck will be closed off  
by wood planks - painted to match deck*

**RECEIVED**

MAY 12 2014  
PLANNING &  
DESIGN SERVICES

14VARIANCE1041

5. Site Photos

