

# Board of Zoning Adjustment

## Staff Report

October 1, 2018



|                          |                                               |
|--------------------------|-----------------------------------------------|
| <b>Case No:</b>          | 18VARIANCE1076                                |
| <b>Project Name:</b>     | Wilson Detached Garage                        |
| <b>Location:</b>         | 305 Breckenridge Lane                         |
| <b>Owner(s):</b>         | Adam Wilson                                   |
| <b>Applicant:</b>        | Adam Wilson                                   |
| <b>Jurisdiction:</b>     | St. Matthews                                  |
| <b>Council District:</b> | 9 – Bill Hollander                            |
| <b>Case Manager:</b>     | Jon E. Crumbie, Planning & Design Coordinator |

### REQUEST

- **Variance** from the Development Code section 9.2.P. to allow a structure to encroach into the required rear yard setback.

| Location          | Requirement | Request | Variance |
|-------------------|-------------|---------|----------|
| Rear Yard Setback | 25 ft.      | 5 ft.   | 20 ft.   |

### CASE SUMMARY/BACKGROUND

The subject property is currently developed with a single-family structure. The applicant proposes to construct a new 420 square feet detached 2-car garage that will be located at the rear of the property. The garage will replace a smaller structure that was located closer to the existing residence and side yard. The down spouts will be turned down and away from adjacent properties.

The applicant has received signatures from all adjoining property owners, and a public hearing is therefore not required by the Board bylaws.

### 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 Development Code from section 9.2.P. to allow a structure to encroach into the required rear yard setback.

## **TECHNICAL REVIEW**

No technical review was undertaken.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.1.10.F**

- (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 addition will have to be constructed according to building codes, including fire codes.

- (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 since there are several encroachments of this type into the rear yard setback.

- (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 proposed addition will have to comply with all building codes, including fire codes.

- (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 since encroachments into the rear yard setback are common in the neighborhood.

## **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 because most of the existing detached garages are located closer to the primary residence on site and appear to be 1 car.

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 reduce the size of the garage and/or move it closer to the existing residence on site which would reduce the useable rear yard and require an additional variance.

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.

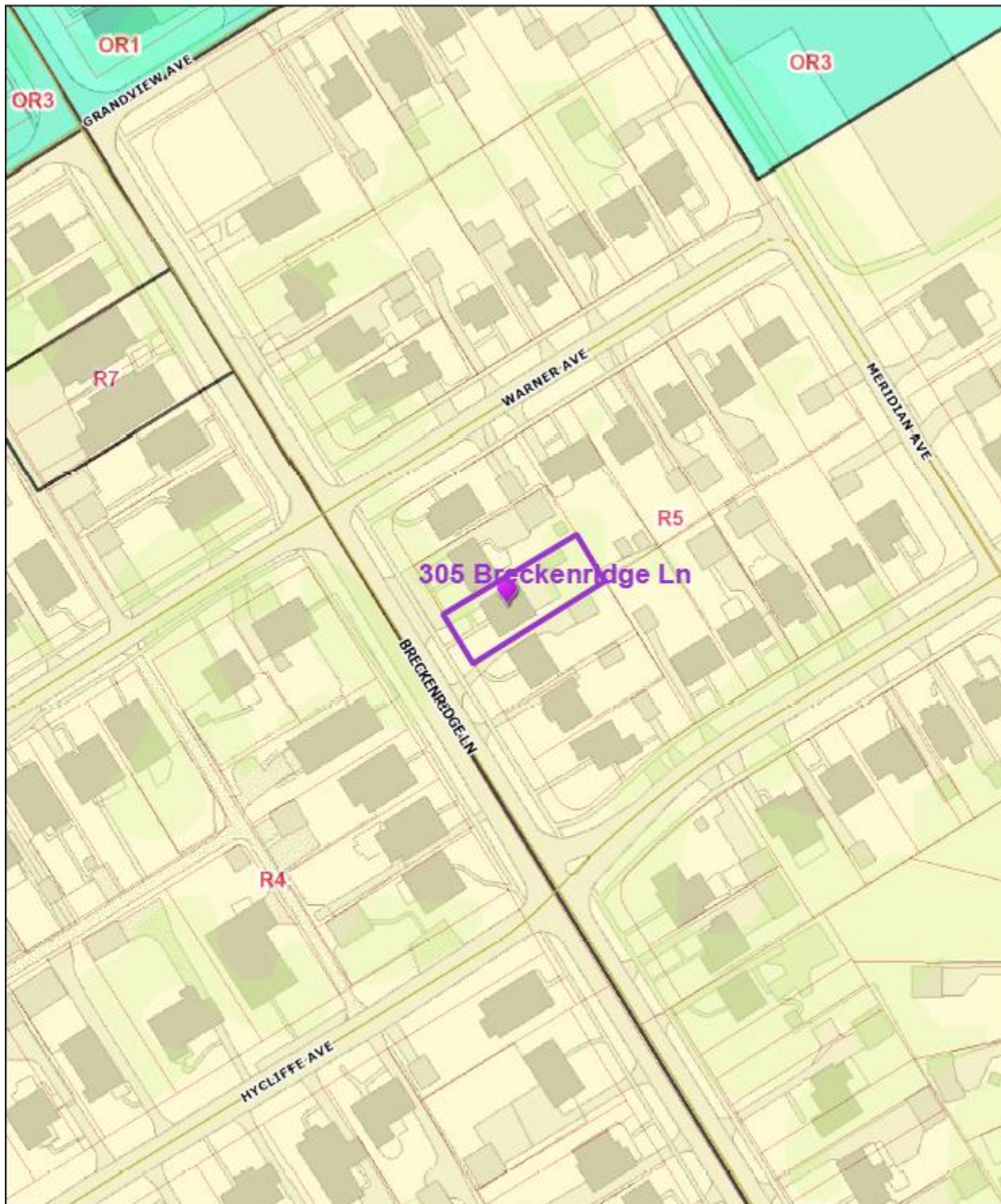
#### **NOTIFICATION**

| Date      | Purpose of Notice   | Recipients                           |
|-----------|---------------------|--------------------------------------|
| 9/21/2018 | Hearing before BOZA | Not required for non-public hearing. |

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

