

Board of Zoning Adjustment

Staff Report

July 16, 2018



Case No:	18VARIANCE1052
Project Name:	Brookfield Avenue Garage
Location:	4008 Brookfield Avenue
Owner(s):	Jean Paul & Kirsten Milly Montreuil
Applicant:	Jean Paul Montreuil
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 4.6.C.2.b to allow a structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	5 ft.	4.5 ft.	0.5 ft.

CASE SUMMARY/BACKGROUND

The subject property is located in the City of St. Matthews. The property currently contains a 1 ½ 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 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 was 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 setback of the garage is not proposed to change, and is relatively small.

- (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 setback of the garage has 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 the garage currently exists with the proposed setback.

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 an existing garage in order to construct an addition which is otherwise permissible.

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
06/29/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
06/29/2018	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

1. **Zoning Map**



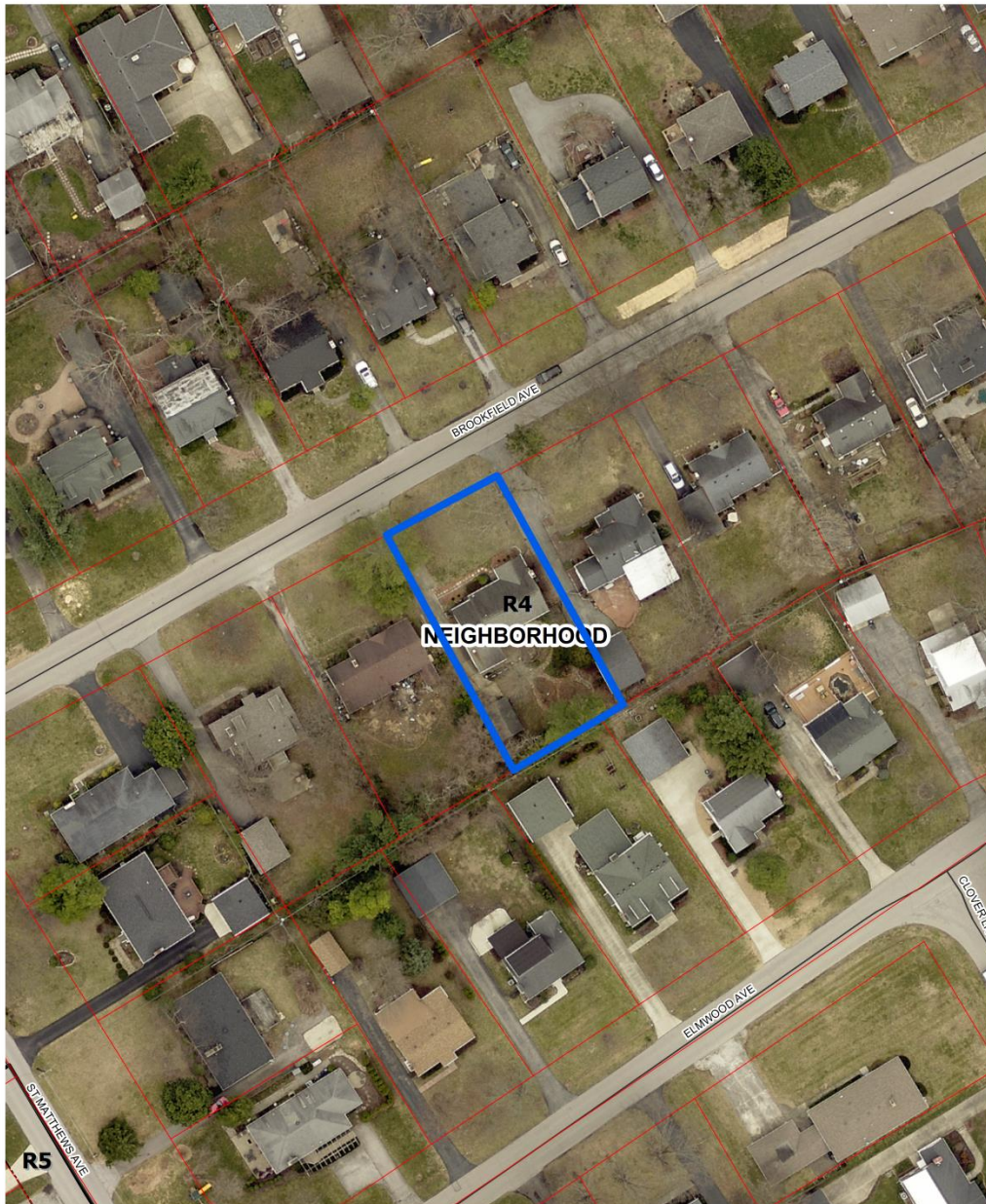
4008 Brookfield Avenue
feet

90
Map Created: 7/2/2018

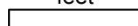


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2. Aerial Photograph



4008 Brookfield Avenue
feet

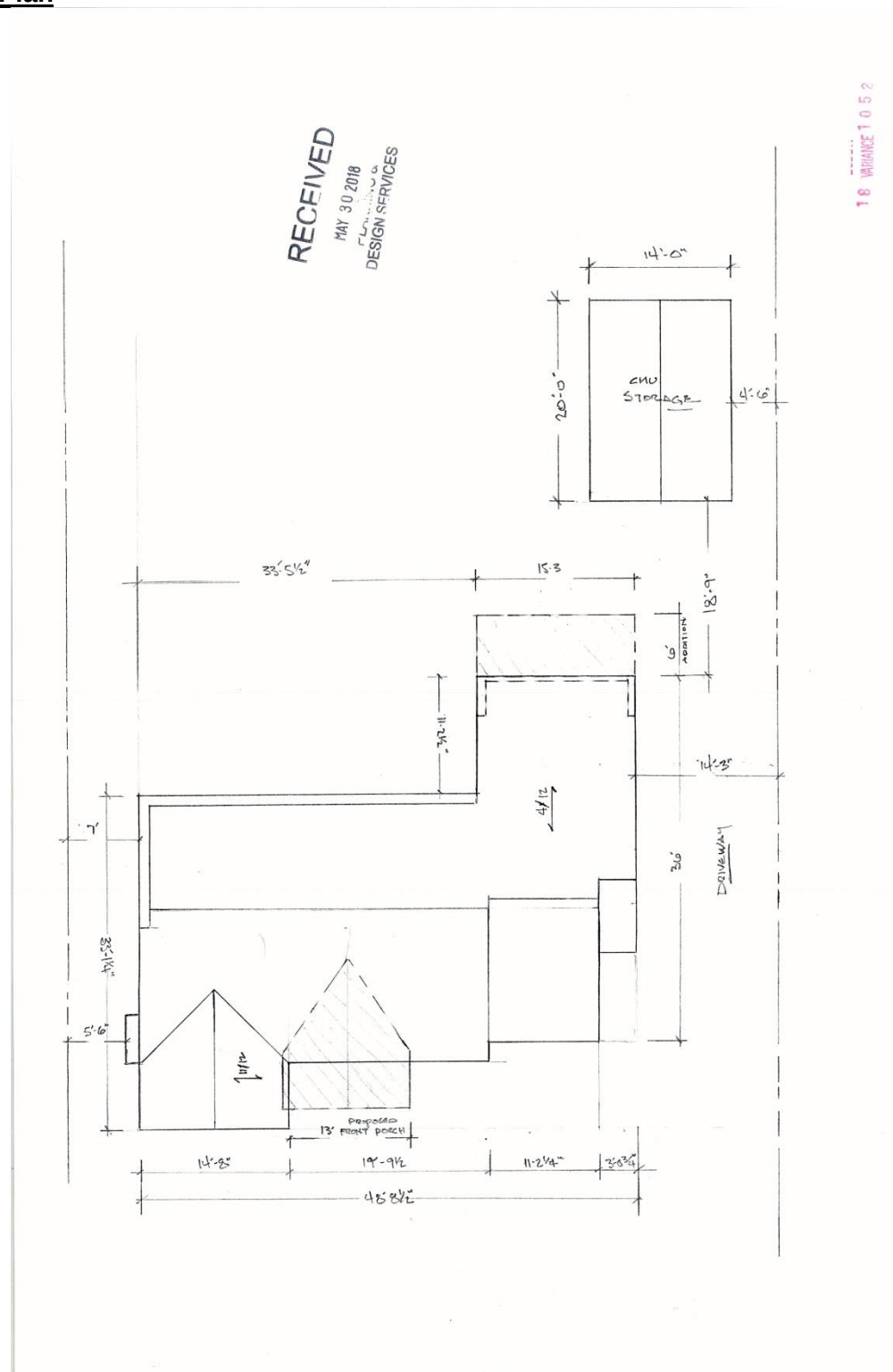


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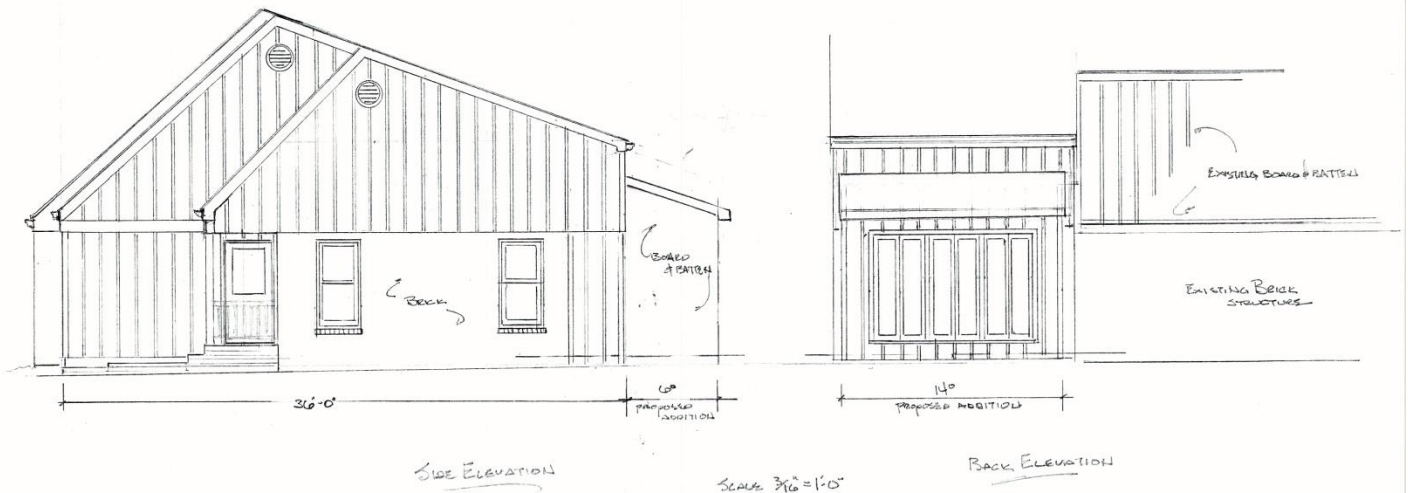
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4. Elevations

RECEIVED
MAY 30 2018
PLANNING &
DESIGN SERVICES



18 VARIANCE 1052

5. Site Photos



The front of the subject property.



The existing garage to remain.



The existing garage setback.