

Board of Zoning Adjustment Staff Report

May 23, 2022



Case No:	22-VARIANCE-0042
Project Name:	Huff Variance
Location:	3708 Nanz Avenue
Owner:	Alexandra P. Huff
Applicant:	Scott A. Huff
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Chris French, AICP, Planning & Design Coordinator

REQUESTS

- **Variance** from Section 4.6.C.2.b of the St. Matthews Development Regulations to allow an accessory structure to encroach within the side yard setback.

Location	Requirement	Request	Variance
Northeastern Side Yard Setback	6 feet	0 feet	6 feet

CASE SUMMARY/BACKGROUND

The applicant proposes to construct a new detached garage on an existing foundation which would replace the existing garage. The garage would be up to 0 feet from the Northeastern side property line. The subject property is located within the R-4 single family residential zone.

STAFF FINDING

Staff finds that the requested variance meets standards (b), (c), and (d), but there is concern that the variance request does not meet standard (a) because construction and maintenance of the addition may have an adverse impact on the adjoining property owner.

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 Code to allow an accessory structure to encroach into the side yard setback.

TECHNICAL REVIEW

The applicant is required to obtain a building permit and the proposed structure may require alterations to the proposed building plans in order to meet building code requirements

INTERESTED PARTY COMMENTS

No interested party comments received.

RELATED CASES

None

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, and welfare, because the proposed structure must be constructed to comply with all building codes; however, staff is concerned that the variance could adversely affect the adjacent property owner because construction and future maintenance of the accessory structure may require encroachment onto the adjacent property.

- (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 since the proposed accessory structure replaces a previous accessory structure that was located the same distance from the property line.

- (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 structure must be constructed to comply with all building codes. In addition, the proposed accessory structure replaces an existing accessory structure that was setback the same distance from the side property line as the proposed accessory structure.

- (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 the proposed accessory structure replaces an existing accessory structure that was setback the same distance from the side property line as the proposed accessory structure.

ADDITIONAL CONSIDERATIONS:

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in 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 as the property is similar in size and shape to other properties in the subdivision.

- b. The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the proposed accessory structure could be moved to meet the setback requirement with minimal changes to the existing driveway.

- c. Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

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 new accessory structure has not been built.

- d. Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public.

STAFF: The variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity and will not cause a hazard or a nuisance to the public as the proposed accessory structure replaces an existing accessory structure that was located in the same location for a number of years.

VARIANCE PLAN REQUIREMENT

In accordance with the St. Matthews Development Code Section 9.1.D Portions of this regulation that govern height or length or setback requirements may be modified by the appropriate Board of Zoning Adjustment. The Board may grant a dimensional variance after a public hearing if the requirements of KRS 100.243 are found to be met.

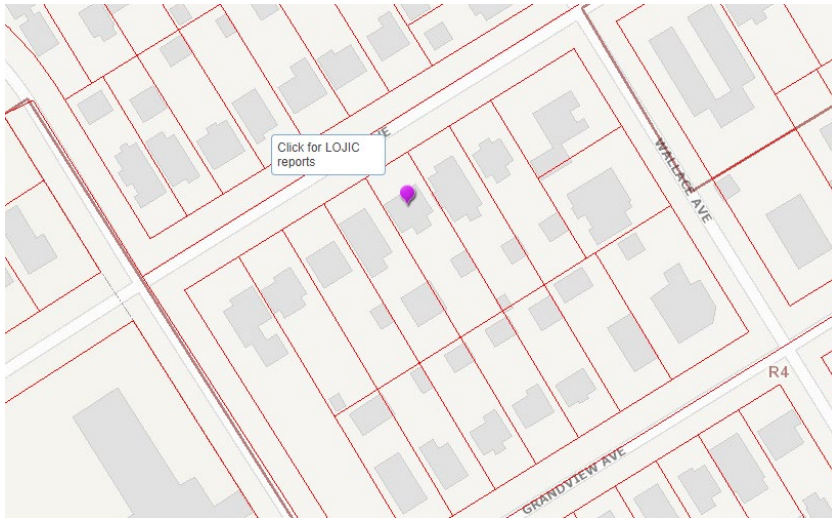
NOTIFICATION

Date	Purpose of Notice	Recipients
5/4/22 and 5/9/2022	Hearing before BOZA	1 st tier adjoining property owners and Registered Neighborhood Groups in Council District 9
5/10/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

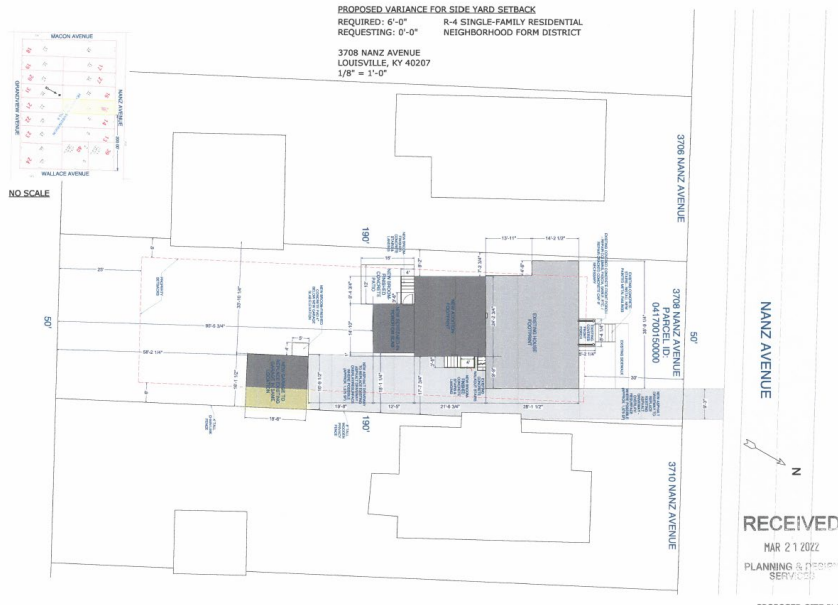
1. **Zoning Map**



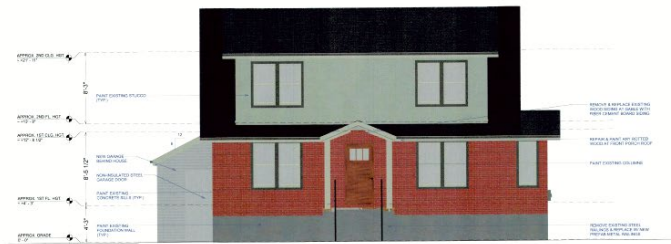
2. **Aerial Photograph**



3. Site Plan



4. Renderings



PROPOSED NORTHWEST-FACING EXTERIOR ELEVATION



PROPOSED NORTHEAST-FACING EXTERIOR ELEVATION

5. Site Photos



Front of the Subject Property



Side of Subject Property with Existing Garage at the end of the Driveway



Existing Garage to be Replaced by Propose Garage