

Board of Zoning Adjustment

Staff Report

May 23, 2022



Case No: 22-VARIANCE-0050
Project Name: Hughes Road Variance
Location: 3710 Hughes Road
Owner: Sara & Christopher Taylor
Applicant: Chris Taylor
Jurisdiction: City of St. Matthews
Council District: 9 – Bill Hollander
Case Manager: Zach Schwager, Planner I

REQUESTS:

Variance from City of St. Matthews Development Code section 4.7.C.2.c to allow a structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side	25 ft.	18 ft.	7 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 Residential Single Family and is in the Neighborhood Form District. It is located at the intersection of Hughes Road and Plymouth Road in the City of St. Matthews. The site currently has a one-story single-family residential structure with a patio on the east side of the structure. The applicant has started construction on an enclosed deck that is over the footprint of the patio that, according to the applicant, is 18 ft. from the street side property line; therefore, a variance is required.

STAFF FINDINGS

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 section 4.7.C.2.c to allow a structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

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

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.7.C.2.c

- (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, because the structure must be constructed to comply with all 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 as there is another similar addition at the intersection of Hughes Road and Macon Avenue.

- (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.

- (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 addition is a similar distance as other additions in the vicinity.

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 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 area.

- 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 addition could be reduced in size.

- 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 the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has started construction on the addition.

- 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 it will be constructed to meet all building codes and there are similar setbacks in the area.

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.

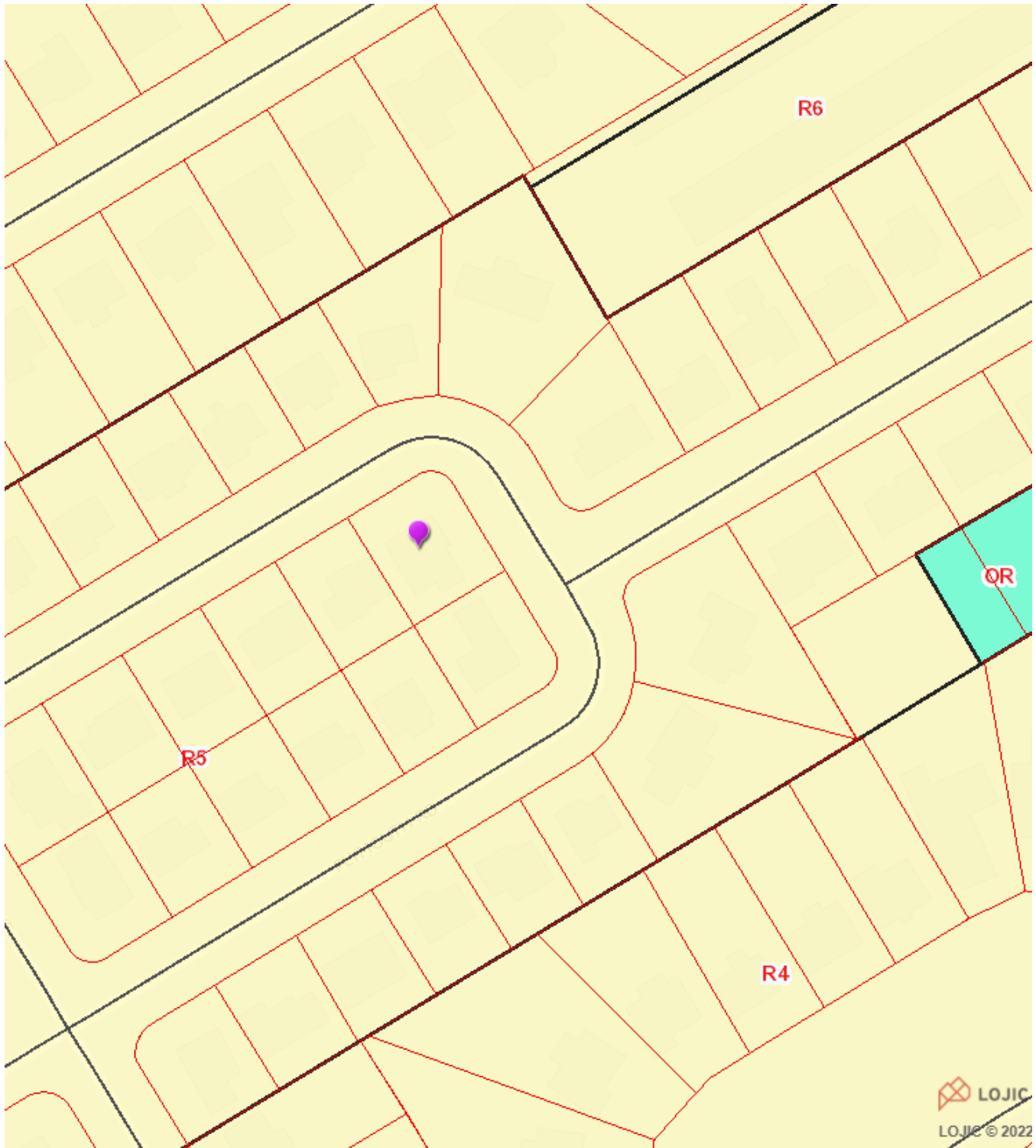
NOTIFICATION

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

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Condition of Approval

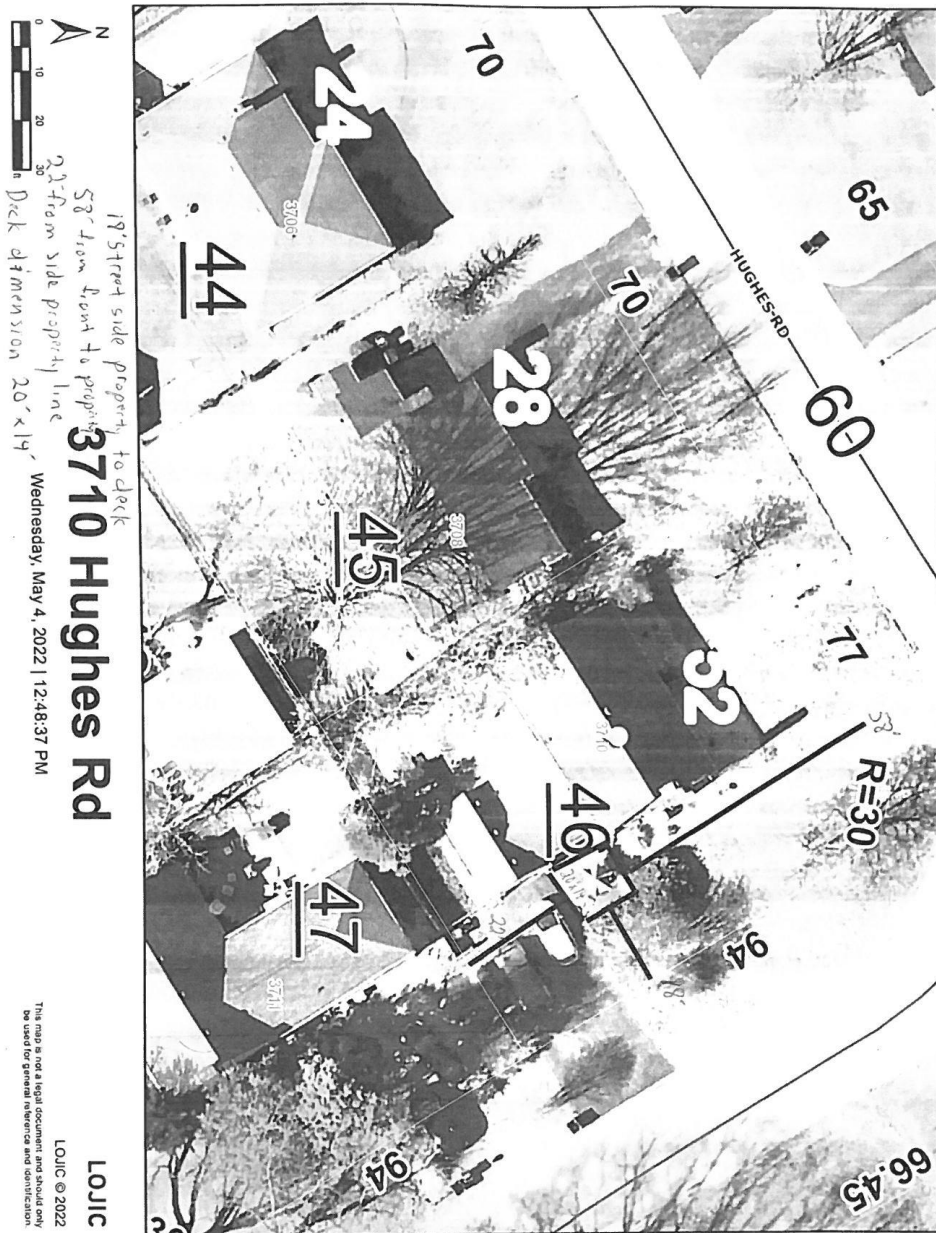
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Site Photos



Front of subject property.



Variance area.



Hughes Road from variance area.



Variance area from curve.

5. Condition of Approval

1) A minor subdivision plat shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's Office prior to the issuance of building permits.