

# Board of Zoning Adjustment Staff Report

July 20, 2015



<b>Case No:</b>	15Variance1037
<b>Project Name:</b>	Gary Garage and Screened Porch
<b>Location:</b>	511 Macon Avenue
<b>Owner(s):</b>	Nancy and EJ Gary
<b>Applicant:</b>	Anne Del Prince, Architect
<b>Representative:</b>	Anne Del Prince
<b>Project Area/Size:</b>	0.147
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

## REQUEST

Variance from the Development Code, Article 9.2.Q, to allow a detached garage and screen porch to exceed 30% of the required rear yard.

### Variance

Location	Requirement	Request	Variance
Rear Yard (Northeast)	30% (375sf)	38% (478sf)	8% (103sf)

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to replace the existing garage with a new 288sf (12'x24') garage and 237sf screened porch at the rear of the property. The new garage and screened porch will be located 2 feet from the side yard property line and 5 feet from the rear property line as required by the Development Code. However, the new garage and screen porch are located within the 25 foot rear yard setback. This encroachment is great than the 30% or 375sf allowed. Because 103sf or 8% of the building area is over the allowed encroachment, a variance is required to be granted to allow the new garage and screened porch to be built at the square footage proposed.

## 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	TN
<b>Proposed</b>	Single-family residential	R-4	TN
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	R-4	TN
<b>South</b>	Single-family residential	R-4	TN
<b>East</b>	Single-family residential	R-4	TN
<b>West</b>	Single-family residential	R-4	TN

## 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 VARIANCES

- (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 structure is located in the rear of the parcel. The proposed structure is being located the minimum distance allowed by the regulations from both the side and rear yards.

- (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 proposed structure is located in the rear of the parcel; and is compatible with the architecture throughout the neighborhood. Plus most lots in the neighborhood have rear detached garages of which are similar.

- (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 garage and screen porch are located at the rear of the property. Plus the required setbacks from the property lines are being honored along both the rear and side perimeters.

- (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 structure encroaches into a small portion of the required rear yard. Plus, there will be 1,280sf+/- of green space provided in the rear yard area in addition to an existing patio.

## 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. When all the Development Code requirements are applied to the site the applicant would not be able to construct the proposed garage and screen porch. This lot is not deep enough or wide enough to allow for the size of building proposed.

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 square footage of garage/screened porch would not be able to be built.

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 construction of the new garage and screen porch has created the circumstances which now require the applicant to seek relief of the regulation.

### TECHNICAL REVIEW

There are no outstanding technical review items.

### STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant a variance of 8% or 103sf to allow the proposed garage and screen porch to be constructed as proposed. 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

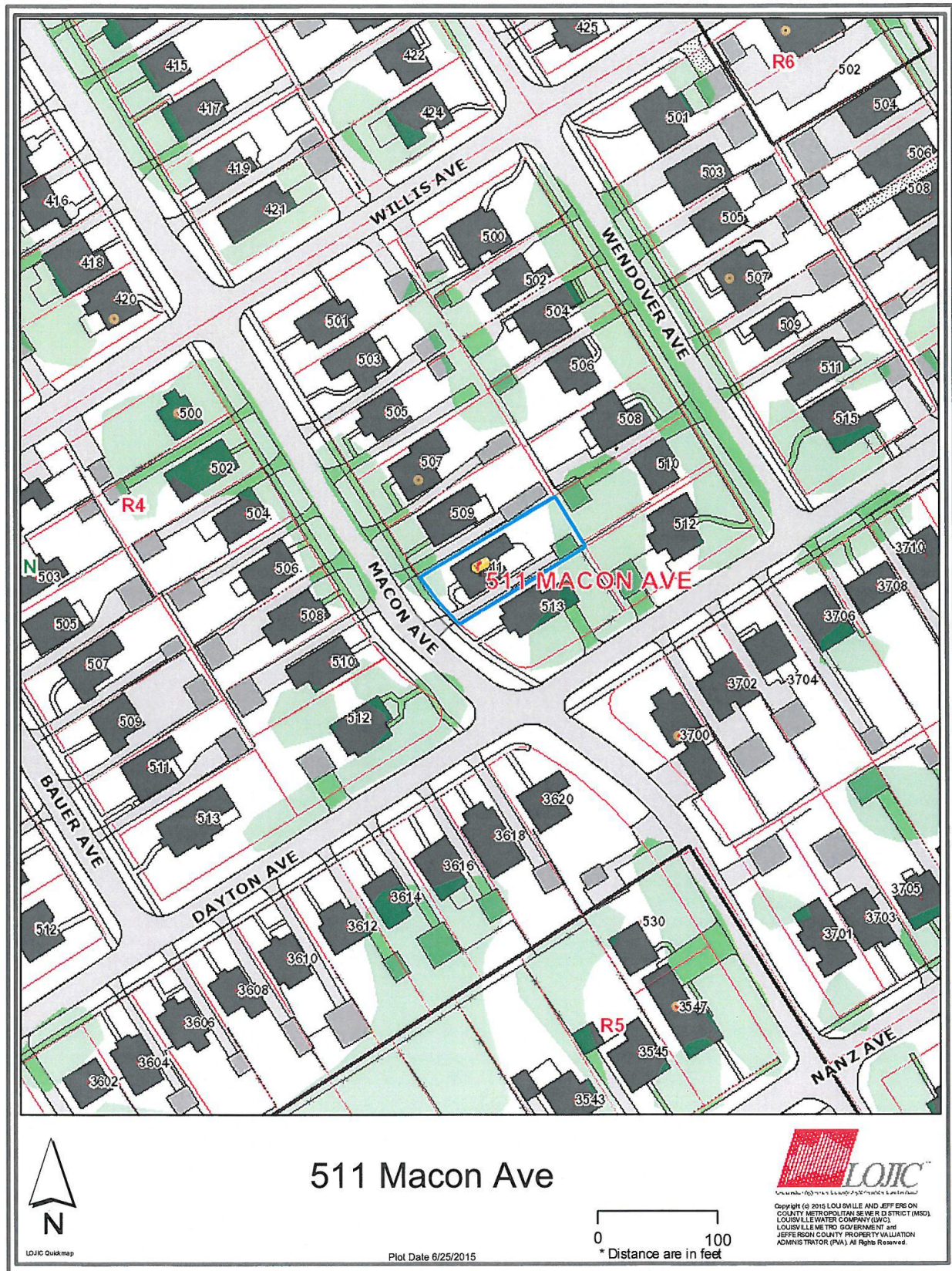
Date	Purpose of Notice	Recipients
07/01/2015	BOZA Hearing	1 <sup>st</sup> tier adjoining property owners
06/29/2015	Sign Posting	Subject property
06/26/2015	BOZA Hearing	Neighborhood notification recipients

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Applicant's Justification
6. Exhibits of Similar Garages in the Neighborhood
7. Site Photographs



# Attachment 1: Zoning Map

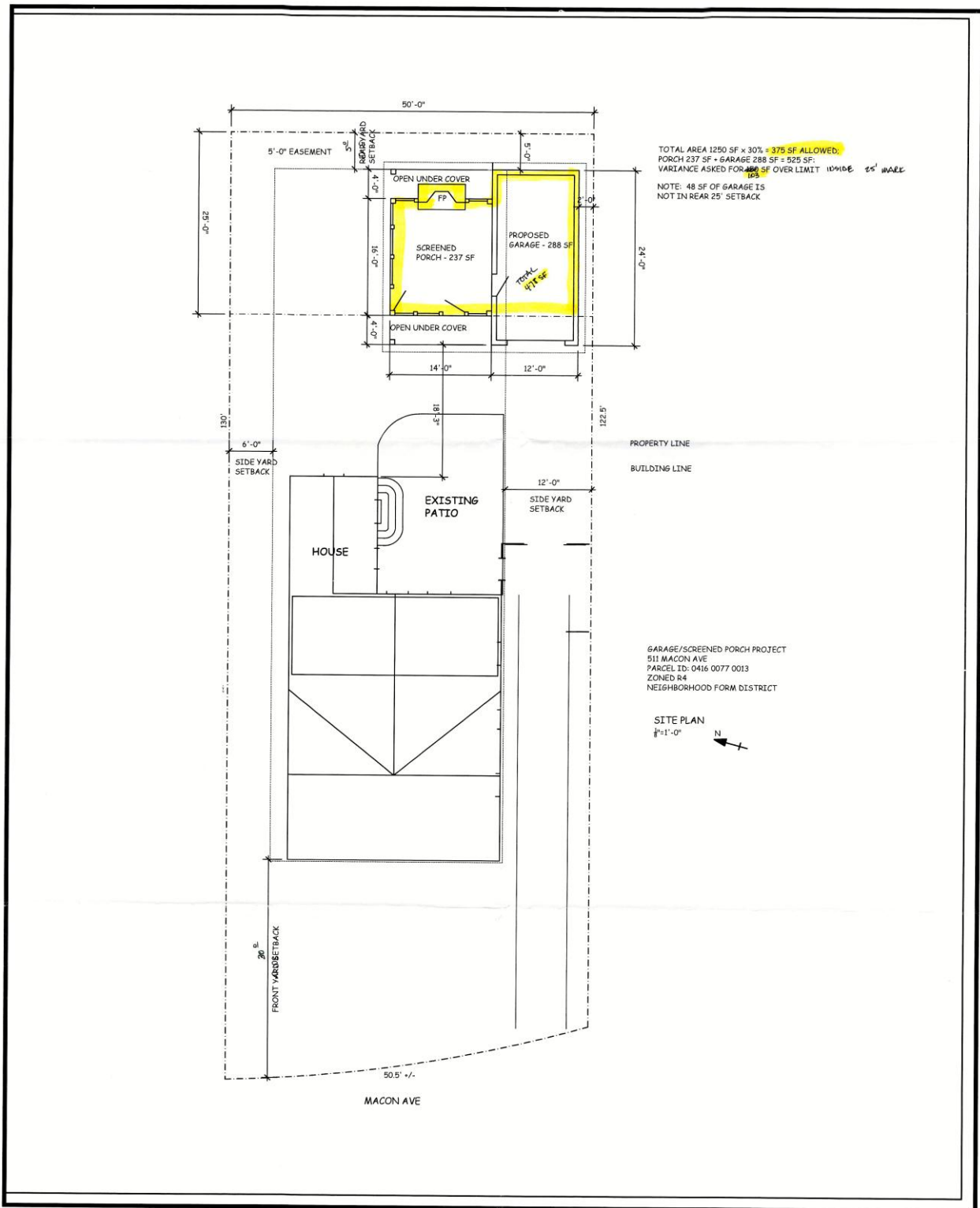




## Attachment 2: Aerial Photograph



# Attachment 3: Site Plan



5/12/2015 11:07

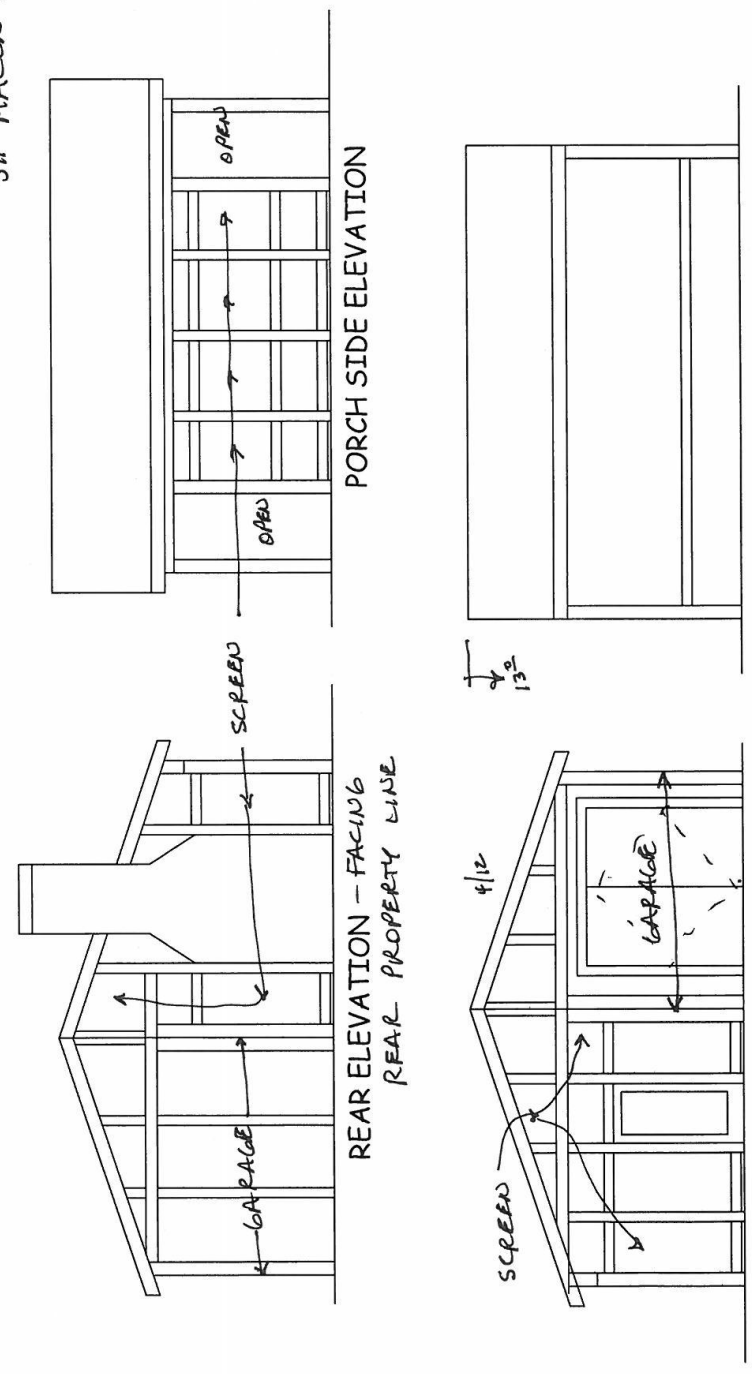
A-1	Sheet No.:	Title:	RECEIVED JUN 05 2015 PLANNING & DESIGN SERVICES	Gary Garage/Screened Porch 511 Macon Ave Louisville, KY 40207	Anne Del Prince, Architect 640 Country Club Road (502) 893-6026
	Scale:	Date:			
	1/8" = 1'-0"	6/1/15			

Attachment 4: Elevations

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GARY GARAGE/SCREENED PORCH  
1/8"=1'-0"  
6/1/15  
511 MACON AVE





## Attachment 5: Applicant's Justification

### Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

PUBLIC HEALTH, SAFETY + WELFARE ARE NOT AFFECTED ON THIS PRIVATE PROPERTY.

**2. Explain how the variance will not alter the essential character of the general vicinity.**

ESSENTIAL CHARACTER OF NEIGHBORHOOD REMAINS INTACT. PROPOSED GARAGE / SCREENED PORCH ARE OF A SIZE / SHAPE / PROPORTION THAT FITS W/ HOUSE + NEIGHBORS.

**3. Explain how the variance will not cause a hazard or a nuisance to the public.**

NO HAZARD OR NUISANCE TO PUBLIC BECAUSE THIS IS PRIVATE PROPERTY.

**4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

NO UNREASONABLE CIRCUMVENTION OF ZONING REGS BECAUSE THERE IS STILL GRASS YARD AREA AVAILABLE FOR GREEN SPACE.

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Additional consideration:

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**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

SPECIAL CIRCUMSTANCES: OWNERS NEED FOR GARAGE STORAGE + SCREENED PORCH.

**2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

HARDSHIP CREATED IF STORAGE SPACE IS INADEQUATE OR NO SCREENED PORCH SIZED FOR ITS INTENDED ACTIVITIES

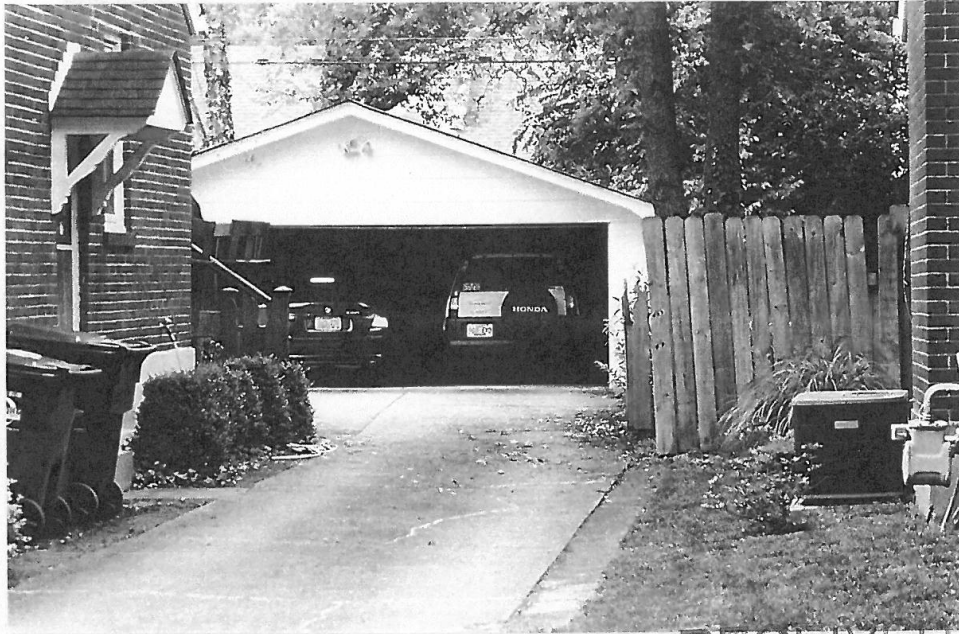
**3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought?**

OWNERS PROPERTY IS TOO SMALL TO COMPLY WITH REGULATIONS: OWNER DID NOT SET SIZE OF LOT. OWNER DID NOT CAUSE THIS LAND SHORTAGE.

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Attachment 6: Exhibits of Similar Garages in the Neighborhood



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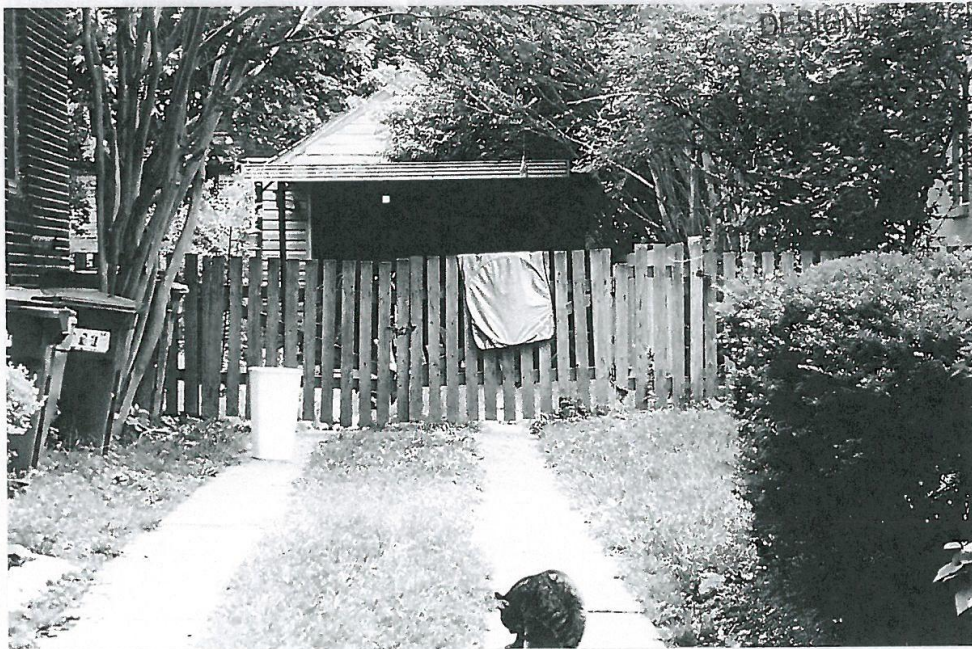


EXISTING MACON AVE  
GARAGES - NEIGHBORS OF  
511 MACON

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EXISTING MACON AVE  
GARAGES - NEIGHBORS OF  
511 MACON.

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Attachment 7: Site Photographs



Front of existing house



Driveway to existing detached garage





Existing garage to be removed



Rear Yard and patio area





Rear yard and patio area look from rear



Yard looking from rear of site





Existing garage to be replaced/ location of new garage/ screened porch



Existing garage to be removed/ location of new garage/ screen porch