

**Addendum
Board of Zoning Adjustment
Staff Report**
November 16, 2015



Case No:	15VARIANCE1074
Project Name:	349 Ridgeway Ave
Location:	349 Ridgeway Avenue
Owner(s):	Caroline Turner Whaley
Applicant(s):	Jeffrey Lawson – Double L Construction
Representative(s):	Jeffrey Lawson – Double L Construction
Project Area/Size:	1.0 Acre
Existing Zoning District:	R-4, Single-Family Residential
Existing Form District:	N/A
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Joel P. Dock, Planner I

REQUEST

- Variance from section 4.6.2.C of the Development Code to allow proposed carport and principal structure addition with porch in the street side yard (SSY).

Location	Requirement	Request	Variance
Street Side Yard (Carport)	30'	9.7'	20.3' <u>20.5'</u>
Street Side Yard (Addition with Porch)	30'	15'	15'

CASE SUMMARY

The subject site is located within the City of St. Matthews and is subject to the Development Code in effect as of April 2001.

The applicant proposes to remove an attached pergola with aluminum roof and portions of the residence along the Dellridge Drive frontage, construct a 12' x 13.5' attached carport in place of the pergola, and expand the rear of the principal structure by roughly 2,100 sq. ft. including a 730 sq. ft. porch. While only a section of the addition and porch (≈300 sq. ft.) require a variance for the encroachment into the required SSY, the entirety of the proposed carport encroaches into the 30' required SSY.

An application has been submitted, case 15MINORPLAT1159, to shift the 30' build limit line. Approval of the minor subdivision plat application pending the outcome of this Board of Zoning Adjustment hearing.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-Family Residential	R-4	N/A
Proposed	Single-Family Residential	R-4	N/A
Surrounding Properties			
North	Single-Family Residential	R-4	N/A
South	Single-Family Residential	R-4	N/A
East	Single-Family Residential	R-4	N/A
West	Single-Family Residential	R-4	N/A

PREVIOUS CASES ON SITE

B-196-06: Variances granted for home addition to be 23' from Dellridge Avenue R/W and arbor to be 10'.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Development Code (April 2001)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

(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 proposed structures do not obstruct visibility of motor vehicles from the public right-of-way or the mobility and safety of pedestrians.

(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 size, placement, and shape of residences in the area are a function of the size and shape of their lot. The material and character of the proposed structures appear to be consistent with the design of the existing residence, as well as nearby residences. Additionally, the lot has significant tree canopy and landscaping along its boundary that will remain intact.

(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 structures are additions to an existing single-family residence and intended for single-family residential use.

(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 existing home is constructed along the Dellridge Avenue right-of-way on this corner lot instead of being built in a more centrally located area of the lot; and as the size, placement, and shape of residences in the area are a function of the size and shape of their lot.

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 variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

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 deprive the applicant of the reasonable use of the land as the proposed structures have been designed to fit the needs of the homeowners, shape of the lot, and location of the existing home. The proposed structures do not cause a hazard or nuisance to the public, nor do they adversely affect the public health, safety or welfare, and do not alter the essential character of the general vicinity

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 circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

TECHNICAL REVIEW

Permit and construction of the proposed structures require the approval of submitted minor subdivision plat application, case 15MINORPLAT1159, pending the outcome of this hearing.

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for granting a variance established in the Land Development Code.

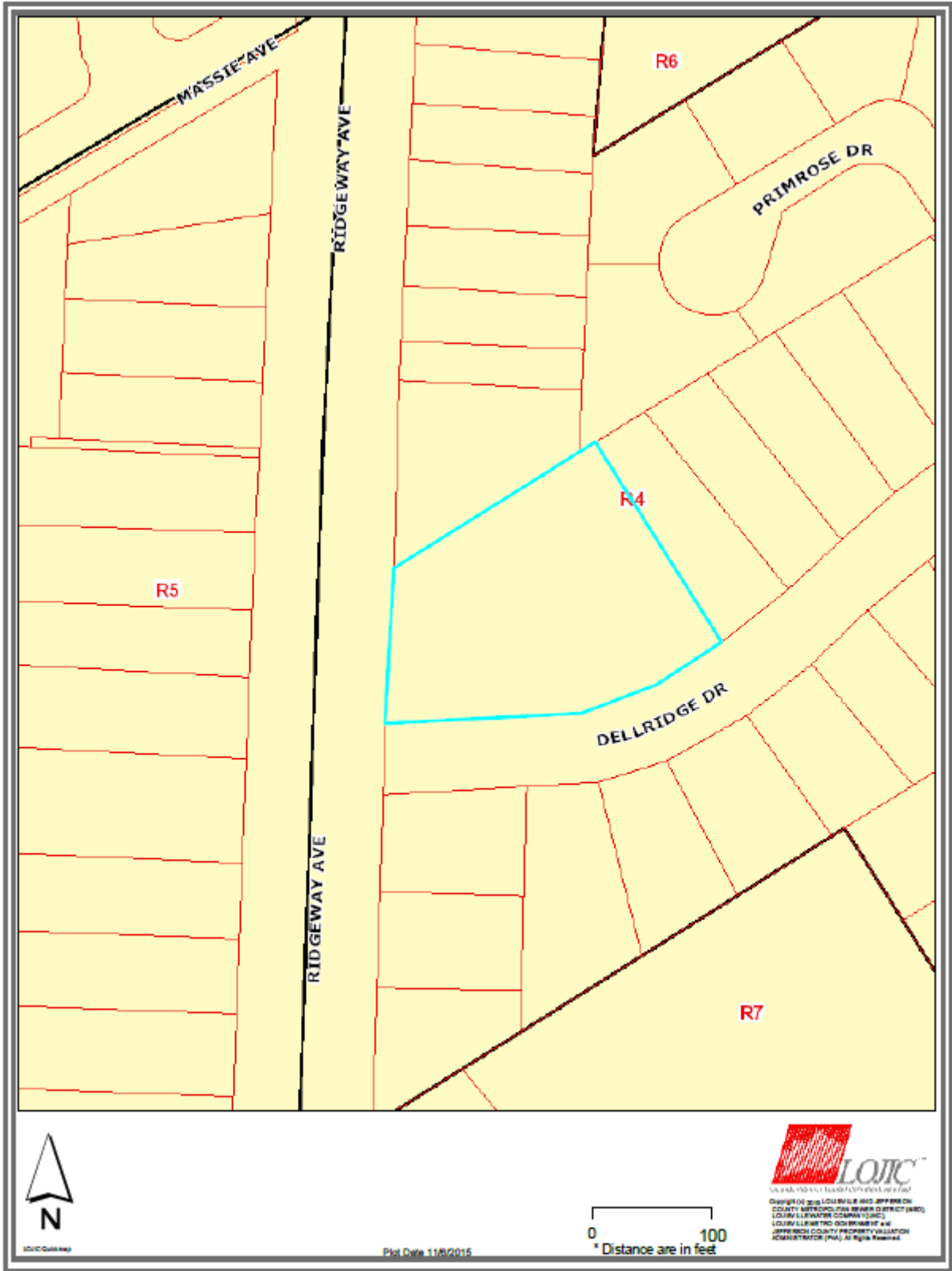
NOTIFICATION

Date	Purpose of Notice	Recipients
10/30/15	BOZA	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1.



2.

