

# Board of Zoning Adjustment

## Staff Report

August 21, 2017



<b>Case No:</b>	17VARIANCE1042
<b>Project Name:</b>	3826 Staebler Avenue Garage
<b>Location:</b>	3826 Staebler Avenue
<b>Owner(s):</b>	Wayne & Theresa Hall
<b>Applicant:</b>	Wayne Hall
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Dante St. Germain, Planner I

### REQUEST

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

Location	Requirement	Request	Variance
Side Yard Setback	5 feet	2.33 feet	2.67 feet

### CASE SUMMARY/BACKGROUND

The subject property is located in the City of St. Matthews. It is Lot 54 of the Colonial Village subdivision, recorded in 1939 in plat book 8 page 73. The property is located at the edge of a neighborhood of medium-density single-family residences, transitioning to commercial uses to the south and to the east. The subject property currently contains a one-story single-family residence with a detached one-car garage. The applicant is renovating the home, and proposes a 132 square foot addition to the rear of the principal structure. The garage encroaches into the side yard setback required by current St. Matthews Development Code regulations for R-5 zoned properties. The City of St. Matthews requires the applicant to request a variance to bring the existing conditions of the site into compliance with the St. Matthews Development Code in order to issue a building permit for the principal structure addition. No changes to the garage are proposed at this time.

### 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 St. Matthews Development Code 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 by staff.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.7.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 garage is existing and has caused no known adverse effects.

- (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 present in the neighborhood for several decades and forms a part of the essential character of the neighborhood.

- (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 garage is existing and has caused no known hazards or nuisances.

- (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 garage has been in place for several decades and the applicant requests a variance only to bring the existing conditions into compliance.

## **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 has existed for several decades and the only changes proposed to the property are to the principal structure.

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 demolish and re-build the garage in a new location on the lot in order to obtain a building permit for renovations to the principal structure.

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 garage existed for many years prior to the adoption of the zoning regulation.

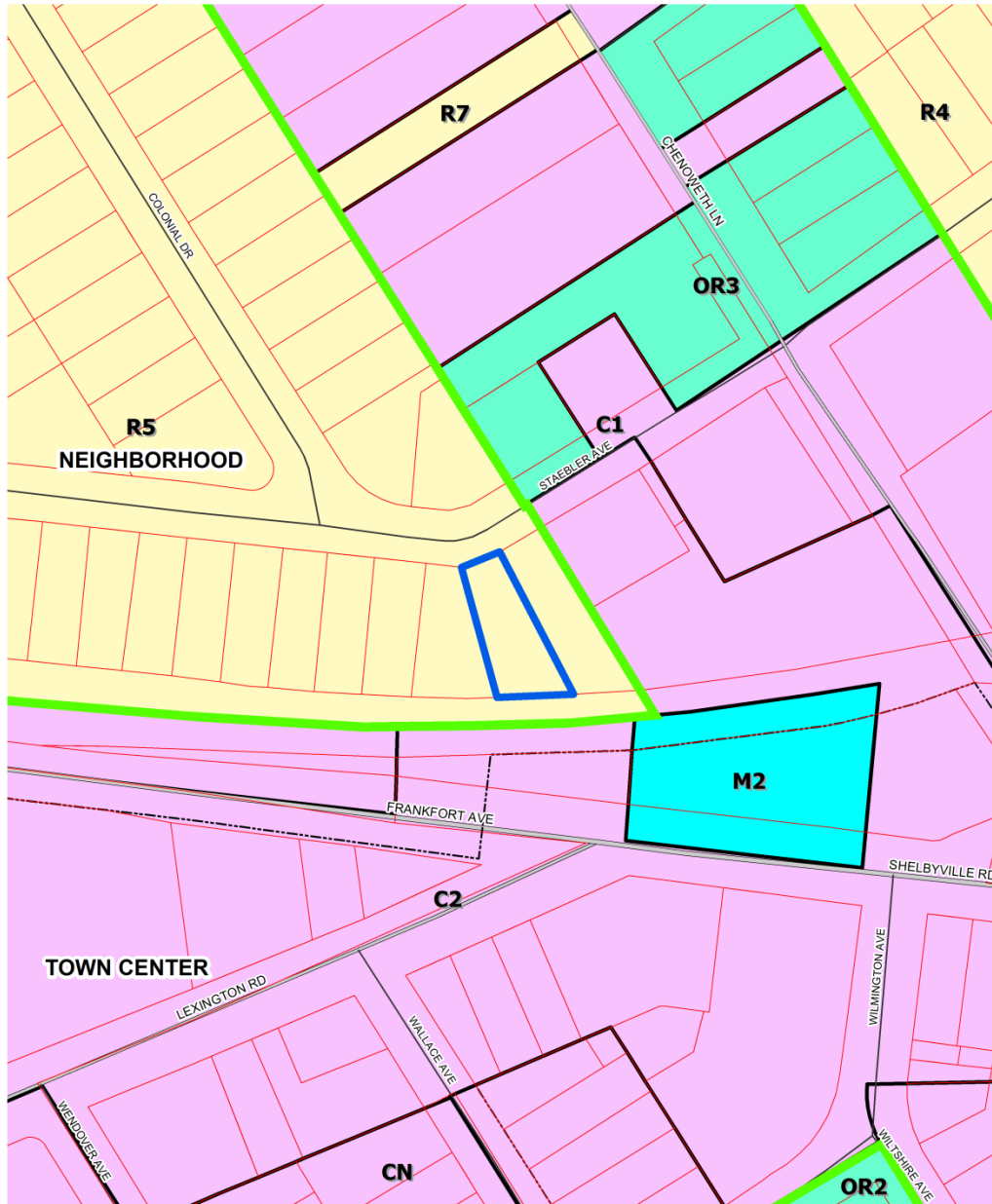
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
08/04/2017	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9
08/04/2017	Hearing before BOZA	Notice posted on property

#### **ATTACHMENTS**

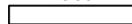
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map



3826 Staebler Avenue

feet



110

Map Created: 8/8/2017

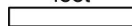


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JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



3826 Staebler Avenue  
feet



110  
Map Created: 8/8/2017



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3.

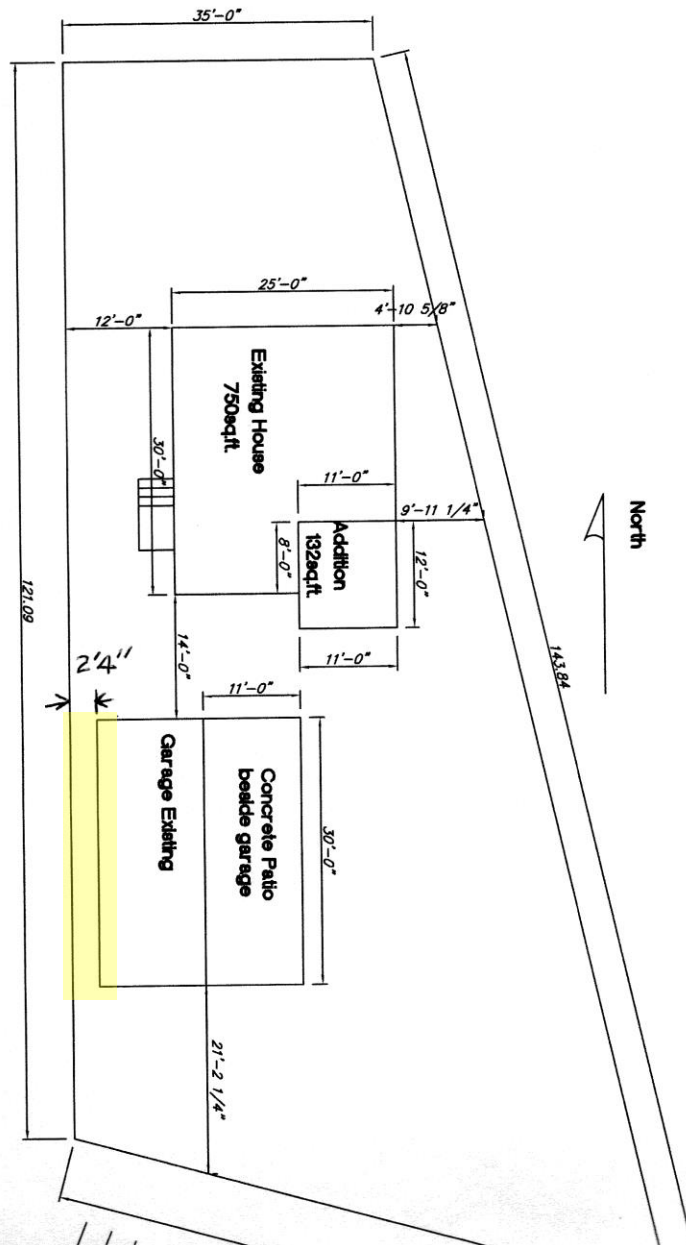
# Site Plan

DESIGNED BY	DATE	REVIEWED	DATE
CHECKED BY	DATE	REVIEWED	DATE
CHECKED BY	DATE	REVIEWED	DATE

LETTING DATE

Existing House is 750sqft.  
 New addition has 132 sqft.  
 2x4 frame walls with new siding over entire house  
 New shingles over entire house  
 concrete patio beside garage  
 Addition to have 2x8 joist on block foundation

Staebler Ave.



4. Site Photos



The front of the subject property.





The property to the right of the subject property.





The property across Staebler Avenue.



The property to the left of the subject property.





Along the side of the house toward the garage.



The rear of the house and front of the garage.





The rear of the existing property where the addition is proposed, and the rear of the garage.