

Board of Zoning Adjustment
Staff Report
October 7, 2019



Case No:	19-VARIANCE-0033
Project Name:	Grandview Avenue Variance
Location:	3328 Grandview Avenue
Owner:	Diana Gail Lynn Zeh Revocable Trust
Applicant:	Andrew S. Zeh – Maple & Associates
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUEST

- **Variance** from City of St. Matthews Development Code section 4.6.C.2.c to allow a structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	0 ft.	30 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 and is in the Neighborhood Form District. It is located in the Alhambra Heights subdivision in the City of St. Matthews on the south side of Grandview Avenue and contains a 1 ½ story single-family residence. The applicant is requesting a variance for a deck to encroach into the required street side yard setback.

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 standard of granting a variance established in the City of St. Matthews Development Code from section 4.6.C.2.c to allow a deck to encroach into the required street side yard setback.

Condition of Approval:

#1) A survey of the eastern property line shall be completed prior to the commencement of construction activity and shall be staked in the field. No projections from the façade or building foundation shall cross the property line; any such projections shall be accommodated by stepping back the proposed structure from the property line.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.6.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 as the structure will need to 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 a similar deck that encroaches into the street side yard setback across Iola Road. Also, the existing principal structure is already encroaching into the street side yard setback as it is approximately seven feet from the street side 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 as the deck will be built to comply with building and fire 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 required setback does not meet the existing conditions of the subject property or surrounding properties.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or 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 subject property is similar in size and shape to surrounding properties.

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 as the existing site conditions do not meet the street side setback requirement.

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 applicant is requesting the variance and has not begun construction.

NOTIFICATION

Date	Purpose of Notice	Recipients
08/28/2019	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
09/20/2019	Hearing before BOZA	Notice posted on property

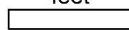
ATTACHMENTS

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

1. **Zoning Map**



3328 Grandview Avenue
feet



Map Created: 10/2/2019



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2. Aerial Photograph



3328 Grandview Avenue

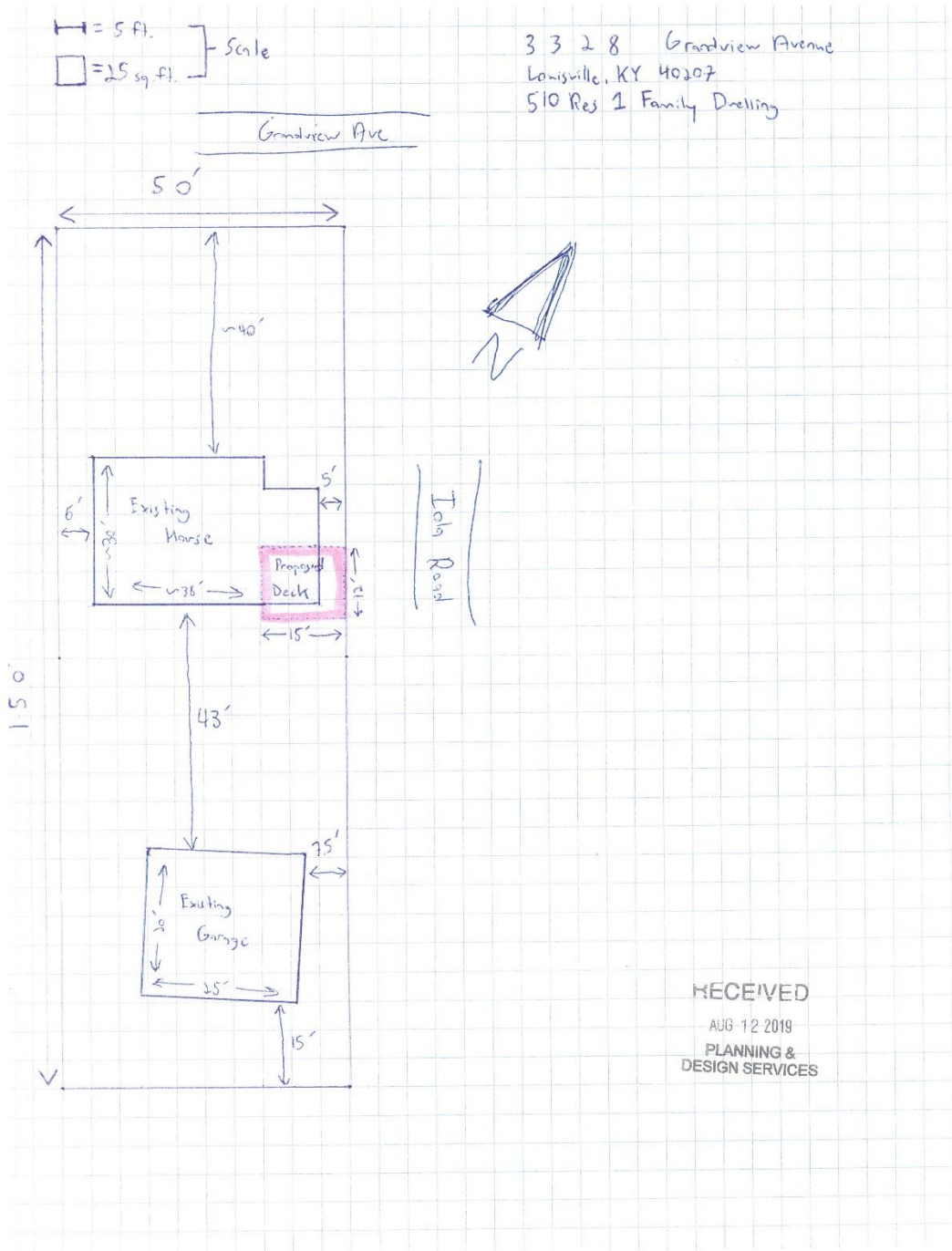
feet
50

Map Created: 10/2/2019



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3. Site Plan



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4. **Site Photos**



The front of the subject property.



The property to the right.



The property across Iola Road.



Properties across Grandview Avenue.



Existing street side yard and location of proposed deck.



Location of proposed deck.