

Board of Zoning Adjustment

Staff Report

February 17, 2020



Case No: 20-VARIANCE-0006
Project Name: Hubbards Variance
Location: 400 N. Hubbards Lane
Owner/Applicant: David & Ruth Esterle
Jurisdiction: City of St. Matthews
Council District: 7 – Paula McCraney
Case Manager: Nia Holt, Planner I

REQUEST

- **Variance** of St. Matthews' Land Development Code Section 4.6 to allow a structure to encroach into the required street side yard in the R-4 Single Family Residential Zoning District.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	~ 19 ft.	~11 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 and is a single-family residence in the Neighborhood Form District. The property lies within the jurisdiction of the zoning authority of the City of St. Matthews. The applicant is renovating the principle structure with several updates including an attached garage. The subject site is located at on the Southwest corner of Massie Avenue and N. Hubbards Lane. The existing structure sits closer to the right-of-way of Massie Avenue. The setback requirement is 30 ft from the street side yard. The attached garage addition will encroach approximately 19 ft into the street side yard on Massie Avenue. The proposed structure will also encroach into the building limit line. Therefore, a minor subdivision plat will need to be submitted to shift the building limit line.

STAFF FINDING

Staff finds that the requested variances are adequately justified and meet the standards 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 Land Development Code Section 4.6 to allow a structure to encroach into the required street side yard in the R-4 Single Family Residential Zoning District.

RELATED CASES

There are no related cases.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.6

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The request will not adversely affect the public health, safety or welfare as all building codes and safety regulations will be met on the subject site.

- (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 residential structures in the area are a function of the size and shape of their lot. The material and character of the proposed garage appear to be consistent with the design of the existing residence, as well as nearby residences.

- (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 structure will be constructed to comply with 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 existing home is constructed closer to the Massie Ave right-of-way on this corner lot instead of being built in a more centrally located area of the lot; and the size, placement and shape of residences in the area are a function of the size and shape of their lots.

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 does not arise from special circumstances which do not generally apply to the 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 garage has been designed to fit the needs of the property owner, the shape of the lot, and location of the existing home.

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:

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

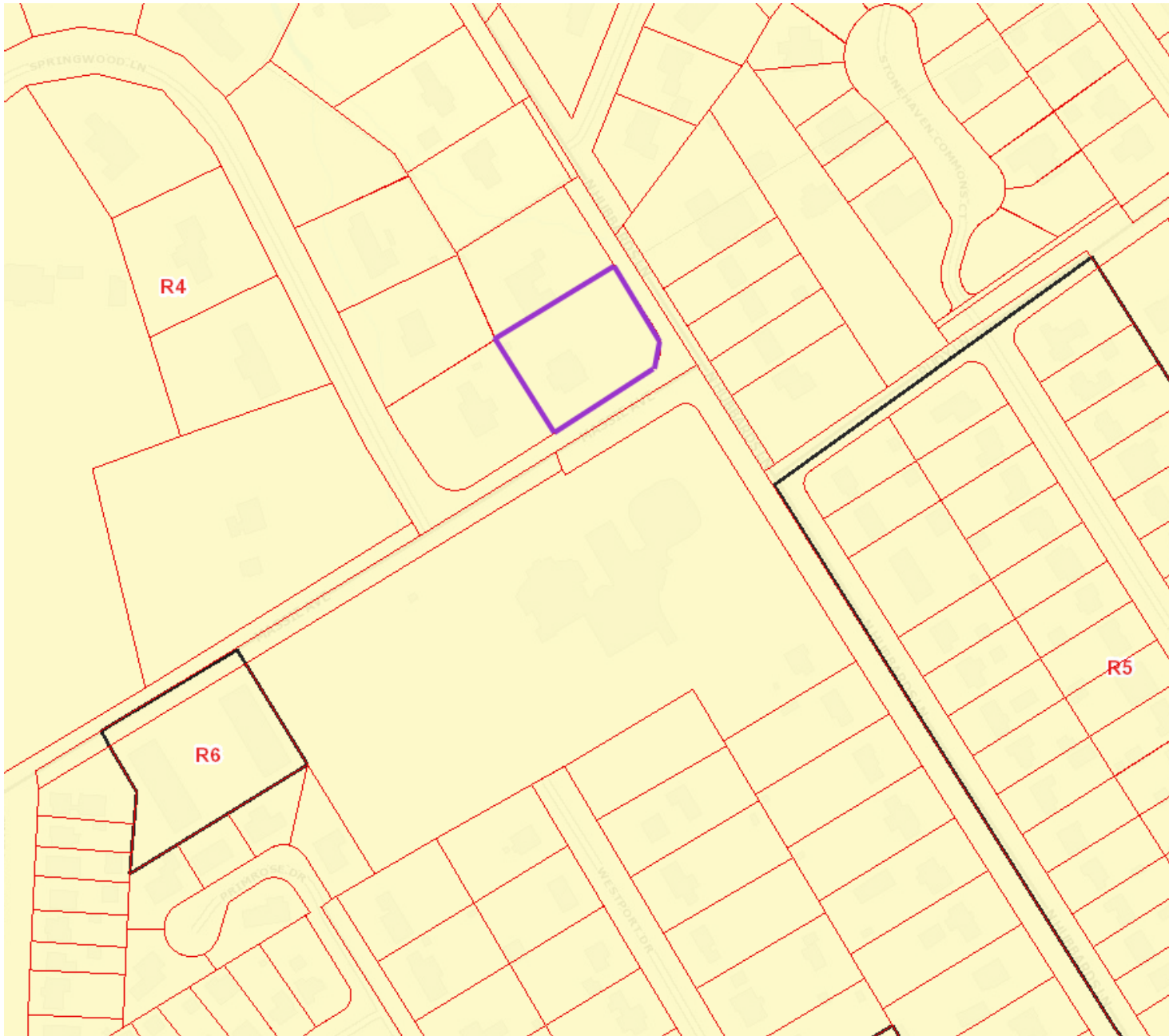
NOTIFICATION

Date	Purpose of Notice	Recipients
1/29/20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 2
2/7/20	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

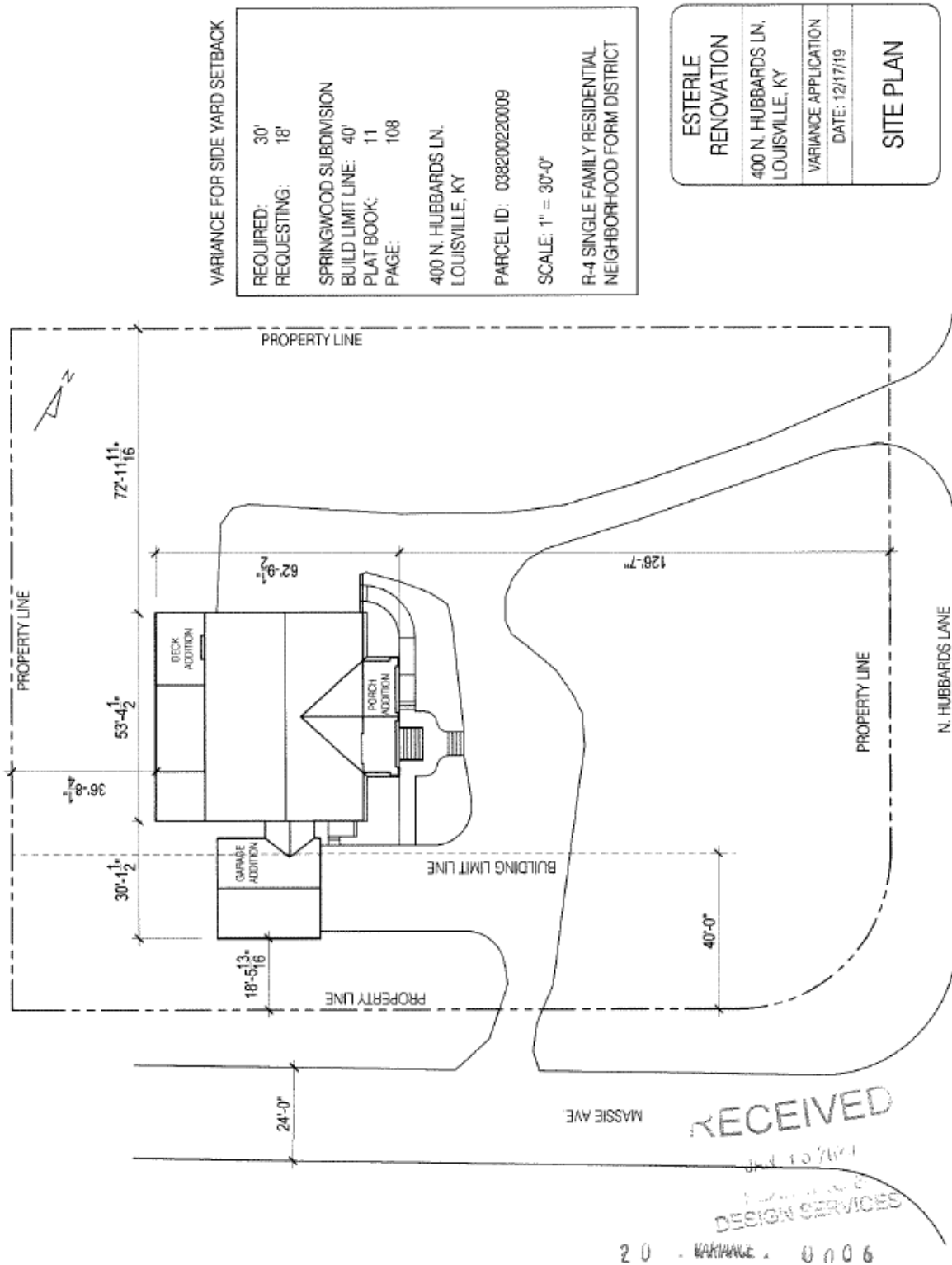
1. **Zoning Map**



2. Aerial Photograph



3. Site Plan



4. Condition of Approval

The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 40 ft. building limit line along Massie Avenue. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.