

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.

The variance is for a 3 foot rather than a 6 foot side yard (DC in St. Matthews) and is part of pending Minor Plat. The improvement on a straight right of way away and over 20 feet from the adjacent home presents no public health, safety or welfare issues.

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

The essential character will not be altered because the required 6 foot side yard setback, which is requested to be 3 feet, does not crowd the neighboring landowner whose homes is 20 feet away. Across the street is a school's athletic field (Waggener) not homes, so the character is not altered.

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

The proposed variance presents no hazards or nuisance to the public. The current side yard of the home is 3 feet off the north side yard and this addition simply follows the same line.

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

The existing home has a side yard setback of 3 feet. It appears this setback was established many years ago. The proposed addition needs to line up with the existing edge of the house to make logical construction sense and to serve as a functional garage of 16 feet wide.

Additional consideration:

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

The existing home is placed on the lot in such as manner, with an existing 3 foot side yard setback, that there is a practical need for the addition to have the same setback.

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.

The logical place for this garage addition is where the existing driveway is located and starting at the current side of the house which is 3 foot off the line. Strict interpretation would require the garage to be three feet over into the current front of the house.

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

The Code is longstanding, the Old DC, in St Matthews. The house was built in 1946 according to the PVA. The current owner bought in 1995 with this house addition with a 3 foot side yard already present. The whole house has had cosmetic improvements since that time.

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