

Board of Zoning Adjustment

Staff Report

June 15, 2020



Case No:	20-VARIANCE-0047
Project Name:	South Hubbards Variance
Location:	313 S. Hubbards Lane
Owner(s):	Howard Hardin
Applicant:	Kathryn Matheny
Jurisdiction:	City of St. Matthews
Council District:	26 – Brent Ackerson
Case Manager:	Nia Holt, Planner I

REQUESTS:

Variance from Land Development Code Section 4.6.C.2.b to allow a reduction in the minimum side yard requirement.

Location	Requirement	Request	Variance
West Side Yard	6' min, 18' total	3.30'	2.70'

CASE SUMMARY/BACKGROUND

The subject site is zoned R-4 Single-Family Residential in the Neighborhood Form District. It is under the zoning authority of the City of St. Matthews. The site contains an existing single-family structure located in the Parkside Subdivision. The applicant is proposing to construct an attached garage on the Southwest side of the property. The lot was created in 1949. All R-4 lots created prior to April 21, 20001 have a 6 ft minimum side yard for one side, with a minimum total 18 ft side yards requirement. Additionally, there is an existing building limit line on the site. The applicant has submitted a minor subdivision plat to shift this line. Should the Board approve this variance they will need to add a condition which requires the minor plat to be recorded before construction begins.

STAFF FINDINGS

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 Land Development Code from Section 4.6.C.2.b to allow a reduction in the minimum side yard requirement.

TECHNICAL REVIEW

None.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

RELATED CASES

There is a pending minor plat application to shift the building limit line under case #20-MPLAT-0047.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.6.C.2

- (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 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 the proposed garage will be of a similar design as other garages or additions in the surrounding area. However, there does not appear to be any other structures built beyond the building limit line in the area.

- (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 will be constructed to comply with all building codes, including 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 request is less than a 3 ft difference on the Southwest side from the dimensional requirement and the minimum total setback is already met.

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 not permit the property owner to construct the proposed garage in the most reasonable location on the property.

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 as the applicant is requesting the variances and has not begun construction.

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
5/27/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 26
6/02/2020	Hearing before BOZA	Notice posted on property

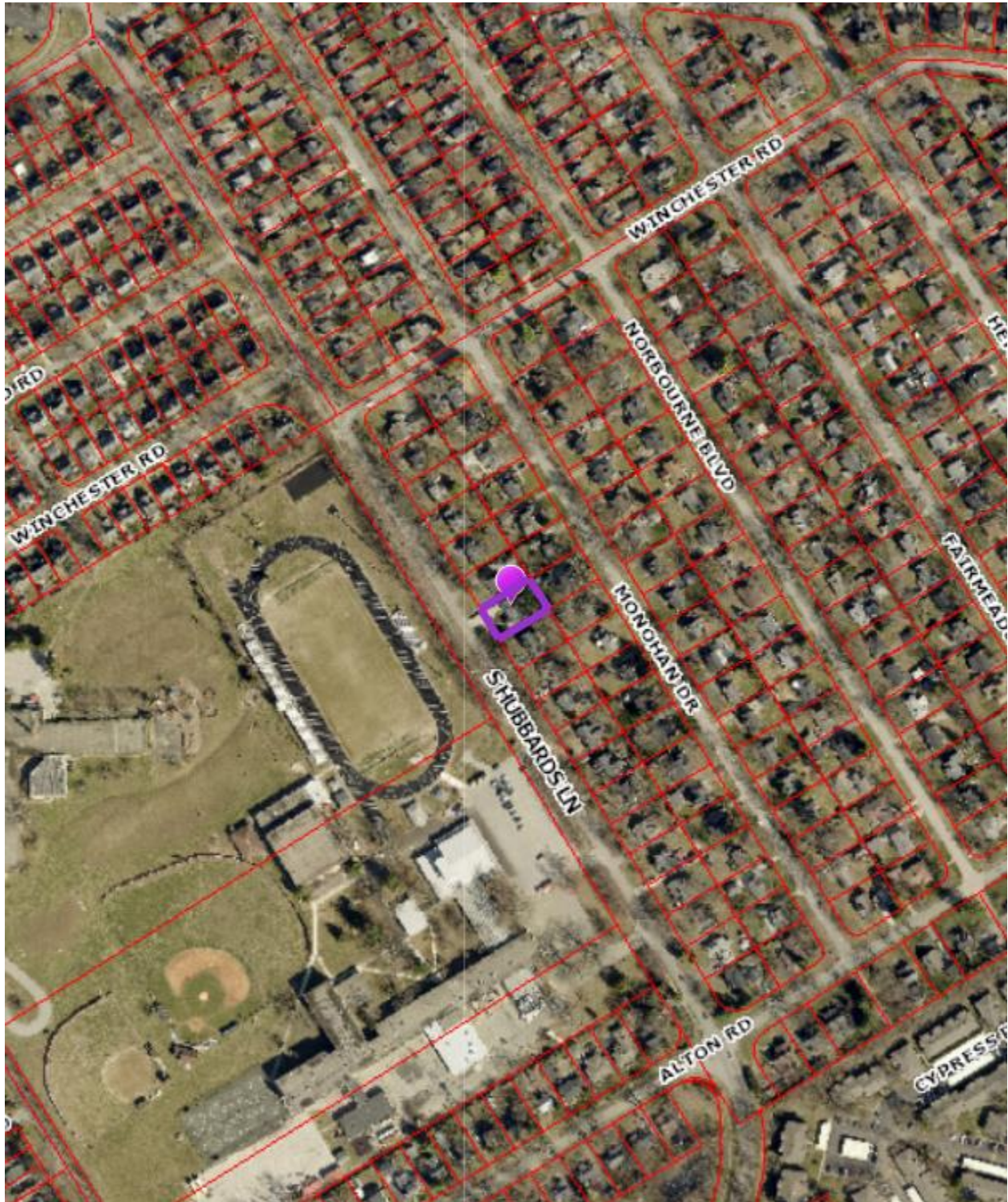
ATTACHMENTS

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

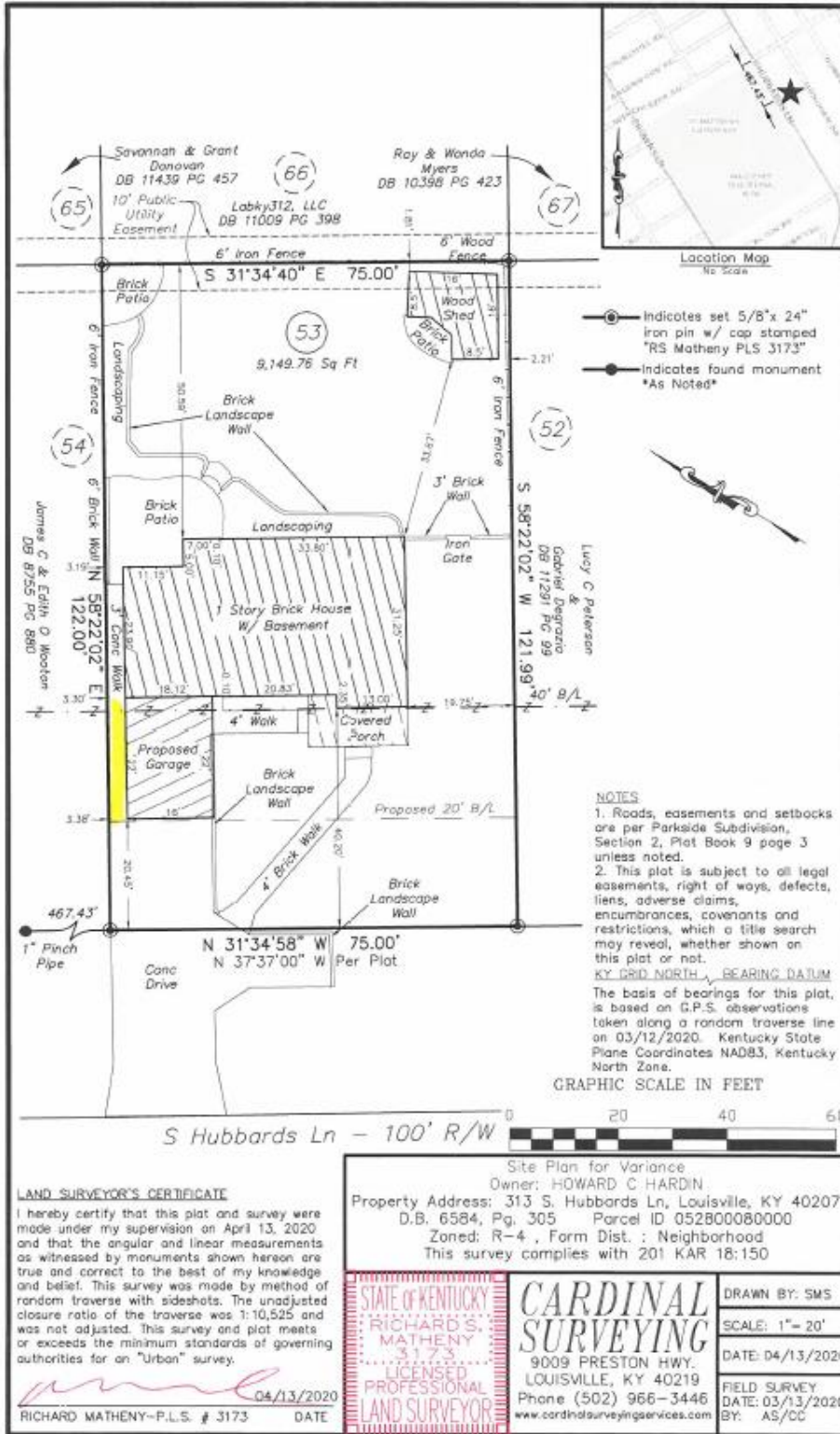
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. **Site Photos**



Front of subject property.



Property to the right.



Property to the left.



Property across S. Hubbards Lane.



Variance area.



Variance area.