

Board of Zoning Adjustment

Staff Report

September 28, 2020



Case No:	20-VARIANCE-0076
Project Name:	Grandview Avenue Variance
Location:	3400 Grandview Avenue
Owner/Applicant:	Gregory T. Schanding
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Zach Schwager, Planner I

REQUESTS:

Variance from City of St. Matthews Development Code section 9.2.D to allow an accessory structure to encroach into the required rear yard setback.

Location	Requirement	Request	Variance
Rear Yard	5 ft.	0 ft.	5 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Residential Single-Family in the Neighborhood Form District. It is a single-family structure located in the Alhambra Heights subdivision. The applicant is proposing to remove the existing garage in the middle of the lot and construct a new garage at the rear of the property. The rear property line abuts an unimproved alley so the structure would be around 16 ft. from the adjoining property.

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 City of St. Matthews Development Code from section 9.2.D to allow an accessory structure to encroach into the required rear yard setback.

TECHNICAL REVIEW

Transportation Planning has reviewed the request and has given preliminary approval.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

17VARIANCE1007 – A variance was approved to allow an addition to the principal structure to encroach into the street side yard setback.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 9.2.D

- (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, because the proposed structure must 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 are other accessory structures in the area that have similar rear yard setbacks.

- (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 because the structure must be constructed to comply with all building codes. Transportation Planning has also reviewed the request and does not have an issue with the location of the proposed garage.

- (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 proposed garage will be constructed a similar distance to the rear property line as other accessory structures in the area.

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 as the lot is similar in size and shape as the 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 not create an unnecessary hardship on the applicant as the proposed garage could be constructed to meet setback requirements if it were set back further from the rear property line.

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 variance 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.

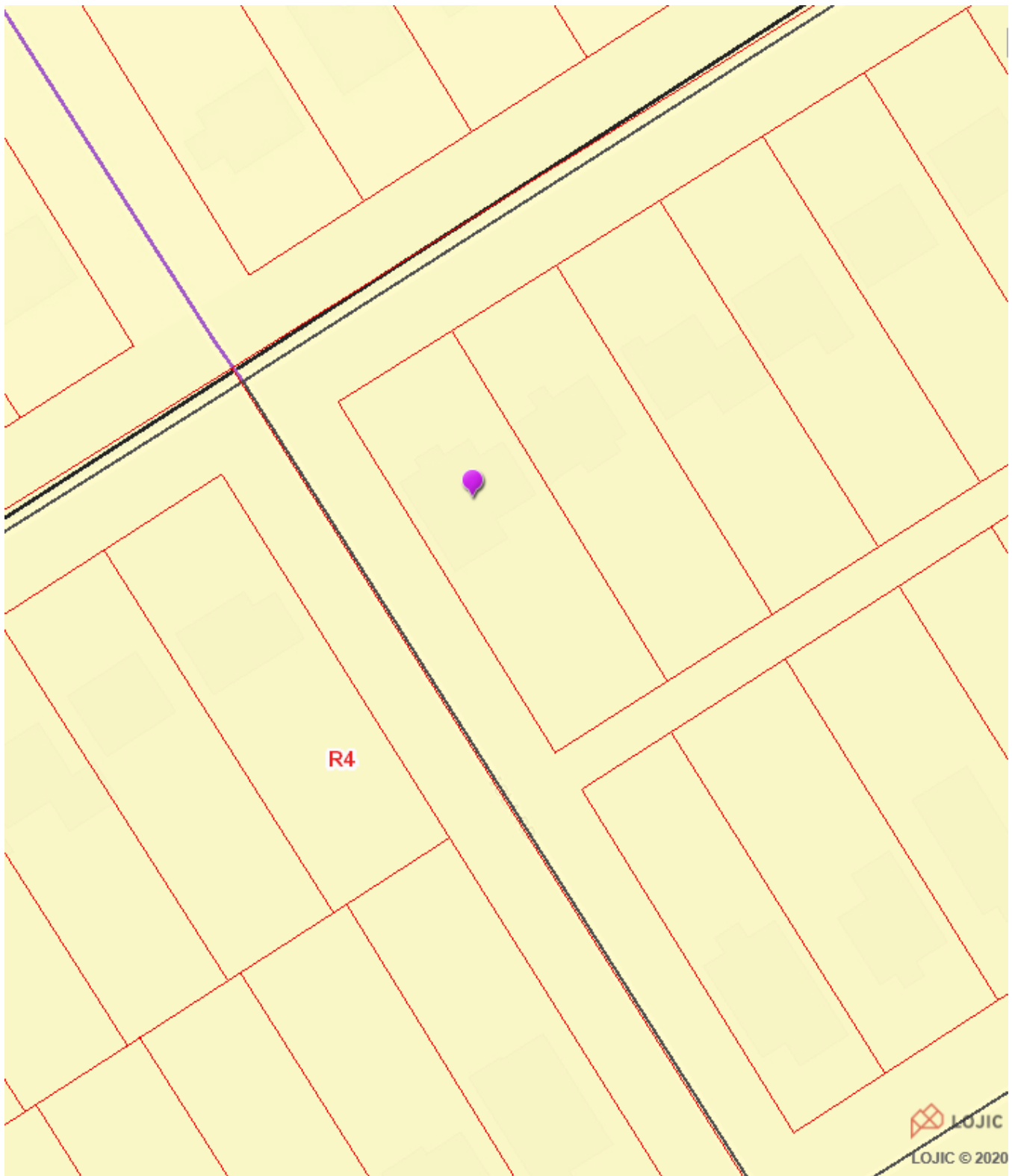
NOTIFICATION

Date	Purpose of Notice	Recipients
9/11/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
9/14/2020	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

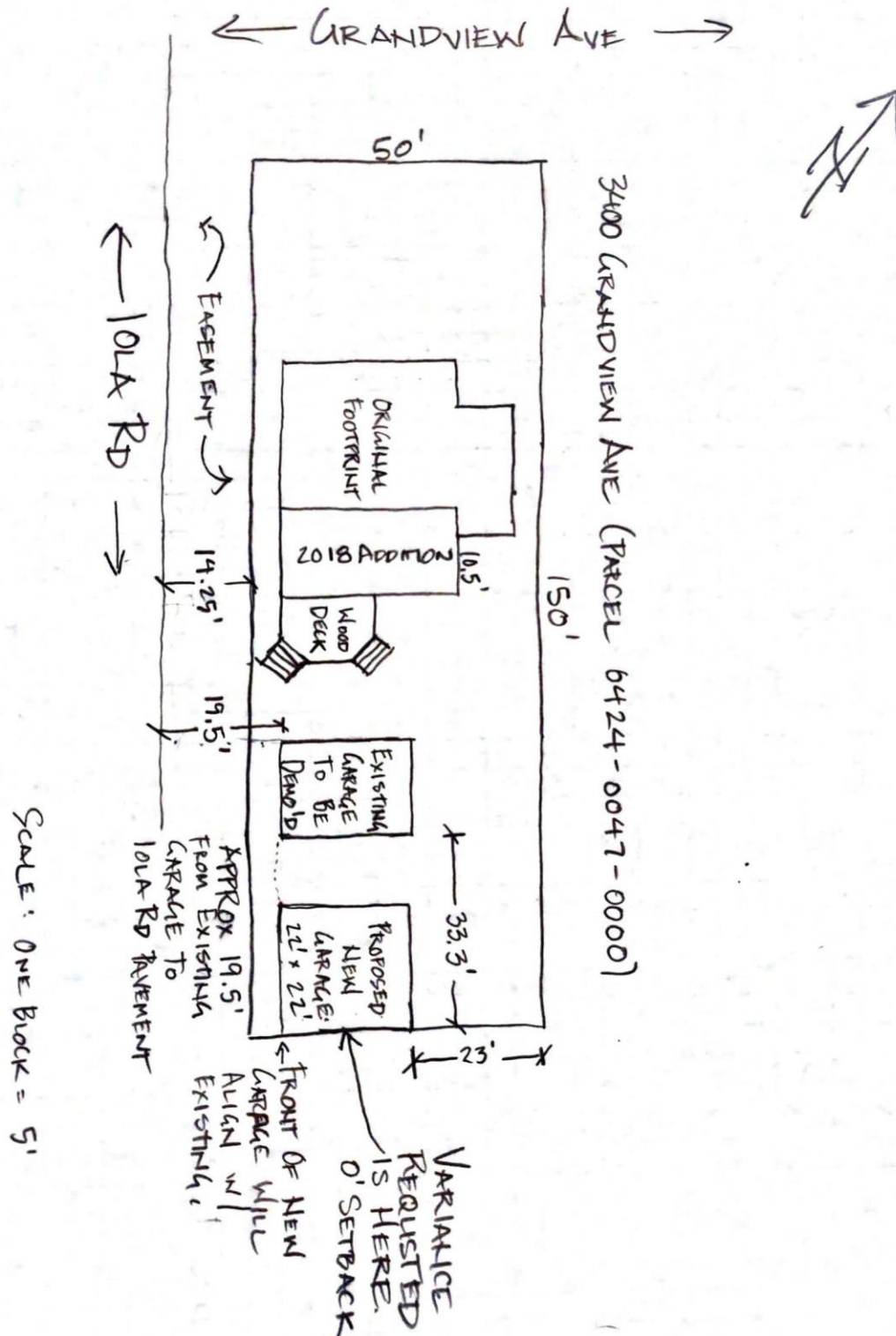
1. Zoning Map



2. Aerial Photograph



3. Site Plan



Front of subject property.



Existing garage from the rear property line.



Existing garage from Iola Road.