

Board of Zoning Adjustment

Staff Report

September 28, 2020



Case No:	20-MVARIANCE-0002
Project Name:	Stonehaven Variance
Location:	401 Stonehaven Commons Lane
Owner(s):	The Louis Partnership Inc.
Applicant:	Louis Hunter
Jurisdiction:	City of St. Matthews
Council District:	7 – Paula McCraney
Case Manager:	Nia Holt, Planner I

REQUEST

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

Location	Requirement	Request	Variance
Front Yard	30 ft.	14 ft.	16 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 in the Neighborhood Form District. The property is located in the Stonehaven Commons subdivision in the City of St. Matthews on the northeast corner of Stonehaven Commons Ct. and Rudy Ln. The applicant is proposing to construct a single-family residence with an attached two car garage on the currently vacant lot. This site was part of an approved major subdivision under case #10-02-01V. A variance was approved on this property under the same case number for a front yard setback of 24.5 ft to allow a residence to be located 5.5 ft from the front property line. However, the design of the currently proposed residence requires a modification of the earlier variance and a minor plat to shift a 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 front yard in the R-4 Single Family Residential Zoning District.

RELATED CASES

There is a pending minor plat for under case #20-MPLAT-0101.

INTERESTED PARTY COMMENTS

Staff has received comments from neighbors in support of this proposal.

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 structure appear to be consistent with the design of the existing, 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 required setback does not meet the existing conditions of the subject property or surrounding properties.

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 arise from special circumstances which do not generally apply to the land in the generally 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 residence has been designed to fit the shape of the lot and align with the setback of adjacent structures.

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

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.

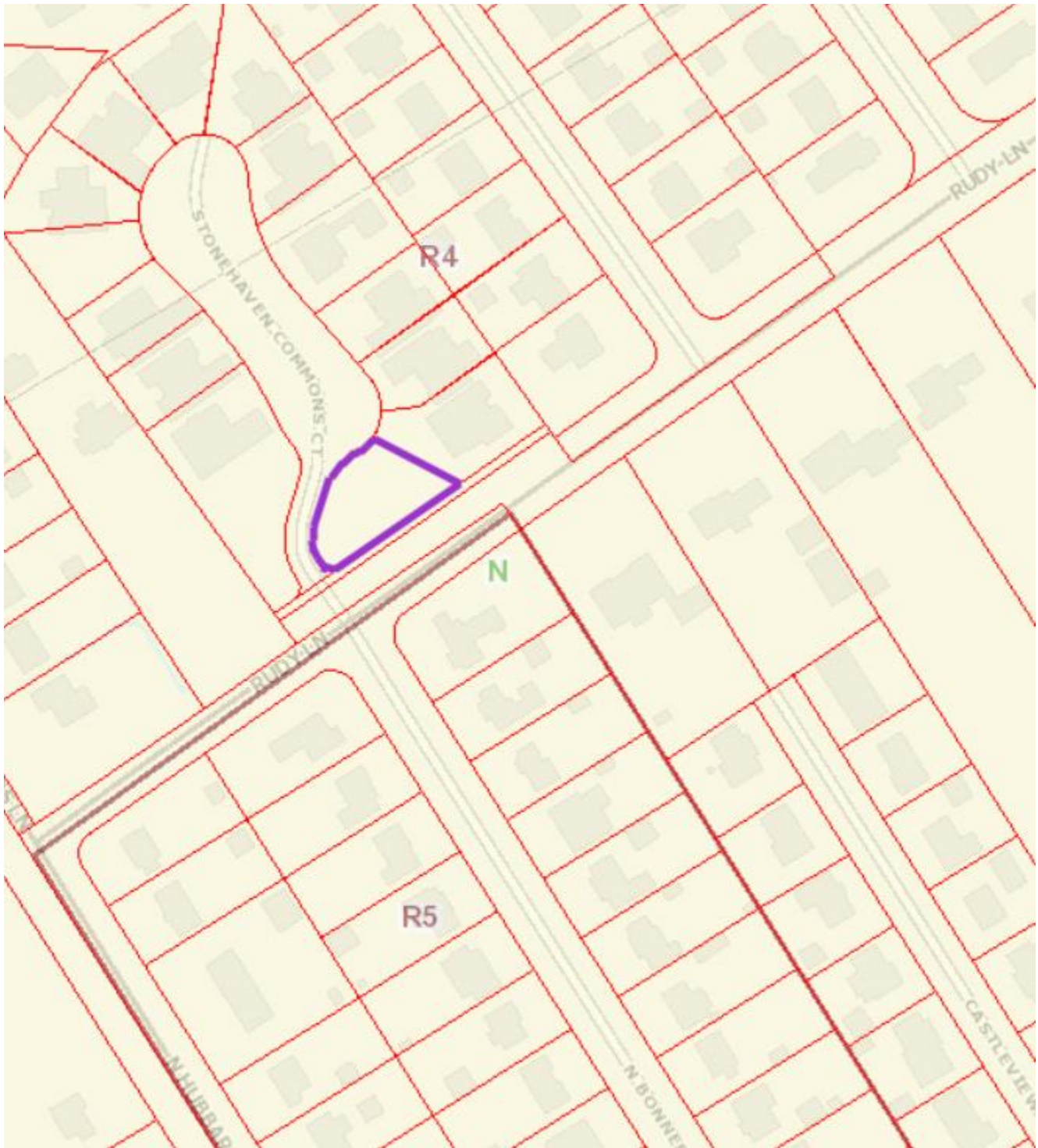
NOTIFICATION

Date	Purpose of Notice	Recipients
9/10/2020	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 7
9/14/2020	Hearing before BOZA	Notice posted on property

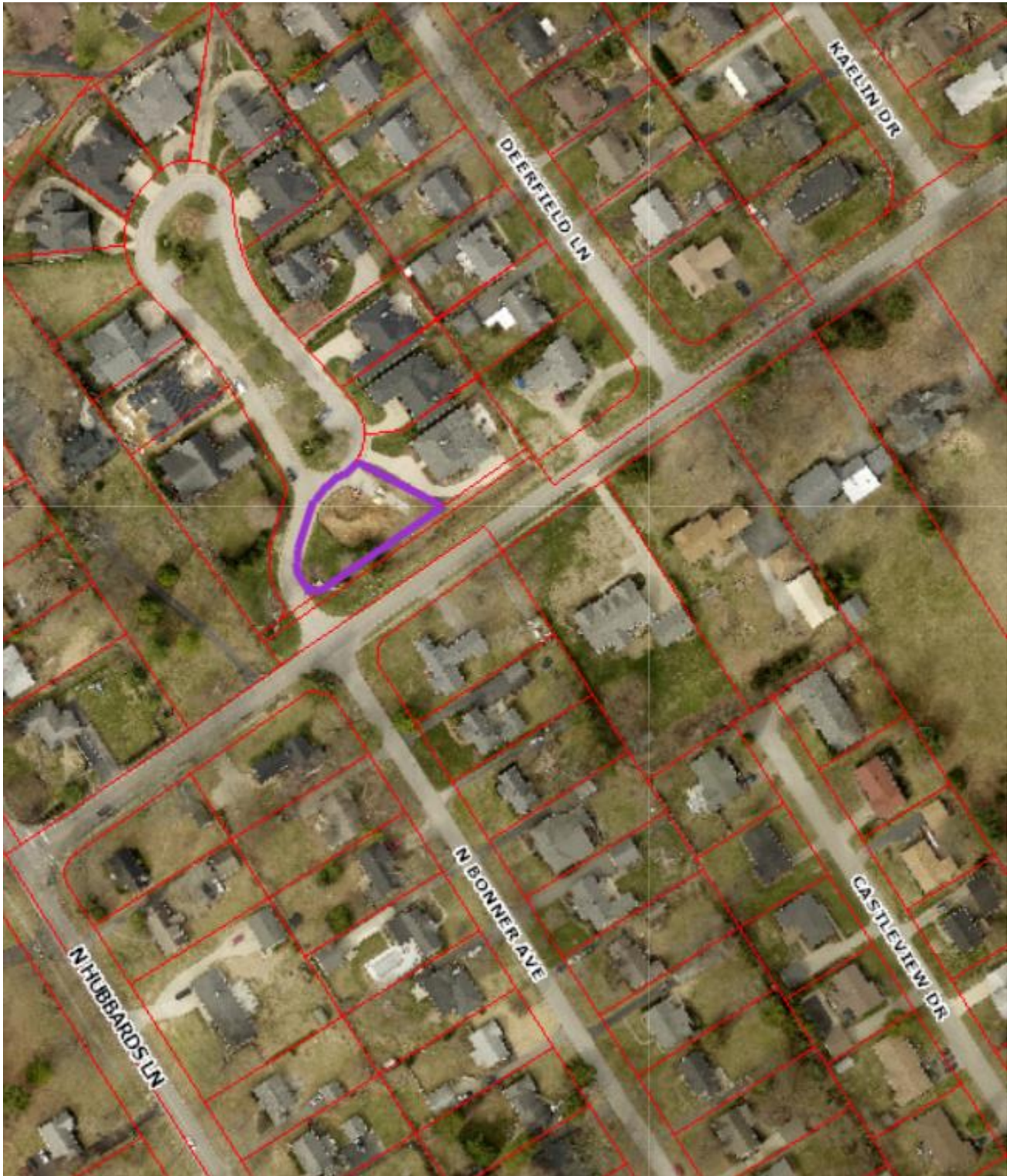
ATTACHMENTS

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

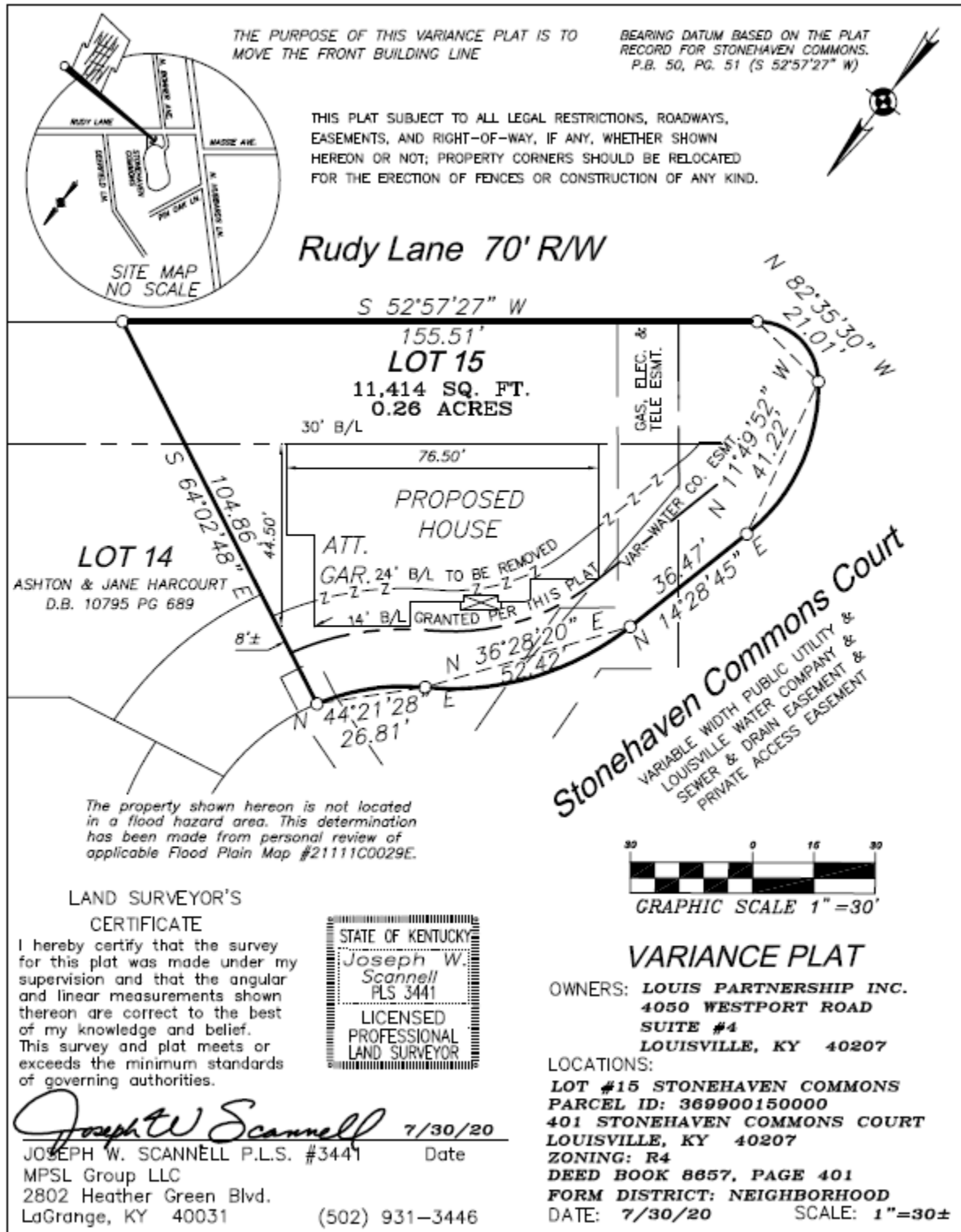
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Elevation



The Louis Partnership, Inc
4050 Westport Road
Louisville, KY 40207
Telephone (502) 895-9797

PROPOSED HOUSE
LOT 15 STONEHAVEN COMMONS
401 Stonehaven Commons Court

5. Condition of Approval

The applicant shall submit a Minor Subdivision Plat application to Planning & Design services for review and approval to shift the 24 ft. building limit line along Stonehaven Commons Court. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.