

Board of Zoning Adjustment

Staff Report

September 28, 2020



Case No:	20-VARIANCE-0082
Project Name:	Browns Lane Variance
Location:	405 Browns Lane
Owner/Applicant:	Leslie R. Williams
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander and 26 – Brent Ackerson
Case Manager:	Zach Schwager, Planner I

REQUESTS:

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

Location	Requirement	Request	Variance
Side Yard	2 ft.	0.6 ft.	1.4 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-5 Residential Single-Family in the Neighborhood Form District. It is a single-family structure located in the Arlington subdivision. The applicant is proposing to remove the existing detached garage and construct a new one on the same footprint; however, it will be slightly deeper and wider than the existing structure.

The applicant has provided staff with a letter from the affected property owner allowing access for construction and maintenance of the proposed garage.

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.P to allow an accessory structure to encroach into the required side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

None.

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

- (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 the proposed garage will mostly be on the same footprint as the existing structure.

- (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.

- (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 the same distance from the side property line as the existing structure.

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 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 create an unnecessary hardship on the applicant as the proposed garage would be the same distance from the side property line as the existing one.

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.

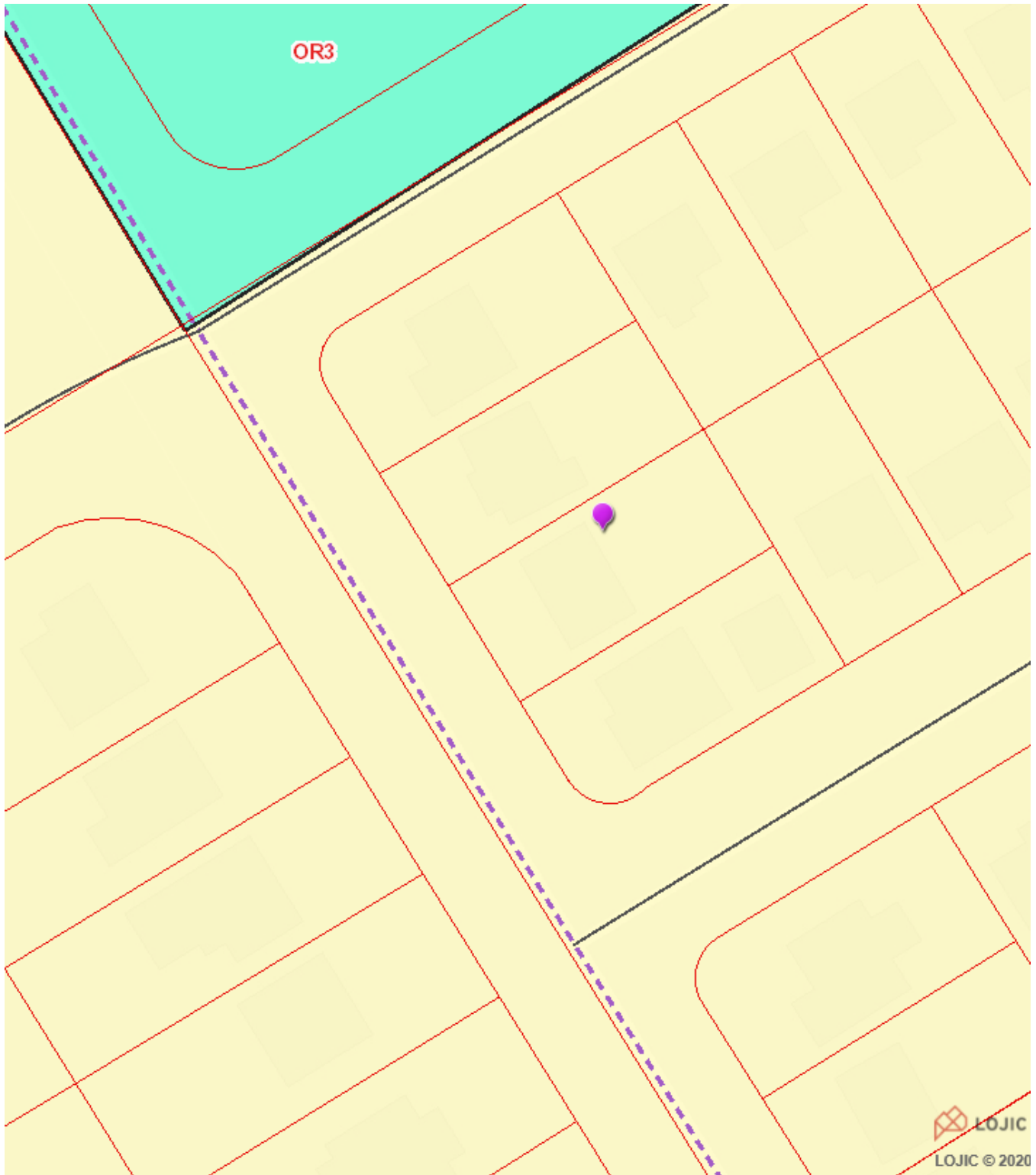
NOTIFICATION

Date	Purpose of Notice	Recipients
9/8/2020	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

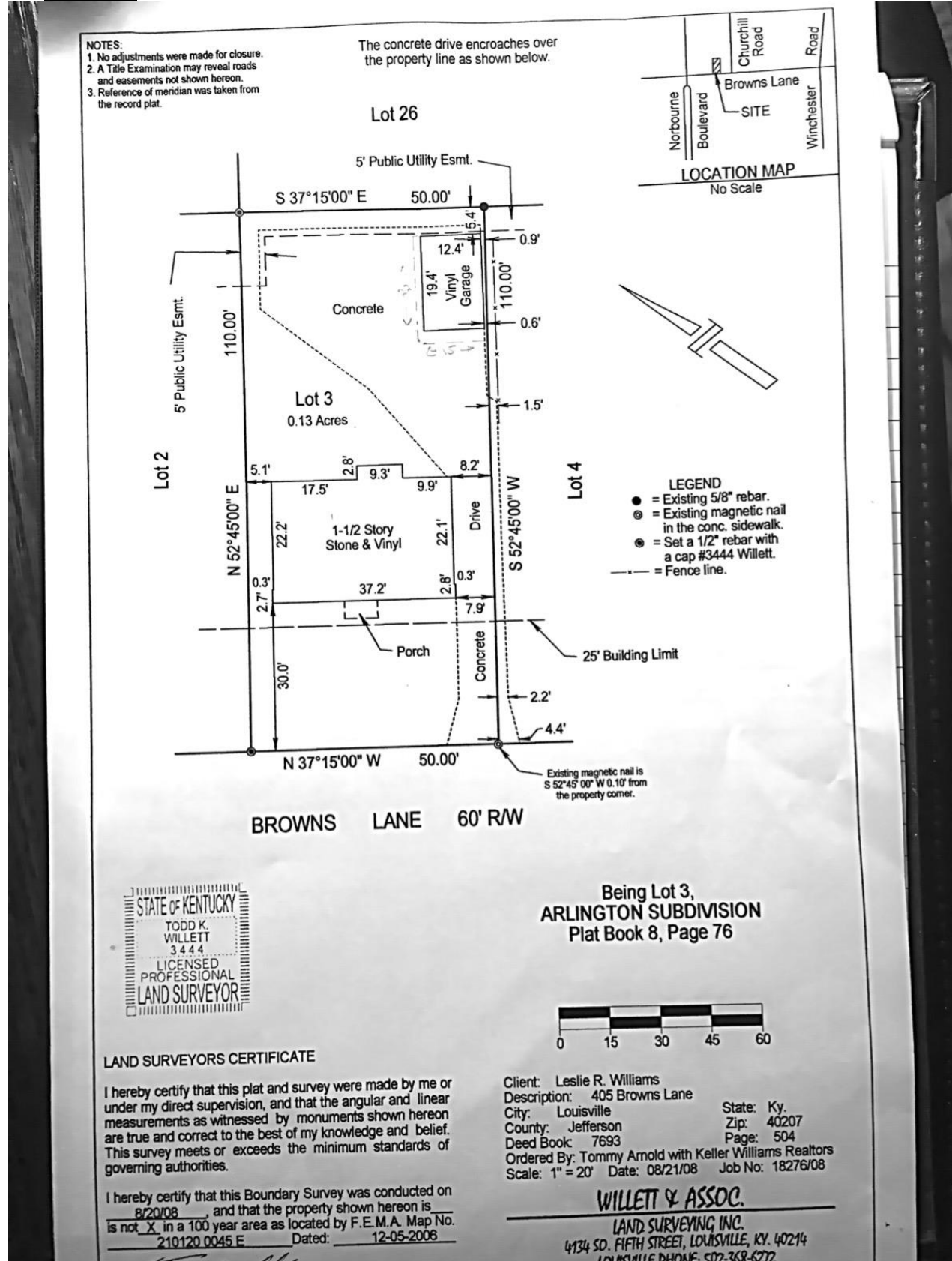
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Site Photos



Front of subject property.



Existing garage and variance area.