

Board of Zoning Adjustment

Staff Report

November 16, 2020



Case No:	20-VARIANCE-0139
Project Name:	Norbourne Boulevard Variance
Location:	3612 Norbourne Boulevard
Owner(s):	Amber & Jon Bowling
Applicant:	Ken Putlak – Putlak Building and Remodeling, LLC
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 4.6.C.2.c to allow an addition to an existing structure to encroach into the street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	20 ft.	10 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 Broad Fields subdivision on the south side of Norbourne Boulevard in between Thompson Avenue and Macon Avenue. The applicant is proposing to construct an addition to the existing principal structure that will encroach into the street side yard setback.

Staff has received signatures from all adjoining property owners approving of the proposed construction. Therefore, a public hearing is not required.

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 section 4.6.C.2.c to allow an addition to an existing structure to encroach into the street 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 4.6.C.2.c

- (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 addition 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 is a similar addition that encroaches into the street side yard setback directly across Norbourne Boulevard.

- (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 addition 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 addition will still be 20 ft. from the street side property line.

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 property is similar in size and shape to 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 addition could be placed at the rear of the structure next to the other proposed addition.

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 there is no proposed 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.

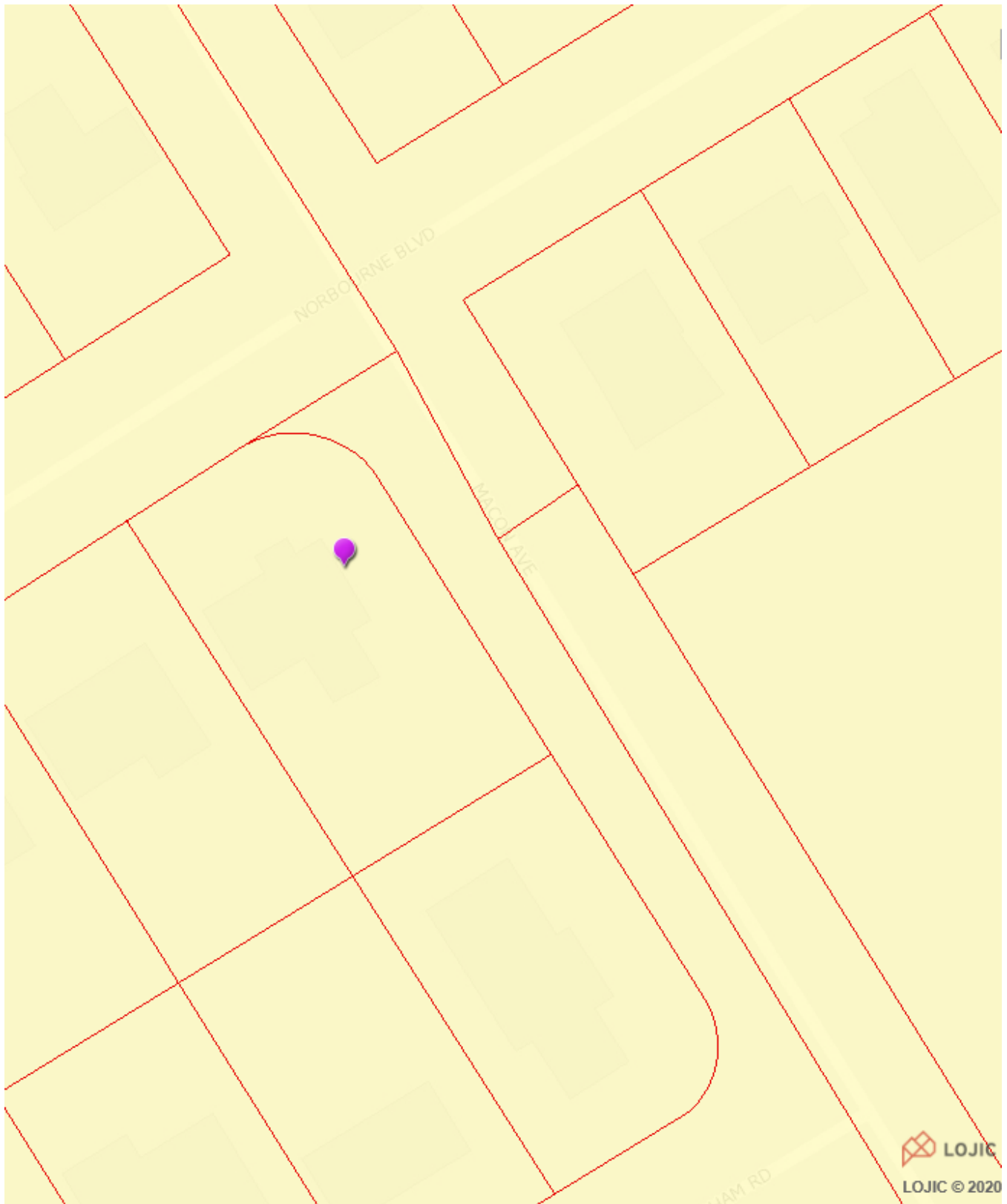
NOTIFICATION

Date	Purpose of Notice	Recipients
N/A	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council Districts 9, 26
N/A	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

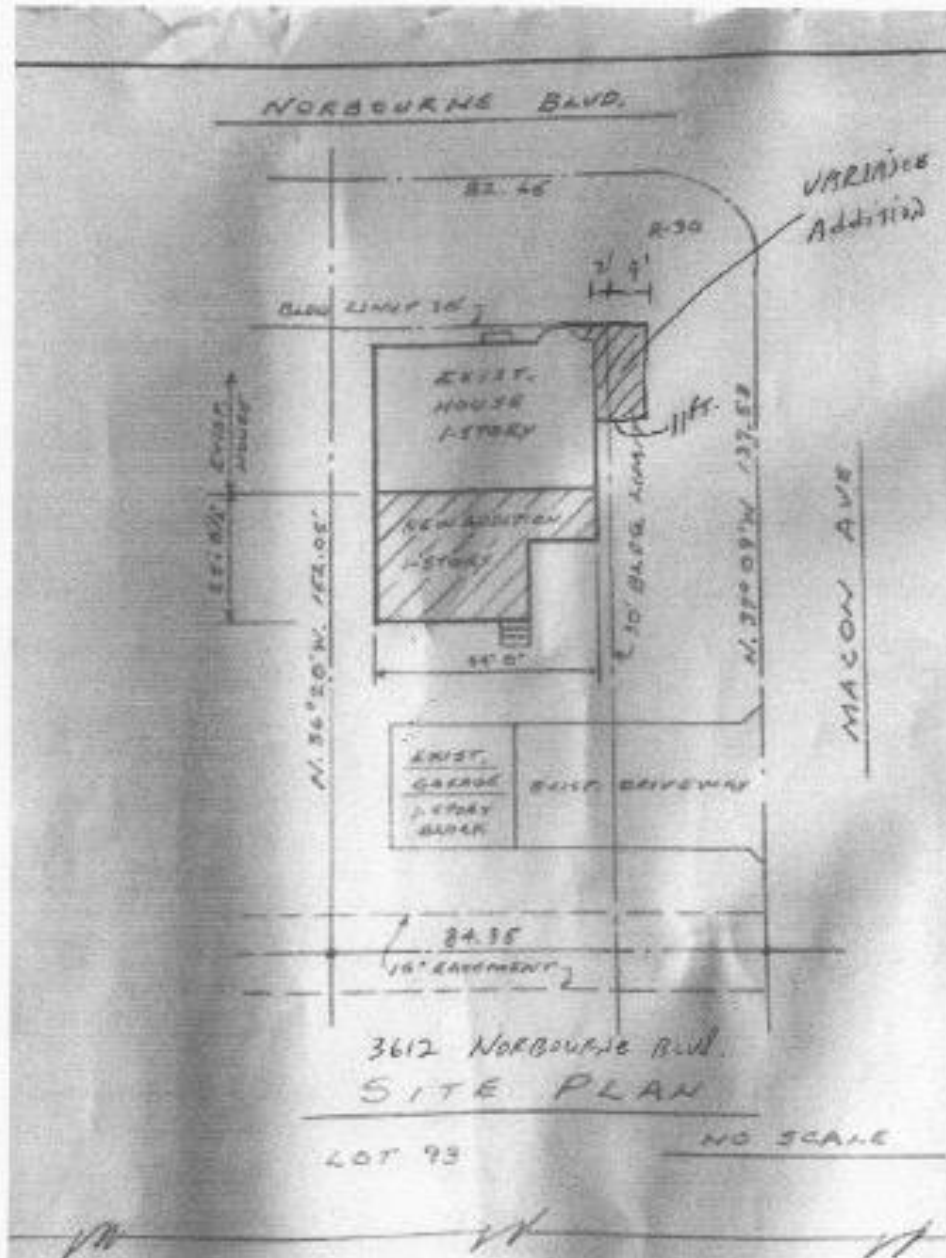
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Condition of Approval

- 1) A minor subdivision plat shall be approved by Planning & Design Services and recorded with the Jefferson County Clerk's Office prior to the issuance of building permits.