

Board of Zoning Adjustment
Staff Report
January 25, 2021



Case No:	20-VARIANCE-0171
Project Name:	Kennison Avenue Variance
Location:	3912 Kennison Avenue
Owner/Applicant:	William Jones
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 4.6.C.2.b to allow an existing accessory structure to encroach into the required side yard setback.

Location	Requirement	Request	Variance
Side Yard	6 ft.	0 ft.	6 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Residential Single-Family in the Neighborhood Form District in the City of St. Matthews. It is a single-family structure with a detached garage located in the Chenoweth Place subdivision. The applicant proposes to construct an addition onto the rear of the principal structure. City of St. Matthews Development Code section 9.2.P allows for a detached garage to be located as close as 2 feet to the side property line if it is at least 15 feet farther to the rear of the lot than the rearmost portion of the main house. With the addition on the rear of the house, this provision will no longer apply to the property. The applicant therefore requests a variance for the encroachment into the side yard setback.

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 4.6.C.2.b to allow an existing 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 4.6.C.2.b

- (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 there is no new construction for the garage. The variance is to bring the garage into compliance due to the addition on the back of the principal structure.

- (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 no proposed construction for the existing garage.

- (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 there is no proposed construction for the 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 garage will be the same distance from the side property line as it is currently.

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 garage will be the same distance from the side property line as it is currently.

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 on the addition to the back of the principal structure.

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.

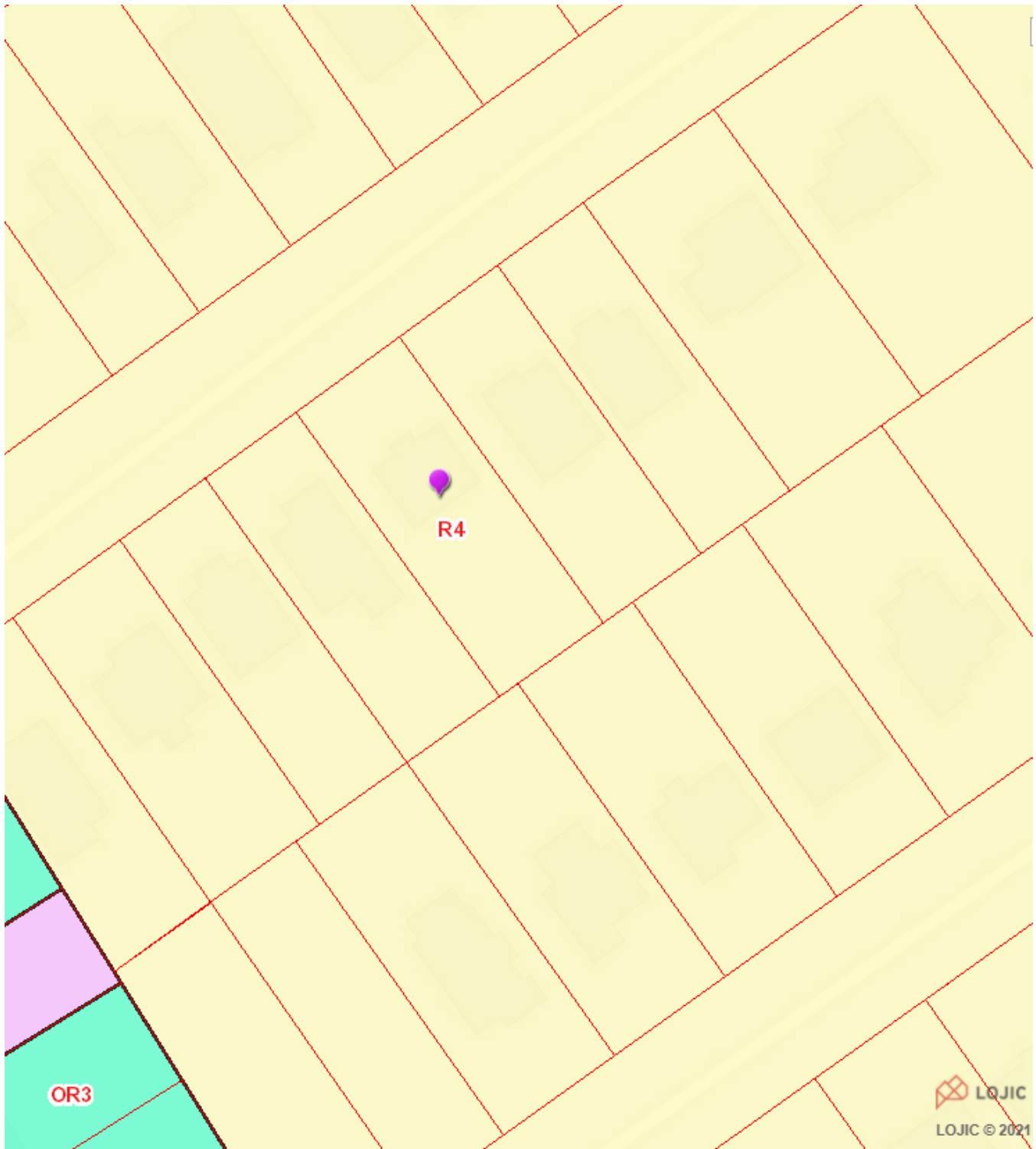
NOTIFICATION

Date	Purpose of Notice	Recipients
1/8/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
1/11/2021	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 left.



Property to the right.



Existing garage.



Location of proposed addition on the rear of the principal structure.