

Board of Zoning Adjustment

Staff Report

July 12, 2021



Case No: 21-VARIANCE-0001
Project Name: Elmwood Avenue Variance
Location: 4003 Elmwood Avenue
Owner: Julia Dixon
Applicant: Mary Herd Jackson
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.c to allow an accessory structure to encroach into the required street side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	30 ft.	23.2 ft.	6.8 ft.

CASE SUMMARY/BACKGROUND

The subject property is zoned R-4 Residential Single Family in the City of St. Matthews. It is located on the northeastern corner at the intersection of Elmwood Avenue and St. Matthews Avenue. The applicant is proposing to construct a carport that will encroach into the required street 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 section 4.6.C.2.c to allow an accessory structure to encroach into the required street side yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

18VARIANCE1047 – Fence height variance.

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 accessory 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 structures in the area that encroach into street side yard setbacks. The City of St. Matthews has reviewed the plan and given preliminary approval for the proposed accessory 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 accessory structure will be a significant distance from the street side yard 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 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 there is insufficient space to meet the required setback.

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 has not started construction and is requesting the variance.

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.

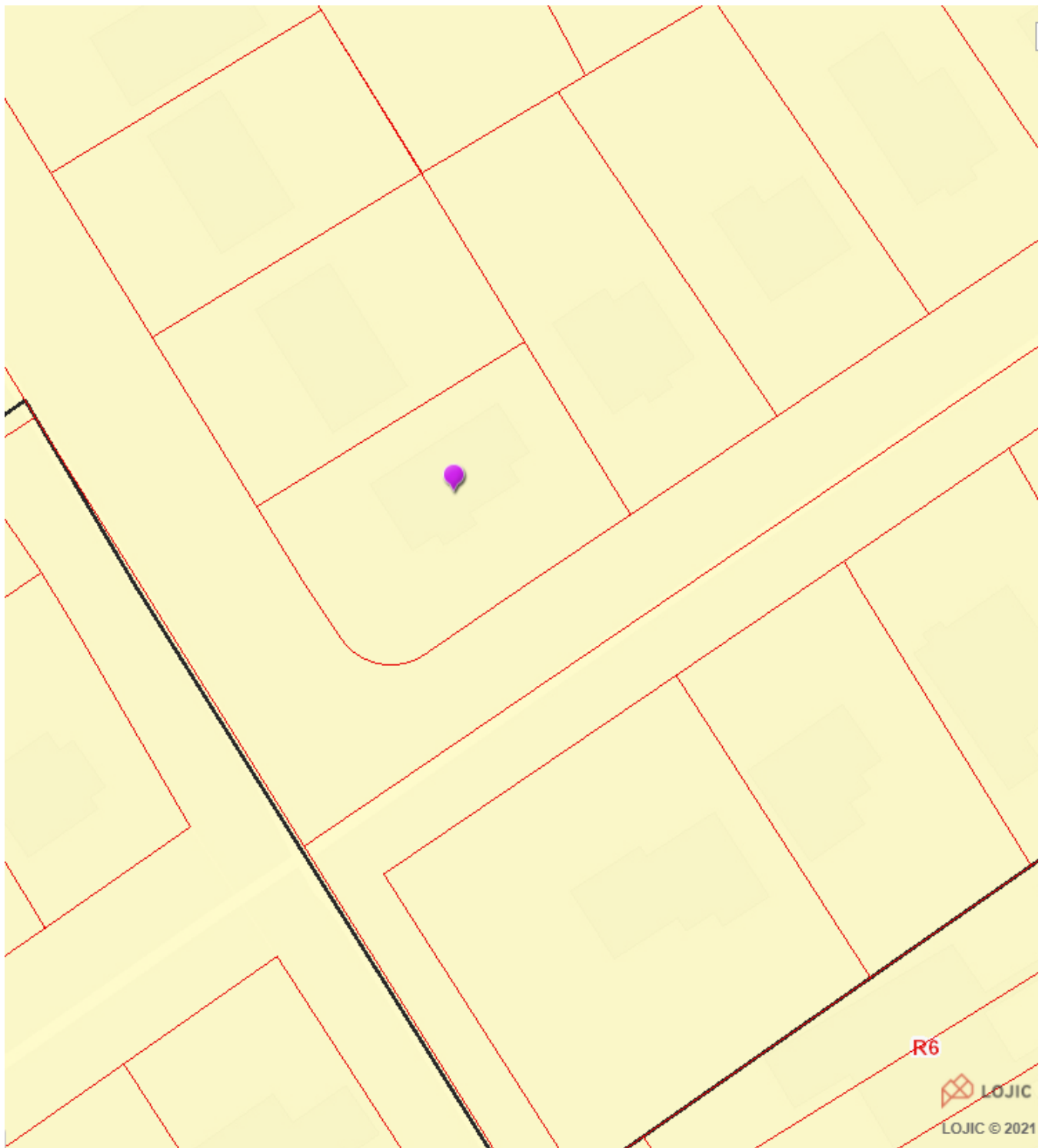
NOTIFICATION

Date	Purpose of Notice	Recipients
6/23/2021	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9
6/25/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos
5. Conditions of Approval

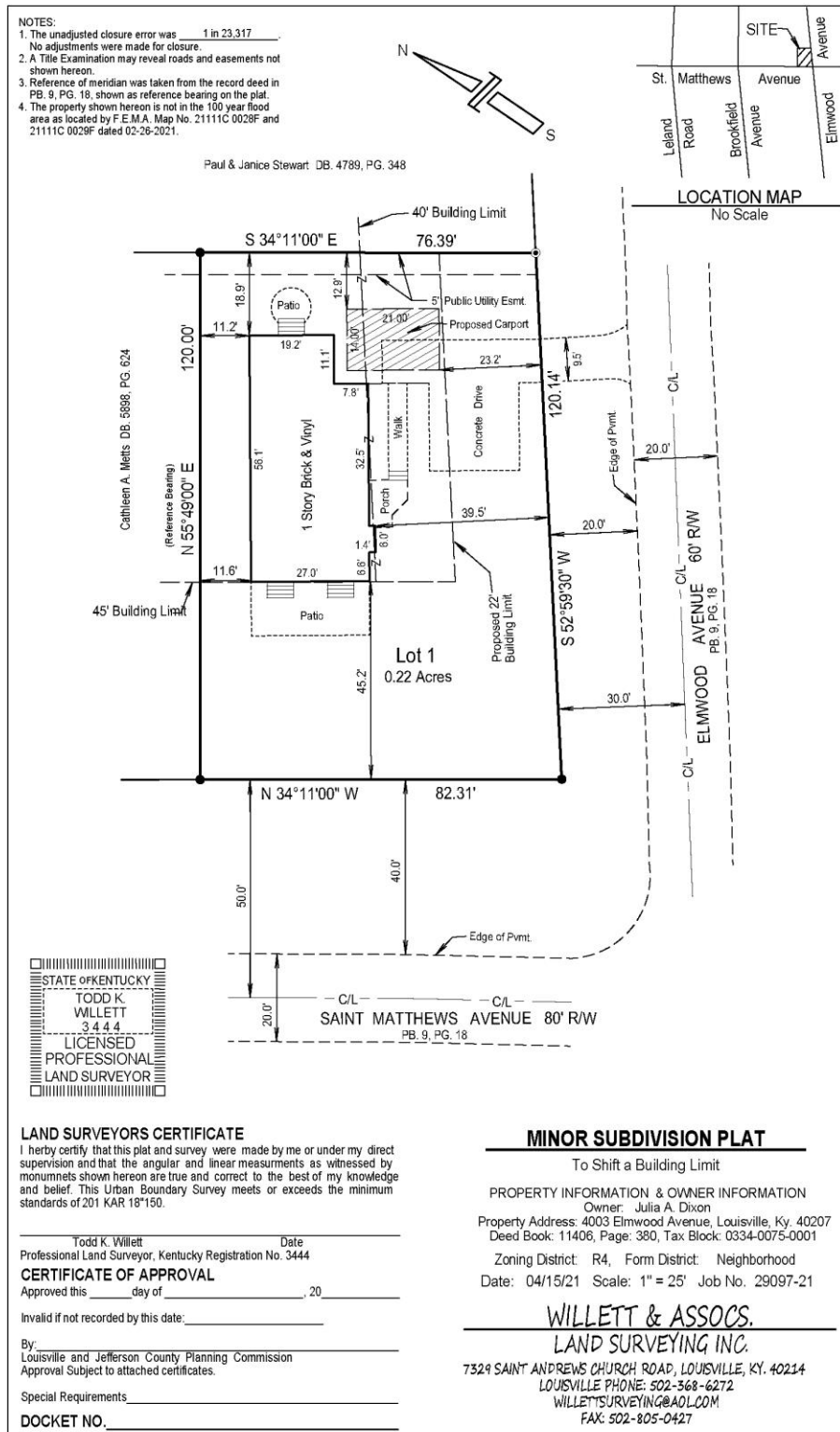
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Site Photo



Front of subject property and variance area.



View from St. Matthews Avenue.



Location of proposed carport.



No parking permitted on pad to the left.

5. Conditions of Approval

- 1) No parking shall be permitted on the existing pad to the left of the driveway.
- 2) The applicant shall submit a Minor Subdivision Plat application to Planning & Design Services for review and approval to shift the 40 ft. building limit line along Elmwood Avenue. The approved minor plat shall be recorded with the Jefferson County Clerk prior to issuance of building permits.