

# Board of Zoning Adjustment

## Staff Report

July 23, 2021



<b>Case No:</b>	21-VARIANCE-0093
<b>Project Name:</b>	Fairmeade Road Variance
<b>Location:</b>	225 Fairmeade Rd
<b>Owners:</b>	Robert & Andrea Hammer Living Trust
<b>Applicant:</b>	Thad Adams
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Priscilla Bowman, Associate Planner

### **REQUEST:**

**Variance** from City of St. Matthews Development Code section 4.6.C.2.b to allow an existing structure (existing detached garage) 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 in the R-4 zoning district within the City of St. Matthews. The property currently contains a one-story single-family residence with a detached garage. 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 plans for an 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 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 from section 4.6.C.2.b to allow a 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 5.4.1.D.2**

- (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 as the garage currently exists, which has caused no known adverse effects.

- (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 garage has been in its current position for many years and other properties in the neighborhood have garages with similar setbacks.

- (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 setbacks of the existing garage are not changing, which have caused no known hazard or nuisance.

- (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 current setback is an existing condition which is proposed to be maintained.

### **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 arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as a garage exists with the proposed setback already.

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 by requiring the applicant to relocate part of the driveway leading to the garage after the garage is shifted to the side.

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.

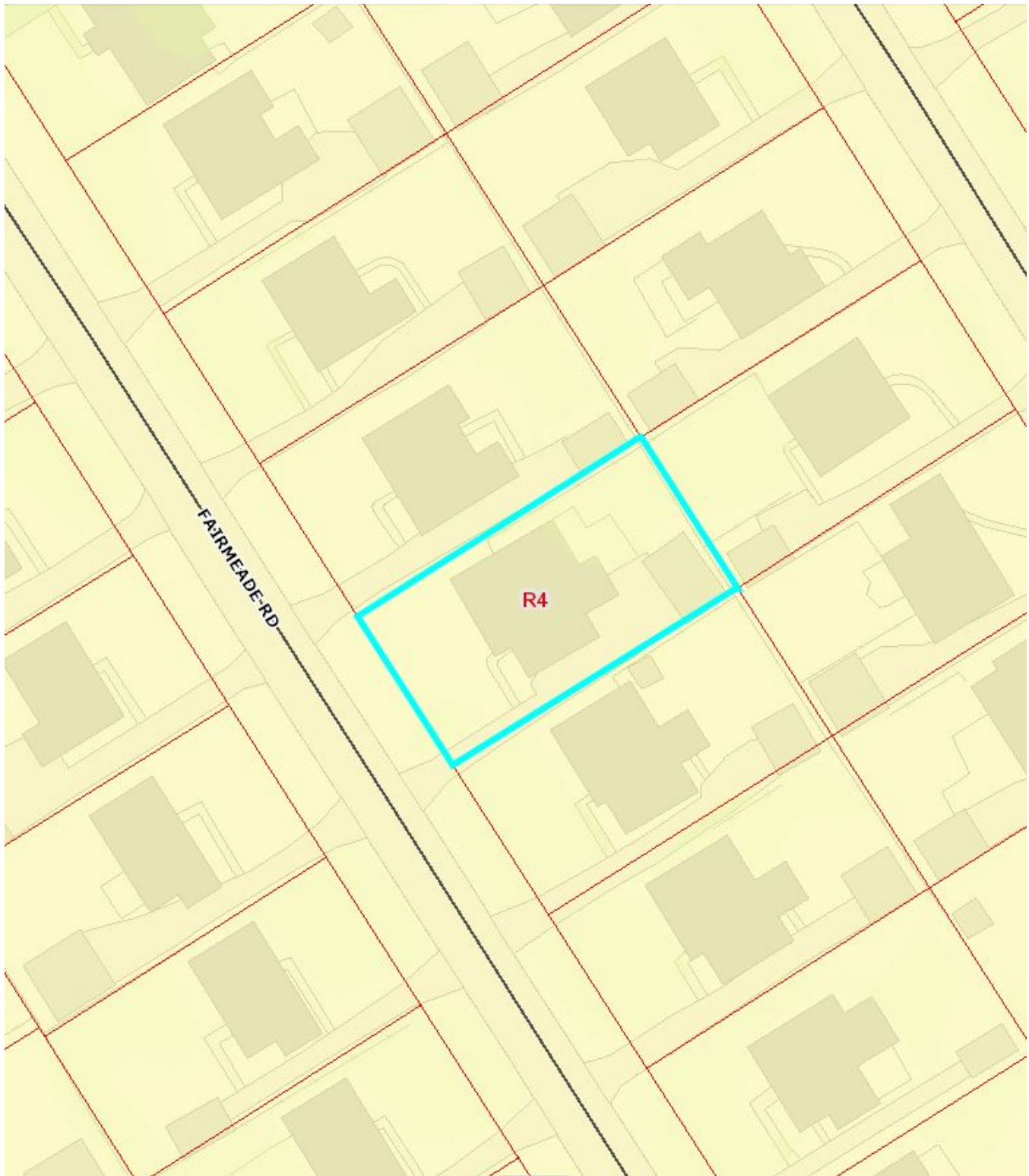
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
07/26/2021	Hearing before BOZA	Not Required for Business Session Item

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

## 1. Zoning Map





## 2. Aerial Photograph



### 3. Site Plan

#### SITE PLAN

##### SITE INFORMATION:

ADDRESS: 225 FAIRMORE ROAD  
LOUISVILLE, KY 40207

RISE: 101 053600710300

OWNER: ROBERT J. ANDREA HARRIS

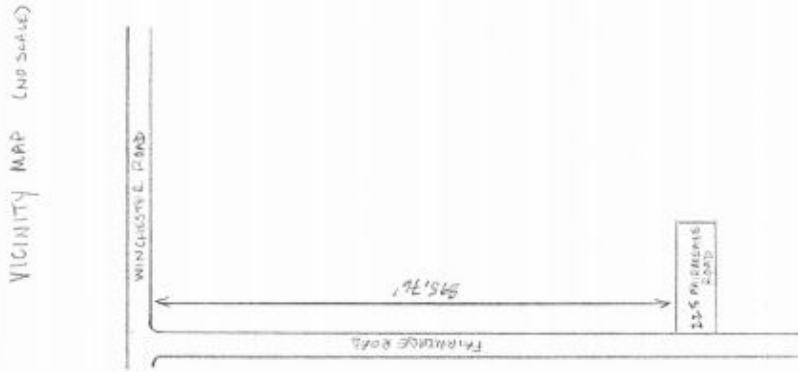
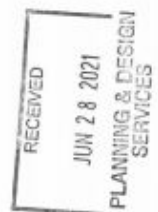
ZONING DISTRICT: R-4

FORM DISTRICT: SUBDIVISION

SUBDIVISION: FAIRMORE

06/2021

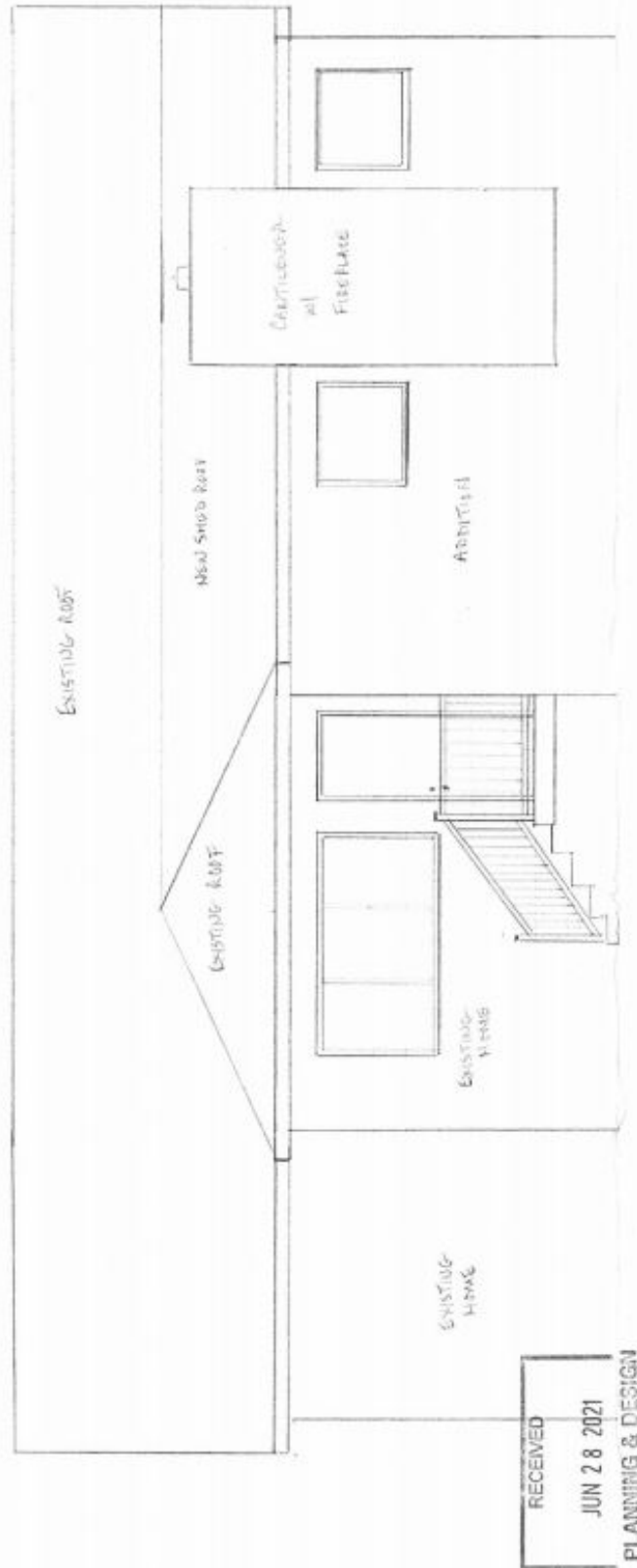
SCALE: 1" = 20'



#### 4. Elevations

ADDAMS CONSTRUCTION SERVICES, INC.  
 225 FAIRVIEW RD.  
 LOUISVILLE, KY 40204  
 6/8/2021

REAR ELEVATION  
 SCALE: 1/4" = 1'-0"



RECEIVED  
 JUN 28 2021  
 PLANNING & DESIGN



## 5. Site Photos

