

**Board of Zoning Adjustment**  
**Staff Report**  
August 30, 2021



<b>Case No:</b>	21-VARIANCE-0110
<b>Project Name:</b>	Alton Road Variance
<b>Location:</b>	4026 Alton Road
<b>Owner/Applicant:</b>	Denis Wiggins Jr/ Jonathan Davis
<b>Jurisdiction:</b>	St. Matthews
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Heather Pollock, Planner I

**REQUESTS:**

**Variance** from St. Matthews Development Code section 4.7.C.2.b to allow a principal structure to encroach into the side yard setback.

Location	Requirement	Request	Variance
Street Side Yard	5 ft.	2 ft.	3 ft.

**CASE SUMMARY/BACKGROUND**

The subject property is zoned R-5 Single Family and is in the Neighborhood Form District. It is near the intersection of Alton Rd. and S. Sherrin Ave. in the city of St. Matthews. The site currently has a one-story single-family residential structure and a detached garage; the applicant is proposing to add an addition that will connect the house and garage which will cause the structure to encroach into the required 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 Development Code section 4.7.C.2.b to allow a principal structure to encroach into the side yard setback.

**TECHNICAL REVIEW**

No technical review required.

**INTERESTED PARTY COMMENTS**

No interested party comments were received by staff. The Planning Officer for the City of St. Matthews requested that the description refer to the St. Matthews Development Code

## **RELATED CASES**

No related cases.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM Section 4.7.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 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 there are other properties in the area that have encroachments into the side yard setback.

- (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 garage is existing and by attaching it to the principal structure it causes an encroachment into the side yard setback.

## **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 the garage is existing and by attaching it to the principal structure it causes an encroachment into the side yard setback.

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 existing garage is detached and complies with development regulations, by attaching it to the principal structure it causes an encroachment into the side yard 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
	No Notice required	

### **ATTACHMENTS**

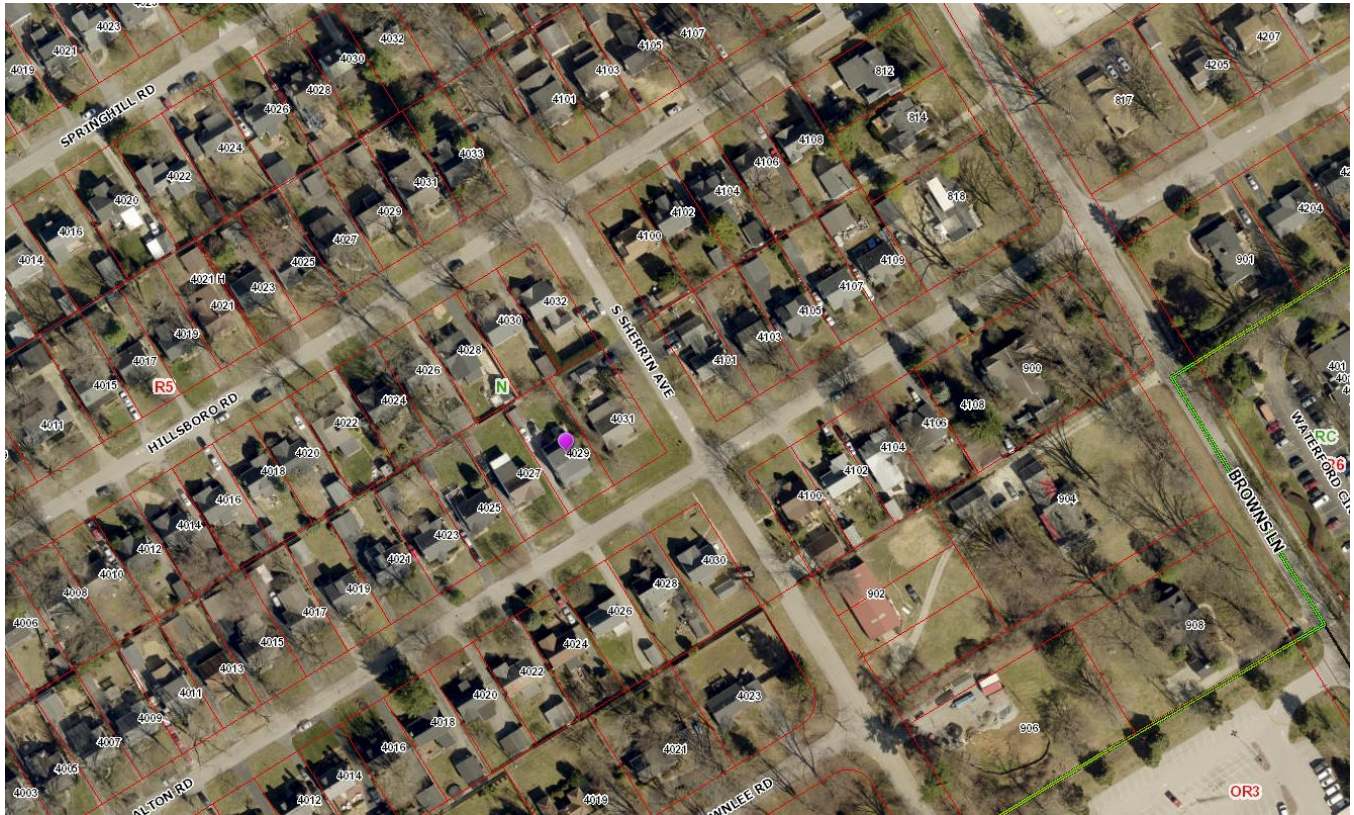
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

## 1. Zoning Map

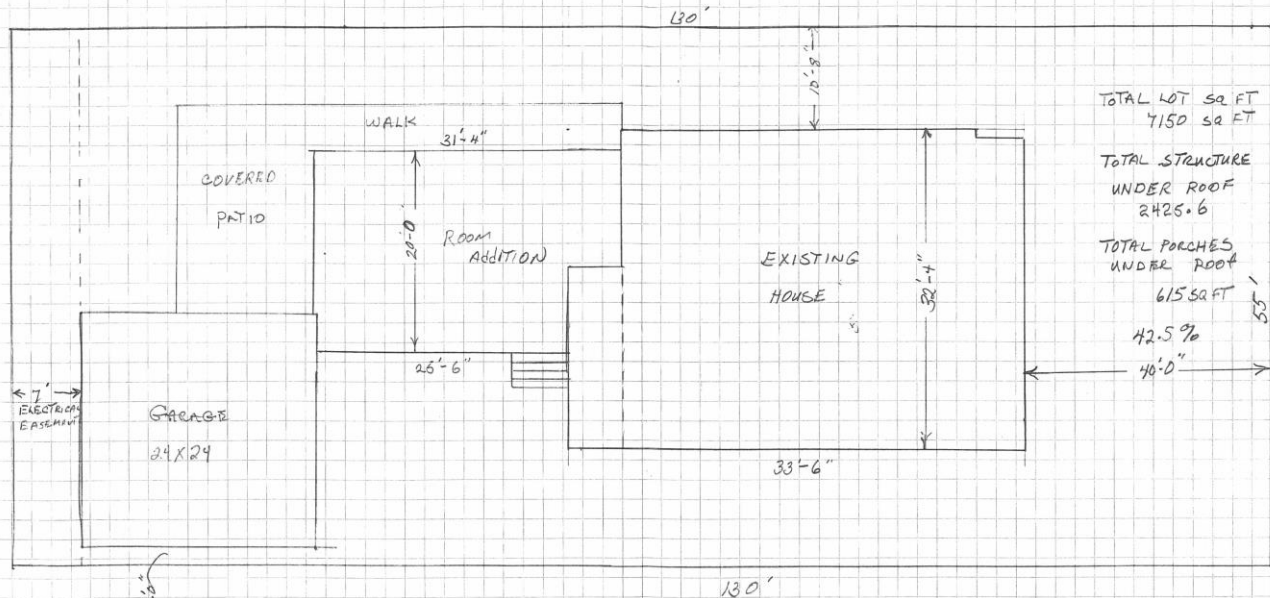




## 2. Aerial Photograph



### 3. Site Plan



PLOT PLAN  
SCALE 1/8" = 1'-0"

4029 ALTON ROAD  
LOUISVILLE, KENTUCKY 40207

DENIS Wiggins

21-VARIANCE-0110



#### 4. Site Photos

Front of subject property.





Property to the left.





Properties to the right.





Property across street.



Variance area.





Aerial.

