

Board of Zoning Adjustment

Staff Report

September 13, 2021



Case No:	21-VARIANCE-0102
Project Name:	Fairlawn Road Variance
Location:	425 Fairlawn Road
Owner:	Kristin & Jarrod Heinsohn
Applicant:	Austyn Holderfield – Holderfield Construction
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 and is in the Neighborhood Form District. It is on the east side of Fairlawn Road in between Lexington Road and Wilmington Avenue in the City of St. Matthews. The site has a 1 ½ story single-family residence and the applicant is proposing to construct an addition on the rear of the 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 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.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

RELATED CASES

No related cases.

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 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 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.

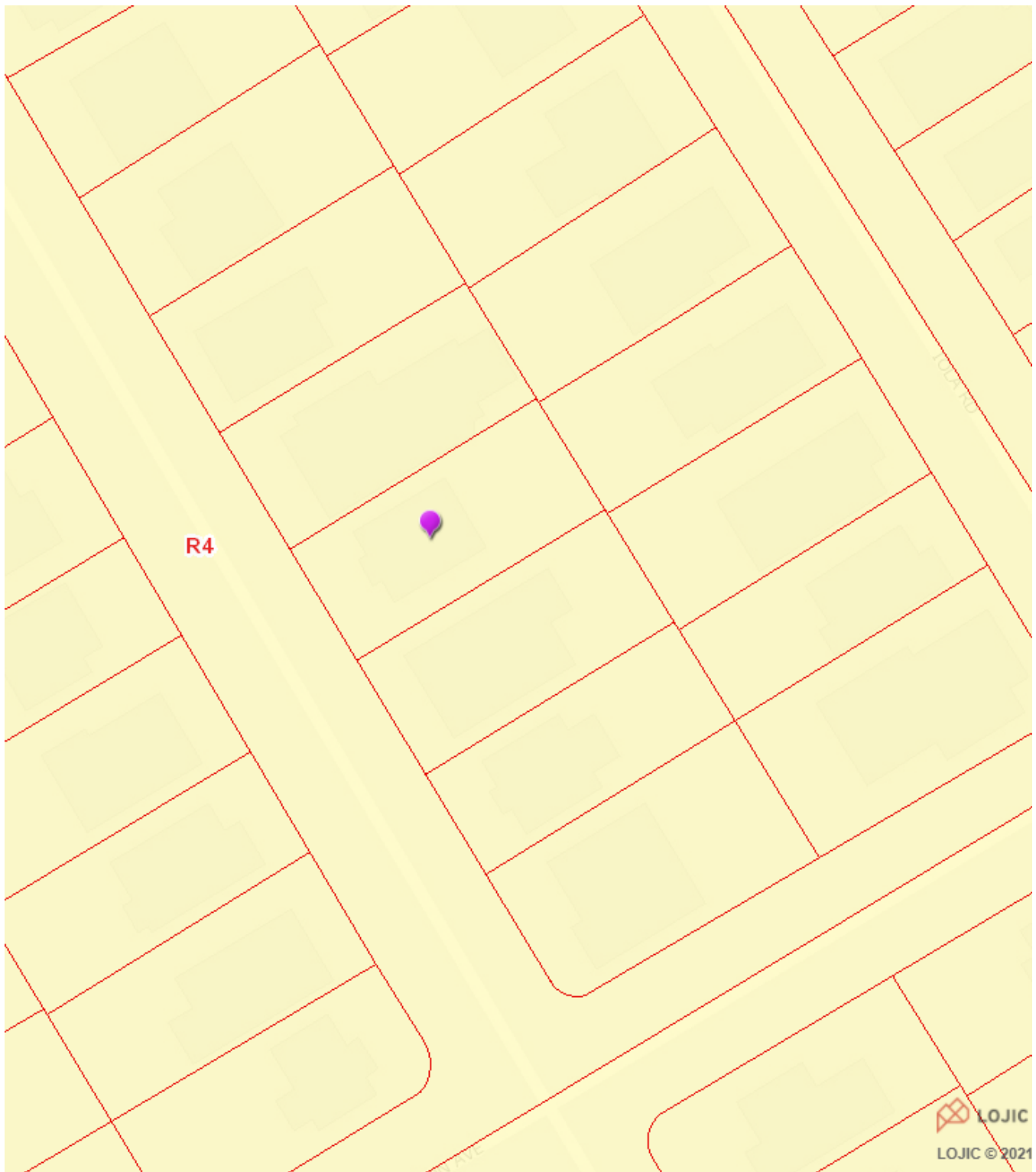
NOTIFICATION

Date	Purpose of Notice	Recipients
8/25/2021	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
8/27/2021	Hearing before BOZA	Notice posted on property

ATTACHMENTS

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

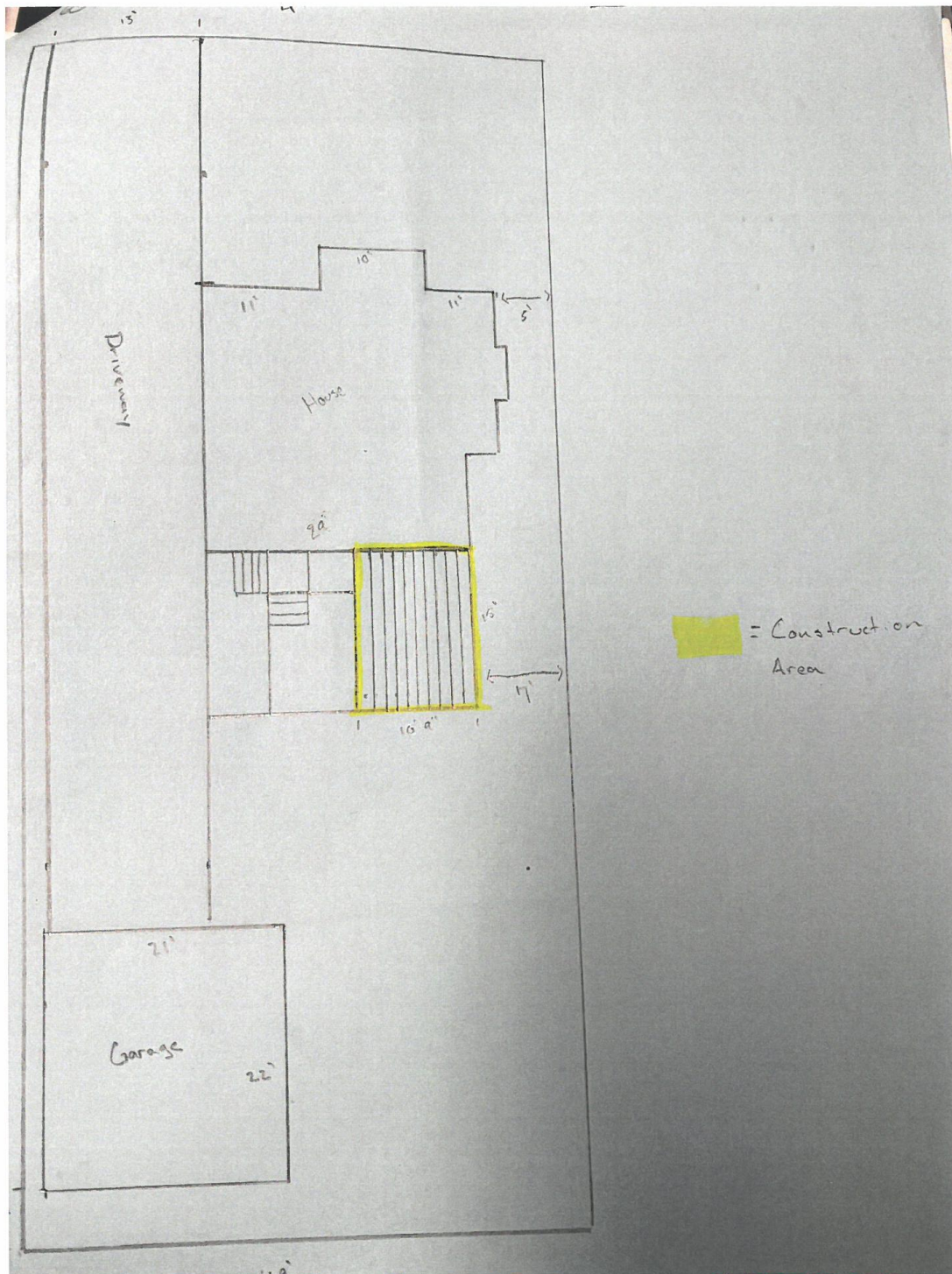
1. Zoning Map



2. Aerial Photograph



3. Site Plan



Received July 16, 2021

Planning & Design

21-VARIANCE-0102

4. Site Photos



Front of subject property.



Existing driveway.



Location of proposed addition.



Existing garage.