

# Board of Zoning Adjustment Staff Report

Feb. 6, 2017



<b>Case No:</b>	16DEVPLAN1216
<b>Request:</b>	Variance to allow parking in the 50 foot setback.
<b>Project Name:</b>	Hikes Point Christian Church Parking
<b>Location:</b>	2601 Hikes Lane
<b>Area:</b>	4.34250 acres
<b>Owner:</b>	Pastor Jeff Wallace – Hikes Point Christian Church
<b>Applicant:</b>	Marv A. Blomquist – Blomquist Design Group, LLC.
<b>Representative:</b>	Marv A. Blomquist – Blomquist Design Group, LLC.
<b>Jurisdiction:</b>	Louisville Mero
<b>Council District:</b>	21– Brent T. Ackerson
<b>Case Manager:</b>	Ross Allen – Planner I

### REQUEST

- **Variance:** from LDC section 5.3.1.C.5, table 5.3.2 to allow the proposed parking to encroach by approximately 10,560 sf. in area or 45 linear feet into the 50 foot or setback between a non-residential to residential use with no loading along the southwestern property line.

Request	Requirement Linear Feet	Variance Linear Feet
Encroachment into the 50' setback (Non-res. to residential)	50 linear feet	45 linear feet

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct three building additions totaling 4,175 sf. onto the existing 26,200 sf. church, adding additional parking (50 spaces), and a drop-off que on an R-4 zoned parcel within the Neighborhood Form District. The proposed additions are as follows: 1.) a 3,100 sf. addition onto the northeastern section of the existing church 2.) a 425 sf. building addition onto the eastern central portion of the existing church, and 3.) a 650 sf. addition onto the southwestern entrance to the existing church. As stated previously, there are 50 parking spaces being added, with 5 proposed Interior Landscape Areas (ILA's), and a new drop-off cueing area located southwest of the existing church entrance and having a 19 foot width widening to 20 feet in the drop-off/pick-up lane.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Public AND Semi-public (Church)	R-4	Neighborhood
<b>Proposed</b>	Public AND Semi-public (Church)	R-4	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Multi-Family Residential	R-6	Neighborhood
<b>South</b>	Single Family Residential	R-5/R-4	Neighborhood
<b>East</b>	Single Family Residential	R-5/R-4	Neighborhood
<b>West</b>	Single Family Residential	R-4	Neighborhood

## PREVIOUS CASES ON SITE

L-153-02: A landscape plan that was staff approved on Feb. 21, 2003. Please see attachment in your packet.

## INTERESTED PARTY COMMENTS

None

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from LDC section 5.3.1.C.5 to allow the proposed parking to encroach into the 50 foot setback between a non-residential to residential use with no loading along the southwestern property line;**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare since the proposed parking lines up with the parking that was added in 2003 (no previous cases were found in Hansen or in the Development Application for the subject address) for consistent circulation patterns and the same landscape buffer area (5 ft.) will be provided with this project and the required plantings/screening will be installed in the reduced Landscape Buffer Area (LBA).

- (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 since the proposed parking lines up with the parking that was added in 2003 (no previous cases were found in Hansen or in the Development Application for the subject address) for consistent circulation patterns and the same landscape buffer area (5 ft.) will be provided with this project and the required plantings/screening will be installed in the reduced Landscape Buffer Area (LBA) for the required length as approved on Landscape plan case no. L-153-02.

- (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 since the proposed parking is on property that is adjacent to the existing church building and is owned by the church. The same landscape buffer area (5 ft.) will be provided as approved in 2003 on landscape plan case no. L-153—02.

- (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 zoning regulations since the church is adding parking to an area of their existing property and matching a previously approved Landscape Plan (L-153-02) to provide consistent circulation patterns with the required screening/plantings located within the 5 ft. Landscape Buffer Area (LBA).

### 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 since the proposed parking area is adjacent to the church building and the last possible area for parking expansion without resulting in the need to purchase additional property.

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 deprive the applicant of reasonable use of the land because the applicant if, required to have the 50 foot setback, would be unable to expand their parking resulting in the loss of two rows of parking and a drive aisle.

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. The current proposal adjoins a previously approved Landscape plan (L-153-02) and at that time the 50 foot buffer requirement did not exist in the Land Development Code. The proposed parking will encompass 16,429 sf. (VUA) and have 1,984 sf. of Interior Landscape Area (ILA).

### TECHNICAL REVIEW

No comments

### STAFF CONCLUSIONS

The proposed variance does appear to be adequately justified based on staff analysis in the staff report.

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC section 5.3.1.C.5 to allow the proposed parking to encroach into the 50 foot setback between a non-residential to residential use with no loading along the southwestern property line.

### REQUIRED ACTION

- **APPROVE** or **DENY** the variance of 5.3.1.C.5

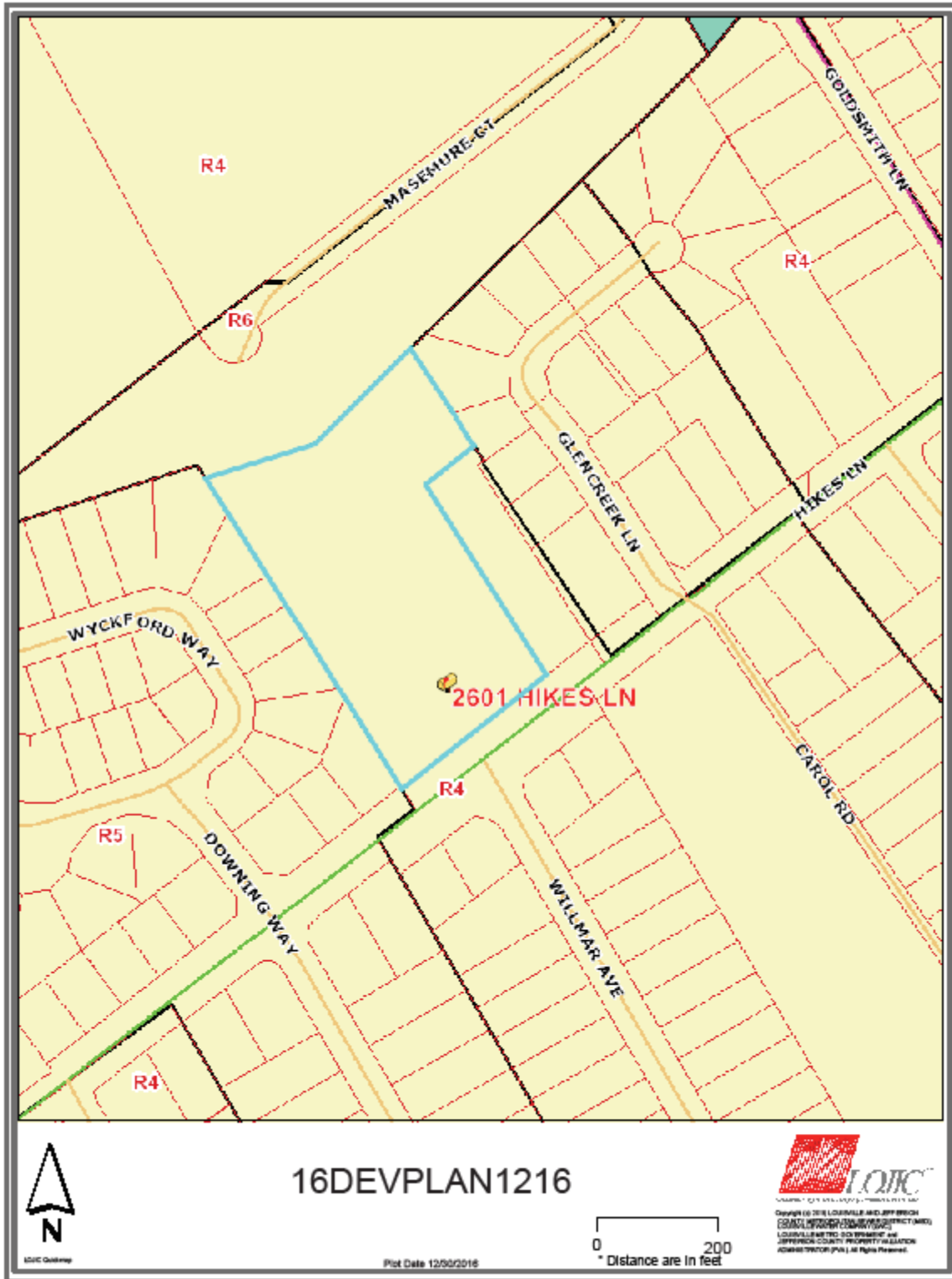
#### NOTIFICATION

Date	Purpose of Notice	Recipients
January 23, 2017	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 21

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

