

Board of Zoning Adjustment Staff Report

May 18, 2015



Case No:	14DEVPLAN1173/15VARIANCE1017
Project Name:	Valley View Church Child Development Center
Location:	8911 Third Street Road
Owner(s):	Valley View Church, Inc.
Applicant(s):	Valley View Church, Inc.
Representative(s):	Mark Madison
Project Area/Size:	49,556 square feet
Existing Zoning District:	R-4, Residential Single Family
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Jon E. Crumbie, Planner II

REQUESTS

- Variance to allow the proposed structure to encroach into the required residential to non-residential setback

Location	Requirement	Request	Variance
Near Intersection	50'	11.5'	38.8'

- Variance to allow the proposed structure to exceed the maximum height requirement.

Location	Requirement	Request	Variance
Structure near corner	35'	41'	6'

- Category 3 review

CASE SUMMARY

The applicant is proposing a 49,556 square foot, 41 foot tall addition to the existing church. The addition will be used as a child development center. The church is in the process of purchasing the apparent abandoned property at the intersection of Lambourne Boulevard and 3rd Street Road. They recently purchased the other property that is immediately adjacent and shown on the plan to be consolidated.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Church	R-4	N
Proposed	Church	R-4	N
<i>Surrounding Properties</i>			
North	Residential	R4, R-5A	N
South	Church Property	R-4	N
East	Residential	R-6	N
West	Church Property	R-4	N

SITE CONTEXT

The site is irregular in shape and located on the northwest corner of 3rd Street Road and Lambourne Boulevard. The site is a fall-away lot which has a difference in elevation of 18 feet.

PREVIOUS CASES ON SITE

There are no previous cases on the subject site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

15VARIANCE1017

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE
(Non-Residential Setback)**

(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 will not be in the sight triangle.

(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 because the structure will be compatible with the existing structure and allow additional improvements to be made to the site.

(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 building of the structure will allow sidewalks to be completed and improve access along 3rd Street Road and Lambourne Boulevard for pedestrians. The existing access point will remain in the same area.

(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 because of the unusual configuration and location of the small lot to the east of the site.

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 site is located on a corner and is adjacent to an irregular shaped that isn't being used for anything except utilities.

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 because the church would not be able to expand services in a safe and efficient environment.

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 church is responsible for the size and location of the addition, but the variance would not be needed if not for the small triangular shaped lot to the east of the property.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE
(Height)**

(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 encroachment will not be noticeable from the street due to the slope of the property.

(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 because the structure will be compatible with the existing structure and allow additional improvements to be made to the site.

(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 building of the structure will allow sidewalks to be completed and improve access along 3rd Street Road and Lambourne Boulevard for pedestrians.

(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 because the existing location of the church, corner location, and access point limit expansion opportunities which would allow the church functions to remain in one structure.

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 site is located on a corner and is a fall-away lot with an 18 foot difference in elevation.

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 because the church would not be able to expand services in a safe and efficient environment.

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 church is responsible for the height of the addition, but the variance is due to the difference in elevation and existing circumstances on site.

14DEVPLAN1073

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CATEGORY 3

a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The slope of the property will be maintained. Landscaping requirements will be met.

b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community are met. Sidewalks will be completed along 3rd Street Road and Lambourne Boulevard.

c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not needed for this proposal, but there is a playground area to the north of the addition.

d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: Adequate drainage facilities on the subject site have been reviewed and approved by MSD.

e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The compatibility of the overall site design and land use follow the projected future development of the area. The proposal will be an extension of the existing site and serve the surrounding community.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to all Land Development Code requirements and therefore follows the guidelines of Cornerstone 2020. The proposed structure will have attractive facades with the appropriate fenestration and materials. Proposed sidewalks will be located in close proximity to the proposed structure, creating a safe environment for those visiting the site. There will be signage and lighting that will be code compliant.

TECHNICAL REVIEW

There are no outstanding technical review issues.

STAFF CONCLUSIONS

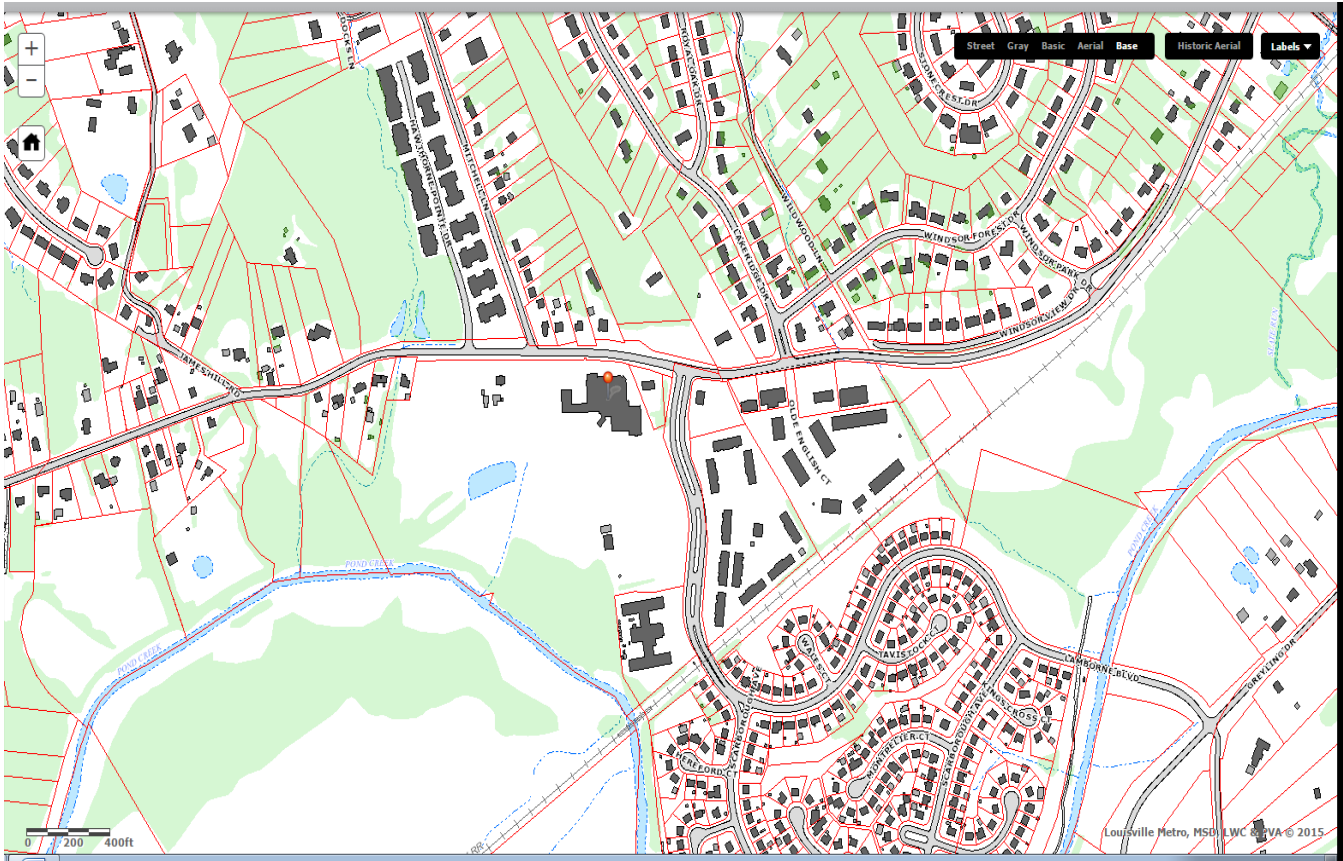
The new structure is an accessory use to the church and will be compatible with the surrounding neighborhood. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance and Category 3 review established in the Land Development Code.

NOTIFICATION

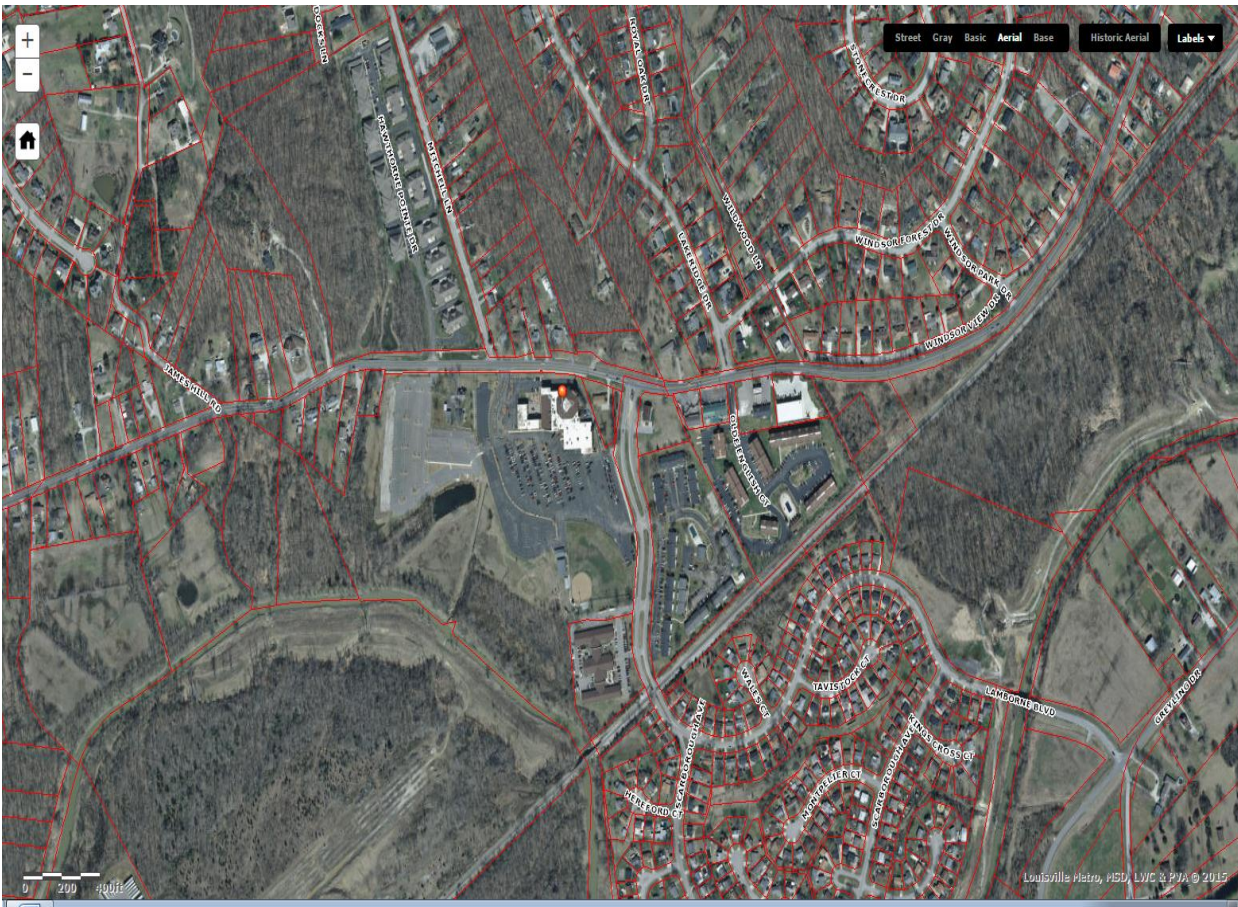
Date	Purpose of Notice	Recipients
05/01/15	APO Notice	First tier adjoining property owners Neighborhood notification recipients
05/04/15	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Justification Statements



11/24/2014

**Letter of Explanation
Valley View Church**

Valley View is an existing church located at 8911 3rd Street Road. The existing church campus has all of the modern day typical facilities, such as ball fields, daycare and a gymnasium.

The church is in the process of purchasing the apparent abandoned property at the intersection of Lambourne Boulevard and 3rd Street Road. They have recently purchased the other property that is immediately adjacent and shown on the plan as to be consolidated.

They are proposing a church expansion. The building expansion is three stories but not all of the floors are full floors. This is evident on the building elevations and is due to the grad or contour of the land.

Drainage patterns are more or less the same and minimal site work is being proposed. The expansion is less than 50% so we are only proposing additional landscape in the area being altered.

No waivers or variances are planned.

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1917EPLAN1173

Variance Justification Attachment Valley View Church

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MAR 23 2015

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OVERVIEW

The applicant is requesting two variances.

Variance 1: The first variance requested is to allow the proposed building to encroach into the required 50 feet, non-residential to residential setback. At the closest point the proposed building will be 11.5 feet from the property line of the property currently owned by Windsor Investment Company. Or in other words the applicant is requesting a variance of 38.5 feet.

Variance 2: The second is a variance to exceed the required height. The LDC maximum height is the R-4 zoning class and Neighborhood form district is 35 feet. The proposed building will be 41 feet in height at the greatest or highest point. This is a "fall-away" lot and while the rear of the building will be 41 feet in height and three stories, the front will only be two stories and will be less than the required maximum height.

VARIANCE 1 Justification

The lot currently owned by Windsor Investment Company is a small triangular lot as shown on the development plan. Given the shape, size and location this lot was apparently originally planned for a signature entrance. This was never built and the only construction on this lot has been utilities. The Windsor Investment Company no longer exists and the owner is deceased. The applicant has been in contact with his heirs and is currently in negotiations to purchase the lot. However, there is no guarantee that they will be able to reach an agreement. Based on the size, shape and the required setbacks this lot is unusable for anyone other than utilities, signs or the applicant, who could consolidate this lot with their property. This lot has existed as it does today for many years. The owner's heirs were not aware that they owned it.

Granting this variance will not adversely affect the public's health, safety or welfare nor will it alter the character of the area, or cause a public nuisance. As described above the applicant is taking every step to remedy this situation. Granting this variance will not allow a circumvention of the zoning regulations.

The location of this small unbuildable lot adjacent to the applicant's property compounded by the ownership of that lot held by a closed company with a deceased owner are special circumstances that do not generally apply to other properties in the vicinity.

KSUARATHANUE7017

Strict application of these provisions of the regulations will create a hardship on the applicant. Considering the types of services offered by the applicant it will prevent the applicant from expanding their building in the most efficient way. This efficiency is measured by the connectivity to the existing building and various floors, the pedestrian flow between the sanctuary and the children's classrooms and daycare and security required for them and the Church's facelift to help improve exposure for their Church ministry.

While the requested variance is an action by the applicant the circumstances surrounding the request are not.

VARIANCE 2 Justification

As mentioned above this is a "fall-away" lot and while the rear of the building will be 41 feet in height and three stories, the front will only be two stories and will be less than the required maximum height. The proposed building is being built into the hillside and the portion of the building that will be fronting Third Street Road will only be about 23 feet above the roadway. The rear portion of the building which will actually be the primary entrance for the youth and daycare is facing the rear of the property where the majority of their parking is located. The view of the building from Lamborne Boulevard will be of the proposed building maintaining a consistent roof line but the grade will fall parallel more or less with the roadway and the transition from two to three stories is evident as shown on the building elevations.

Granting this variance will not adversely affect the public's health, safety or welfare nor will it alter the character of the area, or cause a public nuisance.

The special circumstances that arise are the facts that the applicant owns and operates an existing Church on this property. The existing Church building's location and proximity to Third Street Road and Lamborne Boulevard limits certain opportunities for expansion. And finally the difference in elevation of 484 at the front property line to 466 at the rear of the proposed building addition at the parking lot. This is 18 feet vertically. Granting this variance will not allow a circumvention of the zoning regulations.

As described above the topography and location of other features such as the existing Church, public roadways, and the adjacent undevelopable lot limit expansion opportunities. Strict application of the regulations would deprive the applicant the opportunity to expand as described above.

While the requested variance is an action by the applicant the circumstances surrounding the request are not.

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15VARIANCE1017



310 BERRY AVENUE
 PRINCETON, NJ 08540
 PHONE: 609.982.7000
 FAX: 609.982.7005
 WWW.BERRYPRINDLE.COM

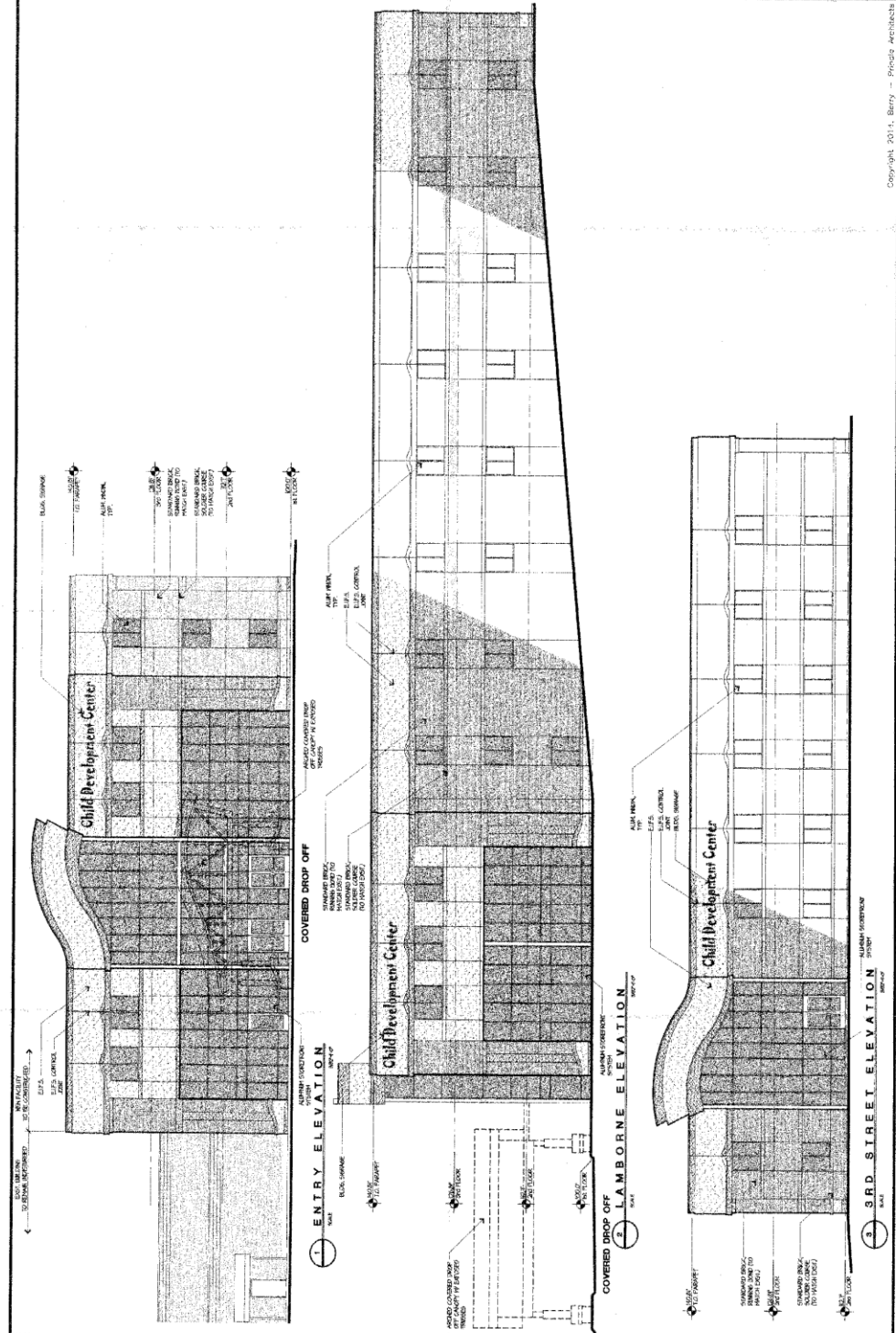
REGISTERED ARCHITECTS
 JAMES W. PRINDLE, AIA
 100 WEST STREET
 PRINCETON, NJ 08540
 (609) 982-7000
 JAMES W. PRINDLE, AIA
 100 WEST STREET
 PRINCETON, NJ 08540
 (609) 982-7000

Valley View Church
 Child Development Center/
 Children's Ministry Building

Project Phases	
Final Design Issue Date:	11-17-14
No.	Revision
Date	

Sheet Title:
EXTERIOR ELEVATIONS
 Drawn By:
 Checked By:
 Date:
 Scale:

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108 Inventry Lane
Suite 300
Louisville, KY 40223
T: (502) 327-7073
F: (502) 327-7066

VALLEY VIEW CHURCH BUILDING EXPANSION

DATE: 11/2/15
DRAWN BY: JEM
CHECKED BY: JEM
SCALE: 1/8" = 1'-0"
SCALE: 1/4" = 1'-0"
SCALE: 1/2" = 1'-0"
SCALE: 3/4" = 1'-0"
SCALE: 1" = 1'-0"

REVISIONS
DATE
BY
DESCRIPTION

PROJECT SUMMARY

EXISTING ZONE: R-1.5
DISTRICT: R-1.5
PROPOSED USE: CHURCH & RELATED USES
OWNER: VALLEY VIEW CHURCH
TOTAL BUILDING FT²: 10,240 SF
TOTAL LOT AREA: 1.54 AC
TOTAL LOT AREA: 1.54 AC

PARKING SUMMARY

CHURCH (AS PER THE EXISTING AREA)
MAX. (TOTAL OF PARKING SPACES) 100 SPACES
MIN. (TOTAL OF PARKING SPACES) 100 SPACES
CHURCH (AS PER THE EXISTING AREA)
MAX. (TOTAL OF PARKING SPACES) 100 SPACES
MIN. (TOTAL OF PARKING SPACES) 100 SPACES

LEGEND

EX. EXISTING
NEW NEW
PROPOSED PROPOSED

VARIANCES REQUESTED

- TO FROM CHAPTER 12, ARTICLE 2.2.2 OF THE UCC
- TO FROM CHAPTER 12, ARTICLE 2.2.2 OF THE UCC

PREF. UTILITY APPROVAL

UTILITY CO. APPROVAL/NOT APPROVAL
MUNICIPAL WATER DISTRICT

**CASE # 14DEVPLAN173
CATEGORY 3 PLAN
OF
VALLEY VIEW CHURCH
LOUISVILLE, KY 40212**

OWNER: VALLEY VIEW CHURCH
OWNER ADDRESS: 108 INVENTORY LANE
LOUISVILLE, KY 40223
PHONE: (502) 327-7073
FAX: (502) 327-7066

