

Board of Zoning Adjustment

Staff Report

February 6, 2017



Case No:	16VARIANCE1102
Request:	Variance to reduce side and rear setbacks for office development
Project Name:	Faulkner Office Building
Location:	10030 Forest Green
Owner:	Lee Hasken, Forest Green Lnad, LLC
Applicant:	Faulker Real Estate
Representative:	William B, Bardenwerper, Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Variance from Section 5.3.5.C.3.b to allow a 0' setback for parking on the eastern property line
- Variance from Section 5.3.5.C.3.c to allow a 2' setback for office building, patio and parking on the southern property line

Location	Requirement	Request	Variance
Side Yard Setback	20'	0'	20'
Rear Yard Setback	20'	2'	18'

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 15,200 square foot 2-story office building located within the City of Lyndon, just south of North Hustbourne Pkwy. The proposal includes 15,109 square feet of vehicle use area with 43 proposed parking spaces. The site will be accessed from Forest Green Blvd and will connect via crossover access easement to the existing office to the east. This site was previously approved, along with the office to the east, for a 5,000 square foot restaurant but has remained vacant since that approval in 2005.

There is a 20' rear yard requirement for the Campus form district and a 20' side setback requirement for properties abutting residentially zoned properties. Both of these apply to this site, as the site to the east is zoned for office and residential. The front setback for Campus form is 25', but a variance was granted in 2005 to reduce this to 15'.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	Campus
Proposed	Office	C-1	Campus
Surrounding Properties			
North	Retail	C-1	Campus
South	Vacant	R-7	Campus
East	Office	OR-3	Campus
West	Vacant	R-7	Campus

PREVIOUS CASES ON SITE

9-87-00: A change in zoning from R-4 & R-7 to C-1 & OR-3 at a property located at 10200 Forest Green Blvd, a landscape waiver to omit required perimeter landscaping and a variance to allow the building to encroach into the rear yard, and a detailed district development plan for office/restaurant.

B-177-05: Reduction of front yard requirement from 25' to 15'.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (as adopted by the City of Lyndon)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from LDC Section 5.3.5.C.3.b to allow a 0' setback for parking on the eastern property line

(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 property to the east is also an office with a large parking lot that will be connected to this site's parking. This setback will not negatively impact the safety or welfare of pedestrians or vehicular traffic in the area.

(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 this setback will be consistent with the parking to the east.

(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 this setback will not affect the flow of traffic, sight lines or pedestrian safety on this site or the abutting site.

(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 property to the east is not developed as a residential use and the parking areas will be connected.

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 large portion of the parcel cannot be developed due to an open space easement, thereby restricting the space for the building and parking.

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 the reasonable use of the land as the setback would restrict the amount of parking provided causing the proposal to not meet their parking requirement.

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 since the applicant has not undertaken any construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from LDC Section 5.3.5.C.3.c to allow a 2' setback for office building, patio and parking on the southern property line

- (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 property to the south is a designated greenway and will not be developed.

- (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 setbacks are at the rear of the site and won't be easily observed from the public roadway.

- (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 these setbacks will not affect the flow of traffic, sight lines or pedestrian safety on this site or any surrounding site.

- (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 property to the south is not developed and most likely will never be developed.

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 large portion of the parcel cannot be developed due to an open space easement, thereby restricting the space for the building and parking.

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 the reasonable use of the land as the setback would restrict the amount of parking provided causing the proposal to not meet their parking requirement or would restrict the size of the building.

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 since the applicant has not undertaken any construction.

TECHNICAL REVIEW

- The revised detailed district development plan and landscape waivers are scheduled to be heard at the February 1, 2016 meeting of the Development Review Committee.

STAFF CONCLUSIONS

The Variances appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

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 standards for granting the variances as established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVAL** or **DENIAL** of the Variance from Section 5.3.5.C.3.b to allow a 0' setback for parking on the eastern property line
- **APPROVAL** or **DENIAL** of the Variance from Section 5.3.5.C.3.c to allow a 2' setback for office building, patio and parking on the southern property line

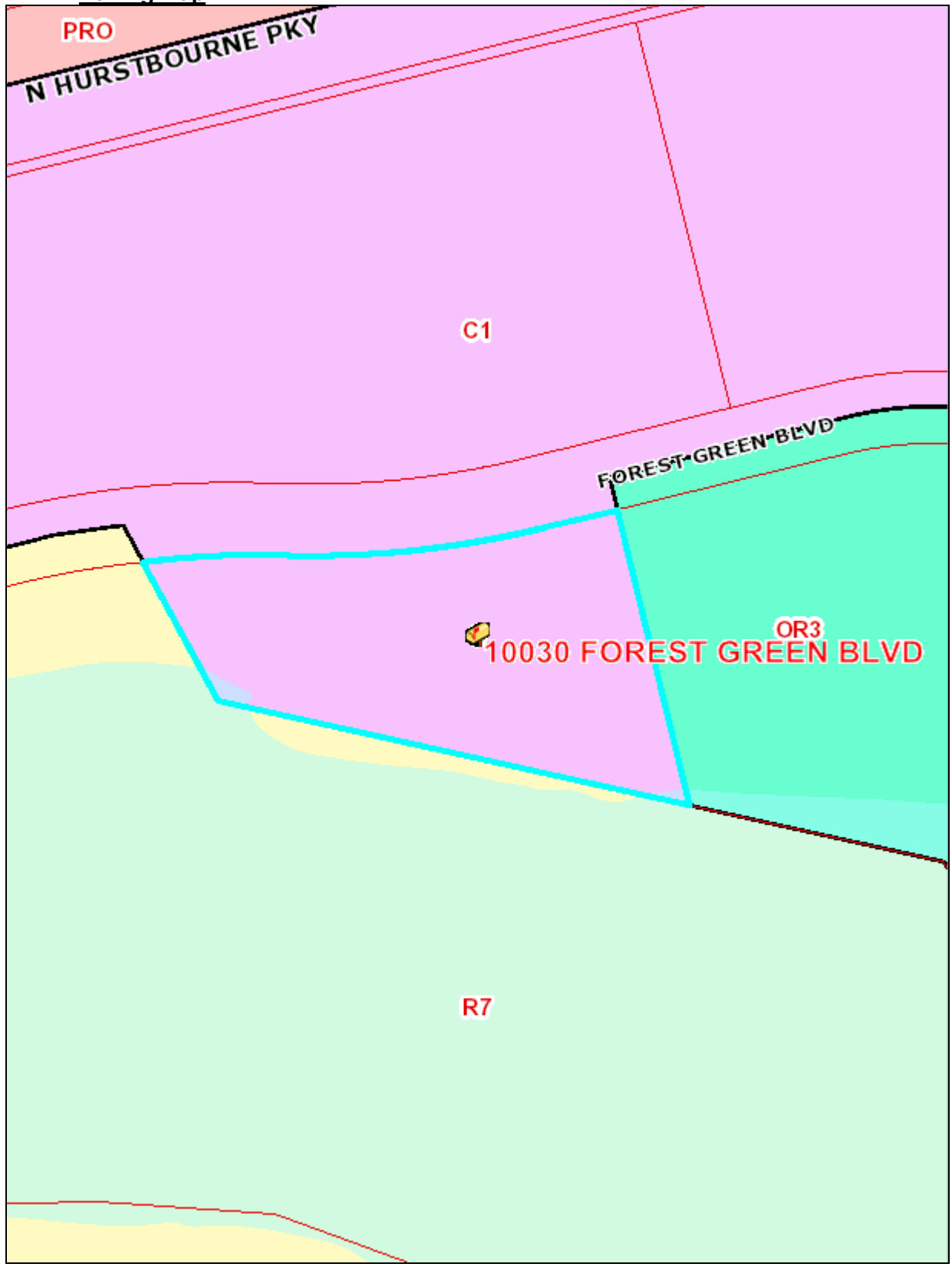
NOTIFICATION

Date	Purpose of Notice	Recipients
01/18/2017	Public Hearing - BOZA	Neighborhood notification recipients
01/18/2017	Public Hearing - BOZA	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

