

VARIANCE JUSTIFICATION STATEMENT RECEIVED

9808 Brownsboro Road

Case No. 17CUP1073

AUG 21 2017

PLANNING
DESIGN SERVICE

August 21, 2017

Northeast Christian Church ("the "Applicant"), is seeking approval of a Category 2B Development Plan to provide additional vehicular parking and maneuvering area on property located at 9808 Brownsboro Road ("Subject Property"). The Subject Property fronts Brownsboro Road and is situated between two other properties the applicant owns—where, on the parcel to the east and south, its religious campus and vehicular parking is located and, on the parcel to the west, the applicant operates a cemetery. Applicant's three properties are zoned R-4 single-family and are within the Regional Center Form. For properties subject to Regional Center Form regulations, Land Development Code Section 5.3.3.C.2.b requires 50-foot side and rear yard minimum setbacks where adjacent to a residential zoning district or structure with residential use on the first floor. The Applicant seeks relief from LDC Section 5.3.3.C.2.b to allow its vehicular parking and maneuvering area to encroach into its western yard (side) by 35 feet, and its southern (rear) and eastern (side) yards by 50 feet.

In 2009, the Louisville Metro Board of Zoning Adjustment ("BOZA") approved Applicant's application for a Category 3 Development Plan and related variances and waivers to allow construction of its new worship center and supporting parking areas. As part of BOZA's 2009 action, BOZA then granted Applicant variances from LDC Section 5.3.3.C.2.b to allow Applicant's vehicular parking and maneuvering areas to encroach into the required 50-foot yards on the property's northeast, south and west property lines. Today, the Applicant now requests similar variance relief from BOZA to allow its newly proposed vehicular parking and maneuvering area to encroach into the required 50-foot yards on the Subject Property. As explained herein, the applicant's variance application is justified because its proposed expansion of vehicular parking and maneuvering area is located adjacent to its own parcels where it would be a hardship for the applicant to require its parking to be setback from the very property uses the parking will serve and support.

Applicant's proposed parking expansion on the Subject Property is consistent with the immediate surrounding properties and with other properties in the general area that were developed in the Regional Center Form, which encourages development of residential, office and institutional uses. The proposed setbacks of 15 feet to the west, 0 feet to the south and 0 feet to the east is in keeping with similar developments where

unified parking serves uses and buildings located on adjacent parcels. Here, the Applicant proposes to expand parking on the Subject Property to serve the worship center located immediately to the east and its cemetery grounds on adjacent property to the west. The Subject Property is also adjacent to existing vehicular parking and maneuvering areas to the south, which serve the Northeast Christian Church. Accordingly, the applicant's requested variances are justified because the Applicant owns the adjacent properties most affected by these variance requests, thereby eliminating the need for application of a 50-foot yard requirement. The proposed parking expansion will serve these adjacent properties and improve existing conditions. Consequently, the granting of the requested variances will not adversely affect public health, safety or welfare, and will not alter the essential character of the area.

The Applicant's proposed parking expansion is planned for an area that is immediately surrounded by land uses it will support and, as a result, the variances do not directly or negatively affect other properties outside of this immediate area. The variance to reduce the 50-foot yard requirement is reasonable because without it, the parcel would become virtually unusable for parking, which the Applicant greatly needs to serve its growing congregation and cemetery visitors. Applicant's proposal will simply expand existing parking located to the south and, once completed, will operate as a unified vehicular parking and maneuvering area. The Subject Property was previously used as a single-family house with a driveway that hugs the western property line shared by the existing cemetery use. The house will be removed. Overall circulation on site is being improved for both vehicles and pedestrians. Any additional lighting will abide by all development code requirements as not to cause any hardship or nuisance on neighboring property owners. In addition to improving safety, plantings will be provided within the interior of the vehicle parking and maneuvering areas per the LDC requirements which will improve the overall aesthetic appearance of the site. Mature trees along the Subject Property's western property line will remain. Accordingly, granting the variances will not cause a hazard or nuisance to the public or allow an unreasonable circumvention of the requirements of the zoning regulations.

The Church's parking necessities are unique to other uses in the area. Research and experience from design professionals has shown that parking demands for these type of uses exceed those allowed by the local LDC. Church and single-family uses are compatible uses per the zoning regulations of the LDC, while other commercial uses in the area are not and need stronger buffers and setbacks. Moreover, unlike other commercial uses that typically locate on property located in the Regional Center Form, Northeast Christian Church's vehicular parking areas will not be utilized daily and only during times of worship and special events. The requested variances will enable the Applicant to provide adequate parking on site for the adjacent land uses without negatively impacting the surrounding area. The proposed variances will allow the

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Applicant to provide much needed parking on the subject property, while also improving safety and enhancing the aesthetic character of the site. Accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

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