

**Board of Zoning Adjustment**  
**Staff Report**  
June 7, 2021



<b>Case No:</b>	20-VARIANCE-0113/20-VARIANCE-0114
<b>Project Name:</b>	Assumption Greek Orthodox Church
<b>Location:</b>	930 Ormsby Ln
<b>Owner(s):</b>	Assumption Greek Orthodox Church
<b>Applicant:</b>	Assumption Greek Orthodox Church
<b>Jurisdiction:</b>	Lyndon
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

**REQUEST(S)**

- **Variances**
  1. 20-VARIANCE-0113 – Variance of Land Development Code (Lyndon) Table 5.3.2 to exceed the 80-foot maximum front yard setback by up to 160 feet as shown on the development plan.
  2. 20-VARIANCE-0114 – Variance of Land Development Code (Lyndon) Table 5.3.2 to encroach into the 50-foot required setback adjacent to residential properties by up to 35 feet as shown on the development plan.

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to expand an existing religious institution, with additions to existing structures as well as new structures and parking areas. Site uses proposed include classrooms, office and reception hall in addition to the existing chapel on site. The site is zoned R-4, R-5 and R-5a within the Neighborhood form district in the City of Lyndon.

**STAFF FINDING**

The requests are adequately justified and meets the standard of review. The Development Plan is compatible with other development in the area. All required buffers will be provided adjacent to surrounding residential properties.

**TECHNICAL REVIEW**

The plan has received preliminary approval from MSD and Transportation Planning staff.

The Development Review Committee reviewed a Revised Detailed District Development Plan for this development at the June 2, 2021 meeting.

**INTERESTED PARTY COMMENTS**

Staff has received no comments concerning this proposal.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 1**

- (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 as the proposed variance does not impede the safe movement of pedestrians or vehicles, and the proposed development will be in keeping with the development pattern of 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 the site has historically been used as a religious institution and has previously been granted variances to exceed 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 development will follow all building and safety requirements.

- (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 as there are a range of site designs and housing types in the area. The variance will allow for an existing site to be expanded in a reasonable manner.

### **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 does not arise from special circumstances not generally applicable to land in the vicinity.

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, as the existing chapel exceeds setbacks and the new structures will be designed to work as a single site utilizing existing and expanded parking.

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 site has not been developed and relief is being sought.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 2**

- (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 as the proposed variance does not impede the safe movement of pedestrians or vehicles, and the proposed development will be in keeping with the development pattern of 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 the site has historically been used as a religious institution and has previously been granted variances to exceed setbacks. The applicant will provided required screening and buffering adjacent to residential properties.

- (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 development will follow all building and safety requirements.

- (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 as there are a range of site designs and housing types in the area. The variance will allow for an existing site to be expanded in a reasonable manner.

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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 site has not been developed and relief is being sought.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Variances**

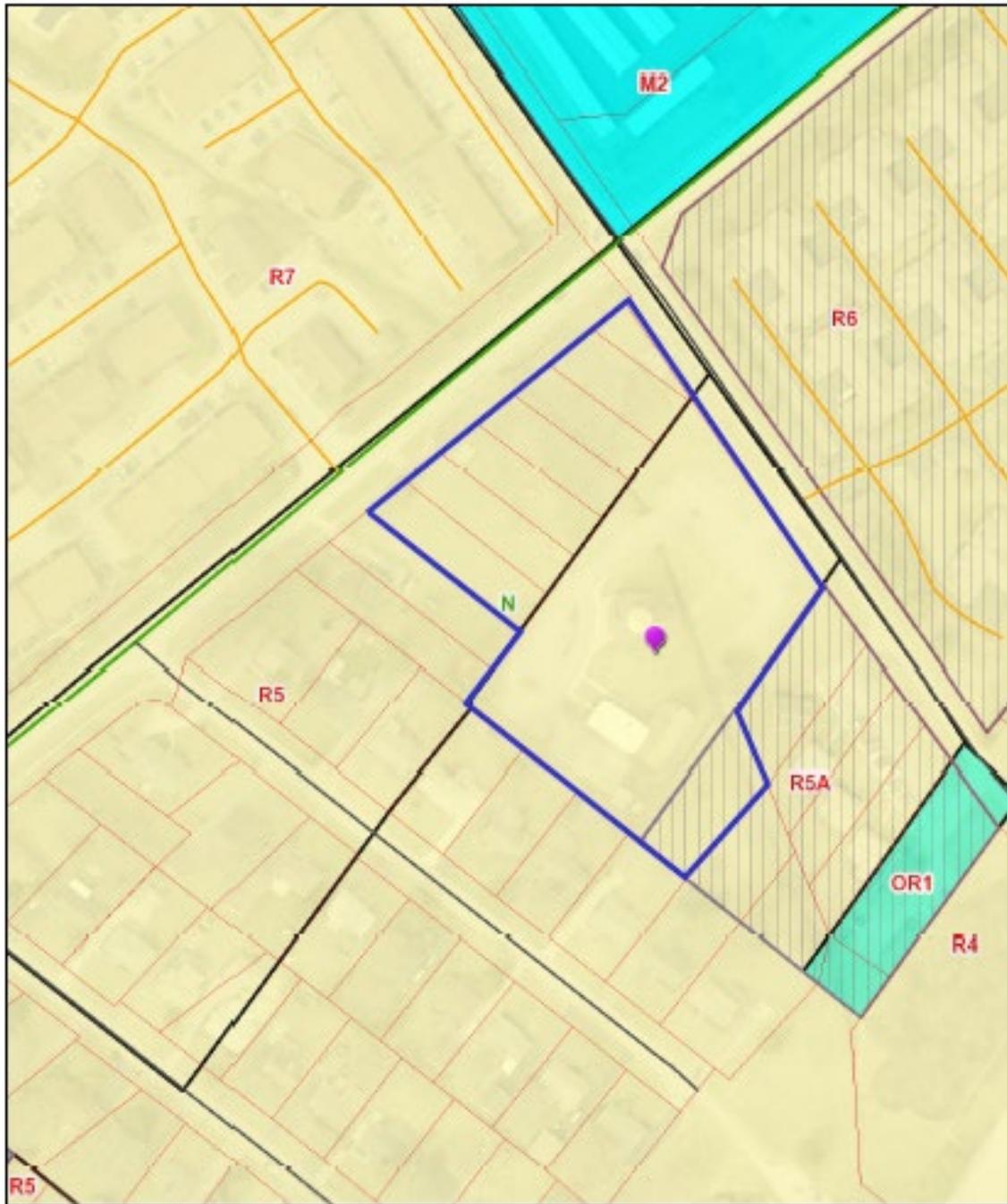
**NOTIFICATION**

Date	Purpose of Notice	Recipients
5-21-21	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Speakers at previous public hearings Registered Neighborhood Groups in Council District 18

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



**20-DDP-0043**

Monday, May 24, 2021 | 1:38:08 PM



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2. Aerial Photograph



**20-DDP-0043**

Monday, May 24, 2021 | 1:58:49 PM



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