

JEFFERSON COUNTY BOARD OF ZONING ADJUSTMENT

MINUTES

AUGUST 2, 1993

DOCKET NOS. B-115-93 and B-116-93

Applicant: The Chance School by Melissa Stebbins,
President (B-115-93 & B-116-93) and
Darrell and Ann Wells (B-116-93)

Owners: Darrell and Ann Wells (part of 4106 Lime
Kiln Lane)

Subject: An application for a Conditional Use
Permit to allow a proposed off-street parking lot (B-115-93)
and an application for variances from the Zoning District
Regulations to permit a proposed sign to encroach into the
required front yard and to permit off-street parking spaces
to encroach into required side yards (B-116-93).

Premises affected: On property known as a part of 4106 Lime
Kiln Lane (B-115-93) and on properties known as 4200 and
part of 4106 Lime Kiln Lane (B-116-93) and being in the City
of Glenview.

Appearances For Applicant:

Charles Musson, Attorney, First Trust Centre, Louisville,
Kentucky, 40202, who presented a video.

Jeff McKenzie, Attorney, 3300 First National Tower,
Louisville, Kentucky, 40202.

Meme Sweets Runyon, Executive Director, River Fields, Inc.,
643 W. Main Street, Louisville, Kentucky, 40202, who
submitted a copy of The Main Stream, A publication of River
Fields, Inc., Spring 1993 issue.

Interested Party:

None.

Appearances Against Applicant:

None.

On July 13, 1993, The Chance School by Melissa Stebbins,
President applied for a Conditional Use Permit to allow a
proposed off-street parking lot on a part of property known
as 4106 Lime Kiln Lane and an application for variances to
permit a proposed sign to encroach into the required front
yard and to permit off-street parking spaces to encroach
into required side yards on properties known as 4200 and
part of 4106 Lime Kiln Lane.

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On August 2, 1993, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and proposed construction was presented to each Board member.

In accordance with the Board's Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing.

A staff member read the staff report. See Addendum for staff report in full.

A map of the site and surrounding area was shown.

Shari Cooper, Court Reporter, recorded the testimony given in the public hearing.

CONDITIONAL USE PERMIT

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Tonini, seconded by Member Henderson, the following resolution was unanimously adopted:

WHEREAS, the Board finds the proposal to be in compliance with Article 15, D., 15, item b. because existing vegetation will be preserved and the site shall be landscaped in accordance with Article 12 of the Zoning District Regulations, therefore, adequate screening for this site is proposed, and

WHEREAS, the Board finds that variances have been requested and approved in conjunction with this case, therefore, the requirements of Article 15, D., 15, item c. are satisfied, and

WHEREAS, the Board finds that the applicant proposes to construct an off-street parking lot to serve the existing Chance School which currently has insufficient off-street parking, that the proposal will materially relieve traffic and pedestrian hazards that presently occur during peak arrival and departure times for The Chance School, that the proposed parking lot will be located in an area over 500 feet from the nearest residential structure and the remainder of the immediate surrounding area is vacant woodland or farmland, and existing vegetation and additional landscaping in accordance with Article 12 of the Zoning

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District Regulations will provide screening for this site, therefore, the proposal will not adversely affect the adjacent residential properties and protect the public health, safety and welfare by reducing traffic congestion in conformance with Residential Guideline R-1 and Transportation Guideline T-11,

WHEREAS, the Board finds that the proposal is in compliance with the Comprehensive Plan because it complies with all other applicable guidelines, principles and objectives of the Comprehensive Plan, and that the conditions attached to the permit will ensure compatibility with the surrounding neighborhood, and

WHEREAS, the Board finds that the proposal will promote and will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District,

NOW, THEREFORE, BE IT RESOLVED, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**.

The conditions are as follows:

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning District Regulations.
3. The off-street parking for this site shall be used only for the purposes of the Chance School.
4. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an off-street parking lot without further review and approval by the Board.
5. The Conditional Use Permit shall expire if the lease is cancelled or the property is purchased by the Chance School and consolidated with the existing school property

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6. Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.

VARIANCES

On a motion by Troutman, seconded by Member Kline, the following resolution was unanimously adopted:

WHEREAS, the Board finds that the existing development on the site and the right-of-way dedication required by the Jefferson County Department of Public Works are special circumstances which do not generally apply to land in the general vicinity or in the same zone, and

WHEREAS, the Board finds that strict application of the provisions of the regulation would require the applicant to relocate the proposed freestanding sign out of the required front yard, remove a substantial number of parking spaces which are designed to serve an existing school which has insufficient parking, and removal of the historic structure, and would create an unnecessary hardship on the applicant, and

WHEREAS, the Board finds that the applicant is not responsible for the existing development on the property and the requirement for right-of-way dedication, therefore, such special circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, and

WHEREAS, the Board finds that the proposed off-street parking spaces will serve the existing Chance School which currently has insufficient off-street parking and experiences traffic and pedestrian problems during peak arrival and departure times, that the proposed off-street parking spaces will relieve traffic congestion and provide safety for the school students and residents in the area, that the proposed sign will be designed in accordance with the character of the adjoining historic structures and will assist in identifying the area as a school, therefore, the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause

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a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations,

NOW, THEREFORE, BE IT RESOLVED, that the variance is hereby **APPROVED ON CONDITION** that:

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning District Regulations.
3. The off-street parking for this site shall be used only for the purposes of the Chance School.
4. The proposed sign must comply with the Zoning District Regulations which states that any freestanding sign for a school shall not exceed 30 square feet in area.
5. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an off-street parking lot without further review and approval by the Board.
6. The Conditional Use Permit shall expire if the lease is cancelled or the property is purchased by the Chance School and consolidated with the existing school property.
7. Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.

The variances allow:

1. The proposed freestanding sign to be located 0 feet from the proposed right-of-way line at its closest point.

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2. 15 proposed off-street parking spaces to be located within the required side yards for the existing Chance School and the lot proposed for the Conditional Use Permit at their closest point.
3. The existing shelter to be located 0 feet from the proposed right-of-way line of Lime Kiln Lane at its closest point.