

Board of Zoning Adjustment

Staff Report

August 17, 2015



Case No:	15Variance1029
Project Name:	Southeast Christian Chapel In The Woods
Location:	1200, 1302 Watterson Trail & 1401 Moser Road
Owner(s):	Southeast Christian Church of Jefferson Co.KY
Applicant:	Owner
Representative:	Mark Madison, Milestone Design Group, Inc
Project Area/Size:	12.71 acres
Jurisdiction:	City of Middletown
Council District:	19 – Julie Denton
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Variance #1: Setbacks

Variance from the Land Development Code, Section 5.3.1.C.5 and Table 5.3.2, to allow the building to exceed the maximum setback.

Location	Requirement	Request	Variance
Watterson Trail (east)	80'	436.2'	356.2'
Moser Road (west)	80'	421.8'	341.8'

Variance #2: Building Height

Variance from the Land Development Code, Section 5.3.1.C.5 and Table 5.3.2, to allow the building to exceed the maximum height.

Location	Requirement	Request	Variance
Building Height	30'	64'	34'

Waiver #1: Building Entrances

Waiver of the Land Development Code Section 5.5.2.A., to not provide the required building entrances facing the abutting streets.

Waiver #2: Vehicle and Pedestrian Connections

Waiver of the Land Development Code Section 5.5.2.B, to not provide the required vehicle and pedestrian connections to the abutting properties.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant, Southeast Christian Church, is proposing to construct a 3 story, 52,761sf, Chapel along with 307 parking spaces on a 12.71 acre wooded lot in the City of Middletown. The wooded lot is located between Watterson Trail and Moser Road, across from the existing Southeast Christian Church facilities which are located at the corner of Blankenbaker Parkway and Watterson Trail. The proposal is to access the subject property from both adjacent streets, with the main entrance being off of Watterson Trail and aligning with Entrance 5 of Southeast Christian Church. Several perennial and intermittent streams divide the property. A sufficient part of the property is within the 100 year floodplain limiting the area of development. Preservation of

2.2 acres or 17% of the sites existing tree canopy is proposed in the undisturbed areas. Water quality and floodplain compensation will also be provided to compensate for the additional impervious surface.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in the Neighborhood (N) Form District. It is surrounded by single family residential, landscape nursery, and vacant properties zoned R-4 in the Neighborhood (N) Form Districts: and church property zoned R-4 in the Campus (C) Form District.

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family/Vacant	R-4	N
Proposed	Church	R-4	N
Surrounding Properties			
North	Single family Residential/Landscape Nursery	R-4	N
South	Single family/Vacant	R-4	N
East	Church (across Watterson Trail)	R-4	C
West	Single family (across Moser Road)	R-4	N

PREVIOUS and CURRENT CASES ON SITE

There are no previous cases.

INTERESTED PARTY COMMENTS

There have not been any inquiries or comments received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

Variance #1: Setbacks (Watterson Trail and Moser Road)

Variance from the Land Development Code, Section 5.3.1.C.5 and Table 5.3.2, to allow the building to exceed the maximum 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 since safe vehicle and pedestrian access is provided from the public rights-of-way to the building entrances and parking lot areas. Also the location of the building is not in the 100 year or local regulatory floodplain areas of the site.

- (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 since the location of the proposed chapel is centered on the site out of the existing floodplain. Distance from adjacent properties reduces the impact of the building location. In addition reducing the impact of the development, buffer plantings screening the parking lots will be provided along with the preservation of the 17% of the tree canopy. Plus, Southeast Christian Church is located across the street.

- (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 since the building and parking lots will be screened by both new plantings and the preservation of 2.2 acres of existing tree canopy. Plus safe vehicle and pedestrian access is provided from the public rights-of-way to the building entrances and parking lots.

- (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 regulation since physical site restrictions prevent compliance with the setback requirements. The shape of the lot and the location of the existing streams and floodplain limit the buildable area.

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 arise from special circumstances that do not generally apply to land in the general vicinity or the same zone. There are physical site restrictions preventing compliance with the setback requirement. Both stream and floodplain location limits the development area of the site.

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 and create an unnecessary hardship on the applicant since the development physical site restriction do not allow compliance with the setback 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. The physical site restriction existed prior to the applicant's proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

Variance #2: Building Height

Variance from the Land Development Code, Section 5.3.1.C.5 and Table 5.3.2, to allow the building to exceed the maximum 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 since existing tree canopy is being preserved along the perimeter reducing the impact of the building height. The distance of the proposed building to the adjacent properties also reduces any adverse effects.

- (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 since 2.2 acres of existing tree canopy are to be preserved. Plus all the required landscape plantings will be provided. The existing topography of the site and surrounding properties will also help to reduce the impact. Plus Southeast Christian Church is located across the street.

- (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 since the building will be located in the center of the site surrounded by existing trees and new landscape plantings which will reduce the impact of a taller building. Plus the proposed building materials are compatible with the surrounding 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 regulation since the site has restrictions limiting the buildable area. Plus the buildings on the adjacent Southeast Christian Church site across the street have tall structures. The preservation of 17% of the existing trees and planting of new vegetation will lessen the impact of the proposed height.

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 because the site has physical restrictions limiting the location of the building to an area where the elevation of the ground falls toward the stream contributing to the overall height of the structure.

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 and create an unnecessary hardship on the applicant since the development physical site restriction do not allow compliance with the height 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. The physical site restriction existed prior to the applicant's proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #1: Building Entrances

Waiver of the Land Development Code Section 5.5.2.A., to not provide the required building entrances facing the abutting streets.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the provided building entrances.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 2, policy 16 states that the proposal is to be designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. Several entrances are provided around the building perimeter providing adequate access; therefore, the waiver will not violate specific guidelines and policies of Cornerstone 2020.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since several entrances to the building are provided from the parking lot and the public street allowing safe access to the building even with the existing physical site restraints.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: For safe access, the applicant has provided several entrances around the perimeter of the proposed building. These entrances exceed the minimum to compensate for non-compliance with the requirements to be waived. 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #2: Vehicle and Pedestrian Connections

Waiver of the Land Development Code Section 5.5.2.B, to not provide the required vehicle and pedestrian connections to the abutting properties.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners since safe pedestrian and vehicle access is provided from the public rights-of-way to the building entrances and parking areas. The adjacent properties are currently large lots containing a single home with potential to be developed in the future. If and when these lots develop vehicle and pedestrian connection can be provided then if determined necessary.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 7, Policy 6: encourages the proposal's transportation facilities to be compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Also to include at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads. Guideline 7, Policy 13/16 states that the proposal provides for joint and cross access through the development and to connect to adjacent development sites. Guideline 8, Policy 13/16: also encourages the proposal to provide for joint and cross access through the development and to connect to adjacent development sites. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver will not violate specific guidelines and policies of Cornerstone 2020 since connections to the adjacent properties can be provided when and if they develop in the future.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the adjacent property connections can be provide when those properties development in the future.

d) Either:

- (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated design measures to compensate for non-compliance with the requirements to be waived. Existing tree canopy is being preserved along the southern perimeter to lessen the impact on the development on the adjacent property. Plus addition perimeter plantings will be provided along the northern perimeter to reduce the impact. The required sidewalk is being provided along both streets and sidewalk connections are provided throughout the interior of the site and to the street.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant the variances for the building setbacks and building height; and the waivers to not provide the entrance and vehicle/pedestrian connections

Therefore, the Board of Zoning Adjustment must determine, based on the testimony and evidence provided at the public hearing, if the proposal meets the standard for the variance established in the Land Development

Code; and the waivers do not violate the comprehensive plan and also meet the standards established in the Land Development Code

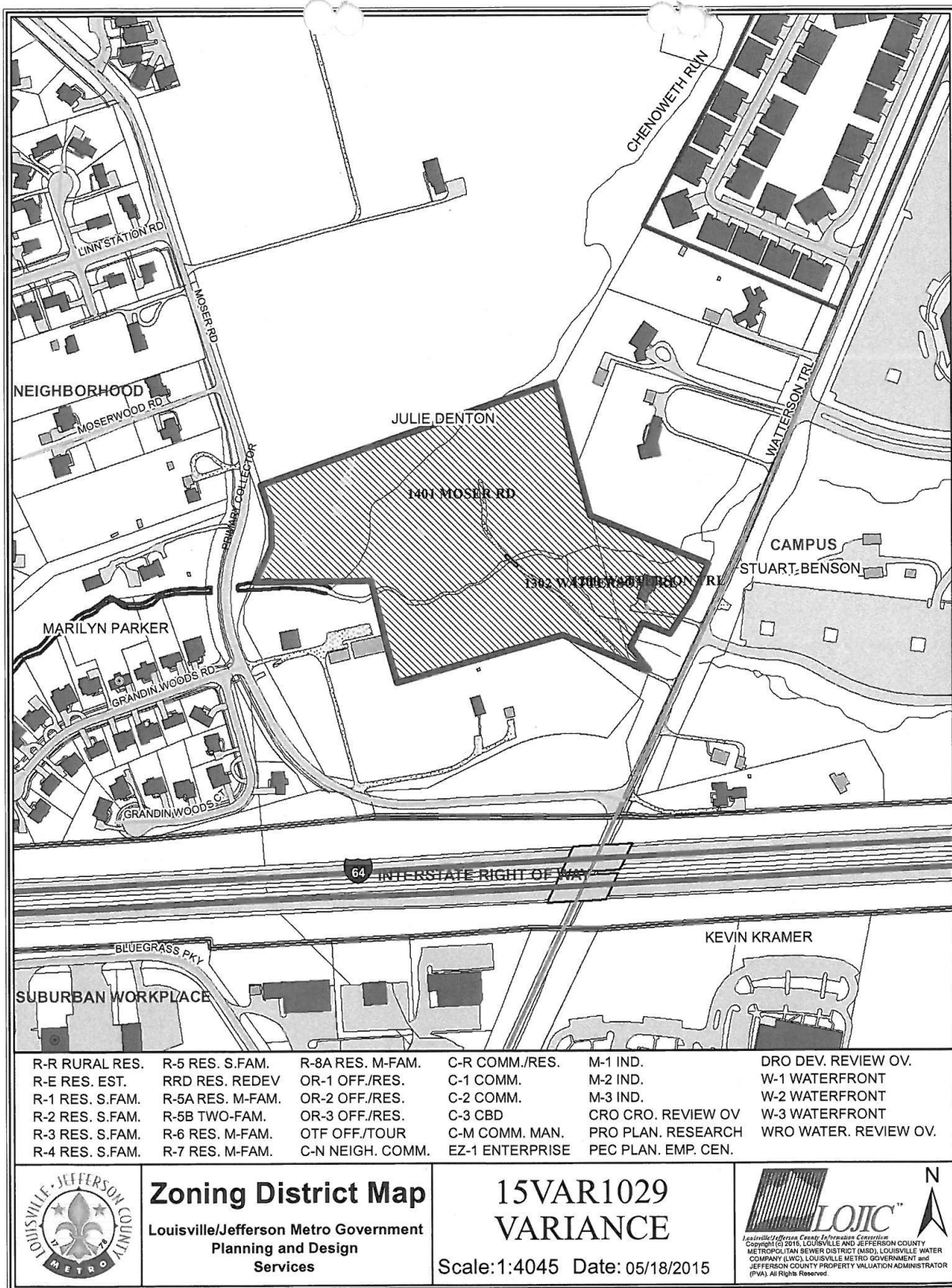
NOTIFICATION

Date	Purpose of Notice	Recipients
07/30/2015	BOZA Hearing	Neighborhood notification recipients
07/31/2015	Sign Posting	Subject property
07/31/2015	BOZA Hearing	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Building Elevations
5. Sign Elevation
6. Applicant's Justification
7. Site Photographs

Attachment 1 - Zoning Map



R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV.	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV.	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	

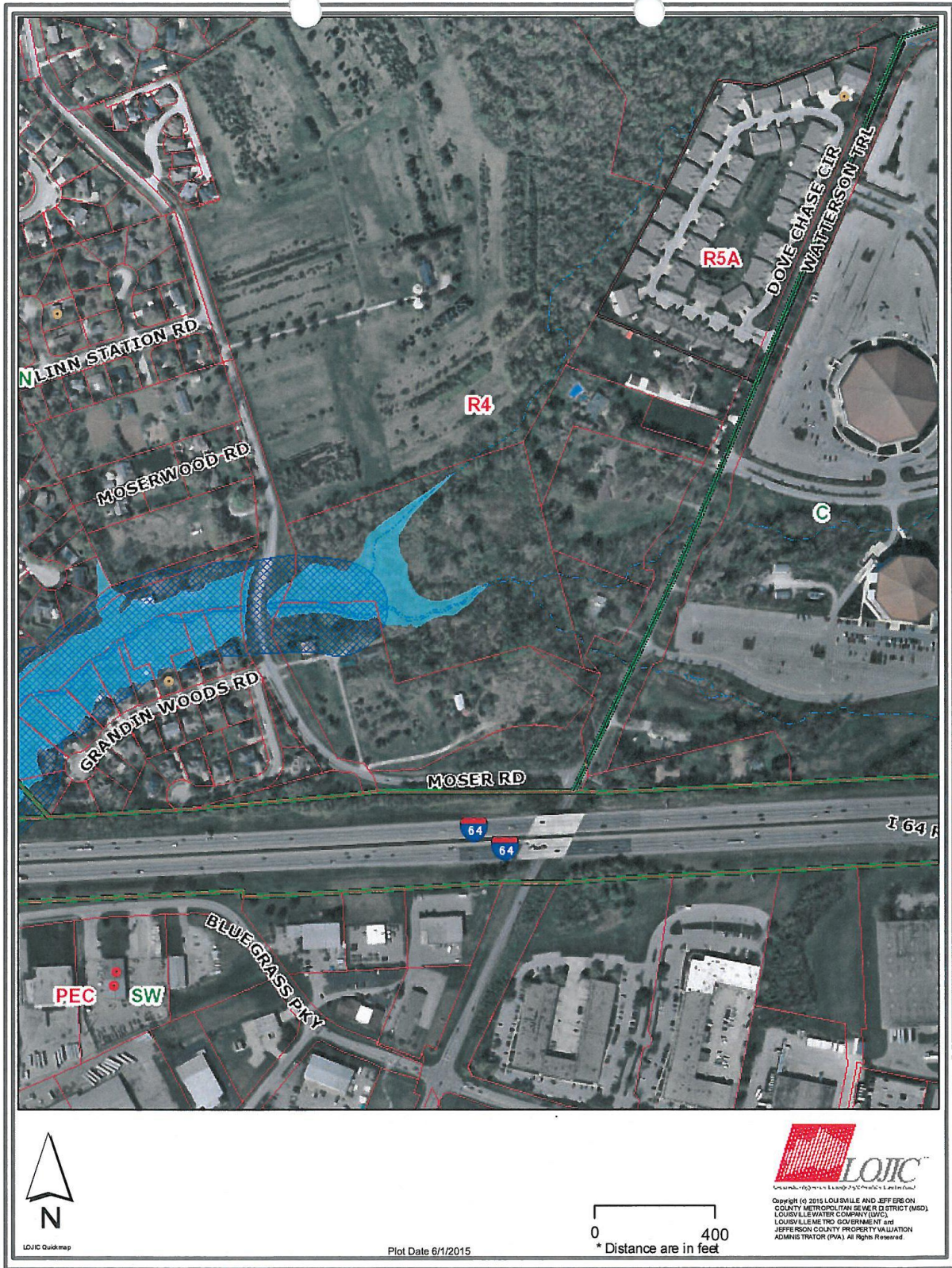


Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

**15VAR1029
 VARIANCE**
 Scale: 1:4045 Date: 05/18/2015



Attachment 2 - Aerial Photographs





R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	



Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

**15VAR1029
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 Scale: 1:3194 Date: 05/18/2015



milestone
design group, inc.

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

SOUTHEAST CHRISTIAN CHAPEL IN THE WOODS

DATE: 2/27/15
DRAWN BY: DALL
CHECKED BY: DALL
SCALE: 1"=36' (10/82)
SCALE: N/A, (6/10)

REVISIONS
A ASPECT COMMENTS 2/27/15
A
A
A

RECEIVED
PLANNING DEPARTMENT
2/27/15

JOB NUMBER 15015
1 of 1

PROJECT SUMMARY
DISTRICT: M-3
ZONING: M-3
EXISTING USE: CHURCH
PROPOSED USE: CHURCH (3 FLOORS)
M.A. NO.: 033353/19
M.A. ACRES: 15.2328 SF
M.A. PARCELS: 11, 12, 13, 14, 15, 16, 17, 18, 19
PROPOSED BUILDING FOOTPRINT: 64,300 SF
PROPOSED MAXIMUM BUILDING HEIGHT: 64'

PARKING SUMMARY
CHURCH (750 PERMANENT SEATING)
M.A. (1,250 SEATING IN SANITARY)
538 SPACES
247 SPACES
291 SPACES
307 SPACES
TOTAL

LEGEND
EX. UTILITY PALE
EX. CURB/POST
EX. OVERHEAD ELECTRIC
EX. WATER MAIN
EXISTING FENCE
PROPOSED FENCE
FEMA 100 YEAR FLOODPLAIN
100 YEAR LOCAL REGULATORY FLOODPLAIN
TREE CANOPY PROTECTION AREA
PROPOSED SILT FENCE
PROPOSED LIMITS OF RESTORANCE

INCREASE RUN-OFF CALCULATIONS
LAND AREA: 15.2328 AC
COEFF. 0.415
DRAINAGE AREA: 2.93/17 X 12,709 SQ = 6,882 SQ-FT
(0.80-0.20) X 2.93/17 X 12,709 SQ = 6,882 SQ-FT

WALKERS REQUESTED
1 WALKER IS REQUESTED FROM CHAPTER 5, PART 1 OF THE LAND DEVELOPMENT CODE TO BE PROVIDED TO THE BUILDING ENTRANCE TO FACILITATE THE WALKER'S ACCESS TO THE BUILDING.

VARIANCES REQUESTED
1. A VARIANCE IS REQUESTED FROM CHAPTER 5, PART 1 OF THE LAND DEVELOPMENT CODE TO PERMIT THE CONSTRUCTION OF A CHURCH ON A PARCEL THAT IS CURRENTLY ZONED M-3.

GENERAL NOTES
1. THE SITE PLAN IS A PRELIMINARY DESIGN. THE PLANNING DEPARTMENT WILL REVIEW THE SITE PLAN FOR COMPLIANCE WITH THE CITY OF LOUISVILLE ZONING ORDINANCES AND THE CITY OF LOUISVILLE HEALTH AND SAFETY ORDINANCES. THE PLANNING DEPARTMENT WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED ON THIS SITE PLAN. THE PLANNING DEPARTMENT WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED ON THIS SITE PLAN.

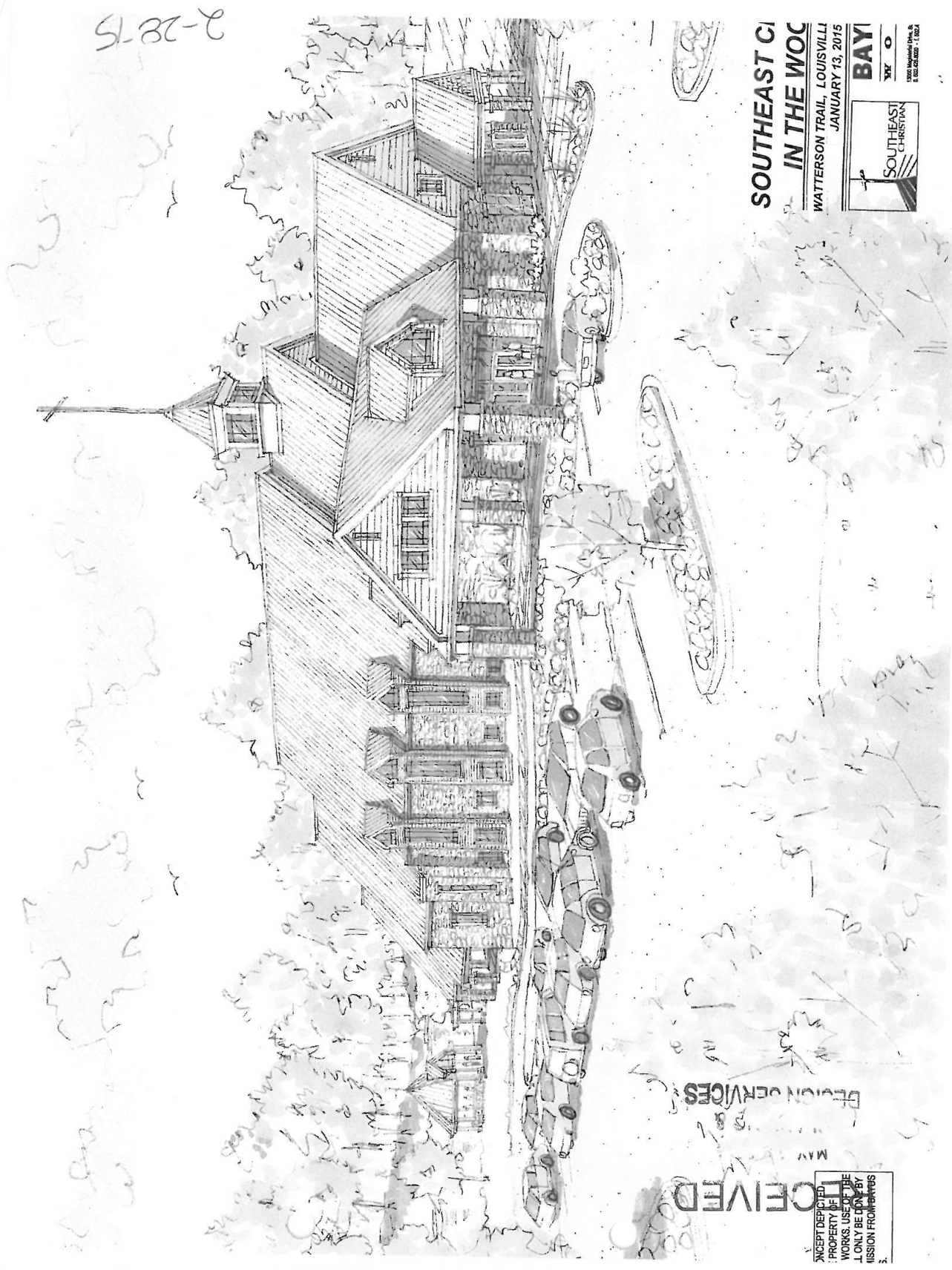
TREE CANOPY CALCULATIONS
CLASS "C" - 41% TSC COVERED
SITE AREA: 15.23 AC (50,472 S.F.)
TREE CANOPY REQUIRED: 85,200 S.F. (1.6%)
REQUIRED NEW TREE CANOPY: 0 SF (0%)
EXISTING TREE CANOPY PRESERVED: 96,317 S.F. (17.4%)
NEW TREE CANOPY PROVIDED: 0 S.F. (0%)
TOTAL TREE CANOPY: 96,317 S.F. (17.4%)

LOCATION MAP
NO SCALE

SCALE
GRAPHIC SCALE
0 20 40 60 80 100 FEET

Attachment 4 –Building Elevations and Floor Plan

2-28-15

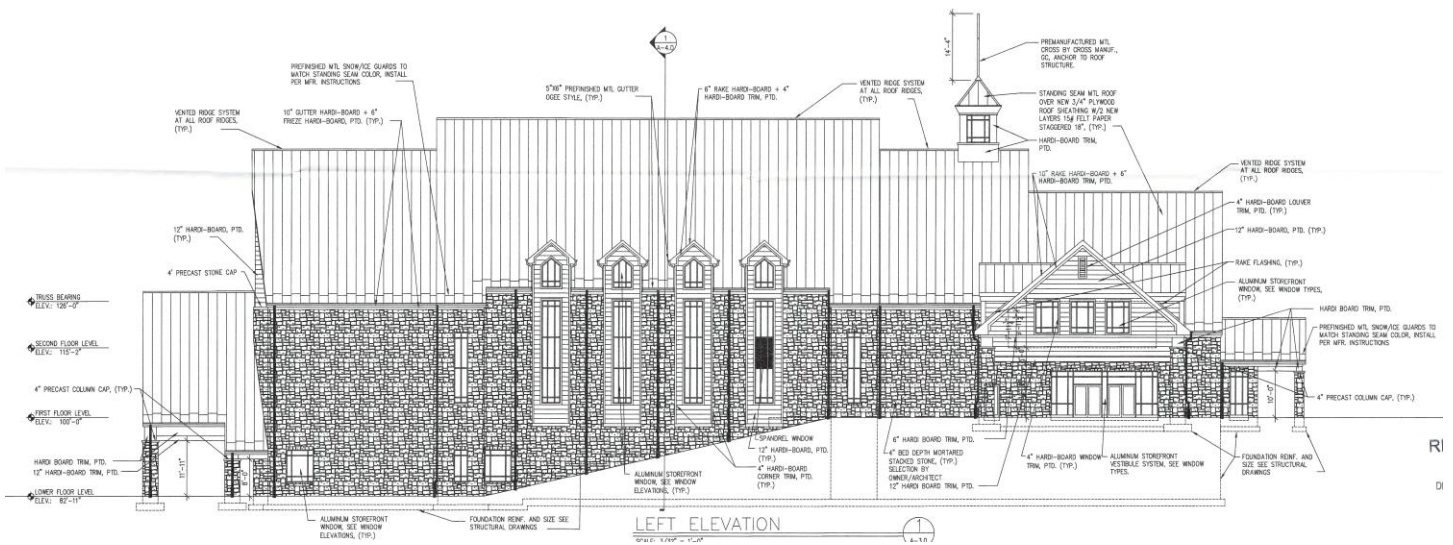
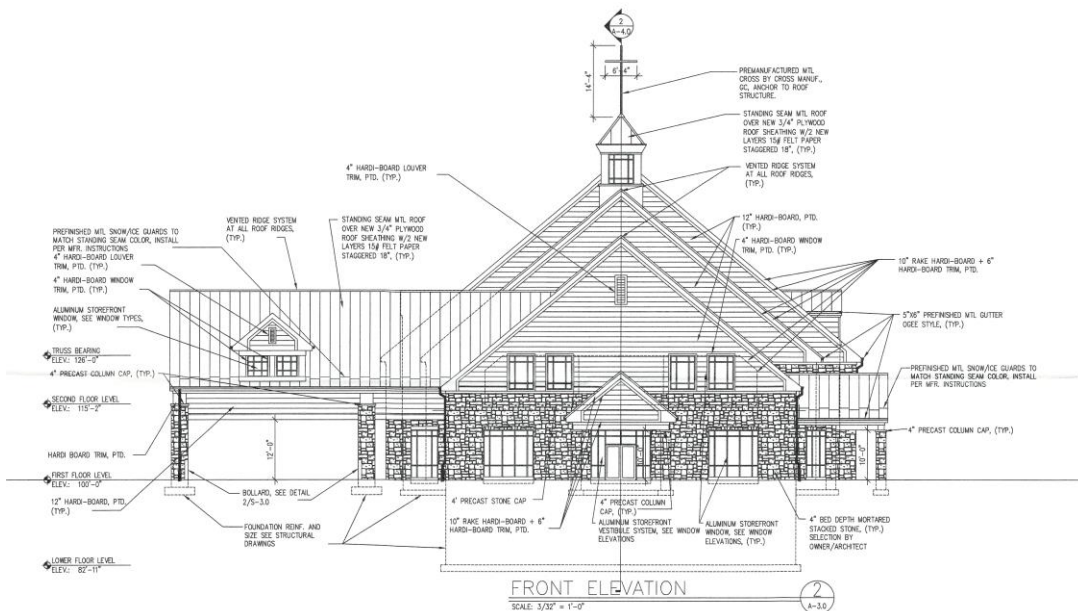


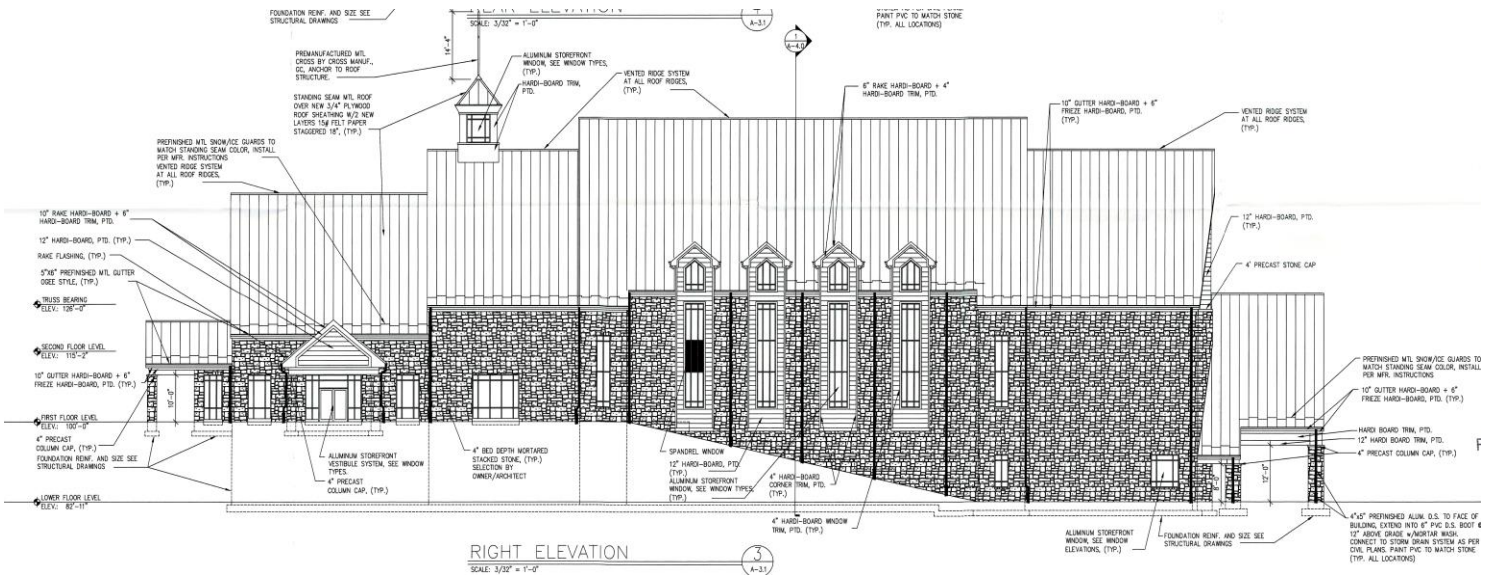
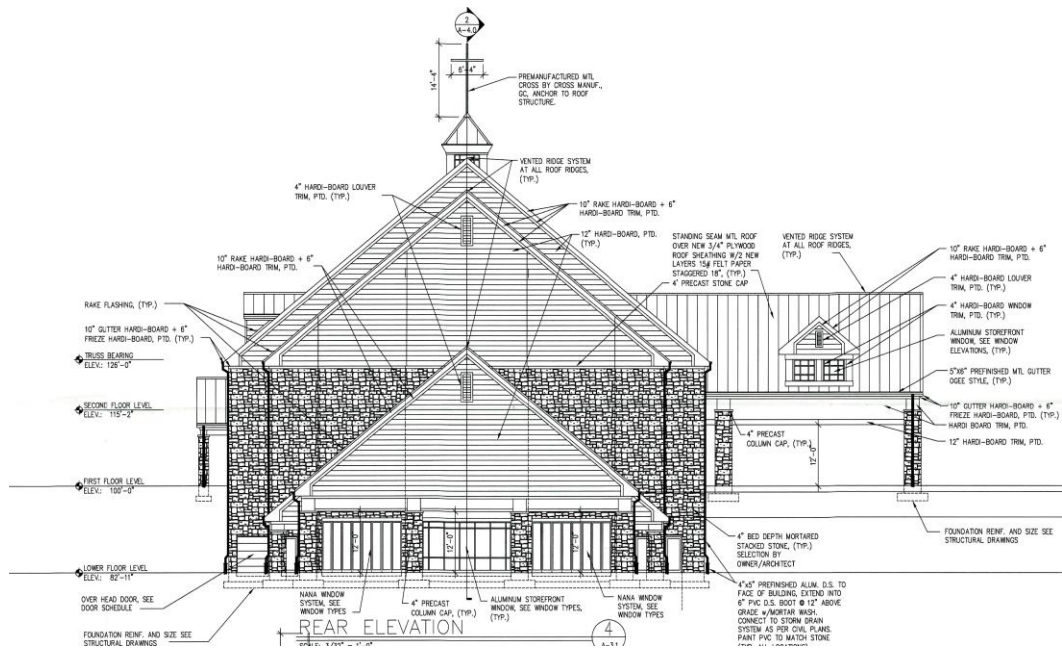
SOUTHEAST CHRISTIAN CHURCH
IN THE WOODS
 WATTERSON TRAIL, LOUISVILLE
 JANUARY 13, 2015



DESIGN SERVICES

RECEIVED
 ACCEPTED
 PROPERTY OF
 WORKS. USE OF THE
 IT ONLY BE DONE BY
 MISSION FROM





**1530 East Washington St.
Louisville, Kentucky 40206
502-582-1714 - Ph
502-584-6427 - Fax**

CUSTOMER
Southwest Christian Church

LOCATION
TBD

SALESMAN
Bob Rueff

DATE
8-25-14

SCALE
1/2" = 1'

FILE NAME
Southwest Christian Church/Monument

UNDERSTANDERS
LIMITED
ELECTRIC SIGN
CORPORATION

THIS IS A SERVICE NOT A WARRANTY. ANY PHOTO OVERLAYS OR IMAGES ARE FOR INFORMATION ONLY AND NOT TO BE USED AS A BASIS FOR ANY CONTRACT. THE SIGNS AS SHOWN ARE TO BE INSTALLED TO SHOW THEY MAY APPEAR INSTALLED. MECHANICAL BREAKDOWN.

ALBERTSONS, INC. (2010) PHOTOGRAPHY IMAGES

THE CONTRACTOR HAS DRAWING AND ALL DESIGN ELEMENTS IN THE PROPERTY OF UNDERSTANDERS. THEY ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT WRITTEN PERMISSION FROM THE OWNER OF UNDERSTANDERS. ALL RIGHTS RESERVED.

DESIGNED BY G. PLIMPTON

D/F Internally Illuminated Monument Sign with Aluminum or Steel Internal Structure. Colors as per Customer Specs.

White Acrylic Cross Internally lit w/LED. Glows White at Night.

Routed Transblack Acrylic Letters Internally lit w/LED. Appears Black In Daylight, Glows White at Night.

As Appears in Daylight

As Appears at Night

APPROVED

JUL 27 2015
PLANNING & DESIGN SERVICES



Revised
7/27/15

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JUL 27 2015
PLANNING &
DESIGN SERVICES

Variance Justification Attachment
(To Exceed the 80’ Maximum Building Setback)
Southeast Christian Church Chapel in the Woods

The subject site is zoned R4 and is located in the neighborhood form district.

The site is also the convergence of three separate drainage systems. This convergence divides the property into several smaller areas. These smaller areas are then further reduced by the floodplain.

The proposed Church building is located on the only reasonably large portion of the property that is not in either the floodplain.

Given the unique plan for this facility and the distance to adjoining properties the development should not affect the public health safety and welfare, alter the character of the general vicinity or cause a hazard or public nuisance.

Granting this variance will not allow an unreasonable circumvention of the regulations since the applicant is taking steps to minimize the impact of the development by complying with the Landscape and Tree Canopy section of the Land Development Code, and is following the appropriate procedures to request variances for the protected waterway buffers and the maximum building 80’ setback.

For the reasons stated above the reasons for the requested variance are not typical to the area and are in fact unique to the area. Strict application of the regulations would deprive the applicant the opportunity to develop this property. And while the applicant is proposing new construction the existing situation dictates the building location is and the applicant has no control of that.

15VARIANCE1029

Engineering • Planning • Surveying • Consulting
108 Daventry Lane, Suite 300 Louisville, Kentucky 40223 (502) 327-7073 fax (502) 327-7066



Variance Justification Attachment
(To Exceed the 30' Maximum Building Height)
Southeast Christian Church Chapel in the Woods

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The subject site is zoned R4 and is located in the neighborhood form district.

The site is also the convergence of three separate drainage systems. This convergence divides the property into several smaller areas. These smaller areas are then further reduced by the floodplain.

The proposed Church building is located on the only reasonably large portion of the property that is not in either the floodplain. The request is to allow the proposed church building to have a maximum height of 64 feet, as measured per the methods described in the Land Development Code.

Given the unique plan for this facility and the distance to adjoining properties the development, and the amount of trees proposed to remain, this development should not affect the public health safety and welfare.

Further, considering the elevated roadway nearby of Interstate 64, the existing Southeast Christian Church across Watterson Trail, and the rolling nearby terrain and varying building heights of the area granting this request will not allow alter the character of the general vicinity or cause a hazard or public nuisance.

Granting this variance will not allow an unreasonable circumvention of the regulations since the applicant is taking steps to minimize the impact of the development by complying with the Landscape and Tree Canopy section of the Land Development Code, and is following the appropriate procedures to request variance to exceed the maximum building height.

For the reasons stated above the reasons for the requested variance are not typical to the area and are in fact unique to the area. Strict application of the regulations would deprive the applicant the opportunity to develop this property for the proposed use.

While the applicant is proposing new construction the proposed use and related uses to some degree dictate the configuration and height. Tall ceilings and second levels are typical to modern day churches.

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E n g i n e e r i n g • P l a n n i n g • S u r v e y i n g • C o n s u l t i n g
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Waiver Justification Attachment

(To omit the requirement to have the building's entrance face abutting Streets)

Southeast Christian Church Chapel in the Woods

The subject site is zoned R4 and is located in the neighborhood form district.

The site is also the convergence of three separate drainage systems. This convergence divides the property into several smaller areas. These smaller areas are then further reduced by the floodplain.

The proposed Church building is located on the only reasonably large portion of the property that is not in either the floodplain.

Given the unique plan for this facility and the existing topography is not feasible to meet this requirement. The front of the building is generally facing Watterson Trail. However it is also approximately 436 feet from that roadway. Granting this waiver should not affect the public health safety and welfare, alter the character of the general vicinity or cause a hazard or public nuisance.

Granting this waiver will not allow an unreasonable circumvention of the regulations or the comprehensive plan since the as stated above the site constraints provide very little opportunity to move the proposed building and clearly cannot comply.

As stated above the reasons for the requested waiver is not typical to the area and is in fact unique to the area. Strict application of the regulations would deprive the applicant the opportunity to develop this property. And while the applicant is proposing new construction the existing situation dictates the building location is and the applicant has no control of that.

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108 Daventry Lane, Suite 300 Louisville, Kentucky 40223 (502) 327-7073 fax (502) 327-7066

15VARIANCE1029



Waiver Justification Attachment

(To omit the requirement to provide pedestrian and vehicular connections to adjoin properties)

Southeast Christian Church Chapel in the Woods

RECEIVED

JUL 27 2015

PLANNING &
DESIGN SERVICES

The subject site is zoned R4 and is located in the neighborhood form district

The site is also the convergence of three separate drainage systems. This convergence divides the property into several smaller areas. These smaller areas are then further reduced by the floodplain.

The proposed Church building is located on the only reasonably large portion of the property that is not in either the floodplain.

Given the unique plan for this facility and the existing topography providing connections to adjoining properties could be expensive and not provide benefit to the general public. Granting this waiver should not affect the public health safety and welfare, alter the character of the general vicinity or cause a hazard or public nuisance.

Granting this waiver will not allow an unreasonable circumvention of the regulations since the as stated above the site constraints make providing these connections will be expensive and provide little public benefit, if any.

For the reasons stated above the reasons for the requested waiver is not typical to the area and is in fact unique to the area. Strict application of the regulations would deprive the applicant the opportunity to develop this property. And while the applicant is proposing new construction the existing situation dictates the building location is and the applicant has no control of that. Providing the required pedestrian and vehicular connections to adjoining properties offers little public benefit and substantial cost to the applicant.

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Attachment 7- Site Photographs



View from Watterson Trail looking northwest from Southeast Christian Church Entrance 5



View from Watterson Trail looking west from Southeast Christian Church Entrance 5



View from Watterson Trail looking west from Southeast Christian Church Entrance 5



View from Watterson Trail looking southwest from Southeast Christian Church Entrance 5 toward Moser Road intersection



Proposed site entrance to align with Southeast Christian Entrance 5



Looking north along Watterson Trail from proposed site entrance



Looking south along Watterson Trail from proposed site entrance



Looking south along Moser Road/ Location of proposed entrance



Looking north along Moser Road/ Proposed entrance



View from Moser Road looking southeast into site



View from Moser Road looking east into site



View from Moser Road looking east into site



View from Moser Road looking northeast into site



View from Moser Road looking northeast into site



View from Moser Road looking southeast into site