

Board of Zoning Adjustment Staff Report

April 21, 2014



Case No:	14Variance1026
Project Name:	Christ Church United Methodist Parking Lot Expansion
Location:	4614 & 4610 Brownsboro Road
Owner(s):	Christ Church United Methodist
Applicant:	Christ Church United Methodist
Representative:	John Campbell, Heritage Engineering
Project Area/Size:	12.5 acres
Jurisdiction:	Windy Hills
Council District:	7 – Ken Fleming
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

- Three variances from the Land Development Code, Section 5.3.1.C.5 (Table 5.3.2), to allow proposed parking and maneuvering in the required 50' setback adjacent to residential properties.

Variance

Locations	Requirement	Request	Variance
West perimeter	50 feet	19 feet	31 feet
South perimeter	50 feet	37 feet	13 feet
East perimeter	50 feet	25 feet	25 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property is the current location of Christ Church United Methodist. Several existing parking lots surround the large 2 to 3 story building which faces Brownsboro Road. A Category 2B Development Plan was submitted March 10, 2014 for approval to construct additional parking. The owner is proposing to expand parking in two locations on the property for a total of 101 new spaces. Thirty-six (36) spaces are proposed near the primary entrance off of Brownsboro Road adjacent to the existing access drive located along the western perimeter. Sixty-five (65) spaces with additional maneuvering area are proposed along the eastern and southern perimeters at the rear of the property. Both parking expansion areas are adjacent to existing single family residential homes. Both proposed parking expansion areas are encroaching into the required 50' setbacks from 31 to 13 feet. Along all the property perimeters, either a 15 or 20 foot landscape buffer area (LBA) is required containing a six (6) foot screen and additional planting of large or medium trees.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 (Residential Single Family) in the Neighborhood Form District (NFD). It is surrounded by residential property zoned R-4 (Residential Single family) and R-6 (Multi-family) in the Neighborhood Form District.

	Land Use	Zoning	Form District
Subject Property			
Existing	Church and Parking	R-4	NFD
Proposed	Church and Parking	R-4	NFD
Surrounding Properties			
North	Single-family residential across Brownsboro Road	R-4	NFD
South	Multi-family residential	R-6	NFD
East	Single-family residential	R-4	NFD
West	Single-family residential	R-4	NFD

PREVIOUS CASES ON SITE

B-117-05W	Variance to allow a building to exceed the max. ht, Approved for 45 feet.	Approved 08/01/05
	Waiver to reduce the landscape buffer area along Brownsboro Road.	Denied 08/01/05
	Variance to allow 36 parking spaces to be located 17' from Brownsboro Road.	Denied 08/01/05
	Waiver to allow the 6 existing off street parking spaces to be located in the LBA along the south side property line.	Approved 08/01/05
	Waiver to allow the existing maneuvering area in LBA along north property line.	Approved 08/01/05
	Category 3 Development Plan for building expansion and parking.	Denied 08/01/05
B-117-05W	Rescission of Variance and Waiver denial from 08/01/05 hearing and Approval of the Category 3 Development Plan.	Approved 08/15/05
B-239-06	CUP to allow an institutional use to exceed the maximum footprint in a R4 zone and a Variance to allow the building to be 50 feet in height. A revised plan is required to be approved if the judge rules to allow the 36 parking spaces to be constructed which were removed.	Approved 02/19/07
L-86-06	Landscape Plan	Approved 06/06
9135	Landscape and Tree Preservation Plan	Approved 07/07
9302	Revised Landscape Plan	Approved 07/07
9719	Demolition of a historic structure	Approved 01/08
11741	CUP for off street parking	Approved 09/08
12344	Modification of the CUP with waiver of the screen, and variance to exceed the maximum scale.	Approved 02/09
14639	Category 3 development plan to construct a 2 story parking garage and a Modification to the CUP	Approved 06/11

CURRENT CASES ON SITE

Case #2-9-14	Category 2B Development Plan for expansion of the existing parking.	Pending
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INTERESTED PARTY COMMENTS

None.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020 – See checklist attached
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

Rear proposed parking

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the proposed parking appears to be located at a distance from the property lines which will allow additional screening and tree planting to be provided. However, the existing vegetation should be preserved to screen headlights and reduce noise. Plus additional new plantings should be added to supplement and enhance the buffer.

- (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 if the existing vegetation around the rear parking lot is preserved and supplemented with new plantings to enhance the screening. Plus additional new planting be added between the 36 parking spaces and the existing residential properties in the front parking area. The additional plantings will reduce the noise and headlight glare.

- (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 if the parking lot is limited to use only during church functions and the existing and new vegetation is maintained.

- (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 because the constructed parking and maneuvering area will be located a minimum of 25 feet from the property lines in the rear and 19 feet from the side property line in the front. Allowing sufficient area for screening and additional planting to be provided to screen and buffer the impact of the parking and maneuvering areas.

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 location of parking in residential zoned and used property creates special circumstances and requires additional buffering to reduce the impact of the headlight glare, and noise.

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 create an unnecessary hardship on the applicant because the applicant's additional parking would need to be located out of the 50 feet setback or eliminated.

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 owner is responsible for the placement of the parking and maneuvering area.

TECHNICAL REVIEW

The following items will need to be corrected or provided:

1. Documentation provided concerning the ability to construct the proposed 36 parking spaces which were removed as a result of a court decision.
2. The site plan will need to be corrected to show the required 50' setbacks along all property perimeters adjacent to the residential property.
3. Dimensions added to show the variance encroachments on the plan.

STAFF CONCLUSIONS

The variance to allow the proposed parking and maneuvering areas to encroach into the required 50' setbacks meets the applicable guidelines of the Comprehensive Plan if the following **conditions** are met:

1. The existing vegetation is preserved along the rear and side perimeter adjacent to the proposed 65 parking spaces and maneuvering area;
2. Additional new planting is added to supplement the existing vegetation adjacent to the 65 parking spaces and maneuvering area;
3. New plantings and screening are added between the proposed 36 parking spaces and the adjacent residential properties;
4. The technical review items list above are addressed; and
5. Documentation is provided concerning the ability to construct the 36 parking spaces which were removed as a result of a court decision.

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 standard for granting a variance as established in the Land Development Code.

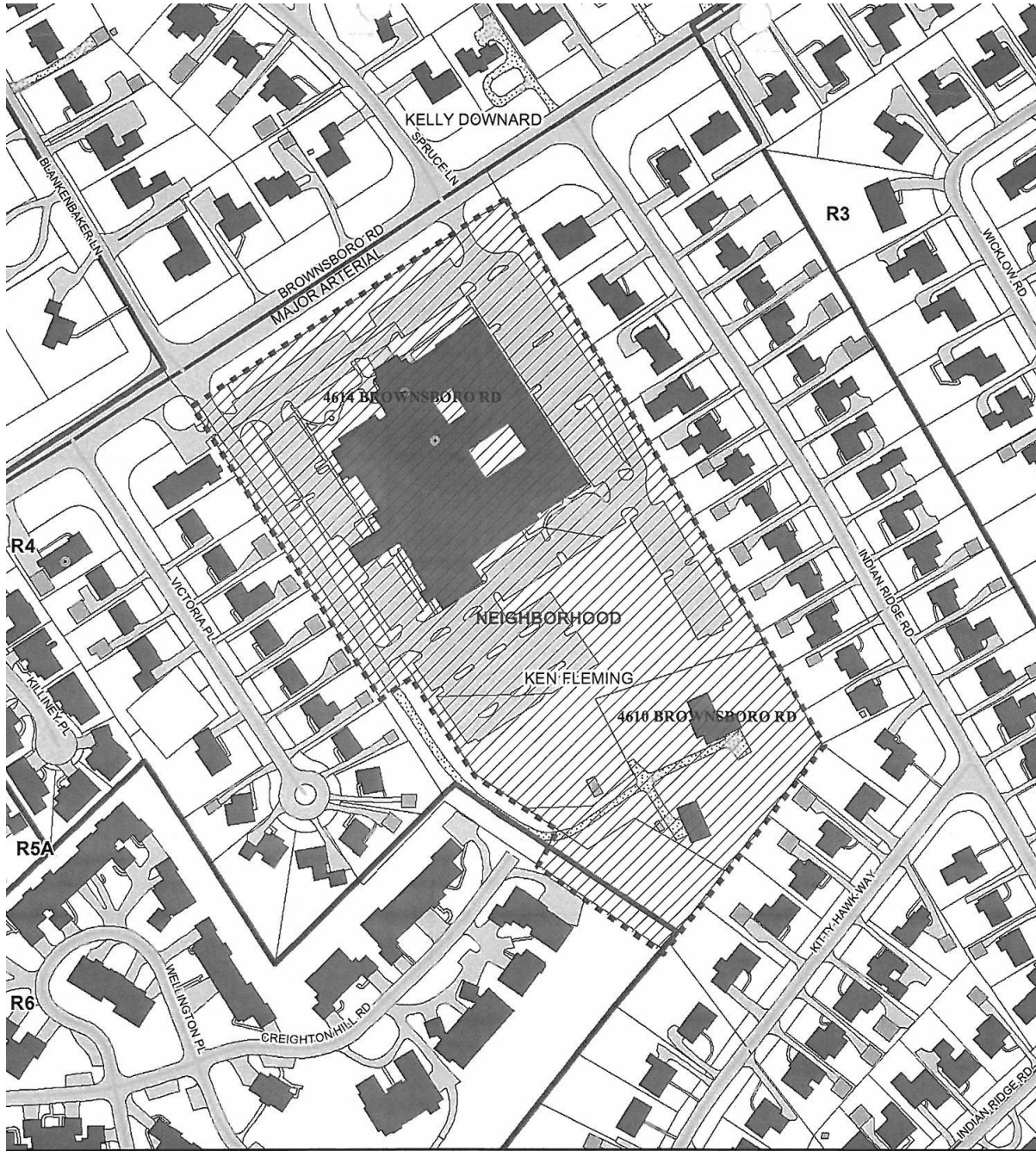
NOTIFICATION

Date	Purpose of Notice	Recipients
4/04/2014	BOZA Hearing	1 st tier adjoining property owners Neighborhood notification recipients
4/04/2014	Sign Posting	Subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Cornerstone 2020 Staff Checklist
5. Applicant's Justification Statement

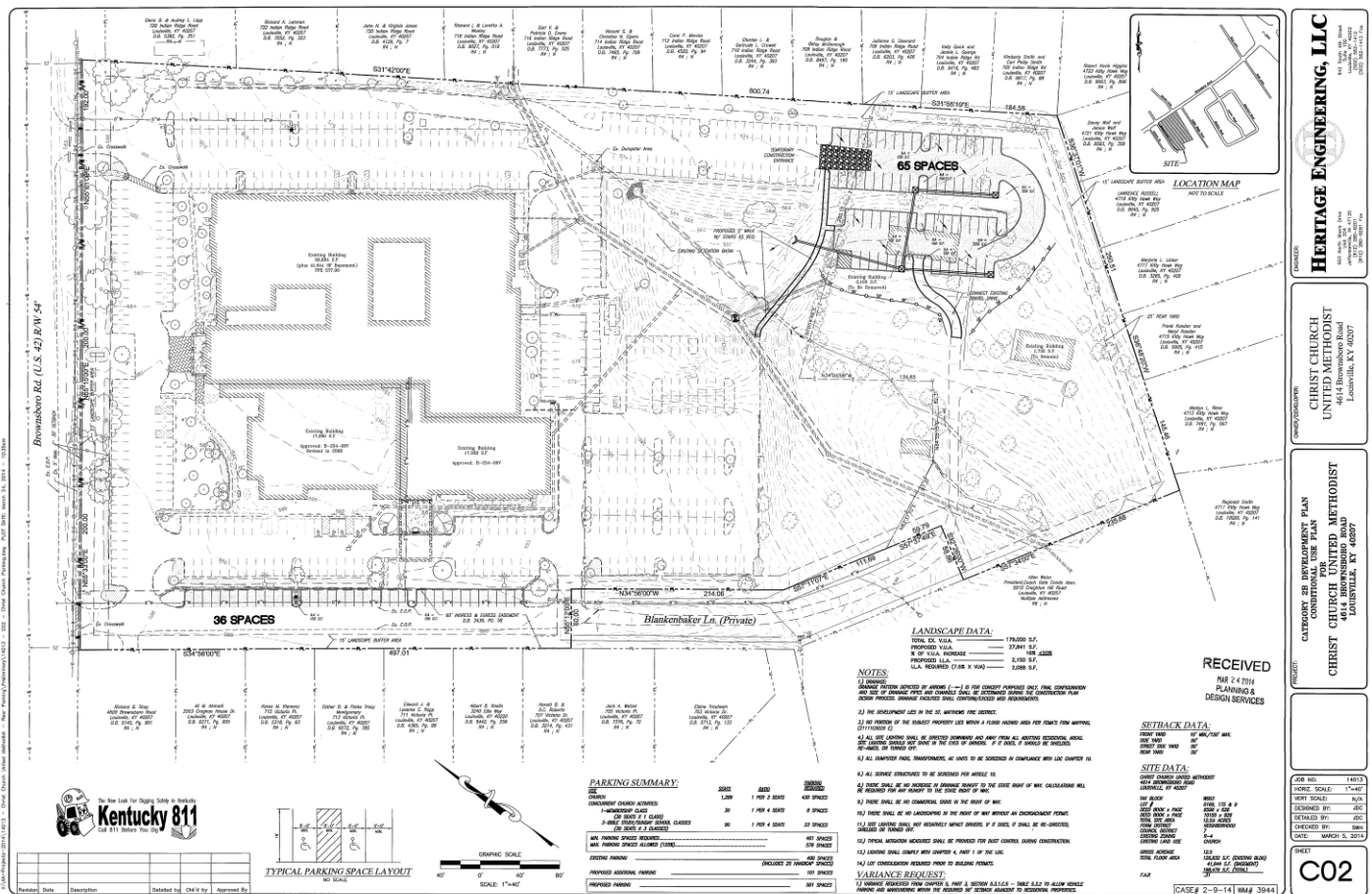
1. Zoning Map



2. Aerial Photo



3.



4.

Cornerstone 2020 Comprehensive Plan Checklist

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Finding	Comments
13	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	+/-	The parking area near Brownsboro Road is not located and screened to avoid a negative impact upon motorists, residents and pedestrians. The parking is located adjacent to the abutting residential with no screening shown. However, the rear parking is located adjacent to an existing vegetation screen, but it is not clear if the existing vegetation will be preserved.
14	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	+/-	No screening is shown on the plan, therefore it cannot be determined if it is being provided.

Key: +/- more information is needed

5. **Applicant's Justification Statement**

HERITAGE ENGINEERING, LLC

March 18, 2014

Yvonne Hall
Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

Re: Variance / Category 2B – Letter of Explanation

Dear Yvonne:

On behalf of the Christ Church United Methodist we are submitting the attached Variance Request / Category 2B Development Plan for a proposed parking lot expansion located at 4614 Brownsboro Road.

Improvements to the site include construction of 101 total parking spaces in two separate parking areas. The 36 spaces proposed near the primary entrance into the Church is in an area that previously contained existing spaces that were removed as part of a separate project at the church. The 65 spaces proposed at the rear of the property will replace an existing vacant home. Landscape screening will be included as required by code. The project will include construction of a 5-ft walk from the rear 65 spaces to the primary parking area for a connection to the building.

Construction of the parking areas are subject to a variance from Chapter 5, Part 3, Section 5.3.1.C.5 – Table 5.3.2 to allow vehicle parking and maneuvering within the requirement 50' setback adjacent to residential properties along the west, south and east property line. Approval of the variance will allow the parking areas to encroach into the setback areas while maintaining or exceeding the minimum landscape buffer areas required. Landscape planting requirements will be provided to comply with code.

Justification for the requested variance:

- The requested variance will not adversely affect the public health, safety or welfare because granting of the variance will allow for church members within the community to park onsite. The location of the proposed parking encroachment will maintain the existing vegetation plantings along the common property line of the adjoining residential properties.
- The variance requested will not alter the essential character of the general vicinity because the expanded parking areas are located 1) in a location that previously had parking and 2) in a location with established vegetation plantings along the common property line of the existing residential properties

642 S. 4TH STREET, SUITE 100
LOUISVILLE, KENTUCKY 40202
PHONE: 502-562-1412 FAX: 502-562-1413

RECEIVED
MAR 24 2014
PLANNING &
DESIGN SERVICES

603 N. SHORE DR., UNIT 204
JEFFERSONVILLE, INDIANA 47130
PHONE: 812-280-8201 FAX: 812-280-8281

14-VARIANCE 1026

HERITAGE ENGINEERING, LLC

- Granting of the variance will not cause a hazard or a nuisance to the public because the expanded parking areas will have limited use only during church functions and parking areas are located beyond the Landscape Buffer Areas.
- The development as proposed with the requested variance will not allow for an unreasonable circumvention of the zoning regulations because all building structures onsite will maintain the setback requirements and the expanded parking will comply with setbacks of landscape buffer areas and planting requirements.

In addition to the justification as defined, please also take into consideration:

- The subject property is impacted by special circumstances because all church uses are considered the same in the Land Development Code as a more intense commercial use adjoining residential uses.
- Strict application of the provisions would limit the reuse because the setback doesn't add to the landscape buffer or planting requirements, resulting in a more compact and intense parking area with less interior landscape areas.
- The proposed development of the property and need for the variance is not a result of actions taken by the applicant as the proposed parking is being provided to serve the growth of church membership within the community.

Thank you for your consideration; please advise us immediately if additional information is needed.

Sincerely,

John D. Campbell

Encl. Variance Application
Development Plan

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