

Board of Zoning Adjustment Staff Report

October 17, 2016



Case No:	16VARIANCE1066
Request:	To allow a proposed bank cupola with a cupola and portion of the main building (parapet) to exceed the maximum height allowed by St. Matthews Development Code.
Project Name:	3901 and 3919 Shelbyville Road
Location:	3901 and 3919 Shelbyville Road
Area:	.6485 acres
Owner:	William M. Gross – Gross Real Estate LLC. AND Peter M. Hammer
Applicant:	Phil Riney – Independence Bank
Representative:	Kathy Linares – Mindel Scott and Associates Inc.
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

REQUEST

- **Variance #1:** from the Development Code (Dec. 2003) Article 6 section 6.3.C.3 to allow the parapet wall of the main building to exceed the maximum height of 35 feet as defined for a C-1 zoned property in the City of St. Matthews.

Location	Requirement	Request	Variance
Height of main building (parapet or Brustwehr)	35 feet	51 feet	16 feet

- **Variance #2:** from the Development Code (Dec. 2003) Article 6 section 6.3.C.3 to allow the hip roof below the clock tower to exceed the maximum height of 35 feet as defined for a C-1 zoned property in the City of St. Matthews.

Location	Requirement	Request	Variance
Height of main hip roof below the Clock Tower	35 feet	47 feet 2 inches	12 feet 2 inches

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a new bank on three C-1 zoned parcels located at the intersections of Breckenridge Lane/Chenoweth Lane/Westport Road/Shelbyville Road within the City of St. Matthews. The proposed structure has a colonial revival style with a parapet wall which exceeds the height requirements as found in the St. Matthews Development Code. The clock tower also exceeds the height requirement but only

for that portion below the excluded ornamental tower (clock tower/cupola) per Development Code Article 9 section 9.3.A, height exceptions. The subject site contains three parcels that will be consolidated into one parcel.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial	C-1	Town Center
Proposed	Commercial	C-1	Town Center
Surrounding Properties			
North	Commercial	C-1	Town Center
South	Commercial	C-1	Town Center
East	Commercial	C-1	Town Center
West	Commercial	C-1	Town Center

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

Comments were received from two concerned citizens. The first comment/s were received on Sept. 13, 2016 at 9:22am via e-mail and stated that the proposed Independence Bank be complimentary to the City of St. Matthews and are in favor of new business/es in the City of St. Matthews. Five issues were raised as follows:

- 1.) Demolition of St. Matthews Hardware (sense of place) and it's replacement is a parking lot for the proposed bank
- 2.) Removal of "The Tree" a tree located adjacent to the Hardware store (sense of place)
- 3.) Management of parking in this block, citizen states surface parking minimums are insufficient
- 4.) Issues are raised concerning the architecture of the proposed structure, comparing it to the Eclipse Bank across the street, and further states that the clock tower in another location within Kentucky "glows an eerie blue at nighttime".
- 5.) Surface parking lots located at nearby sites have "blighted" the signature intersection within the City of St. Matthews.

The second comment/s were received on Sept. 15, 2016 at 9:18am via e-mail and the citizen opposes the zoning variance. The reasoning for the opposition are as follows:

- 1.) Banks no longer provide good paying jobs and individuals employed by the bank cannot afford to live in the St. Matthews area.
- 2.) There are many existing banks in the area: BB&T, Stock Yards Bank & Trust, US Bank, Republic Bank, PNC Bank, Eclipse Bank, Chase Bank, and Wilson and Muir Bank & Trust (all located within one mile of the proposed location). The services provided are rendered in the area.
- 3.) Negative impact of the appearance of the area, zoning rules are in place as a benefit to the public.

APPLICABLE PLANS AND POLICIES

Land Development Code (July 2016)

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #1:
Parapet Wall**

- (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 the height of the proposed parapet wall on the structure is within the subject site parcel but is estimated to be taller than other structures in the general vicinity. Eclipse Bank does have a half crescent dome, located on the front of the building along Shelbyville Rd., on their structure which is estimated to be of similar height.

- (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 proposed structure has a parapet wall which exceeds the height of the ornamental tower (excluded for the height requirement in the Development Code). The parapet wall as a main portion of proposed building is approximately 51 feet tall and exceeds that portion of the ornamental tower which is generally on other structures within the vicinity. The brick façade of the proposed structure is not out of place for the area but the parapet is at a greater height than other parapets found in the general vicinity.

- (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 proposed structure is within the confines of the subject parcel/site and would meet all other applicable Development Code regulations for height.

- (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 since other parapet walls are found in the general vicinity most notably on St. Matthews Station however; the height of the parapet wall on the applicant's structure is greater than those found in the surrounding 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 not arise from special circumstances which generally apply to land in the general vicinity or the same zone since the parapets exist within the general vicinity but are not found at the height as proposed by the applicant.

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 the reasonable use of the land since the height of the parapet wall is incidental to the overall design of the structure, Colonial Revival, which is unique to the immediate vicinity.

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 since the applicant is requesting the height variance prior to any proposed construction on the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2: up to and including the hip roof found below the Clock Tower/Cupola.

- (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 the height of the proposed portion of the in clock tower with the exception of Article 9 section 9.3.A, for ornamental towers, excludes approximately 45 feet of the cupola on the parcel but is estimated to be taller than other structures in the general vicinity. Eclipse Bank does have a half crescent dome, located on the front of the building along Shelbyville Rd., on their structure which is estimated to be of similar height.

- (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 proposed structure has a portion of the clock tower, above the hip roof but below the clock and cupola, at an approximate height of 47 feet 2 inches, which exceeds the height requirement for the C-1 zoning district (height exception from Article 9 section 9.3.A for ornamental towers). The clock tower and cupola would be unique to the area but the height may be equal or slightly greater than the dome structure found on the top of the Eclipse Bank located parallel to Shelbyville Rd. The general vicinity contains various building styles and designs including a carwash and auto repair to the northwest, a small green space, Railroad tracks, and a small retail center to the north, PNC Bank and restaurant/s to the south.

- (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 proposed structure is within the confines of the subject parcel/site and is an aesthetic (height) issue.

- (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 since the general vicinity has varying building styles, designs, and heights. The clock tower and cupola, both a portion of an ornamental tower, are excluded from the height as found in Development Code Article 9, section 9.3.A, requiring that the measurement be assessed as the top of the hip roof as found below the clock tower at approximately 47 feet 2 inches.

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 which generally apply to land in the general vicinity or the same zone since the parapets exist within the general vicinity but are not found at the height as proposed by the applicant.

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 the reasonable use of the land since the height of the clock tower/cupola (portion of the tower found below the clock) is incidental to the overall design of the structure, Colonial Revival, which is unique to the area.

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 since the applicant is requesting the height variance/s prior to any proposed construction on the subject site.

TECHNICAL REVIEW

- None

STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. 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 of review for granting a variance as established in the Development Code (Dec. 2003) for recommendation to the City of St. Matthews from Article 6 section 6.3.C.3 to allow the parapet wall, a portion of the main building, to exceed the maximum height of 35 feet as defined for a C-1 zoned property in the City of St. Matthews.

NOTIFICATION

Date	Purpose of Notice	Recipients
Sept. 30, 2016	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 9 Notification of Development Proposals
Sept. 30, 2016	Sign Posting for BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



