

Board of Zoning Adjustment Staff Report

July 10, 2017



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|--------------------------|---|
| Case No: | 17DEVPLAN1100 |
| Request: | Variance to allow a rear addition to encroach 1.7 feet into the required five foot setback. |
| Project Name: | St. John Center |
| Location: | 700 East Muhammad Ali Blvd. |
| Area: | .25720 acres or 11,203.63 s.f. |
| Zoning: | OR-2 |
| Form District: | Traditional Neighborhood |
| Owner: | Maria Price – St. John Center Inc. |
| Applicant: | Maria Price – St. John Center Inc. |
| Representative: | Ashley Bartley – Qk4 |
| Jurisdiction: | Louisville Metro |
| Council District: | 4 – Barbara Sexton Smith |
| Case Manager: | Ross Allen, Planner I |

REQUEST

- **Variance:** from the Land Development Code section 5.2.2.C.2, table 5.2.2 to allow a proposed rear addition to encroach 3.3 feet into the required five foot rear yard setback.

| Location | Requirement | Request | Variance |
|-------------------|-------------|---------|----------|
| Rear Yard Setback | 5 ft. | 3.3 ft. | 1.7 ft. |

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 1,800 s.f. addition onto the rear of the existing St. John's Community Center with a gross floor area of 2,690 s.f. The addition would be flush with the existing structure which currently has a rear setback of five feet along the alley to the rear of the subject site and has a 3 foot street side yard required setback along Clay Street. The alley to the rear is approximately 17 feet in paved width and has a 24 foot wide right of way width. The subject site was originally an old church, St. John's, which was built by German Immigrants in the 1850's. The structure is currently used to provide services to homeless men and has since 1986. The facility is open 365 days a year and helps to provide assistance for clients such as finding housing, health care, legal aide, and to simply allow homeless men to get off the street providing a seat and cup of coffee. The center closes at 3:00pm so foods is not served nor are overnight stays permitted. The subject site is slightly larger than a quarter of an acre and the applicant would like to maximize their space/services by retrofitting the existing structure, requiring the rear yard setback variance. Case no. 17PARK1007, a parking reduction waiver, is associated with this case but was heard at the Planning Commission public hearing on July 6, 2017.

The subject site has frontage (north) along East Muhammad Ali Blvd., a street side yard (West) along Clay Street, a rear yard (South) along a 24 foot wide right of way, or approximately 17 foot wide paved alley, and a side yard (East) along an attached building called St. John's Garden, an

associated use to St. John's Community Center. The subject site has University of Louisville quasi parking/student housing to the west, the Clarksdale HOPEVI Revitalization (Liberty Green) to the north, the Phoenix Health Center to the East, and Phoenix Place Apartment Homes to the south.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|---|---------------|--------------------------|
| Subject Property | | | |
| Existing | Public and Semi-Public (Community Center) | OR-2 | Traditional Neighborhood |
| Proposed | Public and Semi-Public (Community Center) | OR-2 | Traditional Neighborhood |
| Surrounding Properties | | | |
| North | Multi-Family Residential | UN | Downtown |
| South | Multi-Family Residential | OR-2 | Traditional Neighborhood |
| East | Public and Semi-Public | OR-2 | Traditional Neighborhood |
| West | Industrial/Public and Semi-Public | OR-2 | Traditional Neighborhood |

PREVIOUS CASES ON SITE

17PARK1007: Parking waiver to allow the reduction in the on-street parking from 15 spaces, as determined by the planning director one space per employee, to 8 on street parking spaces, a reduction of 7 on-street parking spaces. To be heard at the Planning Commission public hearing on July 6, 2017, the Board of Zoning Adjustment will be informed of the approval or denial of the parking waiver at the public hearing on July 10, 2017.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code (May 2017)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 site distance from the alley in a vehicle is the only concern associated with the setback variance. Since, Clay Street has a setback that could be three feet (Street Side Yard Setback) and the current street side yard setback is 7.7 feet, site distance is actually better than code permits.

- (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 this area is a mix of residential and institutional with a variety of setback patterns. It is not uncommon that a structure takes up the entirety of a parcel. Furthermore, the Downtown Form District has a boundary line found along the centerline of East Muhammad Ali Blvd., the Downtown Form District encourages a zero foot setback or building to the street wall.

- (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 alley is approximately 17 feet wide, the site distance from the alley in a vehicle is the only concern associated with the setback variance. Since, Clay Street has a 3 foot street side yard setback requirement and the current setback is 7.7 feet, site distance is greater than the land development code permits.

- (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 internal space and circulation will not be able to meet the needs of the facility without the variance, a small office space less than 8 feet in width.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone since this building is a retrofit of an old church and functions as a 501©3 non-profit with help from volunteers and donations. Relocating to a leger parcel is not an option.

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 since retrofitting and adding onto a small parcel with no possibility for expansion of land creates the need to utilize as much of the land as possible for interior spaces.

3. 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.

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 current structure was built before zoning laws were implemented in Louisville Metro/Jefferson County, KY.

TECHNICAL REVIEW

The Phoenix Hill Neighborhood plan was reviewed, staff found that the proposal complies with Chapter 3: Land Use and Community Form, Policy/Programmatic: LU13, LU17, and LU25.

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 Land Development Code (May 2017) from section 5.2.2.C.2, table 5.2.2 to allow a proposed 1,800 s.f. rear addition to the existing building (Church/Community Center) to encroach 1.7 feet into the required five foot rear yard setback.

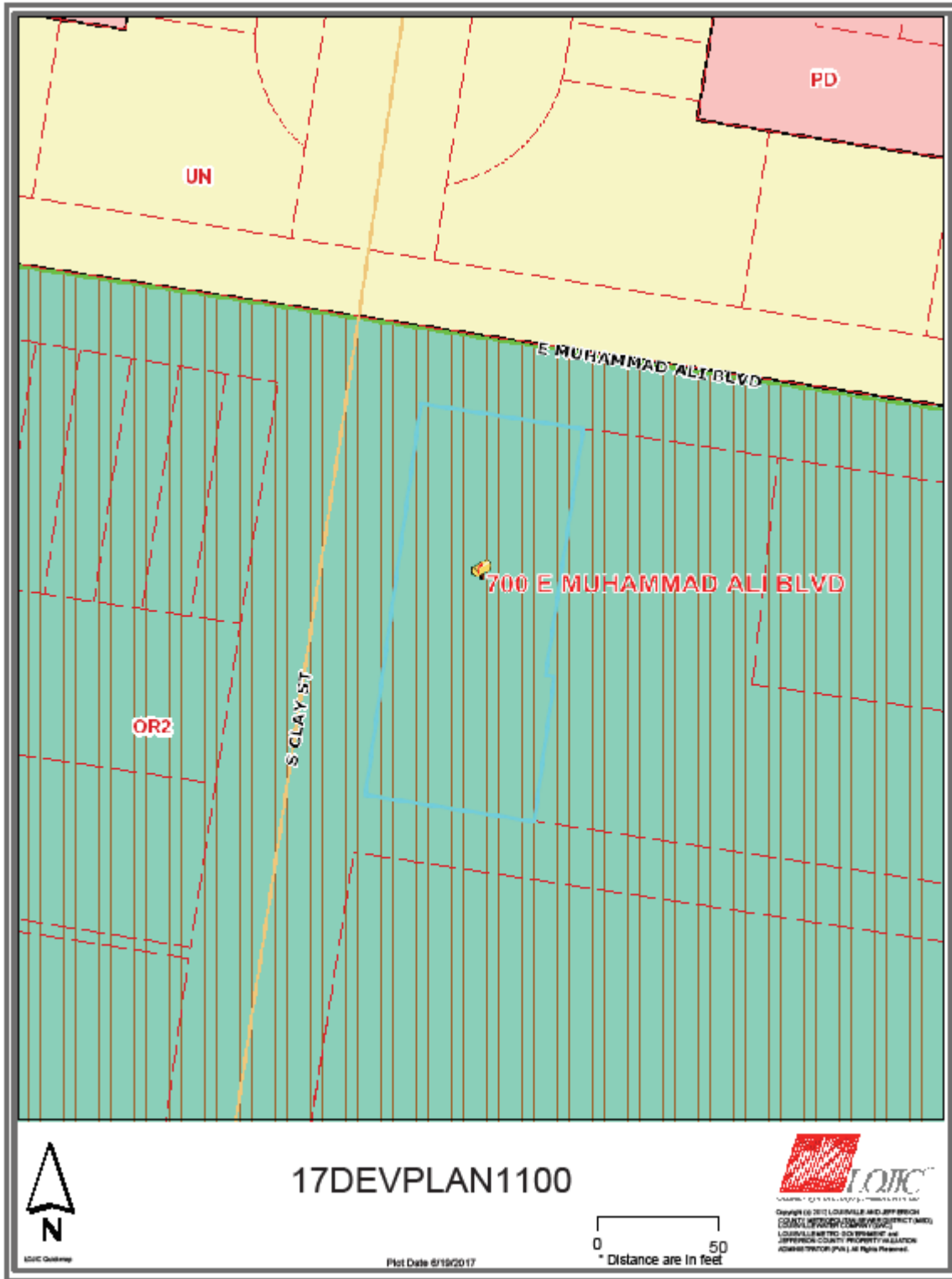
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------------|-----------------------|---|
| July 10, 2017 | Hearing before BOZA | 1 st tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals |
| June 23, 2017 | Sign Posting for BOZA | Sign Posting on property |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

