Board of Zoning Adjustment
Staff Report
March 2, 2015

Case No:	15VARIANCE1002
Project Name:	Communication Arts Center Addition
Location:	113 North Sherrin Avenue
Owner(s):	Trinity High School Foundation
Applicant(s):	Trinity High School Foundation
Representative(s):	Ann Richard
Project Area/Size:	900 square feet
Existing Zoning District:	C-2, Commercial
Existing Form District:	Town Center
Jurisdiction:	St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Jon E. Crumbie, Planner II

The case was continued from the February 16, 2015 docket due to the inclement weather.

REQUEST

- Variance from the Development Code to allow the proposed addition to encroach into the required rear yard.

Location	Requirement	Request	Variance
Rear Property Line	20’	0	20’

CASE SUMMARY

The applicant is proposing to build an addition onto the existing communications building. The addition will serve as a vestibule and will consist of 900 square feet and be 30 feet in height.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	School	C-2	TC
Proposed	School	C-2	TC
Surrounding Properties			
North	Parking	C-2	TC
South	Parking	C-2	TC
East	Residential	R-5	N
West	School	C-2	TC

SITE CONTEXT

The site is rectangular in shape and located on the east side of North Sherrin Avenue. The area is part of the Trinity High School campus. Parking is located to the north and south, residential to the east and school use to the west.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Development Code

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 because the proposed addition will be matching the current condition on 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 because the proposed addition will be compatible with the existing structure and match the existing building alignment.

(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 because the proposed addition will not affect adjacent residential properties to the east.

(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 there are similar encroachments of this type along the rear property line.

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 site was developed before the current regulations.

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 addition could not be built as shown and would need to be modified.

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 trying to conform to the existing conditions on site.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

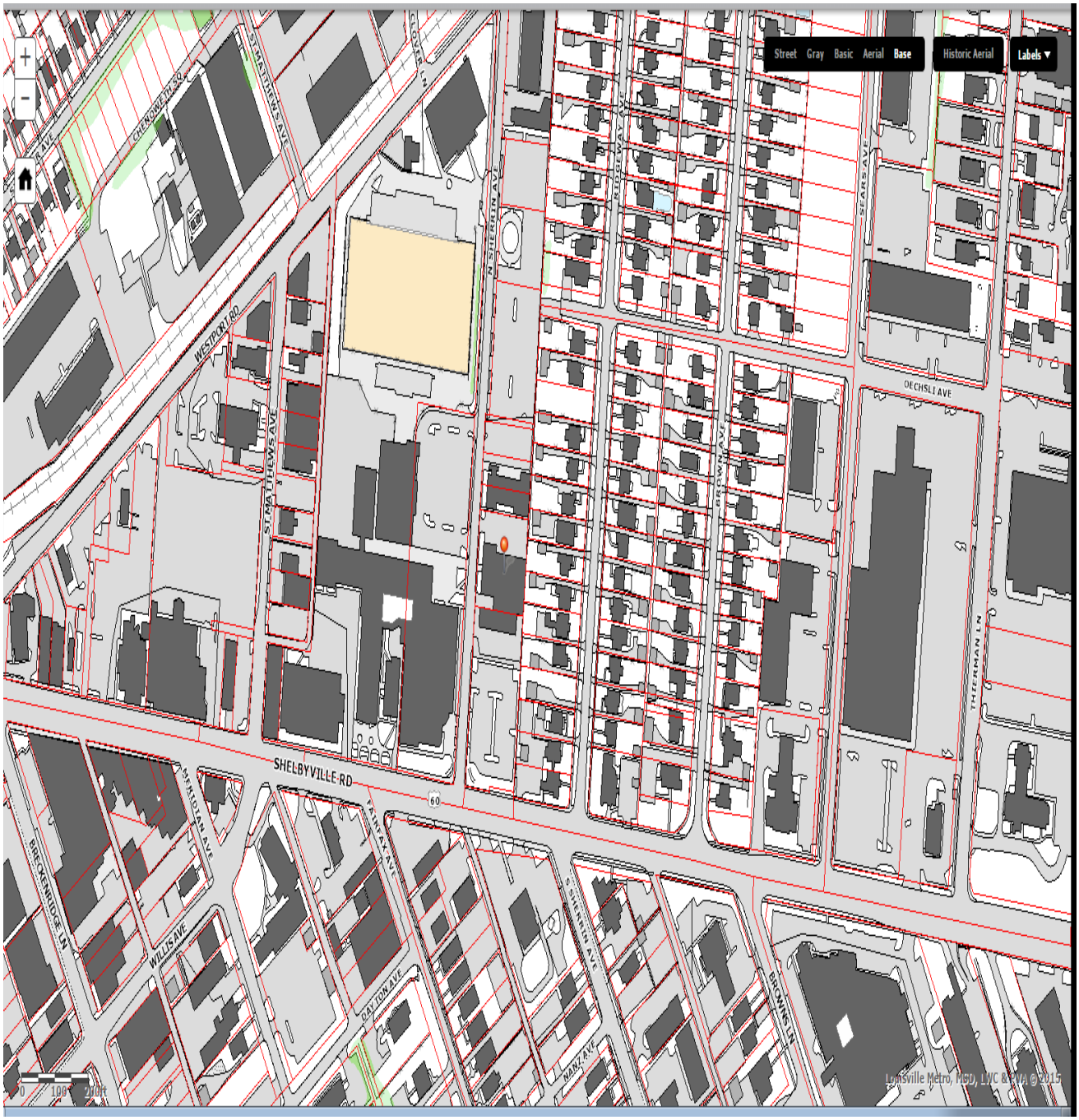
The new structure is an accessory use to the school and will be compatible with the school and surrounding residential neighborhood. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a variance established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
01/30/2015	APO Notice	First tier adjoining property owners Neighborhood notification recipients
01/30/2015	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph

3. Justification Statements

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Explain how the variance will not adversely affect the public health, safety or welfare.**

   The variance requested is the current condition on site. No change from the existing condition except for the building addition, which matches the existing building in placement within the rear yard setback and is an improvement to the existing building.

2. **Explain how the variance will not alter the essential character of the general vicinity.**

   The requested variance is the existing condition for the existing building. The building addition matches the character of the existing building and will match the alignment of the existing building along the back property line if the variance is given.

3. **Explain how the variance will not cause a hazard or a nuisance to the public.**

   The requested variance is the existing condition and will not change how the site affects adjacent properties.

4. **Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

   The variance request will not be a unreasonable modification of the code due to the existing building's placement in the rear yard setback. The variance will allow the building addition to match the existing building's rear façade.

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Additional consideration:

1. **Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

   This site was developed before the adoption of the Development Code and did not have a rear yard requirement. The existing building was built within, what is today considered the rear yard. This variance will allow the building addition to be a more cohesive addition to the existing building.

2. **Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

   The rear yard setback would not allow the building addition to be built aligned with the exist building's rear wall and structural columns, thus the addition will not fit within the existing building's section lines, misaligning the new design with the original design in order to update the exist. doorway.

3. **Are the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought?**

   The requested variance is in order to leave the site as is during and after the building of the proposed building addition. There currently is not a rear yard setback and the variance requested is to keep the condition the same for the building addition which will improve an existing entrance.

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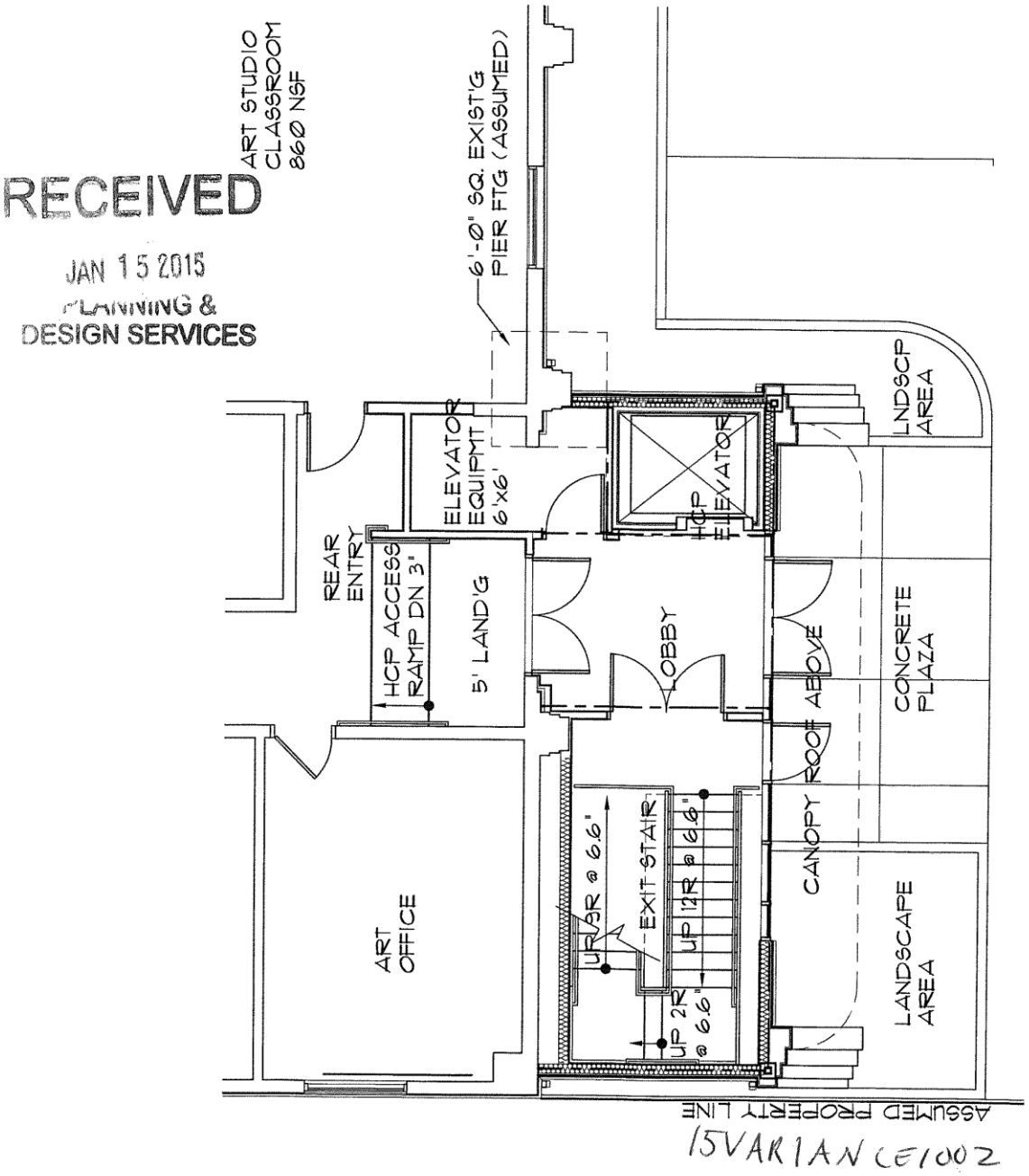

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TRINITY HIGH SCHOOL
COMMUNICATION ARTS BUILDING
ADDITION ELEVATIONS AND PLAN

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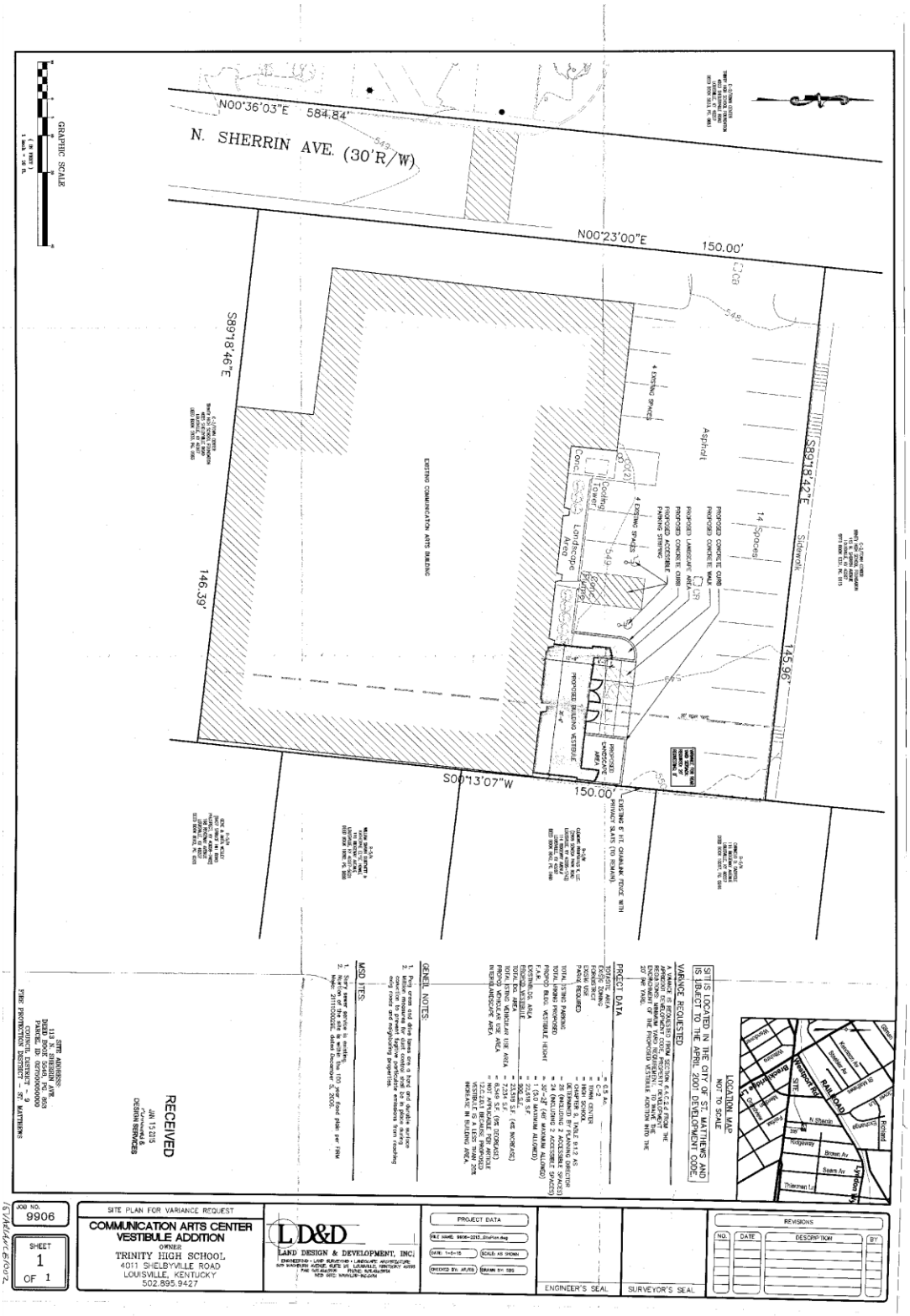
N. SHERRIN AVE. (30'R/W)
N00°36'03"E 584.84'
N00°23'00"E 150.00'
S89°18'42"E
S89°18'46"E
146.39'
145.96'
S00°13'07"W 150.00'
EXISTING COMMUNICATION ARTS BUILDING
PROPOSED BUILDING VESTIBULE
PROPOSED CONCRETE CURB
PROPOSED ACCESSIBLE PARKING STRIPING
PROPOSED LANDSCAPE AREA
4 EXISTING SPACES
4 EXISTING SPACES
14 Spaces
Asphalt
Sidewalk
Landscape Area
Cooling Tower
Conc.
EXISTING 6' HT. CHAINLINK FENCE WITH PRIVACY SLATS (TO REMAIN)
GRAPHIC SCALE
LOCATION MAP
NOT TO SCALE
SITE
RAIL ROAD
Bardstown Rd
Eastern Pkwy
Broadway
Broad Av
Beam Av
Thiemann Ln
London Ln
SITE ADDRESS
115 N. SHERRIN AVE.
DEED BOOK 9548, PG. 853
PARCEL ID: 057D0005000
ZONED: C-2
FIRE PROTECTION DISTRICT - ST. MATTHEWS
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PLANNING & DESIGN SERVICES
PROJECT DATA
TOTAL AREA
EXISTING ZONING
EXISTING USE
PARKING REQUIRED
TOTAL EXISTING PARKING
TOTAL PROPOSED PARKING
PROPOSED (NEW) ACCESSIBLE SPACES
PROPOSED BUILDING HEIGHT
F.A.R.
EXISTING BLDG. AREA
PROPOSED BLDG. AREA
TOTAL BLDG. AREA
EXISTING NEIGHBORHOOD USE AREA
PROPOSED USE AREA
INTERIOR LANDSCAPE AREA
= 0.5 Ac.
= C-2
= HIGH SCHOOL
= CHAPTER 9, TABLE 9.1.2 AS
= 26 (INCLUDING 2 ACCESSIBLE SPACES)
= 26 (INCLUDING 2 ACCESSIBLE SPACES)
= 1 (NEW ACCESSIBLE SPACE)
= 1 (1.5.0 MAXIMUM ALLOWED)
= 22,619 S.F.
= 0.23
= 23,509 S.F. (SEE INCREASE)
= 7,234 S.F. (SEE INCREASE)
= NOT APPLICABLE FOR ARTICLE 12 C.2.D.1 BECAUSE PROPOSED INCREASE IN BUILDING AREA
VARIANCE REQUESTED
A VARIANCE IS REQUESTED FROM SECTION 6.4.C.2.d FROM THE REQUIREMENTS OF THE ST. MATTHEWS AND IS SUBJECT TO THE REGULATIONS: MINIMUM YARD REQUIREMENT: TO REMOVE THE SOUTHEASTERN PORTION OF THE PROPOSED VESTIBULE ADDITION INTO THE 20' RW YARD.
SITE IS LOCATED IN THE CITY OF ST. MATTHEWS AND IS SUBJECT TO THE APRIL 2007 DEVELOPMENT CODE.
GENERL NOTES:
1. Entry green and drive lanes are a hard durable surface capable of carrying a 75,000 lb. vehicle without any cracking or deformation. Any cracking or deformation shall be corrected to prevent fugitive particulate emissions from reaching any roads and neighboring properties.
MSD SITES:
1. Sanitary sewer service is available.
2. Portion of the site is within the 100 year flood plain per FIRM Panel 21110C0025E, dated December 5, 2006.
JOB NO. 9906
SHEET 1 OF 1
SITE PLAN FOR VARIANCE REQUEST
COMMUNICATION ARTS CENTER VESTIBULE ADDITION
OWNER
TRINITY HIGH SCHOOL
4011 SHELBYVILLE ROAD
LOUISVILLE, KENTUCKY
502.895.9427
LD&D
LAND DESIGN & DEVELOPMENT, INC.
PROJECT DATA
DATE: 1-2-15
SCALE: AS SHOWN
DESIGNED BY: MJRS
DRAWN BY: TBS
ENGINEER'S SEAL
SURVEYOR'S SEAL
REVISIONS
NO. DATE DESCRIPTION BY