

Board of Zoning Adjustment
Staff Report
March 18, 2024



Case No:	23-MCUP-0018
Project Name:	St. Raphael Garage
Location:	2121 Lancashire Avenue
Owner(s):	Roman Catholic Bishop of Louisville
Applicant:	Chris Crumpton, Blue Stone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	8- Ben Reno-Weber
Case Manager:	Amy Brooks, Planner II

REQUEST(S)

- **Modified Conditional Use Permit** for a private institutional use (LDC 4.2.65).
- **Variance** from Land Development Code (LDC), Section 5.3.1 (Table 5.3.2) to reduce the non-residential to residential setback from 15' to 5' along the southwestern property line (23-VARIANCE-0173).
- **Waiver** of LDC, Section 10.2.4 to reduce the landscape buffer area (LBA) to 5' along the southwestern property line (23-WAIVER-0202).

CASE SUMMARY

The applicant is requesting a modification to an existing conditional use permit (CUP) for a private institutional use that was granted under case # 21-CUP-0091. The subject site is located at the intersection of Lancashire Avenue and Bardstown Road. There is both a church and school that were built on the site in 1963 and have maintained continuous operations to the present. Under the requested modification, the applicant is proposing site improvements that include constructing a 2,240 square foot storage garage to replace the existing rectory garage. Since the proposed garage will be located closer than 30 feet to the property line, the proposal will require relief from item 'A' of the CUP standards, which requires that structures, except fencing, in this zoning district be at least 30 feet from property lines that are adjacent to residential uses..

Related Cases:

21-CUP-0091: a conditional use permit for private institutional use.

21-VARIANCE-0090: a variance to allow off-street parking to encroach into the required setbacks.

21-WAIVER-0083: to reduce the required VUA LBA along Lancashire Ave to 5'

B-179-00: a conditional use permit to allow off-street parking in R-5 single-family zoning.

B-180-00: variances to allow off-street parking and existing structures to encroach into the required setbacks.

STAFF FINDING

The proposal is adequately justified for approval, including relief, and appears to meet all other standards of the conditional use permit. The variance and waivers appear to be adequately justified for approval based on staff's analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR MODIFIED CONDITIONAL USE PERMITS

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance. The site is located in an area that is surrounded by commercial and residentially zoned properties. To mitigate the impact on the neighborhood, the church has provided buffering and screening within the site and along the edges of the parcel.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: All necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use are available or will be provided.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line.

B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.

C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.

D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

E. The Board of Zoning Adjustment may set hours of operation for institutional use in order to minimize potential negative impacts on surrounding residential properties.

STAFF: The proposed garage will be located closer than 30 feet to the property line in areas that are adjacent to residential properties. However, the proposed garage will be further from the property line that borders the single-family home to the west of the subject site than the current garage that is proposed to be demolished. Furthermore, the applicant is proposing new plantings, and there is an existing 6' privacy fence that will provide buffering and screening to mitigate the impact of the use on the properties adjacent to the subject site. The proposed garage will not

generate any new parking requirements. Additionally, the proposal would not appear to create any impact beyond what is typical for churches and other private institutions, such as pick-up/drop-off or church-related activities.

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 as the proposed setbacks do not interfere with the safe movement of people or vehicles or result in noxious uses being located inappropriately within proximity to residences.

- (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. The location complements the existing pattern in the surrounding neighborhood; an area where accessory structures located near property lines is commonplace.

- (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 as the proposed setbacks do not interfere with the safe movement of pedestrians or vehicles along the adjacent public rights of way. In fact, the garage will be only minimally visible from Lancashire Avenue as it will be behind the pastor's home that fronts Lancashire Avenue.

- (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 if the garage was not considered a non-residential accessory structure, then the side yard setback would be the standard 2 feet that is required within the Neighborhood form district. However, because the use is associated with the church campus, the setback must be at least 15 feet from the adjacent residential property.

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 which do not generally apply to the land in the general vicinity or the same zone as the lot is not similar in size and shape to the surrounding properties.

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 because building the proposed garage in the roughly the same location as the existing garage would not be feasible without being granted relief from the prescribed regulations.

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 as construction on the garage has not started.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the reduction is consistent with existing conditions. There is an existing storage garage that is at the property line. As such, the current proposal will not encroach anymore into the required landscape buffer area than the already existing accessory structure.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The reduced buffer is consistent with existing conditions. There is landscape screening provided on the southwest property line and trees on the proposed plantings that will mitigate the more intense private institutional use from the adjacent residential uses.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject property would not be able to place the proposed garage close in roughly the same location as the current garage is and to the rear of the principal structure where accessory structures are typically located on the lots.

- (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 strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the reduced buffer request is consistent with the confirmed site conditions. There is an existing garage and pastor's home that encroach into the required landscape buffer areas.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Conditional Use Permit** for a private institutional use with relief from item 'A' (LDC 4.2.65).
- **APPROVE** or **DENY** the **Variance** from Land Development Code (LDC), Section 5.3.1 (Table 5.3.2) to reduce the non-residential to residential setback from 15' to 5' along the southwestern property line (23-VARIANCE-0173).
- **APPROVE** or **DENY** the **Waiver** of LDC, Section 10.2.4 to reduce the landscape buffer area (LBA) to 5' along the southwestern property line (23-WAIVER-0202).

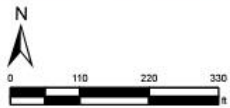
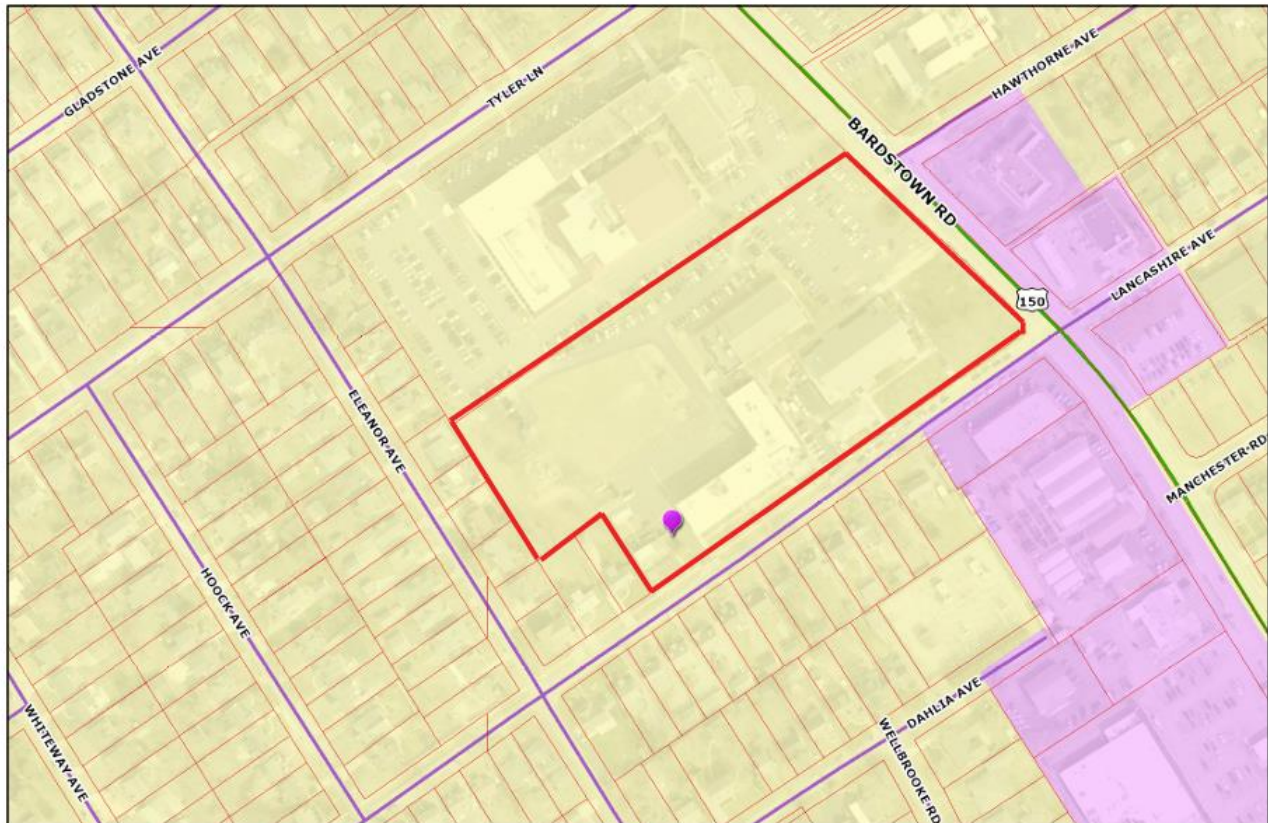
NOTIFICATION

Date	Purpose of Notice	Recipients
03/04/2024 03/04/2024	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 8
03/01/2024	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Existing and Proposed Conditions of Approval

1. Zoning Map



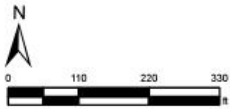
Tuesday, March 5, 2024 | 5:00:44 PM



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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Map



Tuesday, March 5, 2024 | 4:59:11 PM



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3. Conditions of Approval (Proposed in BOLD)

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institutional use until further review and approval by the Board.
3. **The existing 6' privacy fence on the southwestern property line shall be maintained. If the existing fence is ever removed, it shall be replaced at the property owner's expense. Any fences used for screening shall be constructed of wood or other weatherproof, durable materials intended for exterior use; no chain link is allowed. Additionally, the finished side of the fence must face outward towards the residential properties.**