



Board of Adjustments and Appeals
Oldham County Planning and Development Services
Application for Variance

Oldham County
FEB 18 2020
Planning & Development

Date: 2/18/2020 For Staff Use Only: Docket No: LG-26-002 Staff: SR Fee: 6020

This application must be submitted in person at the Planning and Zoning Office.

General Information: (A separate application must be submitted for each Board of Adjustments request.)

Name of Applicant(s): H & B Regional Holding Company LLC

Project Name: Berkel Office Expansion

Project Address: 2120 Commerce Parkway

City: LaGrange Is the project within the incorporated city limits? Yes

Subdivision Name: N/A Current Land Use: Construction Company (Offices/Shop)

Parcel ID: 39-00-00-9D Current Zoning: I-1 Lot Size: 3.2 acres

Please explain/describe the requested Variance:

Site was rezoned after current building was constructed. Existing building & parking encroaches into setback. Due to operational needs and proximity, new office building location encroaches into setback

Are there any past or present related Planning and Zoning cases on this property? If yes, please list the cases: None

Signatures:

Owner(s): Name: H & B Regional Holding Company LLC Signature: [Redacted] Address: [Redacted] Phone: [Redacted] Email Address: [Redacted]

Applicant(s): (if other than owner) Name: Signature: Address: Phone: Email Address:

Contact: Name: Gregg Bennett - Heritage Engineering Signature: [Redacted] Address: [Redacted] Phone: [Redacted] Email Address: [Redacted]

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Justification:

The Board of Adjustments and Appeals requires that each applicant respond to the following four questions (Please refer to the attached checklist for further explanation):

1. What are the specific conditions related to this request that are unique only to the applicant's land and do not exist on other land in the same general vicinity, or in the same zoning district?

SEE ATTACHED JUSTIFICATION SUMMARY

2. If this variance were not granted, how would this deprive the applicant of reasonable use of the land in a manner equivalent to uses permitted to other landowners in the same zoning district?

SEE ATTACHED JUSTIFICATION SUMMARY

3. Are the unique conditions and circumstances a result of actions of the applicant taken after the adoption of the zoning regulations from which relief is sought?

SEE ATTACHED JUSTIFICATION SUMMARY

4. How will the variance preserve, and not harm, the public safety and welfare of the public and maintain the essential character of the neighborhood?

SEE ATTACHED JUSTIFICATION SUMMARY

Justification Summary

1. **What are the specific conditions related to this request that are unique only to the applicant's land and do not exist on other land in the same general vicinity, or in the same zoning district?**

The Applicant constructed its existing 8,950 square foot building ("**Existing Building**") on the property ("**Property**") in 1998 (*confirm this was the year the building was constructed*), when Commerce Parkway was merely a gravel access road off Allen Lane. Then, the Property had an Allen Lane address and little development of land had occurred in the immediate area surrounding the Property. In July of 1998, the Oldham County Board of Adjustments and Appeals (the "**Board**"), under Docket No. 2853, unanimously approved a variance application to allow the front yard requirement to be seventy (70') feet instead of one hundred (100') feet, as required by the zoning setback regulation for the Property (the same front setback requirement today). Subsequently, the gravel access roadway the Property fronted was transformed into Commerce Parkway, a higher classification of roadway with wider public right-of-way that reduced the area of the Property. As a result, the Property is one of the few properties, if not the only property, zoned I-1 in the same general vicinity and that lawfully maintains its primary structure within the required front yard area along Commerce Parkway, which was built after the applicant established its use and building on the Property.

Outside of the building, the remainder of the applicant's Property is utilized for outdoor storage of heavy equipment and vehicular use area where trucks can pick-up or drop-off the heavy equipment. When the applicant constructed the existing building on the Property, the site was designed to allow safe maneuverability for trucks to enter the Property and pick up or drop off heavy equipment before turning around onsite and exiting the Property. Today, the Property has roughly 306 feet of depth along its eastern property line, as measured from its front to rear. When the applicant first established its use on the Property, the Property contained more depth and overall area, which supplied more room onsite for outdoor storage and vehicular maneuverability.

In 2023, area was taken from the Property along its southern boundary with I-71 to make room for the construction of interchange ramps to I-71. Consequently, since the applicant established the use on the Property, the area of the Property has been squeezed on both north and south ends, as Commerce Parkway and I-71 were constructed, respectively. Given these tighter dimensions of the Property's depth, and as the applicant explained to the Board in support of its 1998 building setback variance request, the building could not be setback too far from the front property line without having the building impede the safe maneuverability of the trucks traversing the Property during pick-up or drop-off of equipment. That same constraint on the applicant's use of the Property from 1998 has evolved into even greater of a restriction on the area of the Property, given the Property being squeezed by Commerce Parkway and I-71.

And when the Existing Building was constructed, the building had been designed so that its offices (2,650 s.f.) were positioned in the building's front, overlooking the then

gravel road providing access to the Property; the site's interior workshop area (6,300 s.f.) is behind the offices, in the building's rear. Today, the applicant is in need of additional office space to accommodate its growth as a company and the increased demand for its services. For the proposed building addition to properly function and be of value to the applicant, however, the applicant requires the expansion of its office space to be connected to its existing office space within the Existing Building. As a result, the alignment of the new office space with the existing office space triggers the need for variance relief from the same front yard setback regulation the Board granted the applicant in 1998.

- 2. If this variance were not granted, how would this deprive the applicant of reasonable use of the land in a manner equivalent to uses permitted to other landowners in the same zoning district?**

A few properties to the west on Commerce Parkway starts an area zoned for Industrial Park District (IPD), which permits a thirty-five (35') foot front setback. There are a number of properties within this IPD area that are similarly situated as the Subject Property because these properties front the south right-of-way line of Commerce Parkway and the norther right-of-way line of I-71, except that these same IPD-zoned properties afford significantly more space to erect buildings considering the IPD-zoned properties enjoy a lesser front setback requirement. If the variance to allow for an expansion of existing office space to occupy a portion of the required front setback is not granted, the applicant will not be able to grow its business on the Property and would need look for new Property that would accommodate the site design it requires to successfully continue operating its business.

- 3. Are the unique conditions and circumstances a result of actions of the applicant taken after the adoption of the zoning regulations from which relief is sought?**

No. The unique conditions and circumstances are a result of the nature and location of the applicant's Property and the construction of Commerce Parkway after the applicant had initially established its use and Existing Building on the Property. Today, the applicant is seeking appropriate variance relief from the Board prior to initiating expansion of the Existing Building on the Property.

- 4. How will the variance preserve, and not harm, the public safety and welfare of the public and maintain the essential character of the neighborhood?**

The variance, if granted, would allow for an expansion of the Existing Building on the Property, which is situated along a stretch of Commerce Parkway where the properties are zoned either I-1 or IPD. In this case, because the expansion to the Existing Building would be no nearer to Commerce Parkway than the Existing Building, the essential character of the immediate area will remain largely unchanged. The expansion to the Existing Building will provide additional screening of the outdoor storage of heavy equipment located behind the building on the Property, thereby improving the aesthetical appeal of the Property from Commerce Parkway.

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Submittal Checklist:

- X 1. Complete Oldham County Planning and Zoning Variance Application. (Owner's signature is required.)

Justification Section:

1. Examples of specific conditions include size of property, location of existing structure, topography, etc.
2. What will happen if the Variance is not granted?
3. Did the applicant create the need for the Variance? If not, please explain why this is not the case.
4. Will the Variance harm the surrounding properties? Are there similar situations in other parts of the community?

- X 2. Required Variance Fee as listed below:
a.) Residential-Detached \$200.00 b.) Non-Residential: \$400.00 c.) Industrial: \$600.00
Residential-Attached \$300.00

- X 3. Notice fees equal to \$5.00 per adjoining property owner. (Total - 4)

- X 4. Mailing Labels for all adjoining property owners, including name and address of all 1st tier adjoining parcels. 1st tier adjoining parcels include all those that border the property, including those across streets. (*See note below for PVA directions)

- X 5. Property information for the project location as listed by the Property Valuation Administration (PVA). (*See note below for PVA directions)

- X 6. A copy of the current recorded deed along with any applicable easement deeds or maintenance agreements. Include any surveys of the property, if available.

- X 7. Eight copies of a plan showing existing conditions and including:
- X Property Boundaries and easements with dimensions.
 - X Location and exterior dimensions of existing structures.
 - X Location and dimensions of any proposed structures.
 - X Location and dimensions of any existing or proposed signs.
 - X Location of any parking areas and/or driveways.
 - X Distances between any existing and proposed structures to the property boundaries.
 - X Current property zoning and neighboring property zoning.
 - X Name and address of project property owner and all adjoining property owners.
 - X Adjoining Streets with labels.
 - X Vicinity Map showing location of property in relation to nearest major intersection.
 - X North Arrow.
 - X Highlight, in yellow, the location of the requested Variance.
 - X Label the dimensions of the requested Variance.

- X 8. Photos and other supporting documents.

** Accessing PVA information: Property information may be accessed on the internet at www.oldhampva.com. In order to search for a property, users must select "Tax Payer Info" from the left column then select "Property Search". Once located, users may print the information using the print command on their internet browser. For adjoining property owners or further assistance contact PVA at 110 W. Jefferson Street in LaGrange or at (502)222-9320.*