

VARIANCE JUSTIFICATION:

1. Not adversely affect public health, safety or welfare:

The addition of a second means of egress from the existing second floor of property, and new mezzanine will provide for an extra, required, measure of safety for assembly occupants. New exit only stair function will be accommodated within property boundary and will not impact pedestrian traffic along street (Lucia Ave.) frontage.

2. Not alter the essential character of general vicinity.

Replacing the existing building addition along Lucia Avenue will provide a more uniform and cohesive architectural form and appearance. The scale and massing of the stair addition have been designed to be a good neighbor to adjacent apartment building and streetscape by sloping roofline down toward street, and maintaining a smaller open area adjacent to property line. Low maintenance hardscape and landscape materials are planned for the remaining/reduced open area between new structure and fence at property line.

3. Not cause a hazard or nuisance to public.

Stair addition will be accommodated totally within property boundary and will not impact the public way in any situation, but an emergency. The stair functions as an exit only access and will not be used or occupied in any situation other than an emergency. The access to the stair from street level will be controlled by a gate and fencing equipped with an exit only panic device, eliminating potential for vagrants or unauthorized use. Access to the stair from inside the space will also be controlled by an exit only, panic device with annunciator feature to advise owner of unintended operation or access. Replacement of the existing building addition will feature a trash compactor, can wash, and on site storage capability to enhance passage and appearance of existing sidewalk frontage.

4. Not allow circumvention of zoning requirements.

Given the urban/commercial function along Bardstown Road corridor, and the corner lot location, a larger building mass can be justified. Allowing for a reduced height at stair enclosure, and a smaller open space between adjacent apartment building (with maintained hardscape and landscape) is a compromise between a more intensive use and a neighborly consideration/apartment use.

Additional Considerations:

1. Special Circumstances.
 - a. New occupancy/use for second floor and new mezzanine level justify, and require inclusion of second, remote means of egress which is most easily resolved with a new compliant stair along rear of property.
2. Strict application deprives applicant of reasonable use.
 - a. Strict application of setback forces second means of egress inside the existing building footprint and would constrain maximum use and profitability of proposed second floor use and new mezzanine level. Since the building code requires remote separation of means of egress, this is most easily accomplished with the new rear, exterior stair element. A second interior means of egress is planned for inside the existing structure.
3. Actions of applicant subsequent to adoption of zoning regulation.
 - a. Owner recently acquired corner property with the intention of expanding his existing business into the new building and has joined the two parcels into a single lot as originally constructed. A new compliant exit egress only stair is best accommodated at rear to allow for better space utilization for existing building area and features.

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