

**HAQS, LLC**

**Change in Zoning from R-5 Residential to OR Office/Residential  
CASE NO. 14ZONE1041**

**3506 Bardstown Road and 2125-2127 Bashford Manor Lane**

**Statement of Compliance  
And  
Variance Justification**

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Introduction.

HAQS, LLC (the "Applicant") is seeking to redevelop the property at the corner of Bardstown Road and Bashford Manor Lane into a medical office building. The subject property currently contains one house, is adjoined on the west by another, on the north by an insurance office, on the east by Bardstown Road and the south by Bashford Manor Lane and the commercial development to the south. The proposed building will contain 6,179 square feet. The Applicant is seeking a variance where the property is adjacent to the residence to the west to allow the existing home to remain and be converted and the new building area to be within 15 feet of the property line.

Cornerstone 2020.

The subject property is in the Neighborhood Form District, a district characterized by a variety of residential densities and neighborhood serving commercial uses. Offices, retail shops, restaurants and services are listed as appropriate so long as they are at appropriate locations. The proposed redevelopment is located at the edge of the neighborhood and is surrounded by non-residential uses on two sides and a major road on the east. This is an appropriate location for a medical office that will serve both the neighborhood and surrounding neighborhoods from Bardstown Road.

The proposed redevelopment complies with Guideline 2-Centers and its applicable policies. The subject property is located at the busy intersection of Bardstown Road and Bashford Manor Lane and will be accessed only from Bardstown Road. The proposed medical office building will be appropriately sized for the area and will be buffered from the adjoining residential property by a fence and landscaping. The subject property is also located adjacent to a TARC stop and will contain bicycle parking, encouraging bus riders and cyclists to visit the site.

The proposed redevelopment complies with Guideline 3-Compatibility and its applicable guidelines. The proposed plan includes buffers along the property lines shared with existing residences and a focus toward the intersection, with no activity on the residential side of the building. The building will act as a buffer between Bardstown Road

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and the adjacent residence. There should be little impact from traffic, noise or lighting based on the small size of the proposal and its design. A use of this type, according to the ITE Manual should generate about 24 trips during the P.M. Peak Hour, the time when most traffic is generated. This small amount of traffic should not adversely impact the adjoining neighborhood. The applicant is seeking a variance for the existing house to remain and the proposed addition to be within 15' of the property line.

The proposed redevelopment complies with Guideline 5-Natural Areas and Scenic and Historic Resources and its applicable policies. There are neither natural areas nor scenic or historic resources on the subject property.

The proposed redevelopment complies with Guideline 6-Economic Growth and Sustainability and its applicable policies. The subject property is directly across Bashford Manor Lane from the former Bashford Manor Mall, which has been totally redeveloped in the last decade. The proposed redevelopment represents an attractive re-use of a property that is no longer suitable for residential use.

The proposed redevelopment complies with Guideline 7-Circulation and Guideline 9-Bicycle, Pedestrian and Transit and their applicable policies. The subject property is located along the busy Bardstown Road corridor and is adjacent to an existing TARC stop. The proposed access is only to Bardstown Road, limiting the site's impact on the intersection. And the proposed plan shows bike parking and pedestrian connections to the existing network, encouraging cyclists and pedestrians to visit the site.

The proposed redevelopment complies with Guideline 10-Flooding and Stormwater and Guideline 11-Water Quality and their applicable policies. The proposal involves the redevelopment of property that is already developed and served by adequate stormwater infrastructure. The subject property is not in the floodplain and should not have an adverse impact on downstream properties.

The proposed redevelopment complies with Guideline 12-Air Quality and its applicable policies. The proposed redevelopment contains easy access to transit and bicycle facilities. The proposed redevelopment will also provide street and buffer trees, helping with air quality.

The proposed redevelopment complies with Guideline 13-Landscape Character and its applicable policies. The proposed plan contains tree canopy in excess of that required and contains a significant landscape buffer along the property's boundaries with adjacent residential properties.

#### Variance Justification

The proposed variance is to allow both the existing home to remain and to allow the proposed medical office building (which will be attached to the existing home) to be within 15' of the adjacent residential properties. The required rear yard between OR and R-5 zoned property is 30'.

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The proposed variance will not adversely affect the public health, safety or welfare. The proposed variance will allow for the construction of a relatively small medical office building, which will be buffered on the north and east by a 6 foot high fence and screening that meets Land Development Code requirements.

The proposed variance will not alter the essential character of the general vicinity. The subject property is being redeveloped with a low intensity office use in much the same way as the property to the north (insurance agent) and the property to the north of Glenworth Road (dental office). These kinds of uses are appropriate in the Neighborhood form district. As for the proximity of the structure itself, the existing home is much closer than 15' from the property line, as are many of the homes in the area.

The proposed variance will not cause a hazard or nuisance to the public. The variance will allow for the construction of a medical office, a use that is appropriate in the Neighborhood Form District. The variance will still not allow the proposed building to be as close as nearby homes are allowed to be to one another.

The proposed variance is not an unreasonable circumvention of the requirements of the zoning ordinance. The subject property is no longer suitable for residential use. A low intensity use like a medical office will provide a buffer between Bardstown Road and the adjacent residence. The proposed plan shows the addition to the existing home pulled back farther from the property line than the existing home to allow for a fully compliant landscape buffer area.

The proposed variance arises from special circumstances not associated with other properties in the area. The subject property is located at a very busy intersection. The subject property contains an existing home that will be reused as part of the medical office building. The site also has limited potential access points from Bardstown Road, and reversing the design to have the parking area adjacent to the residences would be more intrusive than the proposed design.

The strict application of the rear yard requirements would create an unnecessary hardship on the Applicant by creating a larger-than-needed buffer, while greatly limiting potential development or forcing the construction of a taller, smaller footprint building.

The existing home's location is not the result of actions the Applicant has taken since the adoption of the Land Development Code. The Applicant is also seeking to comply with the intent of the regulation by providing a compliant buffer and plantings in the rear yard area and by pulling the building 15' from the property line.

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