

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.

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Variance of: 5.2.1.C.3-6 to allow buildings to be setback from the property line/ROW

1. The variance will not adversely affect the public health, safety or welfare because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site. The location of all buildings relative to the public ways have been thoughtfully considered taking into account the location of landscaping, buildings, pedestrian ways, to assure the optimal public experience in terms of aesthetics, safety, and project viability.

2. The variance will not alter the essential character of the general vicinity because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site.

3. The variance will not cause a hazard or a nuisance to the public because it is actually intended to assure the protection of the public's safety while at the same time increasing the aesthetics and economic viability and practical usage of both every individual property and the overall Soccer Stadium District site.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is a unique project designed in a unified manner taking into account characteristics barely, if at all, similar to anything else in Metro Louisville, even though given its location, mix of uses, and how these uses will need to interact one with another.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as said above, everything about this project, both in terms of its location and mix of uses is really different than elsewhere.

2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would not be able to accomplish, what is explained above it needs to accomplish as this unique location.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather, are the result of this unique project at this unique location.

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