

## **WAIVER JUSTIFICATION STATEMENT**

### **Thorntons**

**4900 Brownsboro Road  
4902 Brownsboro Road  
4904 Brownsboro Road**

The requested waiver of Section 5.5.1.A.5.A of the Land Development Code, to allow an attached gas station canopy between the principal structure and a public street, will not adversely affect the adjacent property owners. The requested waiver will allow the applicant to provide convenience to customers and maximize the functionality of the proposed development.

The requested waiver will not violate the Comprehensive Plan. The subject property is in the Town Center Form District. The Comprehensive Plan recognizes “more intense uses in the Town Center are located in close proximity to the major thoroughfare.” The subject property is located at the corner of KY-22 and US Highway 42, next to the I-264 ramps. The waiver will allow the proposed development to maximize the functionality of the proposed development because a street facing gas station canopy will provide traffic from the major thoroughfares adequate space to safely access both the convenience store and the fueling positions under the canopy.

The waiver of the regulations is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to expand the property fully and adaptively while also maintaining the essential character of the general vicinity. Given the intensity of the use and the location of the proposed site off I-264, the location of the gas station canopy between the principal structure and US HWY 42 will allow traffic to safely and efficiently move throughout the subject site and avoid congestion.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as it would require the applicant to place the gas station canopy behind the principal structure, which is nearly impossible given that the site is surrounded by rights of way. Further moving the canopy to the I-264 ramp side of the building would reduce accessibility and functionality of traffic from the major thoroughfares.