

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.

Variance of: Section 6.1.C.A to allow the sign to be located in the front yard setback.

1. The variance will not adversely affect the public health, safety or welfare because the sign will be shown at the hearing to be similar in size and style as the existing signs along Fairfax Avenue and thus compatible.
2. The variance will not alter the essential character of the general vicinity because, as stated, it will be similar to the rest of the Fairfax Avenue block.
3. The variance will not cause a hazard or a nuisance to the public because the sign will be shown to not cause any problem or issue with sightlines or cause any safety concern.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because it will be a small sign to simply provide notice of the business and due to the small front yard area, cannot be located solely outside the front yard setback, particularly if additional ROW is required.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because the applicant is proposing to use the existing building without changes and the request is only due to the small front yard.
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 make placing a sign for the business virtually impossible.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the front yard size is an existing condition.

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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.

Variance of: Section 6.1.C.2.E of the St. Matthews LDC to allow the existing parking, maneuvering and drive aisle to encroach into the rear and side yard setbacks.

1. The variance will not adversely affect the public health, safety or welfare because it is an long existing condition with the requirement only being triggered due to the proposed change in use from OR-3 to CN to allow the women's clothing boutique store. This existing condition is the same as the neighboring property to the North at 113 Fairfax Avenue which has almost identical existing parking. No new impacts from what currently exists will be created.
2. The variance will not alter the essential character of the general vicinity because this site is located in the Town Center of St. Matthews and is, as the development plan filed with this application and land use map demonstrate, is an adaptive re-use of the existing building and parking lot.
3. The variance will not cause a hazard or a nuisance to the public because this property has been used as a medical office for many years. Applicant is changing the use to a clothing/retail store serve its customers and the existing parking provided will not create any negative impacts of parking problems on the neighboring businesses.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the only reason the variance is required is because of the existing conditions on site.

Additional consideration:

1. The Variance arises from special circumstances which do not generally apply to land in the general vicinity because as stated this is an existing condition with only a change in use.
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 building has been used as a medical office for many years. Compliance with the required setbacks would due to site constraints prohibit the use of the rear of the property for parking.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because it has been an existing condition for a long time.

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