

VARIANCE JUSTIFICATION

Louisville Spine & Wellness

4700 Westport Rd. & 917, 919 Fountain Ave.

Case No. 21-ZONE-0117

RECEIVED

DEC 14 2021

PLANNING &
DESIGN SERVICES

The proposed variance, which will allow the applicant's proposed office building to encroach into the rear yard setback, will not adversely affect the public health, safety or welfare. The reason for the rear yard setback variance is to permit the parking lot of the proposed development to be placed in front of the building to adequately screen adjacent lots from the effects of motor vehicle traffic on Westport Road and in the proposed parking lot. The rear yard setback encroachment will have no impact on the public health, safety or welfare as a fence and plantings will separate the proposed development from the adjacent residential property on Fountain Ave.

The variances will not alter the essential character of the general vicinity as the proposed doctor's offices are compatible with the scale and function of the neighborhood, including similar development in Westport Village and adjacent to Hubbards Lane.

The variances will not cause a hazard or nuisance to the public. As stated above, the rear yard setback encroachment will have no impact on the public health, safety or welfare as the building itself will serve as a screen to traffic and a fence will separate the proposed development from the adjacent property on Fountain Ave.

The variances will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will not be substantially more intense in terms of traffic, lighting, and impact on the surrounding residences than the neighboring developments, and the building itself will serve as a screen for adjacent properties.

The variances arise from special circumstances that do not generally apply to land in the vicinity of the project. The configuration of the lot and its location next to an adjacent residential property led to a redesigned plan, placing parking in front of the building as opposed to behind, in an effort to mitigate the effects of traffic on a neighboring property. Accordingly, the variances requested arises from special circumstances that do not generally apply to land in the vicinity.

The strict application of the regulations would create an unnecessary hardship because it would require the applicant to alter its plans for the proposed development that would not allow it to configure its footprint and screening benefit to adjacent properties. Strict application of the regulations would force the applicant to potentially re-design the proposed development in a manner similar to the prior plan which had adverse effects on neighboring properties.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as no development has occurred.