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PLANNING &
DESIGN SERVICES

JUSTIFICATION FOR CHANGE OF
ZONING FROM R5 TO OR
KY HOSPITALITY BOOKEEPING
OFFICE
CASE # 16ZONE1079
4511 SOUTH THIRD STREET

The requested change in zoning classification from R5 to OR would provide for the redevelopment of two parcels totaling 0.18 acres located at 4511 South Third Street. The proposed plan would utilize the existing house as a bookkeeping office on the ground floor with the upstairs used as an apartment.

The proposal complies with Guideline 1 - Community Form for a commercial corridor, as it involves use of long vacant home adjacent to the Watterson Expressway right-of-way and across the street from a Thorntons station.

The proposal complies with the Goals of Community Form/Land Use - Guideline 2 & 3, Compatibility, because the proposed use is a less intense land use than the commercial uses to the north and will be buffered by the landscape buffer of plant materials and a wood fence from the residential uses to the south and east.

The proposal meets the intent of the Marketplace, Economic Growth and Sustainability - Guidelines 4 & 5 as the site is an improvement to an important commercial corridor while providing the potential access for the grove planned for the adjacent excess State right-of-way. There are no scenic or historic resources on the site.

The proposal complies with the Intent of Guideline 7,8 & 9 relating to different forms of the Mobility & Transportation Goal as the proposed development is located on an existing commercial corridor and is already served by both mass transit and sidewalks.

The proposal complies with Guidelines 10, 11 & 12 as relates to Air Quality, stormwater and the Environment. The proposed use will provide an improvement to the area without requiring any utility extensions.

The proposal meets the intent of Guideline 13, Landscape Character, as the plan exceeds the requirement for tree canopy while promoting the long term separation of different land uses with a landscape buffer.

The requested zoning change will allow the productive use of a long vacant property and provide an effective transition between the residential and commercial uses that surround it and is in conformance with the applicable guidelines of the Cornerstone 2020 Comprehensive Plan.

16 ZONE 1086

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Will the waiver adversely affect adjacent property owners?

No, the adjacent property to the north is excess right-of-way (currently open space) owned by the Commonwealth of Kentucky.

2. Will the waiver violate the Comprehensive Plan?

No as there is no need to buffer the adjacent open space from the proposed development.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes, as there would not be adequate space for either a commercial entrance or parking for the proposal without relief from this requirement.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The applicant is proposing both a wood fence and landscaping to buffer parking from adjacent residential properties, but without relief from the buffer requirement along the north property line it would not be possible to utilize the property at all for the proposed use.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

No the existing house will not be changed.

2. Will the waiver violate the Comprehensive Plan?

No it provides for re-use of an existing structure as encouraged in the comprehensive plan.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

~~Yes the parking is dimensioned per metre r~~
Yes the building is as exists.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Yes the applicant is proposed both a wood fence and extensive

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17 ZONE 1086

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.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The affected area is adjacent to excess state right-of-way.

2. Explain how the variance will not alter the essential character of the general vicinity.

The area of variance because of its size and location will be imperceptible when the vicinity is considered at large.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

There is no reason that the public will be in the area unless parking in the proposed lot.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance would not directly effect any other property owners or the public at large.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

This is one of few residential structures on a major arterial next to a highway ramp.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Parking would not possible for the proposed use.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

Yes but the state acquired right-of-way adjacent to this residence after it was originally constructed.

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