

**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 variance to reduce the setback of the buildings on this site will not adversely affect the adjacent properties. The adjacent uses are a Church to the east and a tire store to the west at the corner of Bardstown and Watterson Trail. The setback proposed will not impact the visibility of either.

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

The Bardstown Road corridor is gradually going through a change as development fills in between the existing commercial centers. This proposal is a part of that growth. The standard building setback for this use, the zone and form districts would at most require a 15' front yard setback .

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

The hazard of a reduction in the front yard for the adjacent non residential uses would be blocking visibility of the developments. In this case the buildings proposed, though 3 stories tall are proposed 50' or more from the side property lines and setback xxx' from the front and do not block visibility.

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

The variance will not allow an unreasonable circumvention of the requirements since no negative impacts are expected and since the setback shown far exceeds the standard setback for the zone and form district and is closer to the existing infill requirement than the standard setback.

*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).**

The variance arises from special circumstances in that this site is located on a major arterial road which is in a growth transition period as new developments fill in between the existing commercial centers at Watterson Trail and Hurstbourne Parkway.

**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.**

The strict application of compliance with the established building setbacks would deprive the applicant of the reasonable use of the land and create a hardship when the area is obviously in a growth period and the proposed setback is closer to the established than otherwise required.

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

The use proposed is appropriately located on a major arterial and benefits from the available public transit. A market study confirms the need for the use at this location. Neither of these facts nor that this area is one ready for growth are a result of actions by the applicant.

**RECEIVED**

FEB 01 2021