

**VARIANCE JUSTIFICATION STATEMENT**  
**598 - 600 N. ENGLISH STATION ROAD**

**MARCH 31, 2014**

The applicant, Blind Squirrel, LLC, is requesting a variance from Section 5.3.4.D.3.a. of the Land Development Code to allow a proposed building addition on the property located at 598 – 600 N. English Station Road that will encroach into a 25-foot setback requirement along a portion of the front property line. The proposed building addition will be located 12-feet from the front property line rather than 25-feet.

The subject property was recently rezoned to EZ-1 and C-M under Case No. 16739 for a mixed use development including a restaurant, an amphitheater, an ice rink, a coffee/wine shop and soccer fields. Since that time, a similar variance to the one requested herein was granted for another building addition that will align with an existing building along the front property line. The previous variance granted was also made to allow an encroachment of the building addition into the 25-foot setback requirement. Therefore, the existing building, the other building addition, and the proposed building addition will be contiguous along the front property line. The requested variance complies with KRS 100.243, as more fully explained herein and, therefore, should be approved.

The requested variance will not adversely affect the public health, safety, or welfare or alter the essential character of the general vicinity. The general vicinity is characterized predominantly by industrial and office uses where the buildings are set back from the street in a landscaped setting. The setbacks, height, design and landscaping of the proposed building addition are compatible with the surrounding properties, including the existing building and other building addition. Further, a 35-foot buffer area with fencing and landscape plantings will be between the proposed building addition and the adjacent residential properties to ensure that there are no adverse impacts on nearby residential properties.

The requested variance will not cause a hazard or nuisance to the public because the building addition will be centrally located in the Suburban Workplace Form District where adequate utilities and infrastructure exist to support the proposed uses. The proposed building addition is visually compatible with the surrounding workplace uses, while also being sensitive to adjacent residential properties. New lighting will be directed down and away from adjoining residential properties and will comply with Land Development Code standards. This, in conjunction with the aforementioned landscape buffers, setbacks, and screening, will ensure that any visual, noise, odor impacts to surrounding properties are adequately mitigated.

The requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the proposed building addition will meet all landscape requirements of the Land Development Code and will promote the efficient use of land and investment in existing infrastructure. The proposed building addition will help bring a restaurant and coffee/wine shop to the area that are intended to serve area workers and residents by providing much-needed commercial services.

The existing building that is proposed to be further expanded does not meet the setback requirements of the Land Development Code. According to PVA records, the building was constructed in 1965, prior to the enactment of the Land Development Code. Therefore, special circumstance exist that do not apply to land in the general vicinity or in the same zone. The applicant is not responsible for the location of the existing building because it was constructed prior to the time the applicant acquired the property. As such, the circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is granted. Finally, if the variance is not granted, the applicant would lose a significant amount of usable area on the subject property. Accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

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