

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 6.3.C.3 under the St. Matthews version of the Land Development Code to allow the building to exceed the 35 ft maximum building height by 7 ft (for the building mean height) and 13 ft (for the cupola) for a total of 42 ft (building mean height) and 48 ft (for the cupola)

1. The variance will not adversely affect the public health, safety or welfare because these are aesthetic, not public health, safety or welfare issues. In other words, the issue is whether the added height to accommodate the style and design of this particular bank building aesthetically fits with the area, which it does, given the wide diversity of building styles and designs nearby. The added height bears no relationship to public health, public safety or public welfare issues.
2. The variance will not alter the essential character of the general vicinity because the area includes about as wide a variety of building styles and designs as can be found anywhere in the larger community – from a modern design bank building to the west across Chenoweth Lane; to a car wash and auto repair to the northwest of no particular style and design; to a vacant lot, then RR tracks, then semi-colonial style retail center to the north and northeast; to a variety of various aged retail/restaurant buildings, both low and taller profile, to the south and east of the subject property.
3. The variance will not cause a hazard or a nuisance to the public because, once again, the issue is an aesthetic compatibility one, unrelated to hazards or nuisances, such as those involving traffic, noise, odors, and the like.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because, as stated in #2 above, a variety of both low and taller profile buildings exist in the immediate vicinity. Furthermore, the largest amount of added height that is subject to this variance application relates to the ornamental cupola feature at the top of this colonial architecture-style building.

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Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the fact that a wide variety of architectural styles and designs are

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evident in the immediate vicinity, including colonial-style architecture. The architectural cupola feature to the slightly higher profile bank building enhances the colonial design of this structure.

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 the particular colonial architecture of this particular bank building would be compromised in the event the cupola or slightly taller profile were eliminated.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because of the wide variety of architectural styles and designs of buildings in this area and by virtue of the special architectural features, such as this building's stature with cupola, evident in this design form.

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