

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.2.E of the St. Matthews LDC to allow the proposed parking area and drive lane on the properties now known as 107 and 113 Fairfax Ave. to encroach into the 25 ft. front yard on Fairfax Ave

1. The variance will not adversely affect the public health, safety or welfare because as this is in part an existing use. 107 Fairfax currently has parking well into the 25 foot front yard area, which extends all the way to the sidewalk. 113 Fairfax does not have parking in this area, but the property immediately next to it (111 Fairfax Ave) also has parking which extends to the sidewalk, so the variance will make the property consistent with the adjacent property which is not part of this project. This encroachment will allow the property to better serve its active customer base, and to the extent it does create additional impacts on 113 Fairfax Ave., those impacts are mitigated because of the additional parking being added which is at a premium in this part of the Town Center.

2. The variance will not alter the essential character of the general vicinity because this site is located in the Town Center of St. Matthews and is, as the development plan filed with this application and land use map demonstrate, fits within its compact setting surrounded by a mixture of compatible uses. Further, this is an existing business for the veterinary clinic that has been operating at the location of 111R Fairfax Ave. for many years and any increase in parking derived from the site will be offset by the businesses being removed from 107 and 113 Fairfax Ave. and the parking being added.

3. The variance will not cause a hazard or a nuisance to the public because this clinic has been operating at the location of 111R Fairfax Ave. in St. Matthew's for many years. Applicant is expanding the clinic to better serve its customers and the added parking will add valuable parking to an already underserved area so as to not create any negative impacts of parking problems on the neighboring businesses. It is not intending to introduce new impacts to an area that do not already exist. Because parking is being added, new impacts will not be appreciably created.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the only reason the variance is required is because the existing buildings are

being removed to provide additional parking for the veterinary business which has been located at 111R Fairfax for an extended period of time.

Additional consideration:

1. The Variance arises from special circumstances which do not generally apply to land in the general vicinity because it is an existing business within St. Matthews which has not adopted the Cornerstone 2020 Land Development Code (LDC) though it did adopt Form Areas. This site is located in the Town Center Form Area/Form District, which is a traditional form with an identifiable core usually located along a historic crossroads and or major thoroughfare, such as US 60. The Town Center form typically has a compact mixture of a variety of moderately intense uses, with buildings generally oriented toward and located near the primary street. This application complies with the Form Area because the existing use that is proposed for expansion already conforms to most, if not all, Town Center characteristics.

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 this is an existing business which is purchasing two adjacent lots for expansion to serve its growing customer base, and has served in this location for many years. This entire site is located in the Town Center of St. Matthews, many of the businesses in the area currently extend parking into the 25 foot setback, and it fits within its compact setting surrounded by a mixture of compatible uses.

3. It is worthy of mention as well that another adjacent property, 115 Fairfax Ave. is also currently pursuing a zoning change to C-1, which would lessen the impacts of this request if such plan and zoning change are approved.

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Variance of: Section 6.3.C.2.E of the St. Matthews LDC to allow the building addition to encroach into the 25 ft rear yard on 113 Fairfax Ave.

1. The variance will not adversely affect the public health, safety or welfare because as this is a use which will allow the building currently existing on 111R Fairfax Ave. to be extended onto the adjacent lot of 113 Fairfax Ave. Currently, 111R Fairfax has an existing variance for the same condition which was previously approved. The expansion of the building is being requested to better serve its active customer base and it is not intending to introduce new impacts to an area that do not already exist. Because the use is largely pre-existing, access, parking, lighting and signage will not substantially change. Consequently, significant new impacts are not created. Existing impacts will be fully mitigated, just as they have been in the past, or through added binding elements.

2. The variance will not alter the essential character of the general vicinity because this site is located in the Town Center of St. Matthews and is, as the development plan filed with this application and land use map demonstrate, fits within its compact setting surrounded by a mixture of compatible uses. Further, this is an existing business for the veterinary clinic that has been operating at the location of 111R Fairfax Ave. for many years and any increase in the building located on the site will be offset by the building and businesses being removed from 113 Fairfax Ave.

3. The variance will not cause a hazard or a nuisance to the public because this clinic has been operating at the location of 111R Fairfax Ave. in St. Matthew's for many years. Applicant is expanding the clinic to better serve its customers and the expansion of the structure onto 113 Fairfax Ave. will add enable to business to remain in St. Matthews and to continue to serve its customer base. The expansion also will not create any negative impacts because the existing building is being removed, allowing a better flow of traffic and an increase in parking for the site. It is not intending to introduce new impacts to an area that do not already exist. Because the current building on the site is being removed, new impacts will not be appreciably created.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the only reason the variance is required is because the existing buildings are being removed to provide room to allow the expansion of the veterinary business, extending the prior built condition on 111R Fairfax Ave. to be extended onto 113 Fairfax Ave.

Additional consideration:

1. The Variance arises from special circumstances which do not generally apply to land in the general vicinity because it is an existing business within St. Matthews which has not adopted the Cornerstone 2020 Land Development Code (LDC) though it did adopt Form Areas. This site is located in the Town Center Form Area/Form District, which is a traditional form with an identifiable core usually located along a historic crossroads and or major thoroughfare, such as US 60. The Town Center form typically has a compact mixture of a variety of moderately intense uses, with buildings generally oriented toward and located near the primary street. This application complies with the Form Area because the existing use that is proposed for expansion already conforms to most, if not all, Town Center characteristics.

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 this is an expansion of an existing building that has been operating at this location for many years. This site is located in the Town Center of St. Matthews, and it fits within its compact setting surrounded by a mixture of compatible uses.

3. It is worthy of mention as well that another adjacent property, 115 Fairfax Ave. is also currently pursuing a zoning change to C-1, which would lessen the impacts of this request is such plan and zoning change are approved.

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Variance of: Section 6.3.C.2.E of the St. Matthews LDC to allow the proposed parking area and drive lane to encroach into the 5 ft side yards adjacent to 111 Fairfax Ave. and 113 Fairfax Ave.

1. The variance will not adversely affect the public health, safety or welfare because as this is in part an existing use. 107 Fairfax currently has parking and a drive which extends into the 5 foot side yard area. 113 Fairfax does not have parking in this area, but the property immediately next to it (111 Fairfax Ave) also has parking which extends all the way to the side-yard property line, so the variance will make the property consistent with the immediately adjacent property of 111 Fairfax Ave. and other nearby properties which is not part of this project. This encroachment will allow the property to better serve its active customer base and allow the better flow of traffic through the site, as well and increased parking which is needed in the area and at a premium in this part of the Town Center.

2. The variance will not alter the essential character of the general vicinity because this site is located in the Town Center of St. Matthews and is, as the development plan filed with this application and land use map demonstrate, fits within its compact setting surrounded by a mixture of compatible uses. Further, this is an existing business for the veterinary clinic that has been operating at the location of 111R Fairfax Ave. for many years and any increase in needed parking from the site will be offset by the businesses being removed from 107 and 113 Fairfax Ave. and the parking spaces being added.

3. The variance will not cause a hazard or a nuisance to the public because this clinic has been operating at the location of 111R Fairfax Ave. in St. Matthew's for many years. Applicant is expanding the clinic to better serve its customers and the added parking will add valuable parking to an already underserved area so as to not create any negative impacts of parking problems on the neighboring businesses. It is not intending to introduce new impacts to an area that do not already exist. Because parking is being added and the flow of traffic improved, new impacts will not be appreciably created.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the only reason the variance is required is because the existing buildings are being removed to provide additional parking for the veterinary business which has been located

at 111R Fairfax for an extended period of time.

Additional consideration:

1. The Variance arises from special circumstances which do not generally apply to land in the general vicinity because it is an existing business within St. Matthews which has not adopted the Cornerstone 2020 Land Development Code (LDC) though it did adopt Form Areas. This site is located in the Town Center Form Area/Form District, which is a traditional form with an identifiable core usually located along a historic crossroads and or major thoroughfare, such as US 60. The Town Center form typically has a compact mixture of a variety of moderately intense uses, with buildings generally oriented toward and located near the primary street. This application complies with the Form Area because the existing use that is proposed for expansion already conforms to most, if not all, Town Center characteristics.
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 this is an existing business which is purchasing two adjacent lots for expansion to serve its growing customer base, and has served in this location for many years. This entire site is located in the Town Center of St. Matthews, many of the businesses in the area currently extend parking into the 5 foot side setback, and it fits within its compact setting surrounded by a mixture of compatible uses.
3. It is worthy of mention as well that another adjacent property, 115 Fairfax Ave. is also currently pursuing a zoning change to C-1, which would lessen the impacts of this request if such plan and zoning change are approved.