

### **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 5.3.1.C.5, Table 5.3.2 to allow the building height to exceed the maximum 35 ft.

1. The variance will not adversely affect the public health, safety or welfare because the added height is an aesthetic, not public health, safety or welfare, one. Further, because the site falls away from Shelbyville Road, the buildings will appear lower than they actually are and lower than if the site was at the same grade as Shelbyville Road.
2. The variance will not alter the essential character of the general vicinity because as said, the buildings will appear as if they were shorter due to the property falling away from Shelbyville Road. Further, there will be substantial buffering between the proposed three-story building and the adjoining properties. The proposed buildings will not alter the essential character of the area by the fact that the two-story portion of the buildings will be located closer to the residential homes in Waterstone Park with approximately 80 feet of tree preservation area between the building and the residential property line. On the eastern side of the development, a 80 foot tree preservation area is being proposed to buffer the three-story building that is only slightly higher than the allowable 35 feet.
3. The variance will not cause a hazard or a nuisance to the public because the added height is an aesthetic, not a nuisance, one. Moreover, this slightly taller than Code-allowed building adjoins a major arterial roadway to the north, a preservation area to the south, residential homes to the west while providing substantially increased buffering, and an LG&E substation to the east, none of which will be adversely impacted by a few additional feet of height.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because here are other taller buildings in the vicinity along Shelbyville Road.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity, because the added height is an aesthetic issue on a site that falls away from Shelbyville Road significantly such that the building will be at a lower grade. This is very different than proposals on the other side of Shelbyville Road that are at the same elevation as Shelbyville Road, or even higher.
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 it would have to spread the buildings out (as previously proposed) that would result in significantly less tree preservation and buffering.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of the practical circumstances of a multi-story storage unit's dimensions, including height, especially in relationship to a location such as this one adjoining other compatible uses.