

MASONIC HOMES OF KY, INC.

**240 Masonic Homes Drive
18DEVPLAN1058
18CUP1043**

RECEIVED

APR 19 2018

**PLANNING &
DESIGN SERVICES**

VARIANCE JUSTIFICATION

The proposed variance, which will reduce the 20' street side yard setback where it is adjacent to a residential use or zoning district, will not adversely affect the public health, safety or welfare. The variance will allow limited encroachments for parking spaces into yards associated with internal driveways. The encroachment will not result in any impact on motorists along Frankfort Avenue or any adjacent structures.

The variance will not alter the essential character of the general vicinity. The expansion of the parking areas at the Masonic Homes campus will allow the applicant to better serve its residents, visitors, employees, and the public. The encroachment of the parking adjacent to applicant-owned property should have no impact on the character of the area.

The variance will not cause a hazard or nuisance to the public for the reasons stated above and because the encroachment is a parking area that will be landscaped and is adjacent to the interior of the Masonic Homes campus.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The zoning regulations concerning setbacks are meant to address the location of structures and parking adjacent to right of way to which the property has access or similarly situated lots and structures. Here, the side yard setback is being applied to internal driveways on property owned by the applicant, which has approved the plan.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. As stated above, the zoning regulations concerning setbacks are meant to address the location of structures and parking adjacent to right of way to which the property has access or similarly situated lots and structures. Here, the side yard setback is being applied to internal driveways on property owned by the applicant, which has approved the plan.

The strict application of the regulations would create an unnecessary hardship because the full 20' setback would require the applicant to limit the use of its property in response to a setback requirement that should not be applied to internal driveways on property owned by the applicant, which has approved the plan.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the Land Development Code but are, instead, the result of the misapplication of the side yard setback requirements to internal driveways on property owned by the applicant, which has approved the plan. The variance will allow the applicant to improve parking and internal access to the Masonic Homes campus for residents, visitors, employees, and the public.