

### **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.

The variance of LDC Section 5.3 to allow the proposed buildings to exceed the maximum setback of 131.5 +/- by 234.85 feet because the front of this property is encumbered with a 100 foot LG&E easement with electrical power lines overhead and because the front of the property is in the floodplain. As a result of the powerlines and floodplain, the increased setback is unique to this property and it is the only way the property can be developed.

1. The variance will not adversely affect the public health, safety or welfare because this requirement is simply one of aesthetics, which is arguably improved by having keeping the buildings away from the powerlines and floodplain.
2. The variance will not alter the essential character of the general vicinity because by providing the detention basin at the front of the site along Ormsby Lane, the applicant is creating a more attractive streetscape. All other LDC requirements will still be met.
3. The variance will not cause a hazard or a nuisance to the public because it is completely aesthetic with no impact to hazards or nuisances at all.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is does not have any negative impact on any other surrounding properties necessary to be protected by the regulation.

Additional consideration:

1. The Variance arises from special circumstances of the LG&E easement and the floodplain, which do not generally apply to land in the general vicinity and because this is a narrow infill site. Relocating the detention basin would add nothing to aesthetic value of the site and would create an undesirable streetscape.
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 of the narrowness of this lot in conjunction with the LG&E easement and the floodplain. Relocating the detention basin to the middle or rear of the site would create financial challenges to this project while adding nothing in terms of aesthetic value.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are a consequence of a design not functionally or practically working for all the reasons set forth hereinabove.