

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.3, to vary the Outer Loop maximum building setback.

1. The variance will not adversely affect the public health, safety or welfare because a greater building setback is necessary due to the small lot and the layout of this innovative double-drive-through lane coffee shop. The proposed 510-square-foot structure is surrounded by two, drive-through lanes for rapid ordering and delivery of product. Thus, to comply with LBAs and a parkway buffer, and to create sufficient drive-lane space for the structure on this small, 0.72-acre parcel, a variance is needed. This developed lot is along a commercial corridor where the commercial nature of the development will be apparent in spite of its setback. Allowing the variance will permit the applicant to greatly enhance the area with the addition of this innovative, rapid-delivery coffee product in an area that is heavily traveled by automobiles.
2. The variance will not alter the essential character of the general vicinity because the nature of this corridor is commercial, with the property to the east, a Verizon store, being set back approximately 65 feet. Thus, the increased setback is not substantially out of character for the vicinity of this commercial corridor, nor will it detract from the use as a commercial coffee shop.
3. The variance will not cause a hazard or a nuisance to the public because the variance permits this coffee shop to operate in the fashion in which it was intended – as a rapid-delivery, automobile-focused, double-lane coffee delivery experience. Its location along this commercial corridor renders its use apparent. And, this setback further provides safety to the area by permitting some additional space between the proposed TARC stop and the double drive lanes.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the variance is sought due to the nature of this business and the small parcel of land upon which it is being built, not due to avoidable circumstances inherent in other proposals. The variance is a reasonable request given the nature of the business, the location within this commercial corridor, and the nature of this 0.72-acre development.

Additional consideration:

1. The variance arises from special circumstances, including the relatively small area of land upon which the development is proposed and the nature of this particular business model, which has been highly successful in other parts of the country with its double-drive-through-lane, automobile focused, rapid-delivery coffee service, which do not generally apply to land in the general vicinity.

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 small area of land does not otherwise permit the applicant to construct its building and double drive-through lanes in a way that fits within the required setback.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but are the result of the nature of the surrounding properties, the evolving nature of technology and efficiency developments that permit this business to operate with a small building and double-drive-through lanes, and the changing commercial needs of residents in Louisville who desire quality product delivered in rapid time.