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PLANNING & DESIGN SERVICES

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.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The variance will enable the appropriate height for our sign to properly alert customers of the service offered and visible from the appropriate locations to allow vehicles to safely enter the site.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance would not alter the essential character of the general vicinity because the development will be located on a section of the Taylor Boulevard corridor with multiple commercial users.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the development plan. This approval will indicate, among other things, that the increased sign height will not adversely affect the safety of motor vehicles travelling adjacent to the site. Therefore, the variance will not cause a hazard or nuisance to the public.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because sign height must be higher than the allowed in order to properly provide advanced warning to motorists.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

This site will be the only gas station & convenience store in the general vicinity. This increased sign height is required for advanced warning to motorists to allow motor vehicles to enter and exit safely. The configuration as described does not generally apply to land in the general vicinity.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

If the variance were not granted, the strict application of the regulation would require a sign of inadequate height. Such an alternate sign height for a gas station use would prevent proper notification to motor vehicles and would create an unnecessary hardship. The required landscaping would block the sign's target area.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No. The circumstances are the result of typical site design for a gas station & convenience store & landscape requirements conflicting with the sign.

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1. Explain how the variance will not adversely affect the public health, safety or welfare.

The variance will enable the appropriate positioning of the convenience store to allow for safe vehicular and pedestrian movement. The variance will not have any effect on the public health, safety or welfare because the development plan will seek the approval of the Department of Public Works.

2. Explain how the variance will not alter the essential character of the general vicinity.

The variance would not alter the essential character of the general vicinity because there are multiple other commercial users along the Taylor Boulevard corridor which are consistent with the proposed layout.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The variance will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the development plan. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site, that there are adequate parking facilities on-site and that access points to and from the site are safe. Therefore, the variance will not cause a hazard or nuisance to the public.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because convenience stores built in conjunction with gas/convenience facilities must be set back further than typically found in a Neighborhood Form District, to meet CPTED site planning goals & principles.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

This site will be the only gas station & convenience store in the general vicinity. This configuration requires the location of the gas canopy and buildings at specific locations to allow motor vehicles to enter and exit safely, as well as, allowing customers to enter the store for consumables. The configuration as described does not generally apply to land in the general vicinity.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

If the variance were not granted, the strict application of the regulation would require the placement of the convenience store at the front of the site (i.e., so that the gas canopy would be at the rear of the site). Such an alternate site configuration for a gas station use would prevent the use of the site for sales of gas and would create an unnecessary hardship, and deviate from CPTED site planning principles.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No. The circumstances are the result of applying CPTED site design principles for a gas station & convenience store.