

**VARIANCE JUSTIFICATION ADDENDUM**  
**Land Development Code Sec. 5.2.1.C.6**  
**(September 24, 2019)**

**This is a variance application from Land Development Code (“LDC”) Section 5.2.1.C.6 to allow the building to be setback more than 0-feet for at least 50-feet from the intersection or the width of the lot, whichever is less.**

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

The variance would allow the building to be set back 2-feet from Broadway in order to allow an attached sign to be affixed to the Broadway frontage of the building. This small setback will not have an adverse effect on the public health, safety or welfare.

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

Because several existing buildings immediately to the east of the site [i.e., Choptsticks, a Chinese restaurant at 416 East Broadway; Brill Glass Company, an auto glass replacement company at 422 East Broadway; and Uland Supply Company at 500 East Broadway] are set back further than 2-feet from the Broadway property line, the variance will not alter the essential character of the general vicinity.

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

The variance will not cause a hazard or nuisance to the public because the 2-foot setback from Broadway will be utilized as sidewalk area, thereby enabling pedestrian movement.

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

The variance will allow a rectangular building to be situated on an irregular (non-rectangular) lot and allow for attached building signage to be placed along the building face and remain fully within the subject property. This does not constitute an unreasonable circumvention of the requirements of the zoning regulations.

***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).**

The other buildings in the general vicinity appear to be setback from the property line to allow for projections from the buildings such as signage or other overhangs. Additionally, the building is a rectangle situated on an irregular (non-rectangular) lot.

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- 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.**

Due to the configuration of the lot, if the building were constructed as required by the zoning regulations the building “footer” would be located within the right-of-way – an impermissible condition. Additionally, the sign to be attached to the Broadway wall of the building would need to be removed so as not to encroach into the Broadway right-of-way.

- 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 caused by the irregular (non-rectangular) shape of the lot and the necessity of having a regular-shaped building.

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**WAIVER JUSTIFICATION ADDENDUM**  
**Land Development Code Sec. 5.5.1.B.1.a**  
**(September 25, 2019)**

**This is a request for a waiver from Land Development Code (“LDC”) Section 5.5.1.B.1.a to allow surface parking to be located, in part, not behind a principal structure.**

**1. The waiver will not adversely affect adjacent property owners.**

The waiver will not affect adjacent property owners because even though parking will not be behind the building it will nevertheless be behind a 3-foot screening wall. Moreover, an adjacent business, the Brill Glass Company, at 422 East Broadway has its parking on the side of the building (not behind a principal structure).

**2. Will the waiver violate the Comprehensive Plan?**

No. No provision of Cornerstone 2040 that would be violated by the grant of the waiver allowing a one-story building at this location. Additionally, there is no provision of the Louisville Downtown Development Plan (required by Cornerstone 2040 to be utilized as “official planning evidence guiding land use decisions in the Downtown”) which would be violated by the grant of the waiver.

**3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes. In order to situate the CVS/pharmacy building as close to the property corners as possible, the on-site parking field must be located, in part, adjacent to the building. It is important to locate the building near the property corners. Moreover, the parking field adjacent to the building on Broadway will be located behind a 3-foot wall.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

Yes. The Applicant has proposed a 3-foot street wall along its Broadway frontage which helps to compensate for non-compliance with the regulation. The strict application of the regulation would both deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because there would be no means of providing parking on-site.

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**WAIVER JUSTIFICATION ADDENDUM**  
**Land Development Code Sec. 5.2.1.C.6**  
**(September 25, 2019)**

**This is a request for a waiver from Land Development Code (“LDC”) Section 5.2.1.C.6 to allow a street wall to be less than the entire lot frontage along Broadway and along South Preston Street.**

**1. The waiver will not adversely affect adjacent property owners.**

The waiver will not affect adjacent property owners because having less than a full street wall does not present a nuisance or other issue to any adjacent property owner.

**2. Will the waiver violate the Comprehensive Plan?**

No. No provision of Cornerstone 2040 that would be violated by the grant of the waiver allowing a one-story building at this location. Additionally, there is no provision of the Louisville Downtown Development Plan (required by Cornerstone 2040 to be utilized as “official planning evidence guiding land use decisions in the Downtown”) which would be violated by the grant of the waiver.

**3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes. On Broadway the only areas not having a street wall are the vehicular ingress and egress and a pedestrian sidewalk. On South Preston Street the only areas not having a street wall are the vehicular access and green area designed to provide site distance for motorists.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The strict application of the regulation would both deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because there would be no means of vehicular ingress and egress into and out of the site.

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**WAIVER JUSTIFICATION ADDENDUM**  
**Land Development Code Sec. 5.2.1.C.2**  
**(September 25, 2019)**

**This is a request for a waiver from Land Development Code (“LDC”) Section 5.2.1.C.2 to allow the building to be less than 3 stories in height.**

**1. The waiver will not adversely affect adjacent property owners.**

The waiver would allow the building to be less than 3-stories in height. The proposed height of the building, at one-story, will have no adverse effect on adjacent properties, all of which have buildings on them which are less than 3-stories in height

**2. Will the waiver violate the Comprehensive Plan?**

No. There is no provision of Cornerstone 2040 that would be violated by the grant of the waiver allowing a one-story building at this location. Additionally, there is no provision of the Louisville Downtown Development Plan (required by Cornerstone 2040 to be utilized as “official planning evidence guiding land use decisions in the Downtown”) which would be violated by the grant of the waiver. Moreover, although the site lies in the Smoketown District of the Downtown Form District, it lies immediately across Broadway from the Medical Center Sub-District of the Downtown Form District and Norton Hospital. The building to be constructed on-site is a CVSpharmacy building, which will serve the medical uses nearby.

**3. Is the extent of the waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes. A one-story building is proposed to be constructed. Site modifications have been made to assure that the least amount of waiver relief will be required for this development.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant?**

The waiver request, if granted, would allow a one-story building, which if not granted, could not be built. Hence, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant.

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