

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.

Because the building location in this situation does not have the ability to impact health, safety of welfare of the public.

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

Because the buildings on the adjacent parcels and in the general area are likewise located in excess of 80 ft from the Bardstown Road property line.

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

Because it is in keeping with the established pattern of development in the general area which has no known consequences creating hazards / nuisances.

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

The variance request is minimal and will not be discernable to the general public and is in keeping with the established pattern of development.

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 proposed detention basin location is impacting the developable area of the site. The low end of the site is adjacent to Bardstown Road and this dictates the location of the detention basin. The development is pushed deeper into the site by the basin's location.

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.

The main door—customer entrance is on the front of the building and the majority of the parking has to be close to the main door. The applicant does not have the option of single loading the front parking lot to pull the building closer to Bardstown Road. The detention basin cannot be located

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

MSD stormwater management requirements predate the current Land Development Code.

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JUN 17 2019
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