

Variance Justification:

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

The proposed 3.7' building setback from the right-of-way along Guthrie Street is being requested in order to maintain the existing foundation wall of the existing building and to construct an 18" to 30" tall planter wall in front of the first floor residential units for privacy. The 3.7' building setback will be maintained for all levels. If the variance is granted, and the new walls can be constructed over the existing foundations then there will be less risk of public health, safety and welfare since excavation closer to Guthrie street will not have to occur.

The 2.0' building setback from the right-of-way of S. 4th Street along the retail space is being requested in facilitate transitioning of exiting sidewalk elevations with retail floor heights (allowing multiple divisions/flexibility of retail). There will be less risk of public health, safety and welfare since there will be space for transitioning walk elevations and safer for pedestrians.

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

Guthrie Street - the proposed building is being built on the same foundation wall as the existing building and therefore will not alter the character of the general vicinity.

S. 4th Street - the proposed building setback of 2' is to facilitate the transitioning of exiting sidewalk elevations with retail floor heights (allowing multiple divisions/flexibility of retail). This will not affect the essential character of the vicinity as 4th Street is a retail corridor.

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

The Guthrie Street side of the proposed building is being built on the same foundation wall as the current building therefore there will not be any changes to the setback of the building along Guthrie Street and will not cause a hazard or nuisance to the public.

The 4th Street side of the proposed building is utilizing a 2' setback to allow for a safer transition of existing walk elevations to the proposed building. This is being coordinated with the 4th Street Streetscape and will be an enhancement rather than a hazard or a nuisance.

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

The 3.7' setback along Guthrie Street is not an unreasonable circumvention of the requirements of the zoning regulations because the proposed building will be utilizing the existing foundation of the existing building. The new wall facing Guthrie Street will be at the same location it has been for many years. Allowing this variance creates a safer condition.

The retail along 4th Street is being requested per the DDRO and neighboring comments and therefore the associated 2' setback is not an unreasonable circumvention.

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Additional consideration:

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

The special circumstances which create the need for the variance include; existing building is already set back in some areas, Louisville Metro is encouraging more residential and retail development in the Downtown Form District and these variances allow for enhancements such as planters and safety features such as recessed door swings which allow for an improved quality of life for downtown residents.

- 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.**

Strict application of the regulations would deprive the applicant of making essential improvements such as planters and recessed doors which help market these residential and retail units. Strict application of the regulations would require the construction of new foundations on Guthrie Street that would be costly and very disruptive.

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

The circumstances are not the result of actions of the applicant, the applicant nor the existing property owners (to our knowledge) have taken any actions subsequent to the adoption of regulations, which sought relief from said regulations.

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