

Variance Justification: 22-ZONE-0076; 4900 S. HURSTBOURNE PARKWAY

The Applicant hereby requests a variance of LDC Section 5.3.1 to exceed the 35 ft. maximum building height by 3.5 ft

1. The variance will not adversely affect the public health, safety or welfare because the variance is minimal (3.5 ft.) which given the scale of the buildings will be barely discernible and only affects two buildings which face the Parkway and their locations adhere to the Parkway buffer and setback requirements.

2. The variance will not alter the essential character of the general vicinity because this is a very small height variance and will be compatible with the other structures in the development. The additional height is wholly within the development and there is no adjacent development to which this additional height will be out of character.

3. The variance will not cause a hazard or a nuisance to the public for all the reasons set forth above and the slight variance does not present any hazard or nuisance to surrounding uses. The buildings are not massed together but are separated by open space, parking areas and roadways such that the additional height is barely noticeable much less a hazard or nuisance.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations for all the reasons set forth above and as set forth in the compliance statement filed with this rezoning application.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity for all the reasons set for above and the fact that several of the buildings are on slopes requiring “walk-outs” on the ground floor elevations.

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 the applicant would

lose critical parking or would have to collapse ceiling heights or space between floors which would not result in a practical design.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation again for all the reasons set for above.