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Fern Creek Pet Resort
Variance Justification

Enclosed please find an application for a variance from LDC table 5.3.2 to exceed the maximum 80' setback on the property at 5225 Bardstown Road. This variance is associated with a modified conditional use permit for the Kentucky Humane Society's Fern Creek Pet Resort under case number 26-MCUP-0007. The associated plan represents a future goal for improvements to this property. Please note, these improvements will be made in phases, as noted on the plan, as funds become available. The initial phase that is currently being designed will include construction of the proposed 896 SF building to house their grooming facilities because their current facilities are very small and no longer meet their needs.

This property has been operated as a commercial kennel for over 60 years. May of the buildings on the plan already exist with setbacks ranging from 158' to 399'. The proposed buildings fall within that range of setbacks. The first building to be constructed (as described in the letter of explanation accompanying the modified CUP request) will be set back 352' to 367'. An exhibit is included on the proposed plan with dimensions showing the various setbacks. With regard to the specific variance justification, please note the following:

1. **Explain how the variance will not adversely affect the public health, safety, or welfare.**
   There will be no adverse effect on the public health, safety or welfare because proposed buildings will fall within the setbacks of existing buildings and are interior to the property.
2. **Explain how the variance will not alter the essential character of the general vicinity.**
   There will be no effect on the essential character of the general vicinity because this is an existing condition and all proposed buildings will fall within the setbacks of the existing buildings on site.
3. **Explain how the variance will not cause a hazard or a nuisance to the public.**
   This variance is internal to the property and will have no effect on the public.
4. **Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**
   This condition has existed on this site for over 60 years. This variance brings this existing condition into zoning compliance so it does not allow an unreasonable circumvention of the zoning regulations.
5. **Explain how the variance arises from special circumstances which do not generally apply to land in the general vicinity.**
   This variance arises from an existing condition that has existed since before the current regulations were in place.
6. **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 strict application of the regulations would require the applicant to build a building much closer to Bardstown Road than the current facilities. This would have much more of an impact on the public and the character of the general vicinity. Furthermore, it would put the animals closer to a busy road, making it less safe for them as well. Therefore, this would create an unnecessary hardship.
7. **Are the circumstances the result of actions of the applicant taken after the adoption of the regulation from which relief is sought?**
   No. This is an existing condition that existed prior to the implementation of the current zoning regulations.