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VARIANCE JUSTIFICATION
Thorntons, Inc., Applicant
4900 Brownsboro Road

THIS IS A VARIANCE FROM THE 15-FOOT SETBACK/BUILD-TO LINE (LDC §5.2.4.C.3.A.) TO 249-FEET FOR THE CAR WASH AND 70-FEET FOR THE C-STORE ALONG KY 22.

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

The variance will enable the appropriate positioning of the car wash building and the convenience store on the site to allow for safe vehicular and pedestrian movement. Neither variance will have any effect on the public health, safety or welfare because the development plan will receive the approval of the Department of Public Works.

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

The variance would not alter the essential character of the general vicinity because of this site's longstanding history as a gas station.

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

The variance will not cause a hazard or nuisance to the public because the Louisville Department of Public Works is anticipated to approve the development plan. This approval will indicate, among other things, that the layout of the site is safe for motor vehicles and pedestrians on site, that there are adequate parking facilities on-site and that access points to and from the site are safe. Therefore, the variance will not cause a hazard or nuisance to the public.

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

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because convenience stores and accessory buildings – such as a car wash – built in conjunction with gas/convenience facilities must be set back further than typically found in a Town Center Form District.

Additional considerations.

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

The site is bound by interstate ramps on two sides, and by Brownsboro Road and KY 22 on the remaining two sides. This is the only property in the general vicinity having abutting roads in such a configuration. This configuration requires the location of the gas canopy and buildings at specific locations to allow motor vehicles to enter and exit safely, as well as allowing customers to enter the store for consumables. The configuration as described does not generally apply to land in the general vicinity.

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.**

If the variance were not granted, the strict application of the regulation would require the placement of the convenience store and car wash at the front of the site (i.e., so that the gas canopy would be at the rear of the site). Such an alternate site configuration for a gas station use would prevent the use of the site for sales of gas and would create an unnecessary hardship.

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 the result of the configuration of the site and the fact that it abuts two interstate ramps, and fronts on Brownsboro Road and KY 22.

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**VARIANCE JUSTIFICATION
Thorntons, Inc., Applicant
4900 Brownsboro Road**

THIS IS A VARIANCE FROM THE 15-FOOT SETBACK/BUILD-TO LINE (LDC §5.2.4.C.3.A.) TO 80-FEET FOR THE CAR WASH AND 182-FEET FOR THE C-STORE ALONG BROWNSBORO ROAD (US 42).

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

The variance will enable the appropriate positioning of the car wash building and the convenience store on the site to allow for safe vehicular and pedestrian movement. Neither variance will have any effect on the public health, safety or welfare because the development plan will receive the approval of the Department of Public Works.

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

The variance would not alter the essential character of the general vicinity because of this site's longstanding history as a gas station.

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

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

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Additional considerations.

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

The site is bound by interstate ramps on two sides, and by Brownsboro Road and Ky 22 on the remaining two sides. This is the only property in the general vicinity having abutting roads in such a configuration. This configuration requires the location of the gas canopy and buildings at specific locations to allow motor vehicles to enter and exit safely, as well as allowing customers to enter the store for consumables. The configuration as described does not generally apply to land in the general vicinity.

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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 the result of the configuration of the site and the fact that it abuts two interstate ramps, and fronts on Brownsboro Road and KY 22.

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