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DEVELOP LOUISVILLE

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Variance Justification

In accordance with KRS 100.241 through 251, and Chapter 11.5B.1 of the Land Development Code, the Board of Zoning Adjustment must consider, but is not limited to, 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.

The increase in the max setback allows for the existing thru drainage ditch to be safely rerouted along E. Manslick road. As a result of the rerouting, safe vehicle traffic flow through the site warrants the additional setback distance from Smyrna Prky and E. Manslick road. The developer will provide additional screening along rear residential properties above and beyond the zoning ordinance to compensate for the closer proximity to residential uses

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

With this being a corner lot with high visibility, the increased setbacks allow for additional green space along E. Manslick and Smyrna Prky. With this additional green space and the building pushed back the site better addresses the intersection and provides better traffic flow through the site. It also allows for parking to be in front of the building which will dimension traffic and noise being closer to the adjacent residential areas.

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

With additional green space this allows for better screening opportunities as well as reducing the proposed impervious surface area of the site in turn helping to reduce storm water runoff. This helps flow capacity downstream from the site and well as providing better screening from adj. properties. Also better screening can be achieved by increased plantings adjacent to residential uses along the rear of the building and the property helping to reduce noise and light from the dev.

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

Due to the existing thru drainage ditch that bisects the site that requires rerouting and the natural topography of the site, it makes meeting the required max setbacks impractical and still achieve proper site drainage and routing of the ditch. The proposed setbacks allow for better traffic flow and safe routing of the ditch.

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

The site has a steep existing topography and an existing thru drainage ditch that requires rerouting through the site to make room for detention basins and water quality features. This rerouted ditch takes a significant portion of the frontage on Manslick and the int. that normally would be for max SB. With the ditch being a natural feature it prohibits pulling the building close to the ROW Lines.

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.

Should the required max setback be required, the ditch would not be able to be rerouted safely and would force parking to have to be provide on the back side of the building which would increase traffic flow and noise next to adjacent residential areas. This would make the sites storm water controls be on the higher end of the site instead being on the lower end as the site naturally falls, making handling of water quality and storm run off more of an obstacle

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

The slope of the site and the existing ditch are natural features of the existing land that in-cumber the property and were in place prior to the current applicants planned development.