

VARIANCE JUSTIFICATION STATEMENT

Hogan Real Estate

7714 & 7718 Bardstown Rd. & Cedar Creek Rd.

The proposed variance, which will permit the applicant to waive the required maximum setback buffer required under Table 5.3.2, will not adversely affect the public health, safety or welfare. The applicant proposes to construct a multi-use commercial development which will include retail, restaurant, and other commercial spaces. The applicant seeks to exceed the maximum setback concerning the building on Tract 6, adjacent to Cedar Creek Road. The variance will not result in any adverse impacts on public health, safety, or welfare as the proposed extension will allow for incorporation of a retention basin within the development as well as buffering along Cedar Creek Road.

The variance will not alter the essential character of the general vicinity. The subject property has frontage on both Cedar Creek Road and Bardstown Road. The proposed development plan places the lower intensity uses, buffering, and detention areas along Cedar Creek, resulting in the needed variance.

The variance will not cause a hazard or nuisance to the public. As stated above, the need for a setback is required due to the nature of the development. The proposed basin to collect runoff is integral to collecting surface runoff, which would otherwise cause a hazard or nuisance to the public.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to extend the setback as little as possible, while still placing the buffering and detention on Cedar Creek Road.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. As stated above, the "two frontage" nature of the site and the need for the retention basin requires an increase in the setback from Cedar Creek Road. This minimal deviation from the LDC will have no impact on surrounding developments.

The strict application of the regulations would create an unnecessary hardship. The applicant seeks to only minimally extend the setback beyond the maximum. The variance is necessary because of the layout of the property and the applicant's desire to buffer Cedar Creek Road.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.

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PLANNING &
DESIGN SERVICES

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The proposed variance, which will permit the applicant to exceed the required size of signage, will not adversely affect the public health, safety or welfare. The applicant proposes to construct a multi-use commercial development which will include retail, restaurant, and other commercial spaces. The applicant proposes to include signs that are in excess of the maximum allowed under Table 8.3.2. The variance will not result in any adverse impacts on public health, safety, or welfare as the proposed variance will have no significant impact on the visual landscape or substantially alter the area.

In the Suburban Marketplace Corridor, freestanding signs adjacent to an arterial street with more than 4 lanes are permitted to be 140 square feet in area and 28 feet in height if the development has four or more tenants. The variance requested will allow for signage not to exceed the 28-foot height requirement, but to allow for additional square footage in excess of 140 square feet, specifically 191.42 square feet approximately. This a minimum increase necessary to serve the needs of the development.

The variance will not alter the essential character of the general vicinity. The proposed commercial development is consistent with other commercial developments in the area and the proposal to include signs in excess of the standards required in Tables 8.3.2 will not be a departure from that.

The variance will not cause a hazard or nuisance to the public. As stated above, the inclusion of signage in excess of the maximums allowed will be minimal and cause no impact on the surrounding landscape of the development. Larger signage, too, is beneficial for passing motorists, providing identifiable store markers that would not be distracting.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to use signage that exceeds the standards as minimally as possible, specifically to mitigate any visual or landscaping impacts to the surrounding area, while affording tenants in the development effective signage.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. As stated above, the need for proper signage to the public passing on Bardstown Road and Cedar Creek Road is necessitated by the land itself. Larger signage is needed to allow for businesses in the development to be visible situated against such a high-traffic arterial roadway.

The strict application of the regulations would create an unnecessary hardship. The applicant seeks minimal increases in the size of signage allowed. The variance is necessary because of the layout of the current roadways around the property. Without larger signage, businesses in the development would be disadvantaged as compared to others in the area.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.