

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers 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.

Gateworth Way is a short dead end private road with a total of 4 parcels accessing it. Three of the parcels are fully developed and did not provide the 25 ft front setback. The applicant is proposing to match the established pattern of development and will provide the required Landscape Buffer Area.

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

Because it will duplicate the established development pattern and it the last parcel to be developed on a dead end private road for three tracts.

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

Because the parking lot location matches the established parking lot location in place since 2003 and they have not resulted in 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.

Because the variance will provide the required Landscape Buffer Area.

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Additional consideration:

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

The other parcels on Gateworth Way were constructed under the previous Land Development Code

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.

The proposal is to expand an existing parking lot and complying with the regulation will result in parking lot that is out of sync with the adjacent parking lot.

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

The circumstances are a result of a new Land Development Code being adopted.

21 - VARIANCE - 0041

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers 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 I -64 westbound ramp edge of pavement is approx.. 90 ft away from the property line and is approx. 20 ft elevated above the subject site. The minor encroachment into the setback will not be discernable to vehicles on the westbound ramp. A 15 ft Landscape Buffer Area with trees is required.

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

It will not because both of the adjacent tracts did not provide the setback. There are only three tracts on Gateworth Way with the proposal being the third and final tract to be developed. Its setbacks are matching the established pattern of development.

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

Because the encroachment is minor and matches or is less than setbacks provided by the adjacent existing developments it will not be a hazard or a nuisance.

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

Because the variance will provide the required Landscape Buffer Area, is minor and the majority of the setback is provided and it matches the established pattern of development and is the last parcel abutting the I-64 ramp to be developed it is not an unreasonable circumvention .

Additional consideration:

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

The other parcels on Gateworth Way were constructed under the previous Land Development Code

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.

The proposal is to expand an existing parking lot and complying with the regulation will result in parking lot that is out of sync with the adjacent parking lot.

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

The circumstances are a result of a new Land Development Code being adopted.

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LAND DESIGN & DEVELOPMENT, INC.
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
503 Washburn Avenue, Suite 101
Louisville, Kentucky 40222
(502) 426-9374 FAX (502)426-9375

Letter of Explanation
Revised Detailed District Development Plan
for
11701 Gateworth Way and 11715 Gateworth Way
Middletown, KY.

Related: 09-063-00 and Middletown MO 02-18
(April 12, 2021 Rev. May 10, 2021)

The Applicant is proposing to change the use from a motorcycle dealership to a vehicle dealership for the existing Harley Davidson operation located at 11701 Gateworth Way in Middletown, KY. Along with the change in use the Applicant is proposing to expand the existing parking lot onto the adjacent undeveloped tract. Both properties are zoned C-2 and are located in the Campus Form District.

A Revised Detailed District Development Plan was approved for both properties by Docket No: 09-063-00 for Bachman Subaru-Volkswagen. A partial development of the site took place in 2003 with the development of the Harley Davidson dealership. The adjacent tract is an open mowed tract.

A Variance is requested from Section 5.3.5.C.3.a of the Land Development Code to permit the proposed parking to encroach into the Gateworth Way 25 ft front setback. Gateworth Way is an existing Private Access easement. There are 4 parcels abutting Gateworth Way and three parcels have been developed without providing the 25 ft front setback. The proposed parking lot will be the 4th and final parcel to be developed on Gateworth Way. The variance is being requested to permit the proposed parking lot match the established pattern of development.

May 10, 2021 Revision: A Variance is requested from Section 5.3.5.C.3.a of the Land Development Code to permit the proposed parking to encroach into the 50 ft Expressway setback for the property line adjacent to the westbound I-64 ramp. There are 3 parcels abutting the I-64 ramp and the proposed parking lot is the final parcel to be developed. The variance is being requested to permit the proposed parking lot match the established pattern of development. The two adjacent parcels on either side of the subject site did not provide the setback. The I-64 ramp edge of pavement is approx.. 90 ft from the proposed property line, it is approx.. 20 ft higher in elevation than the subject site and the encroachment is minor and the majority of the setback is being provided.

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