

WAIVER JUSTIFICATION STATEMENT

Thorntons

4900 Brownsboro Road

4902 Brownsboro Road

4904 Brownsboro Road

The requested waiver of Section 5.5.1.A.1.B of the Land Development Code, to not require a retail building to have a customer entrance facing a secondary street or a corner entrance, will not adversely affect the adjacent property owners. The requested waiver will allow the applicant to provide convenience to customers and maximize the functionality of the proposed development.

The requested waiver will not violate the Comprehensive Plan. Although the subject property is bounded by an exit ramp, I-264, US 42 and US 22, it is in the Town Center Form District. The Comprehensive Plan recognizes “more intense uses in the Town Center are located in close proximity to the major thoroughfare.” The front entrance of the principal structure faces US Highway 42 and the gas station canopy. The second entrance is located in the rear of the building. The locations of these entrances maximize the functionality of the proposed development by having a main entrance for customers located by the gas station canopy and the majority of parking, as well as having a rear entrance to be used by employees or customers.

The waiver of the regulation is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to redevelop the property fully and adaptively while also maintaining the essential character of the general vicinity. Given the location of the proposed development and the unique shape of the lot, a secondary street entrance or corner entrance would inconvenience customers and employees.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant, as it would require the applicant to redesign the layout of the structures in a way that would impact the functionality of the site.