

VARIANCE JUSTIFICATION

Louisville Spine & Wellness

4700 Westport Rd. & 917, 919 Fountain Ave.

Case No. 21-ZONE-0117

The proposed variance, which will allow the applicant's proposed office building to exceed the maximum infill front yard setback along Fountain Avenue, will not adversely affect the public health, safety or welfare. Pursuant to Section 5.1.12, Infill Development Regulations, of the Land Development Code, the front yard setback line should fall within the range of the two nearest lots containing principal structures within the same block face. This range is approximately twenty (20) to twenty-eight (28) feet. The proposed setback expands that range approximately 50 feet. The reason for the front yard setback variance is to permit safe entry and exit to and from the proposed development along Fountain Avenue. The available parking in front of the building adequately screens adjacent lots from the effects of motor vehicle traffic on Westport Road and in the proposed parking lot. The front yard setback expansion will have no adverse impact on the public health, safety or welfare as a fence and plantings will separate the proposed development from the adjacent residential property on Fountain Avenue.

The variance will not alter the essential character of the general vicinity as the proposed doctor's offices are compatible with the scale and function of the neighborhood, including similar development in Westport Village and adjacent to Hubbards Lane.

The variance will not cause a hazard or nuisance to the public. As stated above, the front yard setback expansion will have no adverse impact on the public health, safety or welfare as the building itself will serve as a screen to traffic, a fence will separate the proposed development from the adjacent property on Fountain Avenue, and the expansion provides the necessary space to allow vehicles to safely enter and exit the property along Fountain Avenue.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will not be substantially more intense in terms of traffic, lighting, and impact on the surrounding residences than the neighboring developments, and the building itself will serve as a screen for adjacent properties.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The configuration of the lot and its location next to an adjacent residential property led to a redesigned plan, placing parking in front of the building as opposed to behind, in an effort to mitigate the effects of traffic on a neighboring property. Accordingly, the variance requested arises from special circumstances that do not generally apply to land in the vicinity.

The strict application of the regulations would create an unnecessary hardship because it would require the applicant to locate the proposed building in a location that would prevent access from Fountain Avenue, the only location that access is allowed. Further, the applicant has worked with the adjacent property owner to the south along Fountain Avenue on the proposed design of

the medical office in an attempt to address concerns about the impacts of Westport Road and the proposed parking area.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as no development has occurred.